

1.1 A bill for an act

1.2 relating to transportation; appropriating money for transportation, Metropolitan
1.3 Council, and public safety activities and programs; providing for fund transfers,
1.4 contingent appropriations, and tort claims; authorizing sale of trunk highway
1.5 bonds; providing for various fees and accounts; authorizing transfers for
1.6 transit from metropolitan livable communities fund accounts and right-of-way
1.7 acquisition loan fund; clarifying appropriate uses of trunk highway fund;
1.8 providing for mitigation of transportation construction impacts on business;
1.9 increasing set-aside from municipal state-aid fund for administrative costs;
1.10 establishing Stillwater lift bridge endowment account; depositing fees in vehicle
1.11 services operating account; modifying fine and surcharge provisions relating to
1.12 seat belt violations and providing for primary enforcement; regulating records of
1.13 commercial drivers; authorizing use of design-build contracting for high-speed
1.14 rail; authorizing Metropolitan Council to levy property tax for transit and
1.15 paratransit operations; allowing use of Metropolitan Council transit tax levy for
1.16 transit operations; requiring study of extension of high-speed rail line; restricting
1.17 imposition of transit fare increase and service cuts; establishing discount transit
1.18 passes pilot program; authorizing Metropolitan Council to convey certain real
1.19 property including the Apple Valley Transit Station; establishing design-build
1.20 pilot program; adding provisions relating to bus purchases, a Mississippi
1.21 River crossing near St. Cloud, and highway construction near Rochester;
1.22 prohibiting imposition of certain seasonal load restrictions; amending Minnesota
1.23 Statutes 2008, sections 160.16, by adding a subdivision; 161.20, subdivision 3;
1.24 162.12, subdivision 2; 168.017, subdivision 5; 168.021, subdivision 4; 168.10,
1.25 subdivision 1i; 168.29; 168.62, subdivision 3; 169.686, subdivisions 1, 2, by
1.26 adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 174.03,
1.27 subdivision 1b; 473.254, subdivision 5; 473.446, subdivision 1; Laws 2007,
1.28 chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter
1.29 152, article 1, sections 3, subdivision 2; 5; proposing coding for new law in
1.30 Minnesota Statutes, chapters 161; 165; 171; 174.

1.31 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.32 **ARTICLE 1**

1.33 **TRANSPORTATION APPROPRIATIONS**

1.34 Section 1. **SUMMARY OF APPROPRIATIONS.**

3.1 The amounts that may be spent for each
3.2 purpose are specified in the following
3.3 subdivisions.

3.4 Subd. 2. **Multimodal Systems**

3.5 (a) **Aeronautics**

3.6 (1) **Airport Development and Assistance** 16,548,000 14,298,000

3.7 This appropriation is from the state
3.8 airports fund and must be spent according
3.9 to Minnesota Statutes, section 360.305,
3.10 subdivision 4.

3.11 Notwithstanding Minnesota Statutes, section
3.12 16A.28, subdivision 6, this appropriation is
3.13 available for five years after appropriation.

3.14 If the appropriation for either year is
3.15 insufficient, the appropriation for the other
3.16 year is available for it.

3.17 If the appropriation for either year does not
3.18 exhaust the balance in the state airports fund,
3.19 the commissioner of finance, upon request
3.20 of the commissioner of transportation,
3.21 shall notify the chairs and ranking minority
3.22 members of the legislative committees
3.23 and divisions with jurisdiction over
3.24 transportation finance of the amount of the
3.25 remainder and shall then add that amount
3.26 to the appropriation. The amount added
3.27 is appropriated for the purpose of airport
3.28 development and assistance and must be
3.29 spent according to Minnesota Statutes,
3.30 section 360.305, subdivision 4.

3.31 (2) **Aviation Support and Services**

	<u>Appropriations by Fund</u>	
3.32		
3.33	<u>Airports</u>	<u>5,286,000</u> <u>5,286,000</u>
3.34	<u>Trunk Highway</u>	<u>837,000</u> <u>837,000</u>

4.1 \$65,000 the first year and \$65,000 the second
4.2 year from the state airports fund are for the
4.3 Civil Air Patrol.

4.4 **(b) Transit**

4.5 Appropriations by Fund

4.6 <u>General</u>	<u>17,357,000</u>	<u>9,797,000</u>
4.7 <u>Trunk Highway</u>	<u>775,000</u>	<u>775,000</u>

4.8 The base appropriation from the general fund
4.9 for fiscal year 2012 is \$17,357,000.

4.10 Of these appropriations from the general
4.11 fund, \$19,300 in each year is for the
4.12 administrative expenses of the Minnesota
4.13 Council on Transportation Access, and for
4.14 other costs relating to the preparation of
4.15 required reports, including the costs of hiring
4.16 a consultant, if the council is created.

4.17 **(c) Freight**

4.18 Appropriations by Fund

4.19 <u>General</u>	<u>365,000</u>	<u>365,000</u>
4.20 <u>Trunk Highway</u>	<u>4,897,000</u>	<u>4,897,000</u>

4.21 The commissioner of transportation shall
4.22 enter into an agreement to either forgive
4.23 any money due (approximately \$2,851,118)
4.24 on loan agreements 65572 and 67106 or
4.25 convert the loans to grants. The loans were
4.26 made to the Buffalo Ridge Regional Railroad
4.27 Authority, which was established by Rock
4.28 and Nobles Counties, to enable the counties
4.29 to purchase and rehabilitate 41.4 miles of rail
4.30 line providing transportation service to the
4.31 counties. The agreement must ensure that all
4.32 terms, provisions, and conditions of the loan
4.33 agreements are deemed to be fully satisfied
4.34 and performed on the part of the railroad
4.35 authority and counties. If the railroad

5.1 authority sells all or any part of the rail line
5.2 that has been rehabilitated with either of the
5.3 loans, the railroad authority must pay the
5.4 net proceeds to the commissioner, up to the
5.5 amount loaned.

5.6 Subd. 3. State Roads

5.7 (a) Infrastructure Investment and Planning

5.8 (1) Infrastructure Investment Support 205,988,000 205,988,000

5.9 \$266,000 the first year and \$266,000 the
5.10 second year are available for grants to
5.11 metropolitan planning organizations outside
5.12 the seven-county metropolitan area.

5.13 \$75,000 the first year and \$75,000 the
5.14 second year are for a transportation research
5.15 contingent account to finance research
5.16 projects that are reimbursable from the
5.17 federal government or from other sources.

5.18 If the appropriation for either year is
5.19 insufficient, the appropriation for the other
5.20 year is available for it.

5.21 \$600,000 the first year and \$600,000
5.22 the second year are available for grants
5.23 for transportation studies outside the
5.24 metropolitan area to identify critical
5.25 concerns, problems, and issues. These grants
5.26 are available (1) to regional development
5.27 commissions and (2) in regions where
5.28 no regional development commission
5.29 is functioning, to joint powers boards
5.30 established under agreement of two or
5.31 more political subdivisions in the region to
5.32 exercise the planning functions of a regional
5.33 development commission, and (3) in regions
5.34 where no regional development commission

6.1 or joint powers board is functioning, to the
6.2 department's district office for that region.

6.3 **(2) State Road Construction** 541,300,000 578,700,000

6.4 The base for this appropriation for fiscal year
6.5 2012 is \$635,000,000.

6.6 It is estimated that these appropriations will
6.7 be funded as follows:

<u>Appropriations by Fund</u>		
<u>Federal Highway</u>		
6.9 <u>Aid</u>	<u>301,100,000</u>	<u>388,500,000</u>
6.10 <u>Highway User Taxes</u>	<u>240,200,000</u>	<u>190,200,000</u>

6.12 The commissioner shall expend up to
6.13 one-half of one percent of the federal
6.14 appropriations under this paragraph as grants
6.15 to opportunity industrialization centers and
6.16 other nonprofit job training centers for
6.17 job training programs related to highway
6.18 construction.

6.19 The commissioner of transportation shall
6.20 notify the chair of the Transportation Budget
6.21 Division of the senate and the chair of the
6.22 Transportation Finance Division of the house
6.23 of representatives of any significant events
6.24 that should cause these estimates to change.

6.25 This appropriation is for the actual
6.26 construction, reconstruction, and
6.27 improvement of trunk highways, including
6.28 design-build contracts and consultant usage
6.29 to support these activities. This includes the
6.30 cost of actual payment to landowners for
6.31 lands acquired for highway rights-of-way,
6.32 payment to lessees, interest subsidies, and
6.33 relocation expenses.

7.1 The commissioner may transfer up to
 7.2 \$15,000,000 each year to the transportation
 7.3 revolving loan fund.

7.4 The commissioner may receive money
 7.5 covering other shares of the cost of
 7.6 partnership projects. These receipts are
 7.7 appropriated to the commissioner for these
 7.8 projects.

7.9 **(3) Highway Debt Service** 100,884,000 171,576,000

7.10 \$86,231,000 the first year and \$155,480,000
 7.11 the second year are for transfer to the state
 7.12 bond fund. If this appropriation is insufficient
 7.13 to make all transfers required in the year for
 7.14 which it is made, the commissioner of finance
 7.15 shall notify the Committee on Finance of
 7.16 the senate and the Committee on Ways and
 7.17 Means of the house of representatives of
 7.18 the amount of the deficiency and shall then
 7.19 transfer that amount under the statutory open
 7.20 appropriation. Any excess appropriation
 7.21 cancel to the trunk highway fund.

7.22 **(b) Infrastructure Operations and Maintenance** 254,895,000 254,895,000

7.23 **(c) Electronic Communications**

<u>Appropriations by Fund</u>		
<u>General</u>	<u>9,000</u>	<u>9,000</u>
<u>Trunk Highway</u>	<u>5,168,000</u>	<u>5,168,000</u>

7.27 The general fund appropriation is to equip
 7.28 and operate the Roosevelt signal tower for
 7.29 Lake of the Woods weather broadcasting.

7.30 **Subd. 4. Local Roads**

7.31 **(a) County State Aids** 496,786,000 524,478,000

7.32 This appropriation is from the county
 7.33 state-aid highway fund and is available until
 7.34 spent.

9.1 **(b) Buildings**

9.2	<u>Appropriations by Fund</u>	
9.3	<u>General</u>	<u>56,000</u> <u>56,000</u>
9.4	<u>Trunk Highway</u>	<u>17,784,000</u> <u>17,784,000</u>

9.5 If the appropriation for either year is
9.6 insufficient, the appropriation for the other
9.7 year is available for it.

9.8 **Subd. 6. Transfers**

9.9 (a) With the approval of the commissioner of
9.10 finance, the commissioner of transportation
9.11 may transfer unencumbered balances among
9.12 the appropriations from the trunk highway
9.13 fund and the state airports fund made in this
9.14 section. No transfer may be made from the
9.15 appropriation for state road construction. No
9.16 transfer may be made from the appropriations
9.17 for debt service to any other appropriation.
9.18 Transfers under this paragraph may not be
9.19 made between funds. Transfers between
9.20 programs must be reported immediately
9.21 to the chair of the Transportation Budget
9.22 Division of the senate and the chair of the
9.23 Transportation Finance Division of the house
9.24 of representatives.

9.25 (b) The commissioner of finance shall
9.26 transfer from the flexible account in the
9.27 county state-aid highway fund \$8,440,000
9.28 the first year and \$1,550,000 the second
9.29 year to the municipal turnback account in
9.30 the municipal state-aid street fund; and the
9.31 remainder in each year to the county turnback
9.32 account in the county state-aid highway fund.

9.33 **Subd. 7. Use of State Road Construction**
9.34 **Appropriations**

10.1 Any money appropriated to the commissioner
10.2 of transportation for state road construction
10.3 for any fiscal year before fiscal year 2010 is
10.4 available to the commissioner during fiscal
10.5 years 2010 and 2011 to the extent that the
10.6 commissioner spends the money on the
10.7 state road construction project for which the
10.8 money was originally encumbered during the
10.9 fiscal year for which it was appropriated. The
10.10 commissioner of transportation shall report
10.11 to the commissioner of finance by August
10.12 1, 2009, and August 1, 2010, on a form
10.13 the commissioner of finance provides, on
10.14 expenditures made during the previous fiscal
10.15 year that are authorized by this subdivision.

10.16 The commissioner must allocate money
10.17 appropriated in this section so as to maximize
10.18 the use of all available federal money from
10.19 the American Recovery and Reinvestment
10.20 Act of 2009, Public Law 111-5, and to the
10.21 extent possible, any other federal funding.

10.22 **Subd. 8. Contingent Appropriation**

10.23 The commissioner of transportation, with
10.24 the approval of the governor and the written
10.25 approval of at least five members of a
10.26 group consisting of: (1) the members of the
10.27 Legislative Advisory Commission under
10.28 Minnesota Statutes, section 3.30; and (2) the
10.29 ranking minority members of the house of
10.30 representatives and senate committees with
10.31 jurisdiction over transportation finance, may
10.32 transfer all or part of the unappropriated
10.33 balance in the trunk highway fund to an
10.34 appropriation (1) for trunk highway design,
10.35 construction, or inspection in order to

11.1 take advantage of an unanticipated receipt
11.2 of income to the trunk highway fund or
11.3 to take advantage of federal advanced
11.4 construction funding, (2) for trunk highway
11.5 maintenance in order to meet an emergency,
11.6 or (3) to pay tort or environmental claims.
11.7 Nothing in this subdivision authorizes the
11.8 commissioner to increase the use of federal
11.9 advanced construction funding beyond
11.10 amounts specifically authorized. Any
11.11 transfer as a result of the use of federal
11.12 advanced construction funding must include
11.13 an analysis of the effects on the long-term
11.14 trunk highway fund balance. The amount
11.15 transferred is appropriated for the purpose of
11.16 the account to which it is transferred.

11.17 **Subd. 9. Use of Trunk Highway Fund**

11.18 No transfer or expenditure of trunk highway
11.19 funds may be made for the purpose of paying
11.20 personnel costs incurred on behalf of the
11.21 Governor's Office.

11.22 **Subd. 10. Disadvantaged Business Enterprise**
11.23 **Program**

11.24 The commissioner shall, in utilizing these
11.25 appropriations, comply in all respects
11.26 with Minnesota Statutes, section 174.03,
11.27 subdivision 11, regarding the disadvantaged
11.28 business enterprise program, including, but
11.29 not limited to, the setting of disadvantaged
11.30 business enterprise project goals and
11.31 inclusion of sanctions in each contract for
11.32 failure to meet established goals.

11.33 **Sec. 4. METROPOLITAN COUNCIL**

11.34 **Subdivision 1. Total Appropriation** **\$** **72,639,000** **\$** **72,639,000**

S.F. No. 1276, 3rd Engrossment - 86th Legislative Session (2009-2010) [s1276-3]

12.1 The amounts that may be spent for each
 12.2 purpose are specified in the following
 12.3 subdivisions.

12.4 Subd. 2. **Bus Transit** 67,346,000 67,346,000

12.5 This appropriation is for bus system
 12.6 operations.

12.7 Of this amount, \$80,700 in each year is for
 12.8 the administrative expenses of the Minnesota
 12.9 Council on Transportation Access, and for
 12.10 other costs relating to the preparation of
 12.11 required reports, including the costs of hiring
 12.12 a consultant, if the council is created.

12.13 Subd. 3. **Rail Operations** 5,293,000 5,293,000

12.14 Sec. 5. **PUBLIC SAFETY**

12.15 Subdivision 1. **Total Appropriation** \$ 152,478,000 \$ 152,578,000

12.16 Appropriations by Fund

	<u>2010</u>	<u>2011</u>
12.17 <u>General</u>	<u>7,959,000</u>	<u>7,959,000</u>
12.18 <u>Trunk Highway</u>	<u>86,068,000</u>	<u>85,868,000</u>
12.19 <u>Highway User</u>	<u>9,413,000</u>	<u>9,713,000</u>
12.20 <u>Special Revenue</u>	<u>49,038,000</u>	<u>49,038,000</u>

12.22 The amounts that may be spent for each
 12.23 purpose are specified in the following
 12.24 subdivisions.

12.25 Subd. 2. **Administration and Related Services**

12.26 (a) **Office of Communications**

12.27 Appropriations by Fund

12.28 <u>General</u>	<u>41,000</u>	<u>41,000</u>
12.29 <u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

12.30 (b) **Public Safety Support**

12.31 Appropriations by Fund

12.32 <u>General</u>	<u>3,296,000</u>	<u>3,296,000</u>
12.33 <u>Trunk Highway</u>	<u>3,506,000</u>	<u>3,506,000</u>
12.34 <u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

13.1 \$380,000 the first year and \$380,000 the
13.2 second year are for payment of public
13.3 safety officer survivor benefits under
13.4 Minnesota Statutes, section 299A.44. If the
13.5 appropriation for either year is insufficient,
13.6 the appropriation for the other year is
13.7 available for it.

13.8 \$1,367,000 the first year and \$1,367,000
13.9 the second year are to be deposited in the
13.10 public safety officer's benefit account. This
13.11 money is available for reimbursements under
13.12 Minnesota Statutes, section 299A.465.

13.13 \$508,000 the first year and \$508,000
13.14 the second year are for soft body armor
13.15 reimbursements under Minnesota Statutes,
13.16 section 299A.38.

13.17 \$792,000 the first year and \$792,000
13.18 the second year are appropriated from the
13.19 general fund for transfer by the commissioner
13.20 of finance to the trunk highway fund on
13.21 December 31, 2009, and December 31, 2010,
13.22 respectively, in order to reimburse the trunk
13.23 highway fund for expenses not related to the
13.24 fund. These represent amounts appropriated
13.25 out of the trunk highway fund for general
13.26 fund purposes in the administration and
13.27 related services program.

13.28 \$610,000 the first year and \$610,000 the
13.29 second year are appropriated from the
13.30 highway user tax distribution fund for
13.31 transfer by the commissioner of finance to
13.32 the trunk highway fund on December 31,
13.33 2009, and December 31, 2010, respectively,
13.34 in order to reimburse the trunk highway
13.35 fund for expenses not related to the fund.

14.1 These represent amounts appropriated out
 14.2 of the trunk highway fund for highway
 14.3 user tax distribution fund purposes in the
 14.4 administration and related services program.
 14.5 \$716,000 the first year and \$716,000 the
 14.6 second year are appropriated from the
 14.7 highway user tax distribution fund for
 14.8 transfer by the commissioner of finance to
 14.9 the general fund on December 31, 2009, and
 14.10 December 31, 2010, respectively, in order to
 14.11 reimburse the general fund for expenses not
 14.12 related to the fund. These represent amounts
 14.13 appropriated out of the general fund for
 14.14 operation of the criminal justice data network
 14.15 related to driver and motor vehicle licensing.

14.16 **(c) Technical Support Services**

14.17	<u>Appropriations by Fund</u>		
14.18	<u>General</u>	<u>1,472,000</u>	<u>1,472,000</u>
14.19	<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
14.20	<u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

14.21 **Subd. 3. State Patrol**

14.22 **(a) Patrolling Highways**

14.23	<u>Appropriations by Fund</u>		
14.24	<u>General</u>	<u>37,000</u>	<u>37,000</u>
14.25	<u>Trunk Highway</u>	<u>71,393,000</u>	<u>71,393,000</u>
14.26	<u>Highway User</u>	<u>92,000</u>	<u>92,000</u>

14.27	<u>(b) Commercial Vehicle Enforcement</u>	<u>7,996,000</u>	<u>7,796,000</u>
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14.28 This appropriation is from the trunk highway
 14.29 fund. \$800,000 the first year and \$600,000
 14.30 the second year are for the Office of Pupil
 14.31 Transportation Safety.

14.32	<u>(c) Capitol Security</u>	<u>3,113,000</u>	<u>3,113,000</u>
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14.33 The commissioner may not: (1) spend any
 14.34 money from the trunk highway fund for

15.1 Capitol security; or (2) permanently transfer
 15.2 any state trooper from the patrolling of
 15.3 highway activity to Capitol security. The
 15.4 commissioner may not transfer any money:
 15.5 (1) appropriated for Department of Public
 15.6 Safety administration, the patrolling of
 15.7 highways, commercial vehicle enforcement,
 15.8 or driver and vehicle services to Capitol
 15.9 security; or (2) from Capitol security.

15.10 **Subd. 4. Driver and Vehicle Services**

15.11 **(a) Vehicle Services**

15.12	<u>Appropriations by Fund</u>		
15.13	<u>Highway User</u>	<u>7,936,000</u>	<u>8,236,000</u>
15.14	<u>Special Revenue</u>	<u>18,973,000</u>	<u>18,973,000</u>

15.15 The special revenue fund appropriation is
 15.16 from the vehicle services operating account.

15.17 **(b) Driver Services**

15.18	<u>Appropriations by Fund</u>		
15.19	<u>Special Revenue</u>	<u>28,711,000</u>	<u>28,711,000</u>
15.20	<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>

15.21 The special revenue fund appropriation is
 15.22 from the driver services operating account.

15.23 **Subd. 5. Traffic Safety** 435,000 435,000

15.24 This appropriation is from the trunk highway
 15.25 fund.

15.26 The commissioner of public safety shall
 15.27 spend 50 percent of the money available
 15.28 to the state under Public Law 105-206,
 15.29 section 164, and the remaining 50 percent
 15.30 must be transferred to the commissioner
 15.31 of transportation for hazard elimination
 15.32 activities under United States Code, title 23,
 15.33 section 152.

15.34 **Subd. 6. Pipeline Safety** 1,354,000 1,354,000

16.1 This appropriation is from the pipeline safety
 16.2 account in the special revenue fund.

16.3 **Subd. 7. Use of Trunk Highway Fund**

16.4 No transfer or expenditure of trunk highway
 16.5 funds may be made for the purpose of paying
 16.6 personnel costs incurred on behalf of the
 16.7 Governor's Office.

16.8 **Sec. 6. GENERAL CONTINGENT**
 16.9 **ACCOUNTS**

\$ 375,000 \$ 375,000

16.10 Appropriations by Fund

16.11 <u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
16.12 <u>Highway User</u>	<u>125,000</u>	<u>125,000</u>
16.13 <u>Airports</u>	<u>50,000</u>	<u>50,000</u>

16.14 The appropriations in this section may
 16.15 only be spent with the approval of the
 16.16 governor and the written approval of at least
 16.17 five members of a group consisting of (1)
 16.18 the members of the Legislative Advisory
 16.19 Commission under Minnesota Statutes,
 16.20 section 3.30, and (2) the ranking minority
 16.21 members of the house of representatives and
 16.22 senate committees with jurisdiction over
 16.23 transportation finance.

16.24 If an appropriation in this section for either
 16.25 year is insufficient, the appropriation for the
 16.26 other year is available for it.

16.27 **Sec. 7. TORT CLAIMS**

\$ 600,000 \$ 600,000

16.28 To be spent by the commissioner of finance.
 16.29 This appropriation is from the trunk highway
 16.30 fund.

16.31 If the appropriation for either year is
 16.32 insufficient, the appropriation for the other
 16.33 year is available for it.

17.1 Sec. 8. Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended by
17.2 Laws 2008, chapter 363, article 11, section 10, is amended to read:

17.3 Subd. 2. **Multimodal Systems**

17.4 (a) **Aeronautics**

17.5 (1) **Airport Development and Assistance** 20,298,000 5,298,000

17.6 This appropriation is from the state airports
17.7 fund and must be spent according to
17.8 Minnesota Statutes, section 360.305,
17.9 subdivision 4.

17.10 \$6,000,000 the first year is a onetime
17.11 appropriation and does not add to the
17.12 base appropriations. The base for this
17.13 appropriation for fiscal year 2010 is
17.14 \$14,298,000.

17.15 Of this appropriation \$200,000 the first
17.16 year is to the Legislative Coordinating
17.17 Commission for the administrative expenses
17.18 of the Airport Funding Advisory Task Force
17.19 and for other costs relating to the preparation
17.20 of the task force report, including the costs of
17.21 hiring a consultant, if needed. Any remaining
17.22 amount of this appropriation shall revert to
17.23 the state airports fund.

17.24 Notwithstanding Minnesota Statutes, section
17.25 16A.28, subdivision 6, this appropriation is
17.26 available for five years after appropriation.

17.27 If the appropriation for either year is
17.28 insufficient, the appropriation for the other
17.29 year is available for it.

17.30 (2) **Aviation Support and Services**

17.31 Appropriations by Fund		
17.32 Airports	5,184,000	5,286,000
17.33 Trunk Highway	852,000	866,000

18.1 \$65,000 the first year and \$65,000 the second
18.2 year from the state airports fund are for the
18.3 Civil Air Patrol.

18.4 (b) **Transit**

18.5 Appropriations by Fund

18.6			18,816,000
18.7	General	18,813,000	<u>26,376,000</u>
18.8	Trunk Highway	740,000	761,000

18.9 Of the appropriation in fiscal year 2009,
18.10 \$7,560,000 may be expended for financial
18.11 assistance under Minnesota Statutes, section
18.12 174.24, notwithstanding the payment
18.13 schedule under Minnesota Statutes, section
18.14 174.24, subdivision 5.

18.15 (c) **Freight**

18.16 Appropriations by Fund

18.17	General	357,000	367,000
18.18	Trunk Highway	5,028,000	5,158,000

18.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.20 Sec. 9. Laws 2008, chapter 152, article 1, section 5, is amended to read:

18.21 Sec. 5. **APPROPRIATION; TRANSPORTATION EMERGENCY RELIEF.**

18.22 \$55,000,000 in fiscal year 2008 and ~~\$77,000,000~~ \$33,000,000 in fiscal year 2009
18.23 are appropriated to the commissioner of transportation from the trunk highway fund for
18.24 the purposes specified in the federal grants and aids related to the I-35W bridge collapse
18.25 on marked Interstate Highway I-35W in Minneapolis. The appropriation in fiscal year
18.26 2009 is available for other trunk highway construction projects. This appropriation is in
18.27 addition to appropriations under Laws 2007, chapter 143, article 1, section 3, and Laws
18.28 2007, First Special Session chapter 2, article 2, section 2.

18.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.30 Sec. 10. **METROPOLITAN LIVABLE COMMUNITIES FUND; TRANSFERS.**

18.31 Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, or any other law,
18.32 the Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and
18.33 2011 money that is not committed to grant or loan awards made by the council as follows:

19.1 (1) up to 50 percent of the revenues and amounts credited, transferred, or distributed
19.2 to the tax base revitalization account in 2009, 2010, and 2011, pursuant to Minnesota
19.3 Statutes, section 473.252;

19.4 (2) up to 50 percent of the revenues and amounts credited, transferred, or distributed
19.5 to the metropolitan livable communities demonstration account in 2009, 2010, and 2011
19.6 pursuant to Minnesota Statutes, section 473.253; and

19.7 (3) balances in the metropolitan livable communities fund accounts in 2009, 2010,
19.8 and 2011.

19.9 The council shall use the amounts transferred to cover operating deficits for the
19.10 transit, paratransit, and light rail and commuter rail services provided or assisted by the
19.11 council under Minnesota Statutes, sections 473.371 to 473.449. If the council transfers
19.12 funds pursuant to this section, the council shall amend the annual distribution plan
19.13 described in Minnesota Statutes, section 473.25, paragraph (d), and include information
19.14 about the transfer in the annual report required under Minnesota Statutes, section 473.25,
19.15 paragraph (e).

19.16 Sec. 11. **RIGHT-OF-WAY ACQUISITION LOAN FUND; TRANSFERS.**

19.17 Notwithstanding Minnesota Statutes, section 473.167, or any other law, the
19.18 Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and
19.19 2011 up to 50 percent of the amounts levied and collected in 2009, 2010, and 2011
19.20 under Minnesota Statutes, section 473.167, subdivision 3. The council shall use the
19.21 amounts transferred to cover operating deficits for the transit, paratransit, and light rail
19.22 and commuter rail services provided or assisted by the council under Minnesota Statutes,
19.23 sections 473.371 to 473.449.

19.24 Sec. 12. **TAX LEVY; METROPOLITAN TRANSIT OPERATIONS.**

19.25 Of the revenue collected by Metropolitan Council under Minnesota Statutes, section
19.26 473.249, \$2,500,000 in fiscal year 2010 and \$2,500,000 in fiscal year 2011 must be used
19.27 for metropolitan bus transit operations.

19.28 Sec. 13. **METROPOLITAN TRANSIT OPERATIONS DEFICIENCY.**

19.29 (a) The Metropolitan Council shall use the maximum feasible and allowable
19.30 amount of federal funds available under the American Recovery and Reinvestment Act
19.31 of 2009 for metropolitan transit preventive maintenance and capital cost of contracting,
19.32 providing that this provision does not violate any guidelines of the American Recovery
19.33 and Reinvestment Act of 2009.

20.1 (b) The Metropolitan Council shall seek to maximize administrative efficiencies in
20.2 transit operations and apply any related monetary savings to bus transit operations in
20.3 fiscal years 2010 and 2011.

20.4 (c) The Metropolitan Council shall use the maximum feasible amount of its reserve
20.5 funds for bus transit operations in fiscal years 2010 and 2011.

20.6 (d) The Metropolitan Council shall equitably reduce assistance to other regional
20.7 transit systems within the metropolitan area in an amount that reflects any decline in motor
20.8 vehicle sales tax revenue deposited in the metropolitan area transit account.

20.9 **ARTICLE 2**

20.10 **TRUNK HIGHWAY BONDS**

20.11 Section 1. **HIGHWAY APPROPRIATION AND BOND SALE.**

20.12 Subdivision 1. **Appropriation.** \$20,000,000 is appropriated from the bond proceeds
20.13 account in the trunk highway fund to the commissioner of transportation for construction
20.14 of interchanges involving a trunk highway, where the interchange will promote economic
20.15 development, increase employment, relieve growing traffic congestion, and promote traffic
20.16 safety. The amount under this paragraph must be allocated 50 percent to the department's
20.17 metropolitan district, and 50 percent to districts in greater Minnesota. This amount is in
20.18 addition to existing appropriations for this purpose.

20.19 Subd. 2. **Bond sale.** To provide the money appropriated in subdivision 1 from the
20.20 bond proceeds account in the trunk highway fund, the commissioner of finance shall sell
20.21 and issue bonds of the state in an amount up to \$20,000,000 in the manner, upon the terms,
20.22 and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and
20.23 by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts
20.24 requested by the commissioner of transportation. The proceeds of the bonds, except
20.25 accrued interest and any premium received from the sale of the bonds, must be deposited
20.26 in the bond proceeds account in the trunk highway fund.

20.27 Sec. 2. **EFFECTIVE DATE.**

20.28 This article is effective the day following final enactment.

20.29 **ARTICLE 3**

20.30 **TRANSPORTATION FINANCE**

20.31 Section 1. Minnesota Statutes 2008, section 160.16, is amended by adding a
20.32 subdivision to read:

21.1 Subd. 4. **Business signs.** A road or transit authority, before entering into a contract
21.2 for construction, reconstruction, or improvement of a street or highway, shall identify any
21.3 business that will experience access, parking, or visibility impacts during construction.
21.4 The road or transit authority shall consult with affected businesses before and during
21.5 construction to plan signage that will mitigate adverse effects on businesses during
21.6 project construction.

21.7 Sec. 2. Minnesota Statutes 2008, section 161.20, subdivision 3, is amended to read:

21.8 Subd. 3. **Trunk highway fund appropriations.** The commissioner may expend
21.9 trunk highway funds only for trunk highway purposes. Payment of expenses related
21.10 to Bureau of Criminal Apprehension laboratory, Explore Minnesota Tourism kiosks,
21.11 Minnesota Safety Council, tort claims, driver education programs, Emergency Medical
21.12 Services Board, and Mississippi River Parkway Commission, and personnel costs incurred
21.13 on behalf of the Governor's Office do not further a highway purpose and do not aid in the
21.14 construction, improvement, or maintenance of the highway system.

21.15 Sec. 3. **[161.2415] MITIGATION OF TRANSPORTATION CONSTRUCTION**
21.16 **IMPACTS ON BUSINESS.**

21.17 Subdivision 1. **Definition.** For the purposes of this section, "project" means road
21.18 work to maintain, construct, or improve a street or highway, or for a transit improvement,
21.19 if the work is anticipated by the road or transit authority to impair road access to one or
21.20 more business establishments for a minimum period of one month.

21.21 Subd. 2. **Business liaison.** (a) Before the beginning of project construction work,
21.22 the road or transit authority shall identify businesses that are adjacent to the construction
21.23 area or whose access to the business premises or parking will be impaired by the project
21.24 and designate an individual to serve as business liaison between the road or transit
21.25 authority and the affected businesses.

21.26 (b) The business liaison shall provide information to the identified businesses,
21.27 before and during construction, concerning project duration and timetables, lane and
21.28 road closures, detours, access impacts, customer parking impacts, visibility, noise, dust,
21.29 vibration, and public participation opportunities.

21.30 Sec. 4. Minnesota Statutes 2008, section 162.12, subdivision 2, is amended to read:

21.31 Subd. 2. **Administrative costs.** A sum of ~~1-1/2~~ two percent shall be deducted from
21.32 the total available in the municipal state-aid street fund, set aside in a separate account,

22.1 and used for administration costs incurred by the state Transportation Department in
22.2 carrying out the provisions relating to the municipal state-aid street system.

22.3 **Sec. 5. [165.15] STILLWATER LIFT BRIDGE ENDOWMENT ACCOUNT.**

22.4 **Subdivision 1. Account established.** The Stillwater lift bridge endowment account
22.5 is established in the state treasury. The account may consist of appropriations made by the
22.6 state of Minnesota or Wisconsin and may include federal funds. The account may also
22.7 receive private contributions, gifts, or grants under section 16A.013. Any interest or profit
22.8 accruing from investment of these sums is credited to the account.

22.9 **Subd. 2. Use of funds.** (a) Income derived from the investment of principal in the
22.10 account may be used by the commissioner of transportation for operations and routine
22.11 maintenance of the Stillwater lift bridge. No money from this account may be used for
22.12 any purposes except those described in this section, and no money from this account
22.13 may be transferred to any other account in the state treasury without specific legislative
22.14 authorization. Any money transferred from the trunk highway fund may only be used for
22.15 trunk highway purposes. For the purposes of this section:

22.16 (1) "Income" is the amount of interest on debt securities and dividends on equity
22.17 securities. Any gains or losses from the sale of securities must be added to the principal
22.18 of the account.

22.19 (2) "Routine maintenance" means activities that are predictable and repetitive, but
22.20 not activities that would constitute major repairs or rehabilitation.

22.21 (b) Investment management fees incurred by the State Board of Investment are
22.22 eligible expenses for reimbursement from the account.

22.23 (c) The commissioner of transportation has authority to approve or deny expenditures
22.24 of funds in the account.

22.25 **Subd. 3. Appropriation.** Income derived from the investment of principal in the
22.26 account is appropriated annually to the commissioner of transportation for the purposes
22.27 described in this section.

22.28 **Subd. 4. Financial compliance.** The commissioner of transportation shall ensure
22.29 that the account complies with the regulations in OMB circulars A87, Cost Principles for
22.30 State, Local and Indian Tribal Governments, and A122, Cost Principles for Non-Profit
22.31 Organizations, of the United States Office of Management and Budget (OMB).

22.32 **Subd. 5. Investment.** The State Board of Investment, in consultation with the
22.33 commissioner of transportation, shall invest money in the account under section 11A.24.

22.34 **Subd. 6. Demolition.** If the commissioner determines, in consultation with the
22.35 State Historic Preservation Office, that it is necessary to demolish the Stillwater lift

23.1 bridge, the principal in the account may be spent to pay for demolition of the bridge, and
23.2 is appropriated to the commissioner of transportation only for that purpose, except that
23.3 only funds originally contributed by the state or federal government can be used to pay
23.4 for demolition. Any money remaining in the account after demolition must be used to
23.5 pay for the preservation of other historic bridges in consultation with the State Historic
23.6 Preservation Office.

23.7 Subd. 7. **Audits.** The account is subject to audit by the legislative auditor.

23.8 Subd. 8. **Reports required.** The commissioner of transportation shall report
23.9 annually to the chair and ranking minority member of each legislative committee with
23.10 jurisdiction over transportation on the endowment account. At a minimum, the report
23.11 must include detailed revenue and expenditure information.

23.12 Sec. 6. Minnesota Statutes 2008, section 168.017, subdivision 5, is amended to read:

23.13 Subd. 5. **Registration period extension for leased vehicle.** (a) Notwithstanding
23.14 subdivisions 3 and 4, a person leasing for at least one year a vehicle registered under
23.15 this section may obtain an extension of the motor vehicle's registration period for the
23.16 unexpired portion of the lease period, for a period not to exceed 11 months beyond the
23.17 expiration of the registration period.

23.18 (b) In order to obtain an extension under this subdivision a lessee must

23.19 (1) apply to the registrar on a form the registrar prescribes;

23.20 (2) submit to the registrar a copy of the lease;

23.21 (3) pay an administrative fee of \$5; and

23.22 (4) pay a tax of 1/12 of the tax for the registration period being extended for each
23.23 month of the extension.

23.24 (c) On an applicant's compliance with paragraph (b) the registrar shall issue the
23.25 applicant a license plate tab or sticker designating the new month of expiration of the
23.26 registration. The extended registration expires on the tenth day of the month following
23.27 the month designated on the tab or sticker.

23.28 (d) All fees collected under paragraph (b), clause (3), must be deposited in the vehicle
23.29 services operating account under section 299A.705, subdivision 1. Taxes collected under
23.30 paragraph (b), clause (4), must be deposited in the highway user tax distribution fund.

23.31 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,
23.32 for fees collected on or after that date.

23.33 Sec. 7. Minnesota Statutes 2008, section 168.021, subdivision 4, is amended to read:

24.1 Subd. 4. **Fees; disposition.** All fees collected from the sale of disability plates
24.2 under this section must be deposited in the state treasury to the credit of the ~~highway~~
24.3 ~~user tax distribution fund~~ vehicle services operating account under section 299A.705,
24.4 subdivision 1.

24.5 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,
24.6 for fees collected on or after that date.

24.7 Sec. 8. Minnesota Statutes 2008, section 168.10, subdivision 1i, is amended to read:

24.8 Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1,
24.9 on payment of a transfer fee of \$5, plates issued under this section may be transferred to
24.10 another vehicle owned or jointly owned by the person to whom the special plates were
24.11 issued or the plate may be assigned to another owner. In addition to the transfer fee a new
24.12 owner must pay the \$25 tax and any fee required by section 168.12, subdivision 2a. The
24.13 \$5 fee must be paid into the state treasury and credited to the ~~highway user tax distribution~~
24.14 ~~fund~~ vehicle services operating account under section 299A.705, subdivision 1. License
24.15 plates issued under this section may not be transferred to a vehicle not eligible for the
24.16 collector's vehicle license plates.

24.17 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,
24.18 for fees collected on or after that date.

24.19 Sec. 9. Minnesota Statutes 2008, section 168.29, is amended to read:

24.20 **168.29 REPLACEMENT PLATES.**

24.21 (a) In the event of the defacement, loss or destruction of any number plates or
24.22 validation stickers, the registrar, upon receiving and filing a sworn statement of the vehicle
24.23 owner, setting forth the circumstances of the defacement, loss, destruction or theft of
24.24 the number plates or validation stickers, together with any defaced plates or stickers
24.25 and the payment of a fee calculated to cover the cost of replacement, shall issue a new
24.26 set of plates or stickers.

24.27 (b) The registrar shall then note on the registrar's records the issue of new number
24.28 plates and shall proceed in such manner as the registrar may deem advisable to cancel and
24.29 call in the original plates so as to insure against their use on another motor vehicle.

24.30 (c) Duplicate registration certificates plainly marked as duplicates may be issued
24.31 in like cases upon the payment of a \$1 fee. Fees collected under this section must be
24.32 paid into the state treasury and credited to the ~~highway user tax distribution fund~~ vehicle
24.33 services operating account under section 299A.705, subdivision 1.

25.1 EFFECTIVE DATE. This section is effective retroactively from August 1, 2005,
25.2 for fees collected on or after that date.

25.3 Sec. 10. Minnesota Statutes 2008, section 168.62, subdivision 3, is amended to read:

25.4 Subd. 3. **Special plates or certificate; fee; proceeds to highway user fund.** At the
25.5 same time that an owner or operator of intercity buses registers them in Minnesota and
25.6 obtains number plates therefor, the owner or operator shall apply for special identification
25.7 plates or certificates for the remainder of that fleet of intercity buses. The registrar of
25.8 motor vehicles shall design an appropriate plate or identification certificate for this
25.9 purpose which shall be issued upon the payment of a fee of \$10 covering each intercity
25.10 bus so identified. The proceeds of such fees shall be deposited to the credit of the ~~highway~~
25.11 ~~user tax distribution fund~~ vehicle services operating account under section 299A.705,
25.12 subdivision 1. No intercity bus shall at any time be operated in the state of Minnesota
25.13 without either Minnesota number plates or special identification plates or certificates
25.14 issued as herein provided.

25.15 EFFECTIVE DATE. This section is effective retroactively from August 1, 2005,
25.16 for fees collected on or after that date.

25.17 Sec. 11. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

25.18 Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a
25.19 properly adjusted and fastened seat belt, including both the shoulder and lap belt when the
25.20 vehicle is so equipped, shall be worn by:

25.21 ~~(1) the driver and passengers of a passenger vehicle or, commercial motor vehicle,~~
25.22 commuter van, as defined in section 168.126, a type III school bus, a type III Head
25.23 Start bus, and a vehicle with a gross vehicle weight rating less than 10,000 pounds that
25.24 is a pickup truck or van;

25.25 ~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor~~
25.26 ~~vehicle; and~~

25.27 ~~(3) a passenger riding in any seat of a passenger vehicle who is older than three~~
25.28 ~~but younger than 11 years of age.~~

25.29 (b) Except as provided in section 169.685, a person who is 15 years of age or older
25.30 and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver
25.31 of the passenger vehicle or commercial motor vehicle in which the violation occurred is
25.32 subject to a \$25 fine for a each violation of paragraph (a), clause (2) or (3), by the driver or
25.33 by a child of the driver passenger under the age of 15 or any child under the age of 11.
25.34 ~~A peace officer may not issue a citation for a violation of this section unless the officer~~

26.1 ~~lawfully stopped or detained the driver of the motor vehicle for a moving violation other~~
26.2 ~~than a violation involving motor vehicle equipment, but the court may not impose more~~
26.3 ~~than one surcharge under section 357.021, subdivision 6, on the driver. The Department of~~
26.4 Public Safety shall not record a violation of this subdivision on a person's driving record.

26.5 **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts
26.6 committed on or after that date.

26.7 Sec. 12. Minnesota Statutes 2008, section 169.686, is amended by adding a subdivision
26.8 to read:

26.9 Subd. 1a. **Definitions.** For the purposes of this section:

26.10 (a) "Pickup truck" means any truck regardless of manufacturer's nominal rated
26.11 carrying capacity and commonly known as a pickup truck.

26.12 (b) "Van" means any vehicle of a box-like design with no barrier or separation
26.13 between the operator's area and the remainder of the cargo-carrying area, or designed
26.14 to carry 15 or fewer passengers, including the driver, regardless of the manufacturer's
26.15 nominal rated carrying capacity.

26.16 **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts
26.17 committed on or after that date.

26.18 Sec. 13. Minnesota Statutes 2008, section 169.686, subdivision 2, is amended to read:

26.19 Subd. 2. **Seat belt exemptions.** This section shall not apply to:

26.20 (1) a person driving a passenger vehicle in reverse;

26.21 (2) a person riding in a ~~seat~~ vehicle in which all the seating positions equipped with
26.22 safety belts are occupied by other persons in safety belts;

26.23 (3) a person who is in possession of a written certificate from a licensed physician
26.24 verifying that because of medical unfitness or physical disability the person is unable
26.25 to wear a seat belt;

26.26 (4) a person who is actually engaged in work that requires the person to alight from
26.27 and reenter a motor vehicle at frequent intervals and who, while engaged in that work,
26.28 does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

26.29 (5) a rural mail carrier of the United States Postal Service or a newspaper delivery
26.30 person while in the performance of duties;

26.31 (6) a person driving or riding in a passenger vehicle manufactured before January 1,
26.32 1965; and

27.1 (7) a person driving or riding in a pickup truck, as defined in section 168.002,
27.2 subdivision 26, while engaged in normal farming work or activity.

27.3 EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts
27.4 committed on or after that date.

27.5 Sec. 14. Minnesota Statutes 2008, section 171.05, subdivision 2b, is amended to read:

27.6 Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision
27.7 applies to persons who have applied for and received an instruction permit under
27.8 subdivision 2.

27.9 (b) The permit holder may, with the permit in possession, operate a motor vehicle,
27.10 but must be accompanied by and be under the supervision of a certified driver education
27.11 instructor, the permit holder's parent or guardian, or another licensed driver age 21 or
27.12 older. The supervisor must occupy the seat beside the permit holder.

27.13 ~~(c) The permit holder may operate a motor vehicle only when every occupant under~~
27.14 ~~the age of 18 has a seat belt or child passenger restraint system properly fastened. A~~
27.15 ~~person who violates this paragraph is subject to a fine of \$25. A peace officer may~~
27.16 ~~not issue a citation for a violation of this paragraph unless the officer lawfully stopped~~
27.17 ~~or detained the driver of the motor vehicle for a moving violation as defined in section~~
27.18 ~~171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on~~
27.19 ~~a person's driving record.~~

27.20 ~~(d)~~ The permit holder may not operate a vehicle while communicating over, or
27.21 otherwise operating, a cellular or wireless telephone, whether handheld or hands free,
27.22 when the vehicle is in motion. The permit holder may assert as an affirmative defense that
27.23 the violation was made for the sole purpose of obtaining emergency assistance to prevent
27.24 a crime about to be committed, or in the reasonable belief that a person's life or safety
27.25 was in danger. Violation of this paragraph is a petty misdemeanor subject to section
27.26 169.89, subdivision 2.

27.27 ~~(e)~~ (d) The permit holder must maintain a driving record free of convictions for
27.28 moving violations, as defined in section 171.04, subdivision 1, and free of convictions
27.29 for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If
27.30 the permit holder drives a motor vehicle in violation of the law, the commissioner shall
27.31 suspend, cancel, or revoke the permit in accordance with the statutory section violated.

27.32 EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts
27.33 committed on or after that date.

28.1 Sec. 15. Minnesota Statutes 2008, section 171.055, subdivision 2, is amended to read:

28.2 Subd. 2. **Use of provisional license.** (a) ~~A provisional license holder may operate a~~
28.3 ~~motor vehicle only when every occupant under the age of 18 has a seat belt or child~~
28.4 ~~passenger restraint system properly fastened. A person who violates this paragraph is~~
28.5 ~~subject to a fine of \$25. A peace officer may not issue a citation for a violation of this~~
28.6 ~~paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle~~
28.7 ~~for a moving violation as defined in section 171.04. The commissioner shall not record a~~
28.8 ~~violation of this paragraph on a person's driving record.~~

28.9 ~~(b)~~ A provisional license holder may not operate a vehicle while communicating
28.10 over, or otherwise operating, a cellular or wireless telephone, whether handheld or
28.11 hands free, when the vehicle is in motion. The provisional license holder may assert
28.12 as an affirmative defense that the violation was made for the sole purpose of obtaining
28.13 emergency assistance to prevent a crime about to be committed, or in the reasonable
28.14 belief that a person's life or safety was in danger. Violation of this paragraph is a petty
28.15 misdemeanor subject to section 169.89, subdivision 2.

28.16 ~~(e)~~ (b) If the holder of a provisional license during the period of provisional licensing
28.17 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
28.18 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more
28.19 than one conviction for a moving violation that is not crash related, the person may not be
28.20 issued a driver's license until 12 consecutive months have expired since the date of the
28.21 conviction or until the person reaches the age of 18 years, whichever occurs first.

28.22 ~~(d)~~ (c) For the first six months of provisional licensure, a provisional license holder
28.23 may not operate a motor vehicle carrying more than one passenger under the age of 20
28.24 years who is not a member of the holder's immediate family. For the second six months,
28.25 the holder of the license may not operate a motor vehicle that is carrying more than three
28.26 passengers who are under the age of 20 years and who are not members of the holder's
28.27 immediate family. This paragraph does not apply if the provisional license holder is
28.28 accompanied by a parent or guardian.

28.29 ~~(e)~~ (d) For the first six months of provisional licensure, a provisional license holder
28.30 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when
28.31 the license holder is:

- 28.32 (1) driving between the license holder's home and place of employment;
- 28.33 (2) driving between the license holder's home and a school event for which the
28.34 school has not provided transportation;
- 28.35 (3) driving for employment purposes; or
- 28.36 (4) accompanied by a licensed driver at least 25 years of age.

29.1 EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts
29.2 committed on or after that date.

29.3 Sec. 16. **[171.163] COMMERCIAL DRIVER'S LICENSE RECORD KEEPING.**

29.4 An agency, court, or public official in Minnesota shall not mask, defer imposition of
29.5 judgment, or allow an individual to enter into a diversion program that would prevent a
29.6 conviction for a violation of a state or local traffic control law, except a parking violation,
29.7 from appearing on the driving record of a holder of a commercial driver's license, when
29.8 the violation is committed in any type of motor vehicle, or on the driving record of an
29.9 individual who committed the violation in a commercial motor vehicle.

29.10 Sec. 17. Minnesota Statutes 2008, section 174.03, subdivision 1b, is amended to read:

29.11 Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner
29.12 shall develop a comprehensive statewide freight and passenger rail plan to be included
29.13 and revised as a part of the statewide transportation plan.

29.14 (b) The plan must include a study of an extension of the high-speed rail line
29.15 connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse
29.16 Multimodal Transit Hub in downtown St. Paul. The extension may connect the Union
29.17 Depot Concourse Multimodal Transit Hub in downtown St. Paul with downtown
29.18 Minneapolis. The analysis must consider previous rail studies providing passenger service
29.19 in this corridor.

29.20 (c) Before the initial version of the plan is adopted, the commissioner shall provide a
29.21 copy for review and comment to the chairs and ranking minority members of the senate
29.22 and house of representatives committees with jurisdiction over transportation policy and
29.23 finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision
29.24 of the statewide transportation plan, scheduled to be completed in calendar year 2009,
29.25 prior to completion of the initial version of the comprehensive statewide freight and
29.26 passenger rail plan.

29.27 Sec. 18. **[174.638] DESIGN-BUILD CONTRACTING.**

29.28 The commissioner may utilize the design-build method of contracting, under
29.29 sections 161.3410 to 161.3428, in connection with the planning, design, development,
29.30 and construction of a high-speed passenger rail line connecting Chicago, La Crescent,
29.31 Winona, Red Wing, and the Twin Cities.

29.32 Sec. 19. Minnesota Statutes 2008, section 473.254, subdivision 5, is amended to read:

30.1 Subd. 5. **Sources of funds.** (a) The council shall credit to the local housing
30.2 incentives account any revenues derived from municipalities under subdivision 4,
30.3 paragraph (b), clause (1).

30.4 (b) The council shall credit \$1,000,000 of the proceeds of solid waste bonds issued
30.5 by the council under Minnesota Statutes, section 473.831, before its repeal, to the local
30.6 housing incentives account in the metropolitan livable communities fund. In 1998 and each
30.7 year thereafter through 2009, the council shall credit \$1,000,000 of the revenues generated
30.8 by the levy authorized in section 473.249 to the local housing incentives account.

30.9 (c) In 1997, and each year thereafter through 2009, the council shall transfer
30.10 \$500,000 from the livable communities demonstration account to the local housing
30.11 incentives account. In 2010, and each year thereafter, the council shall transfer \$1,500,000
30.12 from the livable communities demonstration account to the local housing incentives
30.13 account.

30.14 Sec. 20. Minnesota Statutes 2008, section 473.446, subdivision 1, is amended to read:

30.15 Subdivision 1. **Metropolitan area transit tax.** (a) For purposes of sections 473.405
30.16 to 473.449, and the metropolitan transit system, except as otherwise provided in this
30.17 subdivision, the council may levy for taxes payable in 2010 through 2013 upon all taxable
30.18 property within the metropolitan transit taxing district, defined in subdivision 2, a transit
30.19 tax consisting of an amount that must be used for payment of the expenses of operating
30.20 transit and paratransit service. The property tax levied by the council under this paragraph
30.21 must not exceed the following amount for the years specified:

30.22 (1) for taxes payable in 2010, the council's property tax levy limitation for transit
30.23 and paratransit purposes is equal to \$9,000,000;

30.24 (2) for taxes payable in 2011 through 2013, the product of: (i) the council's property
30.25 tax levy limitation for transit and paratransit purposes for the previous year determined
30.26 under this subdivision, multiplied by (ii) an index for market valuation changes equal to
30.27 the total market valuation of all taxable property located within the metropolitan transit
30.28 taxing district for the current taxes payable year divided by the total market valuation of
30.29 all taxable property located within the metropolitan transit taxing district for the previous
30.30 taxes payable year.

30.31 (b) For the purposes of sections 473.405 to 473.449 and the metropolitan transit
30.32 system, except as otherwise provided in this subdivision, the council shall levy each
30.33 year upon all taxable property within the metropolitan area, defined in section 473.121,
30.34 subdivision 2, a transit tax consisting of:

31.1 (1) an amount necessary to provide full and timely payment of certificates of
31.2 indebtedness, bonds, including refunding bonds or other obligations issued or to be issued
31.3 under section 473.39 by the council for purposes of acquisition and betterment of property
31.4 and other improvements of a capital nature and to which the council has specifically
31.5 pledged tax levies under this clause; ~~and~~

31.6 (2) an additional amount necessary to provide full and timely payment of certificates
31.7 of indebtedness issued by the council, after consultation with the commissioner of finance,
31.8 if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness
31.9 is issued increase over those revenues in the previous fiscal year by a percentage less than
31.10 the percentage increase for the same period in the revised Consumer Price Index for all
31.11 urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United
31.12 States Department of Labor; and

31.13 (3) an additional amount necessary to provide operating assistance for transit. Any
31.14 amount levied under this clause (i) may not exceed the amount of unused obligation
31.15 authority granted to the council in section 473.39, and (ii) reduces, by the amount levied
31.16 for transit operating assistance, the amount of remaining available obligation authority.

31.17 ~~(b)~~ (c) Indebtedness to which property taxes have been pledged under paragraph
31.18 ~~(a)~~ (b), clause (2), that is incurred in any fiscal year may not exceed the amount necessary
31.19 to make up the difference between (1) the amount that the council received or expects to
31.20 receive in that fiscal year from the metropolitan area transit fund and (2) the amount the
31.21 council received from that fund in the previous fiscal year multiplied by the percentage
31.22 increase for the same period in the revised Consumer Price Index for all urban consumers
31.23 for the St. Paul-Minneapolis metropolitan area prepared by the United States Department
31.24 of Labor.

31.25 EFFECTIVE DATE. Paragraph (a) is effective for taxes levied in 2009 through
31.26 2012, payable in 2010 through 2013 only. Paragraph (b) is effective for taxes levied in
31.27 2009 and 2010, payable in 2010 and 2011 only.

31.28 Sec. 21. Laws 2008, chapter 152, article 1, section 3, subdivision 2, is amended to read:
31.29 Subd. 2. **Multimodal Systems**

31.30 (a) **Transit** 0 1,700,000

31.31 This appropriation is from the general fund.

31.32 This is a onetime appropriation.

31.33 (b) **Rail** 0 250,000

32.1 This appropriation is from the general
32.2 fund for a grant to the Northstar
32.3 Corridor Development Authority to
32.4 fund advanced preliminary engineering,
32.5 updated environmental documentation,
32.6 property appraisals, park and ride lots, and
32.7 negotiations with the railroad to extend
32.8 commuter rail service on the Burlington
32.9 Northern Santa Fe rail line between Big Lake
32.10 and Rice. This is a onetime appropriation
32.11 and is available until spent.

32.12 (c) **Port Development Assistance** 0 500,000

32.13 This appropriation is from the general fund
32.14 for grants under Minnesota Statutes, chapter
32.15 457A. Any improvements made with the
32.16 proceeds of these grants must be publicly
32.17 owned. This is a onetime appropriation.

32.18 Sec. 22. **METROPOLITAN COUNCIL TRANSIT.**

32.19 (a) Before July 1, 2011, the Metropolitan Council may not increase fares for
32.20 regular-route or metro mobility service over fares charged on December 1, 2008. The
32.21 council may not eliminate or substantially reduce regular-route or metro mobility service
32.22 that it provided as of December 1, 2008.

32.23 (b) Notwithstanding paragraph (a), the Metropolitan Council may, on or after July 1,
32.24 2010, increase fares for regular-route or metro mobility service, or eliminate or reduce
32.25 service, if the council: has levied the maximum allowable amount under Minnesota
32.26 Statutes, section 473.446, subdivision 1; and projects an operating deficit for metropolitan
32.27 transit for fiscal year 2011.

32.28 **EFFECTIVE DATE.** This section is effective the day following final enactment
32.29 and expires on June 30, 2011.

32.30 Sec. 23. **BUS PURCHASES.**

32.31 The Metropolitan Council, in preparing bid specifications for bus purchases, shall
32.32 ensure that the specifications conform, to the greatest extent practicable, with products
32.33 that are manufactured in this state.

33.1 Sec. 24. **ST. CLOUD BRIDGE SITE.**

33.2 The commissioner of transportation shall ensure that the economic impact on
33.3 existing area communities is evaluated and considered in analyzing potential alternative
33.4 sites and selecting potential and preferred sites for a Mississippi River crossing near St.
33.5 Cloud metropolitan area.

33.6 Sec. 25. **CONVEYANCE OF LAND AND BUILDINGS.**

33.7 Notwithstanding Minnesota Statutes, section 16A.695, subdivision 3, or any other
33.8 law to the contrary, the Metropolitan Council shall convey the Apple Valley Transit
33.9 Station and the real property on which it is situated, located in Dakota County, to the
33.10 Minnesota Valley Transit Authority for nominal consideration, in order to carry out the
33.11 governmental program and public purpose for which the Apple Valley Transit Station was
33.12 constructed. Any subsequent conveyance of this property by the Minnesota Valley Transit
33.13 Authority is subject to Minnesota Statutes, section 16A.695, subdivision 3.

33.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.15 Sec. 26. **DISCOUNT TRANSIT PASSES PILOT PROGRAM.**

33.16 (a) The Metropolitan Council shall establish a pilot program and policies to sell
33.17 transit fare media at a 50 percent discount to eligible charitable organizations for use by
33.18 homeless individuals. For the purposes of this section, "eligible charitable organization"
33.19 means a charitable organization described in section 501(c)(3) of the Internal Revenue
33.20 Code that provides services for homeless individuals, and "homeless individuals" means
33.21 homeless individuals or persons as defined in Minnesota Statutes, section 116L.361,
33.22 subdivision 5. There is no limit on the number of passes that an eligible charitable
33.23 organization participating in the pilot program may purchase under this section. The pilot
33.24 program shall be limited to no more than 20 charitable organizations and must include:
33.25 (1) an organization located in Minneapolis that provides a homeless shelter, a homeless
33.26 street outreach program, and sober housing to American Indian women recovering from
33.27 chemical dependency; and (2) an organization located in Minneapolis that provides
33.28 transitional apartments for homeless families as well as walk-in services for single adults,
33.29 including meals and a food shelf. The pilot program shall terminate March 15, 2010.

33.30 (b) By January 15, 2010, the chair of the Metropolitan Council shall prepare and
33.31 submit a report to the chairs and ranking minority members of the senate and house of
33.32 representatives committees having jurisdiction over transportation. The chair shall prepare
33.33 and submit the report with existing agency staff and resources. The report must be made
33.34 electronically and available in print only upon request. The report on the pilot program

34.1 must include a list of sales made under this subdivision, including organization name and
34.2 the volume of fare media purchased, and costs of providing the discounted service and
34.3 revenue impacts in the council's transit system. The report must be prepared in consultation
34.4 with representatives from the charitable organizations participating in the pilot program.

34.5 (c) Paragraphs (a) and (b) apply in the counties of Anoka, Carver, Dakota, Hennepin,
34.6 Ramsey, Scott, and Washington.

34.7 **EFFECTIVE DATE.** This section is effective September 1, 2009.

34.8 Sec. 27. **ADJUSTMENT OF TRANSFER AND LEVY AUTHORITY.**

34.9 Subdivision 1. **Property tax levy adjustment.** If, based on the November 2009
34.10 state budget forecast, motor vehicle sales tax revenues estimated to be available for
34.11 metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed
34.12 \$270,000,000 for the fiscal year 2010 and 2011 biennium, the levy amount authorized
34.13 under section 16, paragraph (a), is reduced by the amount that the estimated motor vehicle
34.14 sales tax biennial revenues exceed \$270,000,000, provided that the maximum levy amount
34.15 cannot be less than zero.

34.16 Subd. 2. **Transfer authority adjustment.** If, based on the November 2009
34.17 state budget forecast, motor vehicle sales tax revenues estimated to be available for
34.18 metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed
34.19 \$279,000,000 for the fiscal year 2010 and 2011 biennium, the maximum amount that may
34.20 be transferred from the metropolitan livable communities fund accounts under article
34.21 1, section 10, is reduced by an amount by which the estimated motor vehicle sales tax
34.22 biennial revenues exceed \$279,000,000.

34.23 Sec. 28. **HIGHWAY CONSTRUCTION IN ROCHESTER.**

34.24 The commissioner of transportation shall proceed without delay to issue to the
34.25 city of Rochester the necessary permits that allow the city to complete the construction
34.26 of a new interchange at marked Trunk Highway 52 and 65th Street NW in the city of
34.27 Rochester. The commissioner shall review the environmental documentation prepared
34.28 by the city in a timely manner and shall issue the necessary construction permits without
34.29 delay upon the issuance of a finding of no significant impact. The city of Rochester shall
34.30 be responsible for up to \$5,000,000 of the cost of the design, right-of-way acquisition, and
34.31 construction for the 65th Street NW Interchange.

34.32 Sec. 29. **DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

35.1 The commissioner of transportation shall conduct a design-build contracting pilot
35.2 program to select local transportation projects for participation in the program, to conduct
35.3 information sessions for engineers and contractors, to support and evaluate the use of the
35.4 design-build method of contracting by counties and statutory and home rule charter cities
35.5 in constructing, improving, and maintaining streets and highways on the state-aid system,
35.6 and to report to the legislature.

35.7 **EFFECTIVE DATE.** This section is effective the day following final enactment
35.8 and expires on October 1, 2012, or upon completion of nine design-build projects under
35.9 this pilot program, whichever occurs first.

35.10 Sec. 30. **DESIGN-BUILD PROJECT SELECTION COUNCIL.**

35.11 Subdivision 1. **Establishment of council.** A Design-Build Project Selection
35.12 Council is established to select, evaluate, and support county and municipal transportation
35.13 projects on the state-aid system that are conducive to use of the design-build method of
35.14 contracting and to report to the legislature.

35.15 Subd. 2. **Duties of council.** In order to accomplish these purposes, the council shall:

35.16 (1) review applications for participation received by the commissioner from counties
35.17 and cities;

35.18 (2) select for participation in the pilot program a maximum of 15 projects on the
35.19 state-aid system, no more than ten of which may be on the county state-aid highway
35.20 system, and no more than ten of which may be on the municipal state-aid street system;

35.21 (3) determine that the use of design-build in the selected projects would serve the
35.22 public interest, after considering, at a minimum:

35.23 (i) the extent to which the municipality can adequately define the project
35.24 requirements in a proposed scope of the design and construction desired;

35.25 (ii) the time constraints for delivery of the project;

35.26 (iii) the capability of potential contractors with the design-build method of project
35.27 delivery;

35.28 (iv) the suitability of the project for use of the design-build method of project
35.29 delivery with respect to time, schedule, costs, and quality factors;

35.30 (v) the capability of the municipality to manage the project, including the
35.31 employment of experienced personnel or outside consultants; and

35.32 (vi) the original character of the product or the services;

35.33 (4) periodically review and evaluate the use of design-build in the selected projects;

35.34 and

36.1 (5) assist the commissioner in preparing a report to the legislature at the conclusion
36.2 of the pilot program.

36.3 Subd. 3. **Membership.** (a) The council is composed of the following members:

36.4 (1) two contractors, at least one of whom represents a small contracting firm,
36.5 selected by the Associated General Contractors, Minnesota chapter;

36.6 (2) two project designers selected by the American Council of Engineering
36.7 Companies, Minnesota chapter;

36.8 (3) one representative of a metropolitan area county selected by the Association
36.9 of Minnesota Counties;

36.10 (4) one representative of a greater Minnesota county selected by the Association
36.11 of Minnesota Counties;

36.12 (5) one representative of a metropolitan area city selected by the League of
36.13 Minnesota Cities;

36.14 (6) one representative of a greater Minnesota city selected by the League of
36.15 Minnesota Cities; and

36.16 (7) the commissioner of transportation or a designee from the Minnesota Department
36.17 of Transportation Division of State Aid for Local Transportation.

36.18 (b) All appointments required by paragraph (a) must be completed by August
36.19 1, 2009.

36.20 (c) The commissioner or the commissioner's designee shall convene the first meeting
36.21 of the council within two weeks after the members have been appointed to the council and
36.22 shall serve as chair of the council.

36.23 **EFFECTIVE DATE.** This section is effective the day following final enactment
36.24 and expires on October 1, 2012, or upon completion of nine design-build projects under
36.25 this pilot program, whichever occurs first.

36.26 Sec. 31. **DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

36.27 Subdivision 1. **Definitions.** The following terms have the meanings given:

36.28 (1) "commissioner" means the commissioner of transportation;

36.29 (2) "municipality" means a county or statutory or home rule charter city;

36.30 (3) "design-build contract" means a single contract between a municipality and a
36.31 design-build company or firm to furnish the architectural or engineering and related design
36.32 services as well as the labor, material, supplies, equipment, and construction services for
36.33 the transportation project;

37.1 (4) "design-build firm" means a proprietorship, partnership, limited liability
37.2 partnership, joint venture, corporation, any type of limited liability company, professional
37.3 corporation, or any legal entity;

37.4 (5) "design professional" means a person who holds a license under Minnesota
37.5 Statutes, chapter 326B, that is required to be registered under Minnesota law;

37.6 (6) "design-build transportation project" means the procurement of both the design
37.7 and construction of a transportation project in a single contract with a company or
37.8 companies capable of providing the necessary engineering services and construction;

37.9 (7) "design-builder" means the design-build firm that proposes to design and build a
37.10 transportation project governed by the procedures of this section;

37.11 (8) "request for proposals" or "RFP" means the document by which the municipality
37.12 solicits proposals from qualified design-build firms to design and construct the
37.13 transportation project;

37.14 (9) "request for qualifications" or "RFQ" means a document to qualify potential
37.15 design-build firms; and

37.16 (10) "responsive proposal" means a technical proposal of which no major component
37.17 contradicts the goals of the project, significantly violates an RFP requirement, or places
37.18 conditions on a proposal.

37.19 Subd. 2. **Licensing requirements.** (a) Each design-builder shall employ, or have
37.20 as a partner, member, officer, coventurer, or subcontractor, a person duly licensed and
37.21 registered to provide the design services required to complete the project and do business
37.22 in the state.

37.23 (b) A design-builder may enter into a contract to provide professional or construction
37.24 services for a project that the design-builder is not licensed, registered, or qualified to
37.25 perform, so long as the design-builder provides those services through subcontractors with
37.26 duly licensed, registered, or otherwise qualified individuals in accordance with Minnesota
37.27 Statutes, sections 161.3410 to 161.3428.

37.28 (c) Nothing in this section authorizing design-build contracts is intended to limit or
37.29 eliminate the responsibility or liability owed by a professional on a design-build project to
37.30 the state, municipality, or other third party under existing law.

37.31 (d) The design service portion of a design-build contract must be considered a
37.32 service and not a product.

37.33 Subd. 3. **Information session for municipal engineer.** After a project is selected
37.34 for participation in the design-build contracting pilot program, the commissioner or the
37.35 commissioner's designee with design-build experience shall conduct an information
37.36 session for the municipality's engineer for each selected project, in which issues unique

38.1 to design-build must be discussed, including, but not limited to, writing an RFP, project
38.2 oversight requirements, assessing risk, and communication with the design-build firm.
38.3 After participation in the information session, the municipality's engineer is qualified to
38.4 post the selected project, along with any future design-build project RFP in the pilot
38.5 program.

38.6 Subd. 4. **Technical Review Committee.** During the phase one RFQ and before
38.7 solicitation, the municipality shall appoint a Technical Review Committee of at least
38.8 five individuals. The Technical Review Committee must include an individual whose
38.9 name and qualifications are submitted to the municipality by the Minnesota chapter of
38.10 the Associated General Contractors, after consultation with other commercial contractor
38.11 associations in the state. Members of the Technical Review Committee who are not state
38.12 employees are subject to the Minnesota Government Data Practices Act and Minnesota
38.13 Statutes, section 16C.06, to the same extent that state agencies are subject to those
38.14 provisions. A Technical Review Committee member may not participate in the review or
38.15 discussion of responses to the RFQ or RFP when a design-build firm in which the member
38.16 has a financial interest has responded to the RFQ or RFP. "Financial interest" includes,
38.17 but is not limited to, being or serving as an owner, employee, partner, limited liability
38.18 partner, shareholder, joint venturer, family member, officer, or director of a design-build
38.19 firm responding to an RFQ or RFP for a specific project, or having any other economic
38.20 interest in that design-build firm. The members of the Technical Review Committee must
38.21 be treated as municipal employees in the event of litigation resulting from any action
38.22 arising out of their service on the committee.

38.23 Subd. 5. **Phase one; design-build RFQ.** The municipality shall prepare an RFQ,
38.24 which must include the following:

38.25 (1) the minimum qualifications of design-builders necessary to meet the requirements
38.26 for acceptance;

38.27 (2) a scope of work statement and schedule;

38.28 (3) documents defining the project requirements;

38.29 (4) the form of contract to be awarded;

38.30 (5) the weighted selection criteria for compiling a short list and the number of firms
38.31 to be included in the short list, which must be at least two but not more than five;

38.32 (6) a description of the request for proposals (RFP) requirements;

38.33 (7) the maximum time allowed for design and construction;

38.34 (8) the municipality's estimated cost of design and construction;

38.35 (9) requirements for construction experience, design experience, financial, personnel,
38.36 and equipment resources available from potential design-builders for the project and

39.1 experience in other design-build transportation projects or similar projects, provided that
39.2 these requirements may not unduly restrict competition; and

39.3 (10) a statement that "past performance" or "experience" or other criteria used in the
39.4 RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

39.5 Subd. 6. **Information session for prospective design-build firms.** After a
39.6 design-build project is advertised, any prospective design-build firm shall attend a
39.7 design-build information session conducted by the commissioner or the commissioner's
39.8 designee with design-build experience. The information must include information about
39.9 design-build contracts, including, but not limited to, communication with partner firms,
39.10 project oversight requirements, assessing risk, and communication with the municipality's
39.11 engineer. After participation in the information session, the design-build firm is eligible to
39.12 bid on the design-build project and any future design-build pilot program projects.

39.13 Subd. 7. **Evaluation.** The selection team shall evaluate the design-build
39.14 qualifications of responding firms and shall compile a short list of no more than five
39.15 most highly qualified firms in accordance with qualifications criteria described in the
39.16 RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the
39.17 municipality may readvertise or cancel the project as the municipality deems necessary.

39.18 Subd. 8. **Phase two; design-build RFP.** The municipality shall prepare an RFP,
39.19 which must include:

39.20 (1) the scope of work, including (i) performance and technical requirements, (ii)
39.21 conceptual design, (iii) specifications, and (iv) functional and operational elements for
39.22 the delivery of the completed project, all of which must be prepared by a registered or
39.23 licensed professional engineer;

39.24 (2) copies of the contract documents that the successful proposer will be expected to
39.25 sign;

39.26 (3) the maximum time allowable for design and construction;

39.27 (4) the road authority's estimated cost of design and construction;

39.28 (5) the requirement that a submitted proposal be segmented into two parts, a
39.29 technical proposal and a price proposal;

39.30 (6) the requirement that each proposal be in a separately sealed, clearly identified
39.31 package and include the date and time of the submittal deadline;

39.32 (7) the requirement that the technical proposal include a critical path method,
39.33 bar schedule of the work to be performed, or similar schematic; preliminary design
39.34 plans and specifications; technical reports; calculations; permit requirements; applicable
39.35 development fees; and other data requested in the RFP;

- 40.1 (8) the requirement that the price proposal contain all design, construction,
40.2 engineering, inspection, and construction costs of the proposed project;
- 40.3 (9) the date, time, and location of the public opening of the sealed price proposals;
40.4 (10) the amount of, and eligibility for, a stipulated fee;
40.5 (11) other information relevant to the project; and
40.6 (12) a statement that "past performance," "experience," or other criteria used in the
40.7 RFP evaluation process does not include the exercise or assertion of a person's legal rights.

40.8 Subd. 9. **Design-build award; computation; announcement.** A design-build
40.9 contract shall be awarded as follows:

40.10 (a) The Technical Review Committee shall score the technical proposals of the
40.11 proposers selected under subdivision 7 using the selection criteria in the RFP. The
40.12 Technical Review Committee shall then submit a technical proposal score for each
40.13 design-builder to the municipality. The Technical Review Committee shall reject any
40.14 nonresponsive proposal. The municipality shall review the technical proposal scores.

40.15 (b) The commissioner or the commissioner's designee shall review the technical
40.16 proposal scores. The commissioner shall submit the final technical proposal scores to the
40.17 municipality.

40.18 (c) The municipality shall announce the technical proposal score for each
40.19 design-builder and shall publicly open the sealed price proposals and shall divide each
40.20 design-builder's price by the technical score that the commissioner has given to it to obtain
40.21 an adjusted score. The design-builder selected must be that responsive and responsible
40.22 design-builder whose adjusted score is the lowest.

40.23 (d) If a time factor is included with the selection criteria in the RFP package, the
40.24 municipality may use a value of the time factor established by the municipality as a
40.25 criterion in the RFP.

40.26 (e) Unless all proposals are rejected, the municipality shall award the contract
40.27 to the responsive and responsible design-builder with the lowest adjusted score. The
40.28 municipality shall reserve the right to reject all proposals.

40.29 (f) The municipality shall award a stipulated fee not less than two-tenths of one
40.30 percent of the municipality's estimated cost of design and construction to each short-listed,
40.31 responsible proposer who provides a responsive but unsuccessful proposal. If the
40.32 municipality does not award a contract, all short-listed proposers must receive the
40.33 stipulated fee. If the municipality cancels the contract before reviewing the technical
40.34 proposals, the municipality shall award each design-builder on the short list a stipulated
40.35 fee of not less than two-tenths of one percent of the municipality's estimated cost of
40.36 design and construction. The municipality shall pay the stipulated fee to each proposer

41.1 within 90 days after the award of the contract or the decision not to award a contract.
41.2 In consideration for paying the stipulated fee, the municipality may use any ideas or
41.3 information contained in the proposals in connection with any contract awarded for the
41.4 project or in connection with a subsequent procurement, without any obligation to pay
41.5 any additional compensation to the unsuccessful proposers. Notwithstanding the other
41.6 provisions of this subdivision, an unsuccessful short-list proposer may elect to waive
41.7 the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated
41.8 fee, the municipality may not use ideas and information contained in that proposer's
41.9 proposal. Upon the request of the municipality, a proposer who waived a stipulated fee
41.10 may withdraw the waiver, in which case the municipality shall pay the stipulated fee to the
41.11 proposer and thereafter may use ideas and information in the proposer's proposal.

41.12 Subd. 10. **Low-bid design-build process.** (a) The municipality may also use
41.13 low-bid, design-build procedures to award a design-build contract where the scope of
41.14 the work can be clearly defined.

41.15 (b) Low-bid design-build projects may require an RFQ and short-listing, and must
41.16 require an RFP.

41.17 (c) Submitted proposals under this subdivision must include separately a technical
41.18 proposal and a price proposal. The low-bid, design-build procedures must follow a
41.19 two-step process for review of the responses to the RFP as follows:

41.20 (1) the first step is the review of the technical proposal by the Technical Review
41.21 Committee as provided in subdivision 4. The Technical Review Committee must open
41.22 the technical proposal first and must determine if it complies with the requirements of the
41.23 RFP and is responsive. The Technical Review Committee may not perform any ranking
41.24 or scoring of the technical proposals; and

41.25 (2) the second step is the determination of the low bidder based on the price
41.26 proposal. The municipality may not open the price proposal until the review of the
41.27 technical proposal is complete.

41.28 (d) The contract award under low-bid, design-build procedures must be made to the
41.29 proposer whose sealed bid is responsive to the technical requirements as determined by
41.30 the Technical Review Committee and that is also the lowest bid.

41.31 (e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build
41.32 projects only when the municipality has required an RFQ and short-listed the most highly
41.33 qualified responsive bidders.

41.34 **EFFECTIVE DATE.** This section is effective the day following final enactment
41.35 and expires on October 1, 2012, or upon completion of nine design-build projects under
41.36 this pilot program, whichever occurs first.

42.1 Sec. 32. **REPORT TO LEGISLATURE.**

42.2 Annually, by January 15, the council shall submit a report to the chairs and ranking
42.3 minority members of the legislative committees with jurisdiction over transportation
42.4 budget and policy, and to the legislature as provided under Minnesota Statutes, section
42.5 15.059. The report must summarize the design-build pilot program selection process,
42.6 including the number of applications considered; the proposal process for each project
42.7 that was selected; the contracting process for each project that was completed; and project
42.8 costs. The report must evaluate the process and results applying the performance-based
42.9 measures with which the commissioner evaluates trunk highway design-build projects.
42.10 The report must include any recommendations for future legislation.

42.11 **EFFECTIVE DATE.** This section is effective the day following final enactment
42.12 and expires on October 1, 2012, or upon completion of nine design-build projects under
42.13 this pilot program, whichever occurs first.

42.14 Sec. 33. **PROHIBITION OF IMPOSITION OF SEASONAL LOAD**
42.15 **RESTRICTIONS.**

42.16 The commissioner of transportation may not impose seasonal restrictions as to the
42.17 weight of vehicles to be operated on marked Trunk Highway 11 between the cities of
42.18 Baudette and International Falls.

42.19 **EFFECTIVE DATE.** This section is effective when the commissioner begins major
42.20 construction or reconstruction on any portion of marked Trunk Highway 11, and expires
42.21 when the reconstruction of marked Trunk Highway 11 is completed.

42.22 Sec. 34. **SEAT BELT.**

42.23 Sections 11 and 12 may be cited as the "Kathryn Swanson Seat Belt Safety Act."

42.24 Sec. 35. **APPLICATION.**

42.25 Section 20 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
42.26 Scott, and Washington.

APPENDIX
Article locations in s1276-3

ARTICLE 1	TRANSPORTATION APPROPRIATIONS	Page.Ln 1.32
ARTICLE 2	TRUNK HIGHWAY BONDS	Page.Ln 20.9
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