

**Senate Counsel, Research,
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Senate

State of Minnesota

S.F. No. 981 – Requiring a Chapter on State Aviation Planning in State Transportation Plan

Author: Senators Yvonne Prettner Solon

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 10, 2005

Section 1 requires each revision of the state transportation plan to include a chapter on state aviation planning. The plan must include an analysis of the needs of the state as they relate to commercial aviation over the next 20 years and a current assessment of airports that are, or are likely to become, commercial service airports within the next 20 years in terms of capacity, function and levels of activity. The chapter must include a description of the capacity, function and levels of activity each airport must have in order to carry out the plan's goals and meet the needs of the state. The plan must take both commercial passenger and cargo service into account.

Section 2, subdivision 1 creates an advisory council on aviation planning. The council consists of thirteen members appointed by the commissioner, or as otherwise indicated, as follows: one member of the Metropolitan Airports Commission; one representative of major commercial airlines; one representative of independent pilots who fly for small business; one representative of the air cargo industry; two representatives of the business community unrelated to aviation, one of whom must reside within the seven-county area and one in Greater Minnesota; one representative of environmental interests; one employee of MnDOT's Office of Aeronautics; two representatives of neighborhoods that are significantly affected by airport noise; one representative of tier-two airports (St. Cloud, Duluth, Willmar, and Rochester); and one member each from the Senate and House committees with jurisdiction over transportation policy appointed by the committee chair. Members serve at the pleasure of the appointing authority without compensation.

Section 2, subdivision 2 requires the council to advise the commissioner regarding the state aviation planning chapter. The council must prepare an initial draft chapter and submit it to the commissioner for comment. The council must consider the capacities and limitations on current airports, the needs of Minnesota residents and businesses, anticipated changes in aircraft, the noise

and environmental impacts of aviation, trends in the airline industries, and the relationship between aviation and other portions of the state transportation plan when drafting their report to advise the commissioner. The council may recommend policy steps that could be taken in order to implement the plan.

Section 2, subdivision 3 requires the council to be appointed by the commissioner by July 1, 2005, and submit recommendations to the legislature by January 15, 2007. Members terms expire on January 1, 2007 and a new council must be appointed no less than two years before the next state transportation plan is required. Those appointed for subsequent advisory councils serve on the same terms as the first advisory council.

Senators Solon, Senjem, Ranum and Murphy introduced--
S.F. No. 981: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to airports; requiring chapter on aviation
3 planning in state transportation plan; creating
4 advisory council on aviation planning; amending
5 Minnesota Statutes 2004, section 174.03, by adding a
6 subdivision; proposing coding for new law in Minnesota
7 Statutes, chapter 174.

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

9 Section 1. Minnesota Statutes 2004, section 174.03, is
10 amended by adding a subdivision to read:

11 Subd. 2a. [STATE AVIATION PLAN.] (a) Each revision of the
12 state transportation plan must include a chapter setting out a
13 state aviation plan. The plan must include the following:

14 (1) an analysis of the projected commercial aviation needs
15 of the state over the next 20 years;

16 (2) a description of the present capacity, function, and
17 levels of activity at each commercial service airport as
18 designated by the Federal Aviation Administration, each airport
19 that the commissioner determines is likely to become a
20 commercial service airport in the next 20 years, and any other
21 airport that the commissioner determines should be included by
22 reason of commercial passenger or cargo service levels; and

23 (3) a description of the capacity, function, and levels of
24 activity that each airport identified in clause (2) must have in
25 order to carry out the plan's goal and objectives and meet the
26 needs described under clause (1).

1 (b) In assessing aviation needs and the capacity, function,
2 and level of activity at any airport, the plan must consider
3 both commercial passenger service and cargo service.

4 Sec. 2. [174.032] [ADVISORY COUNCIL ON AVIATION PLANNING.]

5 Subdivision 1. [ADVISORY COUNCIL CREATED.] (a) The
6 commissioner shall create an advisory council on aviation
7 planning to advise the commissioner on the aviation chapter of
8 the state transportation plan. The council consists of the
9 following members appointed by the commissioner except where
10 otherwise provided:

11 (1) one member of the Metropolitan Airports Commission;

12 (2) one representative of major commercial airlines;

13 (3) one representative of independent pilots who fly for
14 small business;

15 (4) one representative of the air cargo industry;

16 (5) two representatives of the business community unrelated
17 to aviation, one of whom must reside within the seven-county
18 metropolitan area and one of whom must reside outside that area;

19 (6) one representative of environmental interests;

20 (7) one employee of the Department of Transportation's
21 Office of Aeronautics;

22 (8) two representatives of neighborhoods that are
23 significantly affected by airplane noise;

24 (9) one representative of tier-two airports (St. Cloud,
25 Duluth, Willmar, and Rochester);

26 (10) one member of the senate committee having jurisdiction
27 over transportation policy, appointed by the chair of that
28 committee; and

29 (11) one member of the house of representatives committee
30 having jurisdiction over transportation policy, appointed by the
31 chair of that committee.

32 (b) Members of the advisory council serve at the pleasure
33 of the appointing authority. Members shall serve without
34 compensation.

35 Subd. 2. [ADVISORY COUNCIL DUTIES.] (a) The advisory
36 council on aviation planning shall advise the commissioner on

1 the aviation planning chapter of the state transportation plan
2 required under section 174.03, subdivision 2a. In carrying out
3 these duties the advisory council shall prepare an initial draft
4 of the chapter and submit it to the commissioner, revise the
5 draft if so requested by the commissioner, and comment to the
6 commissioner on any revisions to the draft the commissioner
7 makes. In drafting the chapter the council shall consider:

8 (1) present and anticipated capacity needs of commercial
9 service airports, including limitations on expanding the
10 capacity of individual commercial service airports imposed by
11 state or local regulations, safety or environmental concerns,
12 and land uses near the airport that are incompatible with
13 airport operations;

14 (2) the needs of Minnesota residents and businesses for
15 passenger and cargo service, from both a statewide and regional
16 perspective;

17 (3) anticipated changes in commercial aircraft types and
18 characteristics;

19 (4) noise and other environmental impacts of aviation at
20 commercial service airports;

21 (5) trends in the aviation and airline industries; and

22 (6) relationship between aviation and other forms of
23 transportation covered by the state transportation plan.

24 (b) The advisory council may also make recommendations to
25 the commissioner, the Metropolitan Airports Commission, and the
26 legislature concerning the policy steps needed to implement the
27 chapter.

28 Subd. 3. [TERM OF COUNCIL; EXPIRATION; RECONVENING.] (a)
29 The commissioner shall appoint the first advisory council by
30 July 1, 2005. The council shall submit any recommendations it
31 makes to the legislature by January 15, 2006. The terms of all
32 members of the advisory council serving on July 1, 2005, expire
33 on January 1, 2007.

34 (b) The commissioner shall appoint and convene a new
35 advisory council not less than two years before the date on
36 which each revision of the state transportation plan is required

1 under section 174.03, subdivision 1a. Each such advisory
2 council must consist of members as prescribed in subdivision 1,
3 who shall serve on the same terms as set forth under subdivision
4 1. Each such advisory council expires on the date on which the
5 revision of the state transportation plan becomes final.

1 Senator moves to amend S.F. No. 981 as follows:

2 Page 1, delete lines 12 and 13, and insert "state aviation
3 system plan must comply with the federal aviation administration
4 requirements and include a supplemental chapter. The
5 supplemental chapter must include the following:"

6 Page 2, line 7, delete "aviation" and insert "supplemental"

7 Page 2, line 8, delete "transportation" and insert
8 "aviation system"

9 Page 2, line 23, after "noise" insert "appointed by
10 community representatives on the Noise Oversight Committee"

11 Page 2, line 28, delete "and"

12 Page 2, line 31, delete the period and insert ";

13 (12) one representative of the local Airline Service Action
14 Committee;

15 (13) one representative of the Citizens League of the Twin
16 Cities;

17 (14) one representative of the Association of Minnesota
18 Counties;

19 (15) one representative of the League of Minnesota Cities;

20 (16) one representative of the Minnesota Department of
21 Employment and Economic Development; and

22 (17) one representative of the Metropolitan Council."

23 Page 3, delete lines 1 to 7, and insert "the aviation
24 planning chapter of the state aviation system plan. The
25 Advisory Council shall assist in the development of the state
26 aviation system plan by reviewing the work and making
27 recommendations. The state aviation system plan must consist of:

28 (1) an inventory of airport facilities, based aircraft and
29 operations;

30 (2) a forecast of aviation activities;

31 (3) a needs assessment to determine improvements needed and
32 recommendations for each airport by five-year, ten-year, and
33 20-year forecast periods;"

34 Page 3, line 8, delete "(1)" and insert "(4)"

35 Page 3, line 14, delete "(2)" and insert "(5)"

36 Page 3, line 17, delete "(3)" and insert "(6)"

- 1 Page 3, line 19, delete "(4)" and insert "(7)"
- 2 Page 3, line 21, delete "(5)" and insert "(8)"
- 3 Page 3, line 22, delete "(6)" and insert "(9)"
- 4 Page 3, line 36, delete "transportation" and insert
- 5 "aviation system"
- 6 Page 4, line 5, delete "transportation" and insert
- 7 "aviation system"
- 8 Amend the title as follows:
- 9 Page 1, line 2, delete everything after the semicolon
- 10 Page 1, line 3, delete everything before the semicolon, and
- 11 insert "requiring supplemental chapter in state aviation system
- 12 plan"

1 Senator moves to amend S.F. No. 981 as follows:

2 Page 2, line 12, delete everything after "(2)" and insert

3 "four members, each representing a different major commercial

4 airline company;"

1 Senator moves to amend S.F. No. 981 as follows:

2 Page 2, line 23, before the semicolon, insert " , one of

3 whom must reside near the Minneapolis-St. Paul International

4 Airport and be appointed by the Noise Oversight Committee, and

5 one of whom must reside near a reliever airport with expansion

6 plans"

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State of Minnesota

S.F. No. 885 – Authorizing an Additional Deputy Registrar in Minneapolis

Author: Senator Linda Berglin

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) ^{AMV}
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 10, 2005

This bill requires that, notwithstanding existing laws or rules limiting sites for the office of deputy registrar based either on distance to an existing registrar or number of transactions processed by any registrar within Hennepin county, the commissioner of public safety must appoint a new deputy registrar for Hennepin county to operate a full-service office at the Midtown Exchange Building in the city of Minneapolis. All other provisions of existing law and rule apply to the office. The bill is effective the day following final enactment.

Senators Berglin, Dibble, Higgins, Belanger and Michel introduced—

S. F. No. 885 Referred to the Committee on Transportation

1 A bill for an act

2 relating to motor vehicles; authorizing additional
3 deputy registrar of motor vehicles in Minneapolis.

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

5 Section 1. [ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES
6 FOR HENNEPIN COUNTY.]

7 Notwithstanding Minnesota Statutes, section 168.33, and
8 rules adopted by the commissioner of public safety, limiting
9 sites for the office of deputy registrar based on either the
10 distance to an existing deputy registrar office or the annual
11 volume of transactions processed by any deputy registrar within
12 Hennepin County before or after the proposed appointment, the
13 commissioner of public safety shall appoint a new deputy
14 registrar of motor vehicles for Hennepin County to operate a new
15 full-service Office of Deputy Registrar, with full authority to
16 function as a registration and motor vehicle tax collection
17 bureau, at the Midtown Exchange Building in the city of
18 Minneapolis. All other provisions regarding the appointment and
19 operation of a deputy registrar of motor vehicles under
20 Minnesota Statutes, section 168.33, and Minnesota Rules, chapter
21 7406, apply to the office.

22 [EFFECTIVE DATE.] This section is effective the day
23 following final enactment.

A

Locations and hours

Hennepin County Government Center

300 S. Sixth St.
Minneapolis, MN 55487

Hours Monday – Friday
7:30 a.m. – 4:30 p.m.

Brookdale Service Center

6125 Shingle Creek Parkway
Brooklyn Center, MN 55430

Eden Prairie Service Center *(opening January 2005)*

479 Prairie Center Drive
Eden Prairie, MN 55430

Maple Grove Service Center

13720 Grove Drive
Maple Grove, MN 55311

Ridgedale Service Center

12601 Ridgedale Drive
Minnetonka, MN 55343

Southdale Service Center

7009 York Ave. S.
Edina, MN 55435

Hours Suburban centers are open:
Monday – Friday 9 a.m. – 6 p.m.
Saturday 9 a.m. – 2 p.m.



Licenses, passports and more!

One-stop Service Centers



www.hennepin.us

Services

Hennepin County Taxpayer Services manages a growing number of **one-stop Service Centers** that provide approximately 40 services, including:

- Driver's license duplicates and renewals
- Driver's permit renewals
- Motor vehicle tabs, plates, titles and registrations
- Birth and death certificates
- Marriage licenses and certificates
- Passports, including instant passport photos
- Minnesota state ID duplicates and renewals
- Notarizations
- Watercraft, bike, snowmobile and ATV registrations
- Hunting and fishing licenses*
- State and federal waterfowl, trout, pheasant and goose stamps*
- Bus passes*
- Voter registration
- Real-estate-tax payments
- Minnesota and Hennepin County park permits
- Cross-country ski licenses
- Ministerial credentials
- Notary commission filings

** Government Center only*

What's new?

- **Beginning in 2005, you can use your credit card for any of our services!***
- A new cashier system that ensures one-stop shopping! Each service-center specialist can provide any service offered by the centers. This means faster service and shorter waiting time.
- More automated services, both by phone and online – a real boon for people who wait until the last minute!
- Plasma screens are being installed to provide news and information to waiting customers! ** Except real-estate-tax payments*

Coming soon:

- More Service Centers at business locations and work sites throughout the county
- Drive-through pickup for license tabs
- Death certificates available by fax
- Appointments for services – call for a reservation to eliminate wait time!
- Off-site individual appointments – Service Center staff will come to you!

Online:

Vehicle tab renewals and birth and death certificates can be done online – **www.hennepin.us** – “Licenses, certificates and registration.”

Contact:

For more information: Call **612-348-8240** or go to the Hennepin County Web site above.

MIDTOWN EXCHANGE SERVICE CENTER

Requiring the commissioner of public safety to appoint an additional deputy registrar of motor vehicles for Hennepin county to operate a new full service office at the midtown exchange building in the city of Minneapolis regardless of certain statutory deputy registrar office site limits

History:

A Hennepin County service study commissioned in 1999 showed that residents had a need for a licensing service center on Lake Street. A more recent study by Hennepin County's Office of Planning and Development showed that South Minneapolis has become home to many immigrants and new Americans. The population in this part of Minneapolis will continue to grow as expanding families choose to live near each other and near to specialty stores and services that help them assimilate into America. However, limited access to transportation, coupled with language and cultural differences, result in customers with unique needs not found in the population at large. In response to this need, the 2000 Legislature appropriated a \$3,000,000 grant to Hennepin County to acquire and renovate space for a service center as part of the Great Lake Center empowerment zone project. Hennepin County Resolution 04-26, adopted 1/27/04, authorized acceptance of the \$3,000,000 State grant with a plan to place an approximately 8,000 square foot service center on the first floor of the Midtown Exchange building.

The population proposed to be served at the Midtown Exchange is among the most concentrated per square mile and most language- and culturally diverse groups in the State. Coincidental with the expanding population, the Taxpayer Services Department's Service Centers Division has implemented customer service delivery and technology improvements to the degree that it is now ready to open an additional Service Center. In response to the needs of the Midtown Exchange neighborhood, the Service Centers Division will provide staff at this center with the language skills necessary to serve the new English-speaking customers. A Service Center at this location will relieve bottleneck pressure at both the Government Center and Southdale Service Centers during noon-time peak hours as well as serve the sustained volume of customers throughout the day. Customers will have easy in-and-out access by car as well as by bus and light rail. The Taxpayer Services Department has explored several options for obtaining State authorization to open a new Deputy Registrar office at this site.

Problem:

In February, 2004, the Minnesota Department of Public Safety, Driver Vehicle Services Division (DVS) denied the Taxpayer Services Department request for a new Deputy Registrar. DVS cited the distance requirements of Minnesota Rule, Chapter 7406.0300, subpart 1, item A, that prohibits locating a new Deputy Registrar so close to existing Deputy Registrar offices. The denial letter also cited the provision at Minnesota Rules, 7406.0300, that requires calculation of the impact on existing Deputy Registrar transactions, determining that those transactions would drop below the required minimum at several offices. However, due to the substantial population increase in the area to be served, as documented by recent demographic studies, it appears to the Service Centers Division that such a transaction draw-down is unlikely to occur.

Hennepin County can open the Service Center at the Midtown Exchange building without approval of the Commissioner of Public Safety, but we will not be able to sell motor vehicle tabs and licenses. In order to operate as a full service registration and motor vehicle tax collection bureau, we must have a Deputy Registrar appointment from the Commissioner.

Proposal:

Therefore, the Hennepin County Taxpayer Services Department and its Service Centers Division requests legislative remedy to allow distribution of critical service to a new and growing segment of Hennepin County's population. The proposed legislation will grant a facility citing exception to Minnesota Rules 7406.0300 and will authorize the Commissioner of Public Safety to appoint a new Deputy Registrar for Hennepin County at the Midtown Exchange building.

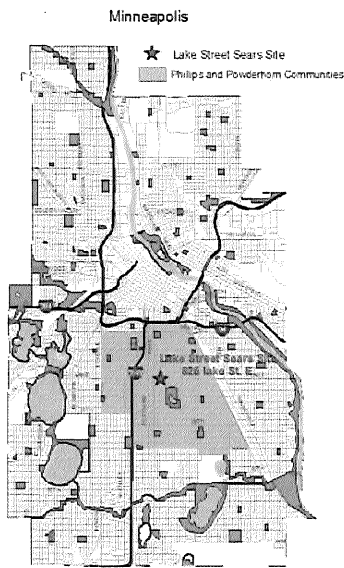
Hennepin County will also be proposing directly to the Driver and Vehicle Services Division of the Minnesota Department of Public Safety that they consider co-locating a written testing facility at this Midtown Exchange site that will replace the testing facility that once operating on Lake Street. This will provide for a long needed testing site at a location which will also conveniently offer full service licensing.



Office of Planning and Development

Demographics for the Population Living Near the Lake Street Sears Site

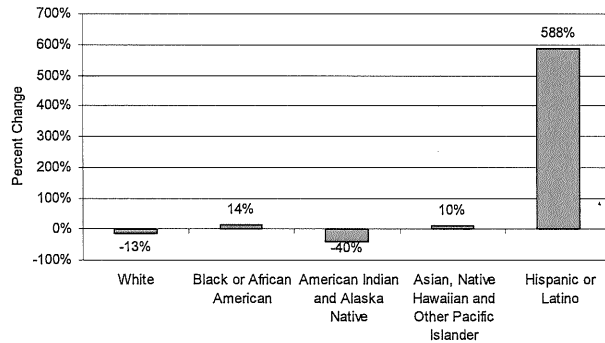
The Lake Street Sears site is in the center of the Phillips and Powderhorn communities in Minneapolis. This fact sheet uses population data for these two communities from the US Census.



Population by Race and Ethnicity

- Within the Phillips and Powderhorn communities, the Latino population grew over 588% between 1990 and 2000.
- Almost 20% of the population in these two communities is Latino. Less than 8% of the population in Minneapolis is Latino and only 4% of Hennepin County's population is Latino.
- Over half of Latinos living in Minneapolis reside in these two communities.

Population Change by Race or Ethnicity, 1990 to 2000



* American Indian change may be due to different data collection between 1990 and 2000 census.

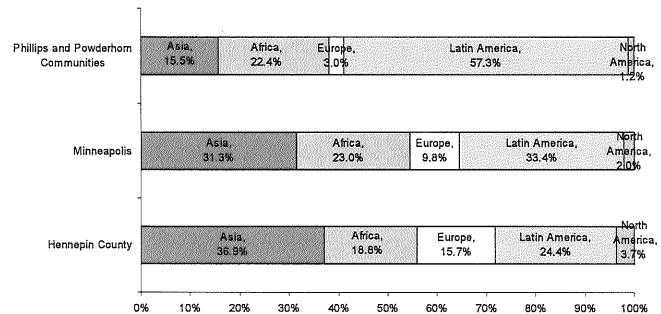
Limited English Proficiency

- 44% of Minneapolis residents who do not speak English well or at all live in the two communities.
- 18% of residents speak Spanish at home.

Foreign-Born Population

- More than half of the foreign-born population in Phillips and Powderhorn is from Latin America.
- Over 90% of the Latin America born population is from Mexico.

Foreign-Born Population by Place of Birth



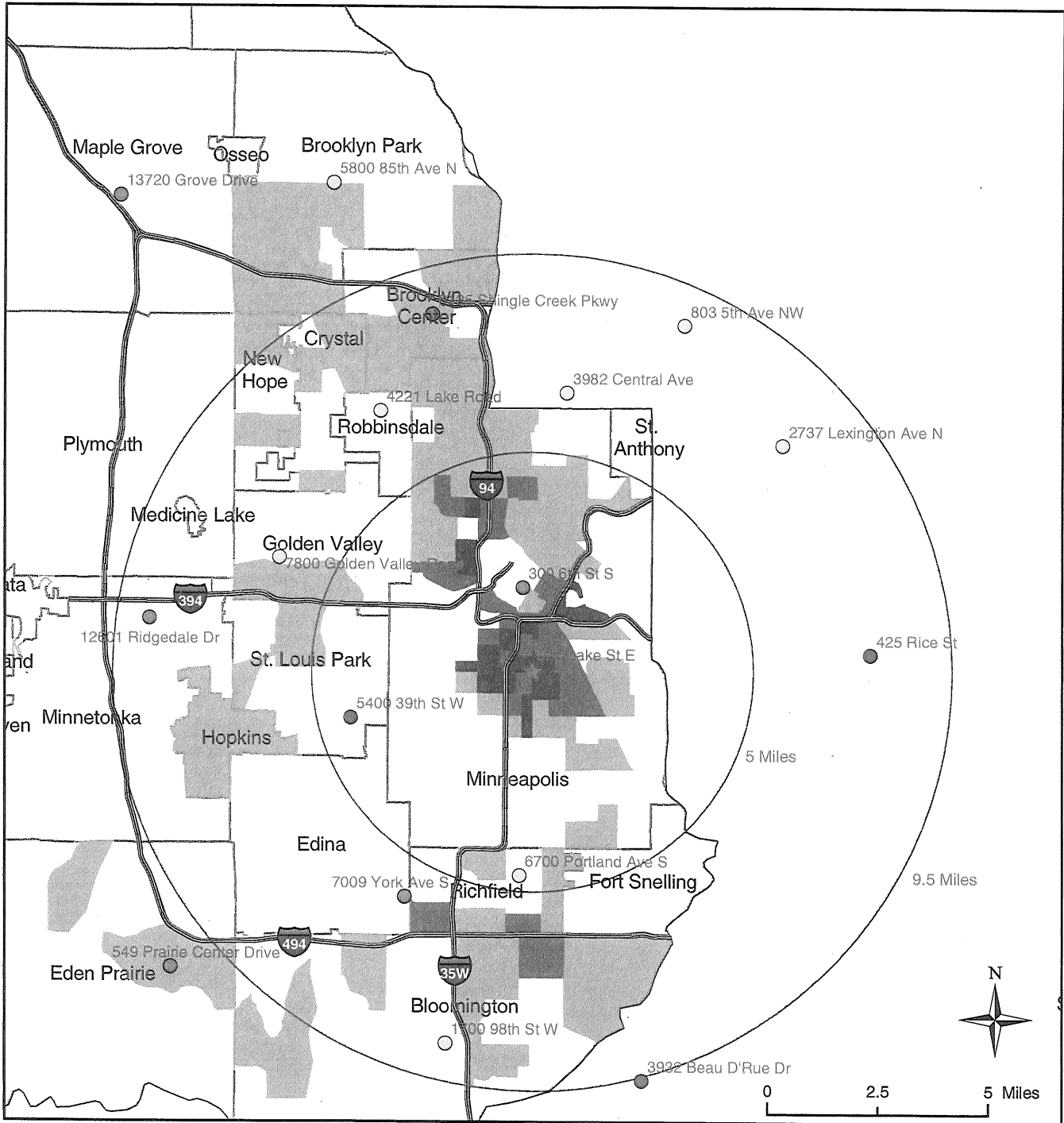
Population

- The Powderhorn and Phillips communities have 77,104 residents.
- The area contains some of the highest population densities in Minneapolis, Hennepin County and the State of Minnesota.
- Between 1990 and 2000, the area added 7,903 residents.

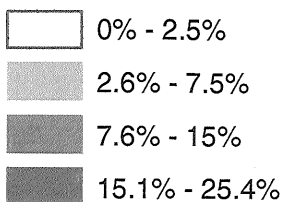
Age

- The median age of residents in Powderhorn and Phillips is 28. The median age for Hennepin County is 35.

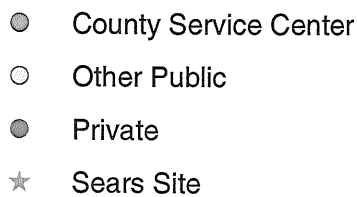
Deputy Registrars, Lake Street Sears Site and Limited English Proficiency Residents



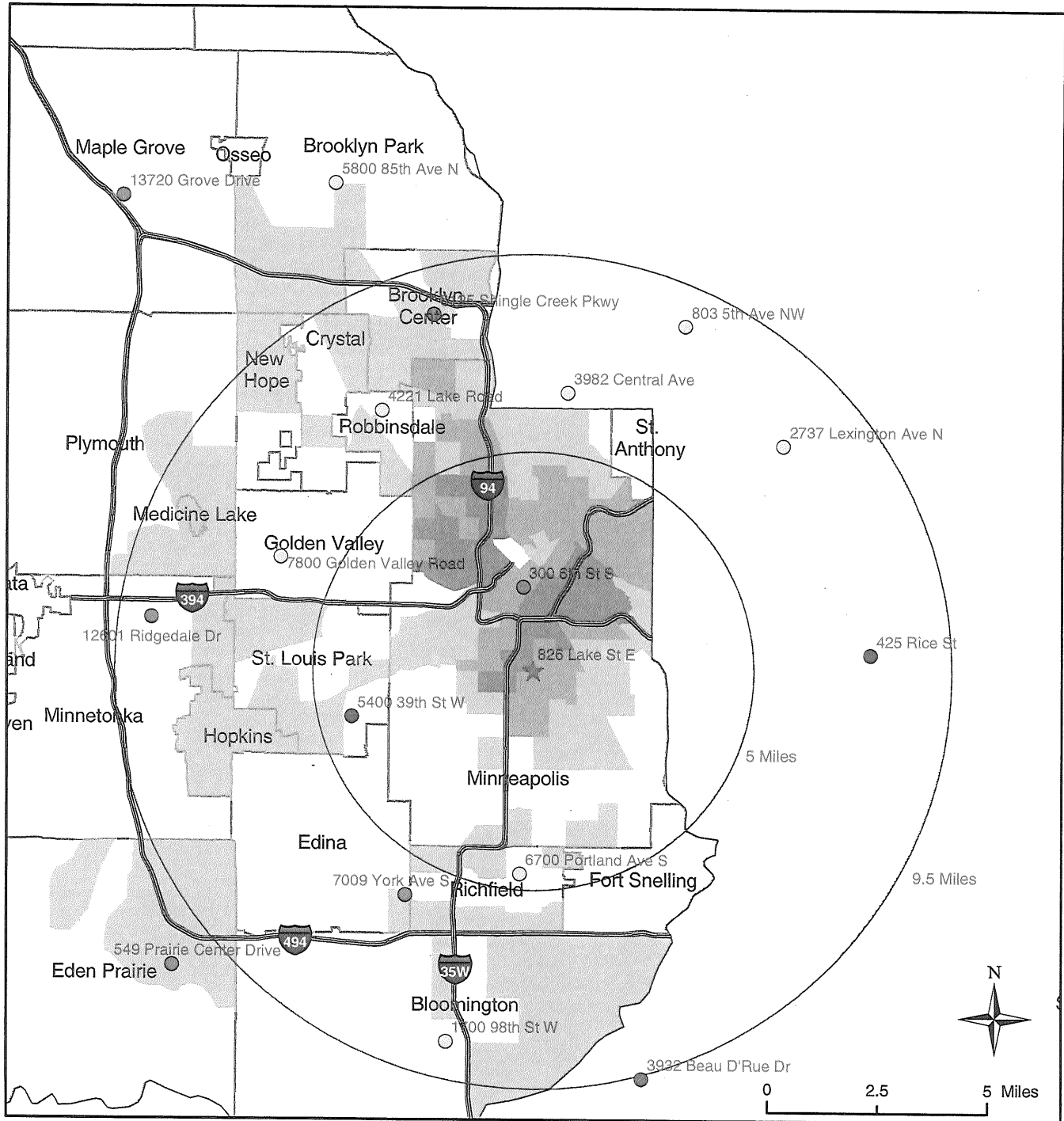
Percent of Residents That Do Not Speak English Well or At All, by Census Tract, 2002



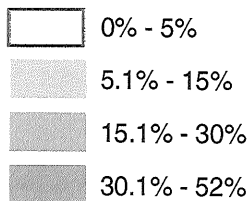
Deputy Registrars and Sears Site



Deputy Registrars, Lake Street Sears Site and Residents in Poverty



Percent of Residents
In Poverty by
Census Tract, 1999



Deputy Registrars and Sears Site

- County Service Center
- Other Public
- Private
- Sears Site

[News & Events Home](#)

Minneapolis' Midtown Exchange will be home to Allina corporate headquarters

Allina Hospitals & Clinics Board has selected Minneapolis' Midtown Exchange (former Sears Building) on Lake Street as the location of its corporate headquarters. Allina will be a key tenant in the Midtown Exchange, which is the largest redevelopment project in Minnesota.

The Midtown Exchange promises to bring hundreds of jobs and much much-needed economic activity in the Phillips and Powderhorn neighborhoods.

The Midtown Exchange will be home to Allina Hospital & Clinics corporate headquarters, a full service 125-room Sheraton Hotel, active senior rental housing, artist lofts, workforce housing, a industrial, lab, medical and reuse center, a global market, and retail and restaurant space. The development will span 10.88 acres and has nearly 1.2 million square feet - second in size to the Mall of America. The \$142 million development will also accommodate a 1,400-space parking ramp and 350 surface parking spaces.



The Midtown Exchange (former Sears property) is the largest development project in Minnesota



Allina Hospitals & Clinic corporate headquarters, the property's key tenant, will bring 950 jobs to Minneapolis

In moving its corporate headquarters to Minneapolis, the state's largest health system, Allina Hospitals & Clinics, will bring 950 employees to within one block of its flagship Abbott Northwestern Hospital. Allina's presence will further solidify Minneapolis' strength as a destination for world-class health care and health-related research development. Abbott Northwestern and its expanding cardiac care and rehabilitation complex and the Phillips Eye Institute are located in the neighborhood.

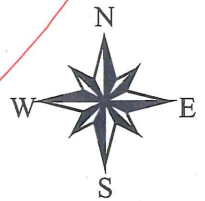
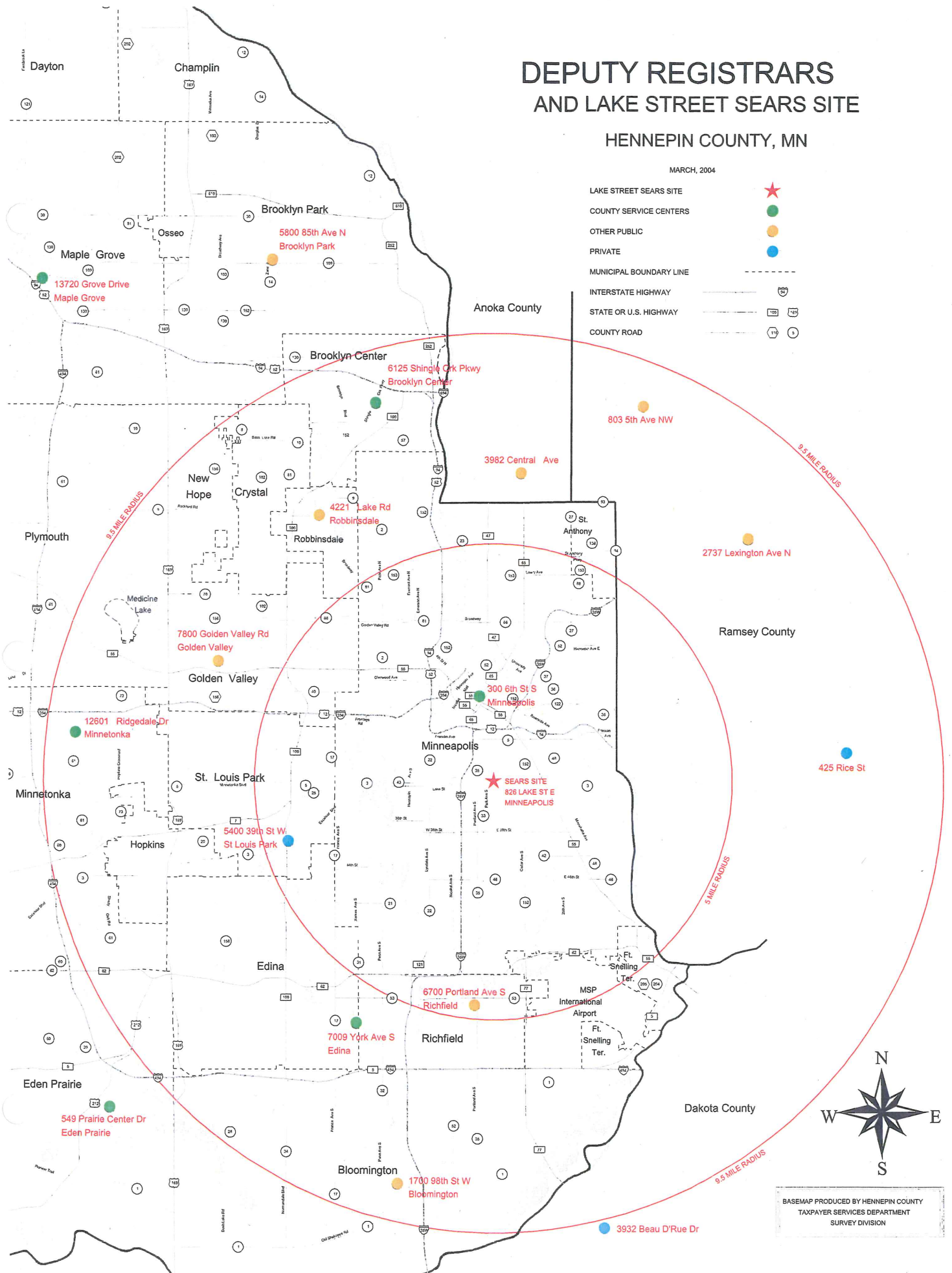
The Midtown Exchange's location near the Chicago Avenue and Lake Street intersection, adjacent to the Greenway, and close to major employers (Abbott, Wells Fargo) offers exciting auto, bus, bicycle and pedestrian transit opportunities. These will include a Metro Transit hub in The Midtown Exchange. Other potential opportunities include outlot retail development and townhouse and condo ownership housing.

DEPUTY REGISTRARS AND LAKE STREET SEARS SITE

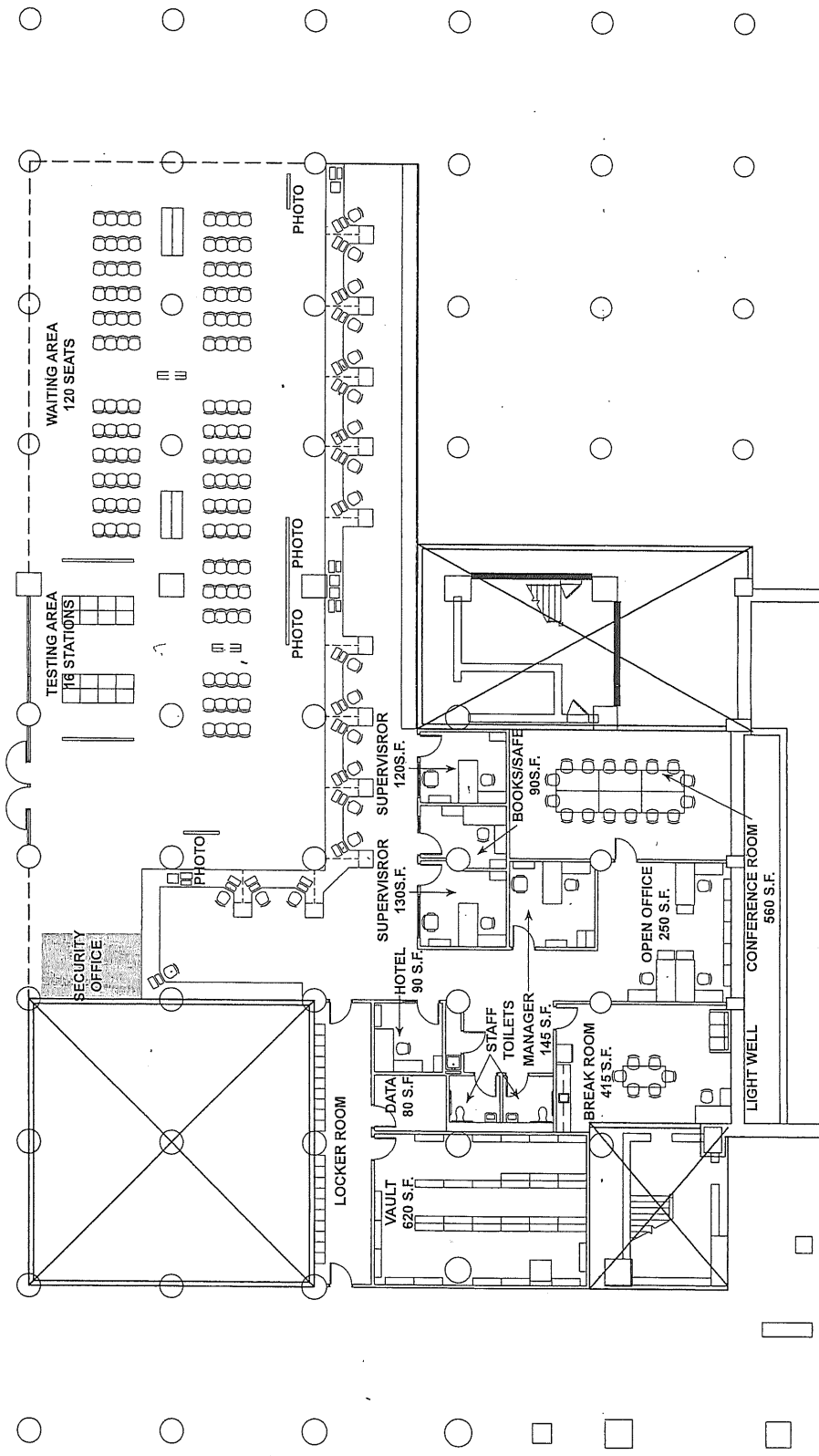
HENNEPIN COUNTY, MN

MARCH, 2004

- LAKE STREET SEARS SITE ★
- COUNTY SERVICE CENTERS ●
- OTHER PUBLIC ●
- PRIVATE ●
- MUNICIPAL BOUNDARY LINE
- INTERSTATE HIGHWAY
- STATE OR U.S. HIGHWAY
- COUNTY ROAD



BASEMAP PRODUCED BY HENNEPIN COUNTY
TAXPAYER SERVICES DEPARTMENT
SURVEY DIVISION



.....SCALE : 1/16" = 1'-0"
SERVICE CENTER FLOOR PLAN

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S.F. No. 1144 – Establishing a Crosswalk Safety Education Account

Author: Senator Steve Murphy

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 10, 2005

This bill requires fines collected from violations of failing to yield to a pedestrian in a marked crosswalk, or unmarked crosswalk at an intersection, to be deposited 25 percent in the general fund, 25 percent to the local unit of government that prosecuted the violation and 50 percent to a crosswalk safety education account in the special revenue fund. Money in the account is appropriated to the commissioner of public safety to use for crosswalk safety education materials, advertisements, making grant to local units of government and law enforcement for crosswalk safety activities and to otherwise enhance education about pedestrian safety laws.

Senators Murphy; Chaudhary; Moua; Johnson, D.E. and Reiter introduced--
S.F. No. 1144: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; establishing a
3 crosswalk safety education account; appropriating
4 money; amending Minnesota Statutes 2004, section
5 169.21, by adding a subdivision.

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

7 Section 1. Minnesota Statutes 2004, section 169.21, is
8 amended by adding a subdivision to read:

9 Subd. 2a. [CROSSWALK VIOLATION FINES; SPECIAL ACCOUNT;
10 APPROPRIATION.] (a) Of the fines collected for violations of
11 subdivision 2, 25 percent must be deposited in the state
12 treasury and credited to the general fund. Twenty-five percent
13 is credited to the local unit of government that prosecuted the
14 violation resulting in the fine. Fifty percent must be
15 deposited in the state treasury and credited to a special
16 account to be known as the crosswalk safety education account.

17 (b) Money in the special account is appropriated to the
18 commissioner of public safety to be used to advance crosswalk
19 safety education by developing and distributing crosswalk safety
20 education materials; creating and placing advertisements in mass
21 media and on billboards; making grants to local units of
22 government and law enforcement agencies to implement pedestrian
23 safety activities and provide increased signage and crosswalk
24 markings; and otherwise enhancing education about and
25 enforcement of pedestrian safety laws.

Consolidated Fiscal Note – 2005-06 Session

Bill #: S1144-0 Complete Date: 03/10/05

Chief Author: MURPHY, STEVE

Title: CROSSWALK SAFETY EDUCATION ACCOUNT

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agencies: Public Safety Dept (03/10/05)

Supreme Court (03/10/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund		22			
Supreme Court		22			
Misc Special Revenue Fund		0	20	20	20
Public Safety Dept		0	20	20	20
Revenues					
General Fund		(8)	(8)	(8)	(8)
Supreme Court		(8)	(8)	(8)	(8)
Misc Special Revenue Fund		20	20	20	20
Supreme Court		20	20	20	20
Net Cost <Savings>					
General Fund		30	8	8	8
Supreme Court		30	8	8	8
Misc Special Revenue Fund		(20)	0	0	0
Public Safety Dept		0	20	20	20
Supreme Court		(20)	(20)	(20)	(20)
Total Cost <Savings> to the State		10	8	8	8

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
- No Impact -					
Total FTE					

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/10/05 Phone: 215-0594

Fiscal Note – 2005-06 Session

Bill #: S1144-0 Complete Date: 03/10/05

Chief Author: MURPHY, STEVE

Title: CROSSWALK SAFETY EDUCATION ACCOUNT

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
Misc Special Revenue Fund		0	20	20	20
Less Agency Can Absorb					
– No Impact –					
Net Expenditures					
Misc Special Revenue Fund		0	20	20	20
Revenues					
– No Impact –					
Net Cost <Savings>					
Misc Special Revenue Fund		0	20	20	20
Total Cost <Savings> to the State		0	20	20	20

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
– No Impact –					
Total FTE					

Bill Description

This bill directs the fine revenue collected for crosswalk violations. The General Fund will receive 25% of the collected fines. The local unit of government that prosecutes the violation will also receive 25% of the fines collected. The remaining 50% of collections will be deposited in the state treasury in a special account entitled the crosswalk safety education account. The special account will be appropriated to the Department of Public Safety to develop and distribute crosswalk education materials and/or campaigns and to award as grants to local law enforcement and government to implement pedestrian safety activities.

Assumptions

1. The fines collected will be deposited into the state treasury and credited to the crosswalk safety education account in the Special Revenue Fund. The Office of Traffic Safety will administer the grants and/or develop and distribute education on crosswalk safety materials.
2. According to the Minnesota Supreme Court, fines levied and collected for this violation during 2004 amounted to \$41,000. In a twelve month period the crosswalk safety education account will receive half of those fines, totaling \$20,500 annually.
3. Education and grants programs would begin in state fiscal year 2007 utilizing the funds collected in the special account throughout state fiscal year 2006.
4. The Supreme Court also speculates that enforcement and the fines collected could actually go down with the new fine distribution. The fiscal note assumes that \$20,000 will be deposited in the special account annually after the first year. Of the funds appropriated to Department of Public Safety, Office of Traffic Safety, it is estimated that approximately \$10,000 would be spent on education activities and the remaining \$10,000 would be granted to local agencies. (However, the location of pedestrian grants can change which may affect the cost of education programs.)

Expenditure and/or Revenue Formula

Expenditure Formula:

SFY	Estimated expenditures for education	Estimated expenditures for local grants
2006	\$0	\$ 0
2007	\$10,000	\$10,000
2008	\$10,000	\$10,000
2009	\$10,000	\$10,000

Long-Term Fiscal Considerations

With education and enforcement of the laws there is an expectation that compliance with the crosswalk law will increase, thus decreasing the amount collected in fines. However, since non-compliance with crosswalk laws is a local problem and the amount available for education and enforcement grants is minimal, the Office of Traffic Safety anticipates the program being implemented in a few communities. Those communities would be areas with identified problems with crashes resulting in pedestrian fatalities and injuries and a local interest in addressing the problem. In future years, the program would be implemented in other communities as the problem identification and interest indicates. For these reasons it is not anticipated that the fine collection will decrease significantly.

Local Government Costs

Although the grant funding may assist a few local communities, those communities may have to dedicated staff to implement a program.

References/Sources

Agency Contact Name: Katherine Burke Moore 651 297-7876
FN Coord Signature: FRANK AHRENS
Date: 03/09/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER
Date: 03/10/05 Phone: 215-0594

Fiscal Note – 2005-06 Session

Bill #: S1144-0 **Complete Date:** 03/10/05

Chief Author: MURPHY, STEVE

Title: CROSSWALK SAFETY EDUCATION ACCOUNT

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund		22			
Less Agency Can Absorb					
- No Impact -					
Net Expenditures					
General Fund		22			
Revenues					
General Fund		(8)	(8)	(8)	(8)
Misc Special Revenue Fund		20	20	20	20
Net Cost <Savings>					
General Fund		30	8	8	8
Misc Special Revenue Fund		(20)	(20)	(20)	(20)
Total Cost <Savings> to the State		10	(12)	(12)	(12)

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
- No Impact -					
Total FTE					

Bill Description

SF 1144 provides a new allocation of fine revenue collected from violations of M.S. 169.21. The amendment would provide that 25% would be deposited to the general fund, 25% would be distributed to the local governmental unit prosecuting the violation, and 50% to a dedicated crosswalk safety education account.

Assumptions

In 2004 \$41,000 in fine revenue associated with this offense was collected. The state share of this revenue was approximately \$18,000. Fine distribution is based on various formulas depending on the citing agency, the prosecuting agency, and whether or not the county is state funded.

This fiscal note assumes that the volume of citations would remain the same. However, the volume might fall because law enforcement would no longer receive a share under the formula of this bill.

Expenditure and/or Revenue Formula

If the revenue were redistributed as described in this bill, the state would receive approximately \$10,000 for the general fund and \$20,000 for the dedicated crosswalk safety education account.

In order to program the MNCIS, VIBES and TCIS systems to calculate or distribute an alternative fine split for this violation, approximately 293 hours of programming would be required at a rate of \$75 per hour. The total reprogramming cost would be \$22,000.

Long-Term Fiscal Considerations

Local Government Costs

Most of these fines would have been paid without prosecution. Municipalities would lose approximately \$22,000, the municipal share of this fine revenue.

References/Sources

FN Coord Signature: JUDY REHAK
Date: 03/07/05 Phone: 297-7800

EBO Comments

The agency estimates expenditures for programming necessary to calculate or distribute the alternative fine split required under the bill.

EBO Signature: JIM KING
Date: 03/10/05 Phone: 296-7964

**Senate Counsel, Research,
and Fiscal Analysis**

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 670 - Prohibiting Local Authorities From Discriminating Against Certain Vehicles in Parking Ordinances

Author: Senator Steve Murphy

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1 prohibits local authorities from discriminating, in ordinances governing vehicle parking or standing, against vehicles with a registered gross weight of 15,000 pounds or less on the basis of the vehicle's aesthetics, use, dimensions, weight, or manufacturer's rated carrying capacity. Discrimination in these ordinances is permissible if it relates to abandoned or junk vehicles or vehicles lacking essential component parts.

BB/AV:rer

Senator Murphy introduced--**S.F. No. 670: Referred to the Committee on Transportation.**

1 A bill for an act
2 relating to traffic regulations; prohibiting local
3 ordinances governing parking or standing of motor
4 vehicles from discriminating among motor vehicles with
5 a gross vehicle weight of 15,000 pounds or less;
6 amending Minnesota Statutes 2004, section 169.04.

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

8 Section 1. Minnesota Statutes 2004, section 169.04, is
9 amended to read:

10 169.04 [LOCAL AUTHORITY.]

11 (a) The provisions of this chapter shall not be deemed to
12 prevent local authorities, with respect to streets and highways
13 under their jurisdiction, and with the consent of the
14 commissioner, with respect to state trunk highways, within the
15 corporate limits of a municipality, or within the limits of a
16 town in a county in this state now having or which may hereafter
17 have, a population of 500,000 or more, and a land area of not
18 more than 600 square miles, and within the reasonable exercise
19 of the police power from:

20 (1) regulating the standing or parking of vehicles;

21 (2) regulating traffic by means of police officers or
22 traffic-control signals;

23 (3) regulating or prohibiting processions or assemblages on
24 the highways;

25 (4) designating particular highways as one-way roadways and
26 requiring that all vehicles, except emergency vehicles, when on

1 an emergency run, thereon be moved in one specific direction;

2 (5) designating any highway as a through highway and
3 requiring that all vehicles stop before entering or crossing the
4 same, or designating any intersection as a stop intersection,
5 and requiring all vehicles to stop at one or more entrances to
6 such intersections;

7 (6) restricting the use of highways as authorized in
8 sections 169.80 to 169.88.

9 (b) No ordinance or regulation enacted under paragraph (a),
10 clause (4), (5), or (6), shall be effective until signs giving
11 notice of such local traffic regulations are posted upon and
12 kept posted upon or at the entrance to the highway or part
13 thereof affected as may be most appropriate.

14 (c) No ordinance or regulation enacted under paragraph (a),
15 clause (3), or any other provision of law shall prohibit:

16 (1) the use of motorcycles or vehicles utilizing flashing
17 red lights for the purpose of escorting funeral processions,
18 oversize buildings, heavy equipment, parades or similar
19 processions or assemblages on the highways; or

20 (2) the use of motorcycles or vehicles that are owned by
21 the funeral home and that utilize flashing red lights for the
22 purpose of escorting funeral processions.

23 (d) For any motor vehicles with a registered gross weight
24 of 15,000 pounds or less, an ordinance or regulation enacted
25 under paragraph (a), clause (1), regulating the standing or
26 parking of operable motor vehicles on public streets or highways
27 or on private property must not discriminate on the basis of the
28 motor vehicle's aesthetics, use, dimensions, registered gross
29 weight, or the manufacturer's rated carrying capacity. However,
30 this paragraph does not apply to any vehicle subject to
31 regulation under chapter 168B as an abandoned vehicle, junk
32 vehicle, or vehicle lacking vital component parts, as those
33 terms are defined in section 168B.011.

**Senate Counsel, Research,
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DIRECTOR

Senate

State of Minnesota

S.F. No. 366 - Authorizing Cities to Impose Street Utility Fee

Author: Senator Sharon Marko

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1, Subdivision 1 defines terms.

Subdivision 2 authorizes a municipality (home rule charter or statutory city) to impose a street utility fee against land within its boundaries.

Subdivision 3 specifies process for imposition of the street utility fee. The municipality must hold a public hearing after published notice, then adopt the ordinance by a two-thirds vote. The ordinance must be filed, if adopted, with the county recorder and provided to the county auditor.

Subdivision 4 requires the governing body to specify in the ordinance the collection schedule, which may be monthly, quarterly, or another frequency. Any fees unpaid for at least 30 days as of October 15 may be collected against the property as a special assessment.

Subdivision 5 requires adoption, after notice and hearing, of a master plan before a municipality can impose the fee. The plan must include information on reconstruction, facility upgrade, and maintenance for the next five years, and on funding sources for all projects in the plan.

Subdivision 6 limits use of revenues to the specific projects in the master plan.

Subdivision 7 requires the fee to be based on a relationship between the revenues to be generated and a trip generation rate for each land use, based on the most current Institute of Traffic Engineers Trip Generation Manual.

Subdivision 8 allows a property owner to appeal the amount of the fee or trip-generation rate within 60 days of mailing the notice of the amount of the fee. The decision of the governing body may be appealed to the tax court.

Subdivision 9 provides that use of the street utility fee does not preclude a municipality from levying special assessments or property taxes, or issuing bonds, to pay for street improvement.

Section 1 is effective for fees payable in 2006 and thereafter.

BB/AV:rer

Senators Marko, Senjem, Langseth and Rest introduced--
S.F. No. 366: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to transportation; authorizing cities to
3 impose street utility fee; proposing coding for new
4 law in Minnesota Statutes, chapter 160.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. [160.95] [STREET UTILITY FEE.]
7 Subdivision 1. [DEFINITIONS.] For the purposes of this
8 section, the following terms have the meanings given.
9 (a) "Municipality" means a home rule charter or statutory
10 city.
11 (b) "Governing body" means the city council of a
12 municipality.
13 (c) "Reconstruction" means paving, grading, curbs and
14 gutters, bridge repair, overlays, drainage, base work, subgrade
15 corrections, and boulevard restoration.
16 (d) "Facility upgrade" means traffic signals, turn lanes,
17 medians, street approaches, alleys, rights-of-way, sidewalks,
18 retaining walls, fence installation, and additional traffic
19 lanes.
20 (e) "Maintenance" means striping, seal coating, crack
21 sealing, sidewalk maintenance, signal maintenance, street light
22 maintenance, and signage.
23 Subd. 2. [AUTHORIZATION.] A municipality may impose the
24 street utility fee provided in this section against land located
25 within its boundaries.

1 Subd. 3. [PROCEDURES FOR ADOPTION.] A municipality may
2 impose the street utility fee provided in this section by
3 ordinance adopted by a two-thirds vote of its governing body.
4 The ordinance must not be voted on or adopted until after a
5 public hearing has been held on the question. A notice of the
6 time, place, and purpose of the hearing must be published at
7 least once in each week for two successive weeks in the official
8 newspaper of the municipality, or in a newspaper of general
9 content and circulation within the municipality, and the last
10 notice must be published at least seven days before the
11 hearing. The municipality must file the ordinance of record, if
12 adopted, with the county recorder and provide a copy to the
13 county auditor.

14 Subd. 4. [COLLECTION.] The ordinance adopted under this
15 section must provide for the billing and payment of the fee on a
16 monthly, quarterly, or other basis as directed by the governing
17 body. Fees that, as of October 15 each calendar year, have
18 remained unpaid for at least 30 days must be certified to the
19 county auditor for collection as a special assessment payable in
20 the following calendar year against the affected property.

21 Subd. 5. [MASTER PLAN REQUIREMENT.] A municipality may not
22 impose the fee provided in this section unless it has prepared
23 and adopted a master plan that includes information on the
24 proposed reconstruction, facility upgrade, and maintenance for
25 the following five years. A capital improvement plan, public
26 facility plan, or comparable information qualifies as a master
27 plan. The master plan must include information on the proposed
28 funding sources for all projects required to be included in the
29 plan. The master plan must be adopted by the governing body
30 following a hearing and publication of notice of the hearing, as
31 provided in subdivision 3.

32 Subd. 6. [USE OF PROCEEDS.] Revenues from the fee
33 authorized in this section may only be used for specific
34 projects listed in the master plan. The municipality may not
35 accumulate revenues from the fee beyond the estimated costs for
36 reconstructions, facility upgrades, and maintenance that are

1 described in the master plan.

2 Subd. 7. [TRIP-GENERATION DATA.] The fee imposed must be
3 calculated based on the relationship of the revenues the
4 municipality proposes to generate and a trip-generation rate for
5 each type of land use based on the most current edition of the
6 Institute of Traffic Engineers Trip Generation Manual.

7 Subd. 8. [APPEALS.] A property owner may administratively
8 appeal the amount of the fee or the trip-generation rate to the
9 governing body within 60 days after notice of the amount of fee
10 due has been mailed to the property owner. The appeal must be
11 in writing, signed, and dated by the property owner, and must
12 state the reasons why the amount of the fee or the
13 trip-generation rate is incorrect. The decision of the
14 governing body may be appealed to the tax court in the same
15 manner as appeals of determinations regarding property tax
16 matters provided for in chapter 271. If the governing body does
17 not make a decision within six months after the filing of an
18 administrative appeal, the property owner may elect to appeal to
19 the tax court. The appeal procedures in this subdivision are in
20 lieu of any appeal procedures relating to special assessments
21 provided for in chapter 429.

22 Subd. 9. [SPECIAL ASSESSMENTS; BONDS; PROPERTY TAX
23 LEVIES.] The use of the street utility fee by a municipality
24 does not restrict the municipality from imposing other measures
25 to pay the costs of local street reconstruction, facility
26 upgrades, or maintenance, such as levying special assessments,
27 issuing bond debt, or levying property taxes.

28 [EFFECTIVE DATE.] This section is effective for fees
29 payable in 2006 and thereafter.



B

League of Minnesota Cities

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Minnesota Cities That Have Adopted Resolutions Supporting Improved Funding Options for City Street Construction and Maintenance

(as of February 2005)

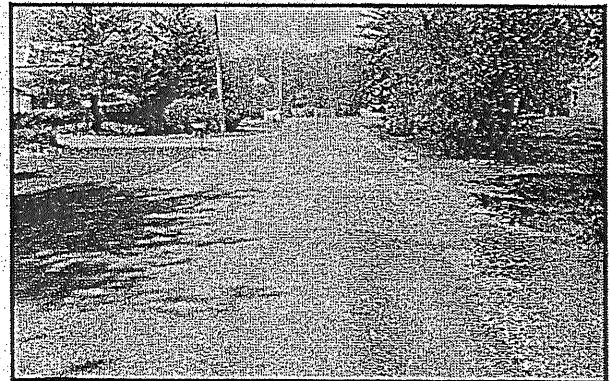
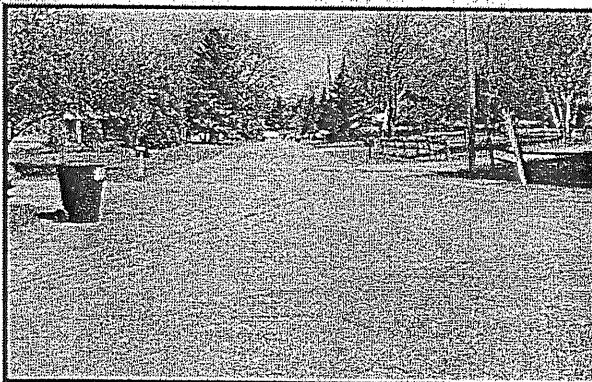
Akeley	East Bethel	Madison Lake	Silver Bay
Annandale	Eden Prairie	Mahtomedi	Spring Lake Park
Apple Valley	Edina	Maple Grove	St. Cloud
Argyle	Elk River	Maple Plain	St. Louis Park
Arlington	Elmore	Mayer	St. Michael
Aurora	Ely	Melrose	St. Paul Park
Austin	Emily	Milan	South St. Paul
Barnsville	Eveleth	Minneapolis	Strandquist
Barrett	Fairmont	Minneota	Tamarack
Battle Lake	Faribault	Mounds View	Taunton
Beardsley	Farmington	Mountain Iron	Tower
Beaver Bay	Fergus Falls	Murdock	Twin Valley
Bellingham	Forada	New Hope	Vergas
Bemidji	Fosston	New Market	Waldorf
Benson	Fountain	North Branch	Walters
Big Fork	Garrison	Northfield	Wanamingo
Bingham Lake	Golden Valley	Ogilvie	Waseca
Braham	Grand Rapids	Okabena	Watkins
Brainerd	Granite Falls	Olivia	Waverly
Brooklyn Center	Grant	Orono	Wayzata
Buhl	Hanley Falls	Oronoco	Welcome
Burnsville	Hartland	Ortonville	Westbrook
Chaska	Hastings	Osakis	Woodbury
Champlin	Hewitt	Osseo	Wykoff
Chisholm	Hoffman	Pelican Rapids	Zumbro Falls
Cokato	Holdingsford	Pequot Lakes	Zumbrota
Coleraine	Inver Grove Heights	Pine City	
Columbia Heights	Isanti	Pipestone	
Comfrey	Jackson	Plymouth	
Corcoran	Keewatin	Prior Lake	
Crystal	Kimball	Proctor	
Currie	La Prairie	Richmond	
Dawson	Lake City	Rosemount	
Dayton	Lakefield	Rushford	
Deer River	Lakeville	Sanborn	
Delano	Laporte	Sandstone	
Dennison	Le Center	Sartell	
Duluth	Little Falls	Savage	
Dundas	Luverne	Sebeka	
Eagan	Lynd	Shafer	

Why Do Cities need a Street Utility?

- ♦ Traffic volumes are continuing to increase
- ♦ Congestion on major freeways and trunk highways are forcing motorists onto more and more city streets
- ♦ Growth in cities and new households is increasing steadily
- ♦ Truck mileage continue to increase
- ♦ City streets continue to age
- ♦ Streets have a finite life cycle. They continue to deteriorate without adequate maintenance
- ♦ Cities are delaying projects due to budget shortfalls
- ♦ Current funding sources are no longer adequate

Why are Current Funding Methods no longer adequate?

- ♦ Special Assessments being challenged
 - Cities cannot prove benefit (i.e. increased market value)
 - Most cities only assess a portion of a project (25%, etc.)
 - Special assessment revenues continue to shrink
 - 1981 – 12.1% of total City revenues
 - 1990 – 7.9% of total City revenues
- ♦ Levy limits affect ability to sell bonds or raise property taxes
- ♦ Utility charges/franchise fees are limited in their use, not dedicated to streets and may be subject to future restrictions



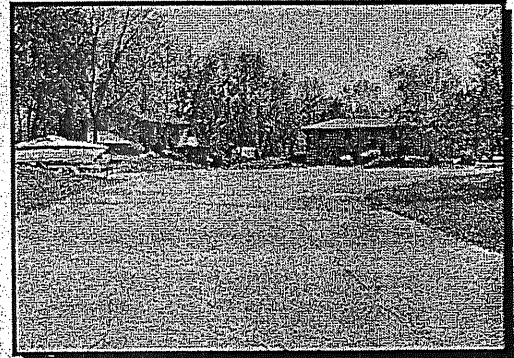
Summary of the Street Utility Concept

Key Points of the Proposed Street Utility Legislation

- ♦ It is enabling legislation only (similar to storm water utility)
- ♦ Public hearings/public input are required
- ♦ It is based on a master plan (5 year Capital Improvements Plan or similar)
- ♦ Revenues collected must be dedicated to the street projects outlined in the master plan
- ♦ All properties would pay the fee

Activities That Would be Eligible to Use This Fund

- ♦ It is intended for maintenance or replacement of streets, as opposed to new streets
 - Reconstructions
 - Overlays
 - Seal coats
- ♦ It is not intended for general maintenance activities such as snow plowing, or aesthetic streetscape amenities

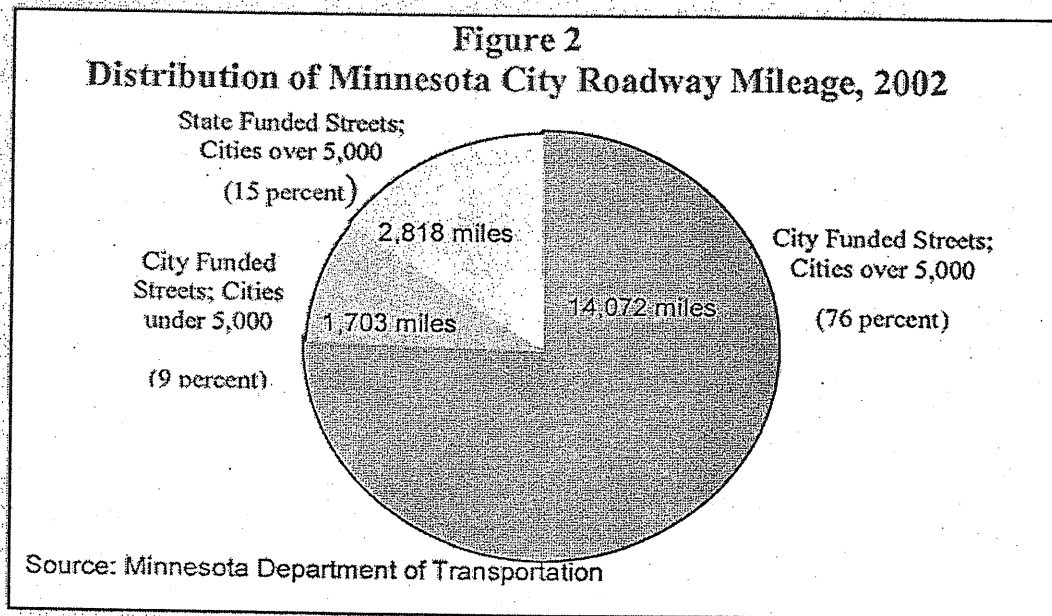


Items that Would be Covered

- ♦ Pavement, gravel base and subgrade
- ♦ Curb/gutter and drainage improvements
- ♦ Sidewalks and/or trails
- ♦ Boulevard restoration/trees
- ♦ Striping and signs

Don't Cities receive Municipal State Aid Funding? Why do they need more money?

- ♦ Cities under 5,000 population
 - Receive NO State funding for City streets
 - ♦ Cities over 5,000 population
 - Up to 20% of their street mileage can use State Aid funding for improvements
 - 80% of their City Streets receive NO State Aid Funding
 - ♦ State Aid funding is not adequate for the Municipal State Aid streets due to the obligations for cities to help fund County or State Highways.
 - ♦ There are 853 total cities in Minnesota
 - ♦ Only 134 are Municipal State Aid Cities (over 5,000 pop.)
 - ♦ 719 Cities, or 84%, receive no State Aid funding for streets
- ♦ 84% of all Cities receive NO State or Federal funding



- ♦ 85% of all City Streets receive NO State Aid Funding

A Street Utility Is Not Just a Another Tax

- ♦ A Street Utility is applied just like a sewer or water utility
 - Charges are based on usage
 - The basis for the charge must be related to the cost of the services
 - Charges must be just and reasonable
 - Charges are allocated based on trips generated by the use
 - Charges are not based on ownership or property values
 - Enabling legislation only

 - ♦ Property taxes are:
 - Paid regardless of whether the property is used
 - Paid regardless of whether a property benefits from the service
 - Based on ownership and valuation
 - Calculated on a fixed proportion of the value as compared to other properties
 - Not charged to tax exempt properties even if they use the service
-

Protecting Our Investment

- ♦ Fact: Cities are not able to keep up with the unmet funding needs for their streets.
- ♦ Fact: Streets are continuing to age, which will only increase future costs to repair/replace these streets
- ♦ Fact: 84% of all city streets receive no State Aid money for funding
- ♦ Fact: Current funding sources are not adequate anymore

A Street Utility will enable cities to:
Protect Our Investment !

STREET UTILITY CONCEPT

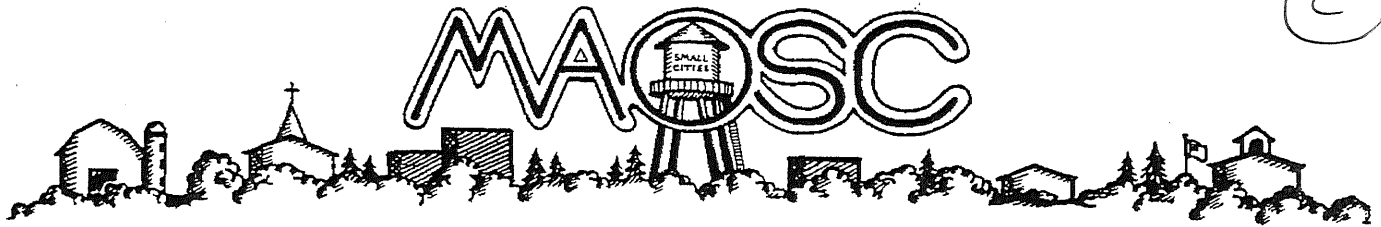
Estimated Monthly Utility Rates for Selected Minnesota Cities

	CHATFIELD	CRYSTAL	EAGAN	FERGUS FALLS	HIBBING	OLIVIA
Estimated Annual Needs	\$80,000	\$366,000	\$691,000	\$207,000	\$350,000	\$60,000
Single Family Home	\$2.33	\$1.18	\$0.92	\$1.00	\$1.38	\$1.24
Medium Density Residential	\$1.40	\$0.71	\$0.55	\$0.60	\$0.83	\$0.75
Retail (per 1000 sq ft)	\$11.60	\$5.94	\$4.60	\$5.00	\$6.88	\$6.21
Office (per 1000 sq ft)	\$2.57	\$1.31	\$1.00	\$1.10	\$1.51	\$1.36
Institutional (per 1000 sq ft)	\$2.80	\$1.43	\$1.10	\$1.20	\$1.65	\$1.49
Industrial (per 1000 sq ft)	\$0.94	\$0.48	\$0.37	\$0.40	\$0.55	\$0.50

Street Utility Fees for Typical non-Residential Users for the City of Eagan

Users	Size	Monthly Fee
Target/Home Depot	118,000 sq.ft	\$708
Chili's	6,683 sq. ft	\$40
McDonald's	4,690 sq. ft	\$28
Super America	4,400 sq. ft	\$26
Professional Office Building (Dentist/Doctor)	15,000 sq. ft	\$15
High School (~2,000 students)	325,000 sq. ft	\$325
Church (Catholic)	40,000 sq. ft	\$33
Coca-Cola Bottling Facility & Warehouse	560,000 sq. ft	\$187

①



Minnesota Association of Small Cities
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NanLars@ll.net

Committee Members

The Minnesota Association of Small Cities would like to go on record as supporting SF 366.

The street utility fee would allow our cities to raise much-needed revenue to better support road and bridge maintenance. Cities with populations of less than 5,000 currently receive no direct state funding for city streets. We feel this fee could provide our cities with a much-needed consistent funding source for street maintenance.

It is important to invest in the preservation of our local bridge and roadways thereby extending the overall lifetime of the infrastructure. Sixty-six percent of cities under 5,000 are not meeting the life cycle needs for reconstruction of their roads. Likewise eighty-seven percent are not meeting the life cycle needs for overlays/seal coats, both primarily due to lack of funding.

It is important to find a consistent source of funding for road and bridge maintenance and the street utility fee would begin to solve some of the funding shortcomings allowing for our small cities to repair and maintain our transportation infrastructure.

We would like to thank Sen. Marko for carrying this bill and reiterate our support for it.

Nancy Larson

SLE

**Senate Counsel, Research,
and Fiscal Analysis**

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 818 - Authorizing Cities to Impose Transportation Utility Fee

Author: Senator Michael J. Jungbauer

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1, Subdivision 1 defines terms.

Subdivision 2 authorizes a municipality (home rule charter or statutory city) to impose a transportation utility fee against land within its boundaries. The fee can not overrecover nor underrecover costs described in the master plan.

Subdivision 3 establishes a process for imposition of the transportation utility fee. The municipality must hold a public hearing after published notice, then adopt the ordinance by a two-thirds vote. The ordinance must be filed, if adopted, with the county recorder and provided to the county auditor.

Subdivision 4 requires the governing body to specify in the ordinance the collection schedule, which may be monthly, quarterly, or another frequency. Any fees unpaid for at least 30 days as of October 15 may be collected against the property as a special assessment.

Subdivision 5 requires a adoption, after notice and hearing, of a master plan before a municipality can impose the fee. The plan must include information on reconstruction, facility upgrade, and maintenance for the next five years, and on funding sources for all projects in the plan.

Subdivision 6 limits use of revenues to the specific projects in the master plan.

Subdivision 7 requires the fee to be based on a relationship between the revenues to be generated and the relative benefit, as determined by the municipality, that will accrue to each land

use. The amount generated must be the amount reasonable and necessary to complete the improvement, and must be imposed only against benefitted property, whether or not it abuts the improvement.

Subdivision 8 allows a property owner to appeal the amount of the fee, the issue of benefit to the property, or the claim that the municipality is overrecovering its costs. The appeal must be filed within 60 days of mailing the notice of the amount of the fee. The decision of the governing body may be appealed to the tax court.

Subdivision 9 provides that use of the transportation utility fee does not preclude a municipality from levying special assessments or property taxes, or issuing bonds, to pay for street improvement.

Section 1 is effective immediately for fees payable in 2006 and thereafter.

BB/AV:rer

Senators Jungbauer, Day, Dibble, Marko and Johnson, D.E. introduced--
S.F. No. 818: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to transportation; authorizing cities to
3 impose a transportation utility fee; proposing coding
4 for new law in Minnesota Statutes, chapter 275.

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

6 Section 1. [275.084] [TRANSPORTATION UTILITY FEE.]

7 Subdivision 1. [DEFINITIONS.] For the purposes of this
8 section, the following terms have the meanings given.

9 (a) "Facility upgrade" means traffic signals, turn lanes,
10 medians, street approaches, alleys, rights-of-way, sidewalks,
11 retaining walls, fence installation, and additional traffic
12 lanes.

13 (b) "Governing body" means the city council of a
14 municipality.

15 (c) "Maintenance" means striping, seal coating, crack
16 sealing, sidewalk maintenance, signal maintenance, street light
17 maintenance, and signage.

18 (d) "Municipality" means a home rule charter or statutory
19 city.

20 (e) "Reconstruction" means paving, grading, curbs and
21 gutters, bridge repair, overlays, drainage, base work, subgrade
22 corrections, and boulevard restoration.

23 Subd. 2. [AUTHORIZATION.] A municipality may impose the
24 transportation utility fee provided in this section against land
25 located within its boundaries. The fee must be set at a level

1 that neither significantly overrecovers nor underrecovers costs,
2 including overhead costs, involved in reconstructions, facility
3 upgrades, and maintenance described in the master plan.

4 Subd. 3. [PROCEDURES FOR ADOPTION.] A municipality may
5 impose the transportation utility fee provided in this section
6 by ordinance adopted by a two-thirds vote of its governing
7 body. The resolution must not be voted on or adopted and the
8 municipality may not contract for any improvement until after a
9 public hearing has been held on the question. A notice of the
10 time, place, and purpose of the hearing, including the general
11 nature of the improvement, its estimated costs, and the area
12 against which the fee is proposed to be assessed, must be
13 published at least once in each week for two successive weeks in
14 the official newspaper of the municipality, or in a newspaper of
15 general content and circulation within the municipality, and the
16 last notice must be published at least seven days prior to the
17 hearing. The municipality must file the adopted ordinance of
18 record with the county recorder, and the municipality must
19 provide a copy to the county auditor.

20 Subd. 4. [COLLECTION.] The ordinance adopted under this
21 section must provide for the billing and payment of the fee on a
22 monthly, quarterly, or other basis as directed by the governing
23 body. Fees that, as of October 15 each calendar year, have
24 remained unpaid for at least 30 days must be certified to the
25 county auditor for collection as a special assessment payable in
26 the following calendar year against the affected property.

27 Subd. 5. [MASTER PLAN REQUIREMENT.] A municipality may not
28 impose the fee provided in this section unless it has prepared
29 and adopted a master plan that includes information on the
30 proposed reconstruction, facility upgrade, and maintenance for
31 the following five years. A capital improvement plan, public
32 facility plan, or comparable information qualifies as a master
33 plan. The master plan must include information on the proposed
34 funding sources for all projects required to be included in the
35 plan. The master plan must be adopted by resolution of the
36 governing body following a hearing and publication of notice of

1 the hearing, as provided in subdivision 3.

2 Subd. 6. [USE OF PROCEEDS.] Revenues from the fee
3 authorized in this section may only be used for specific
4 projects listed in the master plan and are limited to projected
5 costs of the needs approved in the master plan and described in
6 the published notice before the required public hearing. The
7 municipality may not accumulate revenues from the fee beyond the
8 estimated costs for reconstructions, facility upgrades, and
9 maintenance that are described in the master plan.

10 Subd. 7. [CALCULATION OF FEE.] The fee imposed must be
11 calculated based on the relationship of the revenues the
12 municipality proposes to generate and the relative benefit, as
13 determined by the municipality, that will accrue to each
14 category of land use from the projects to be financed. The
15 amount of revenue the municipality proposes to generate must be
16 that amount reasonable and necessary to complete the proposed
17 improvement. The fee may be imposed only against property that
18 will benefit by the improvement, whether or not the property
19 abuts the improvement.

20 Subd. 8. [APPEALS.] A property owner may administratively
21 appeal the amount of the fee to the governing body within 60
22 days after notice of the amount of fee due has been mailed to
23 the property owner. The appeal must be in writing, signed, and
24 dated by the property owner, and must state the reasons why the
25 amount of the fee is incorrect. The appeal may state reasons
26 why the fee imposed by the municipality generates funds in
27 excess of the amount reasonable and necessary for the
28 improvement described in the published notice, or why the
29 property against which the fee is imposed does not benefit from
30 the proposed improvement. The decision of the governing body
31 may be appealed to the Tax Court in the same manner as appeals
32 of determinations regarding property tax matters provided for in
33 chapter 271. If the governing body does not make a decision
34 within six months after the filing of an administrative appeal,
35 the property owner may elect to appeal to the Tax Court. The
36 appeal procedures in this subdivision are in lieu of any appeal

1 procedures relating to special assessments provided for in
2 chapter 429.

3 Subd. 9. [SPECIAL ASSESSMENTS; BONDS; PROPERTY TAX
4 LEVIES.] The use of the transportation utility fee by a
5 municipality does not restrict the municipality from imposing
6 special assessments, issuing bond debt, or levying property
7 taxes to pay the costs of local street reconstruction, facility
8 upgrades, or maintenance.

9 [EFFECTIVE DATE.] This section is effective the day
10 following final enactment for fees payable in 2006 and
11 thereafter.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
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Senate

State of Minnesota

S.F. No. 1125 - Providing That a Licensed Peace Officer May Operate Any Vehicle or Combination of Vehicles

Author: Senator Steve Murphy

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191)
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

This bill provides that a licensed peace officer, who holds a valid class D driver's license, may operate any vehicle or combination of vehicles while on duty.

BB/AV:rer

1 first, continuous transportation of agricultural products from
2 the production site or on-farm storage site to any other
3 location within 50 miles of that site;

4 (2) operating fire trucks and emergency fire equipment,
5 whether or not in excess of 26,000 pounds gross vehicle weight,
6 when operated by a firefighter while on duty, or by a tiller
7 operator employed by a fire department who drives the rear
8 portion of a midmount aerial ladder truck;

9 (3) operating recreational equipment as defined in section
10 168.011, subdivision 25, that is operated for personal use;

11 (4) operating all single-unit vehicles except vehicles with
12 a gross vehicle weight of more than 26,000 pounds, vehicles
13 designed to carry more than 15 passengers including the driver,
14 and vehicles that carry hazardous materials; and

15 (5) notwithstanding paragraph (c), operating a type A
16 school bus without a school bus endorsement if:

17 (i) the bus has a gross vehicle weight of 10,000 pounds or
18 less;

19 (ii) the bus is designed to transport 15 or fewer
20 passengers, including the driver; and

21 (iii) the requirements of subdivision 2a, paragraph (b),
22 are satisfied, as determined by the commissioner.

23 ~~The holder of a class B license may also tow;~~

24 (6) operating any vehicle or combination of vehicles when
25 operated by a licensed peace officer while on duty; and

26 (7) towing vehicles if the combination of vehicles has a
27 gross vehicle weight of 26,000 pounds or less.

28 (c) Class C; valid for:

29 (1) operating class D vehicles;

30 (2) with a hazardous materials endorsement, transporting
31 hazardous materials in class D vehicles; and

32 (3) with a school bus endorsement, operating school buses
33 designed to transport 15 or fewer passengers, including the
34 driver.

35 (d) Class B; valid for:

36 (1) operating all vehicles in class C, and class D

1 vehicles, and all other single-unit vehicles including, with a
2 passenger endorsement, buses:--~~The holder of a class B license~~
3 ~~may tow; and~~

4 (2) towing only vehicles with a gross vehicle weight of
5 10,000 pounds or less.

6 (e) Class A; valid for operating any vehicle or combination
7 of vehicles.

8 [EFFECTIVE DATE.] This section is effective the day
9 following final enactment.

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and Fiscal Analysis**

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S.F. No. 1089 - Highway, Traffic Sign, and Railroad Provisions Modifications

Author: Senator Steve Murphy

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *7/13*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1 establishes a revolving account for the state highway sign program. Receipts collected by the Commissioner of Transportation from local road authorities and the Minnesota Department of Transportation (MnDOT) highway operations unit, that relate to equipment acquisition and rental, labor, materials, and other costs, are credited to a special account in the trunk highway fund. The section includes an open and standing appropriation of money in the fund to the commissioner to pay sign costs. Money in the account is exempt from statewide and agency indirect cost payments.

Section 2 broadens the eligibility criteria for logo signs on interstate highways and controlled-access trunk highways. Food businesses are eligible to be mentioned on logo signs without a requirement that they serve meals prepared on the premises.

Section 3 authorizes the commissioner to use expedited rulemaking when adopting state aid operations rules for the county state-aid highway system.

Section 4 reduces the objection period relating to applications for state aid rules variances from 20 days to seven days for the county state-aid highway system.

Section 5 increases the amount deducted from the county state-aid highway fund for administrative costs, from 1-½ percent to two percent.

Section 6 authorizes the commissioner to use expedited rulemaking when adopting state aid operations rules for the municipal state-aid street system.

Section 7 reduces the objection period relating to applications for state aid rules variances from 20 days to seven days for the municipal state-aid street system.

Section 8 strikes the statutory limit on advances from a city to expedite work on its municipal state-aid street system. The stricken language currently limits advances to an amount that does not exceed the city's total estimated apportionment for the next three years.

Section 9 allows a county to spend county state-aid highway funds on a project that the commissioner determines must be constructed across the county line. No part of the highway may be constructed in another county until both counties approve.

Section 10 allows a municipality to spend municipal state-aid street funds on a project the commissioner determines must be constructed also in another municipality or state. No part of the highway may be constructed in another municipality until both municipalities approve.

Section 11 makes the following changes in the pedestrian safety laws:

- Allows a pedestrian signal to display either a word or a symbol;
- Requires a pedestrian to yield to vehicles that are already in the intersection when the signal light turns green; and
- Allows a vehicle, after yielding to pedestrians and other vehicular traffic, to turn right or to turn left from a one-way street to a one-way street, against a red arrow, when an official sign permits a turn on a red arrow signal.

Section 12 allows a pedestrian-control signal to display symbols of a walking person and upraised hand, as an alternative to words "Walk" and "Don't Walk" as currently allowed. The pedestrian must yield the usual right-of-way to a vehicle already in the intersection when the signal first changes to allow pedestrians to cross.

Section 13 allows an operating railroad and MnDOT to designate, by agreement, following a diagnostic review of the crossing, an exempt rail crossing, where vehicles otherwise required to stop are not required to stop.

Section 14 exempts the Commuter Rail Corridor Coordinating Committee from the statutory sunset provision, and applies the exemption retroactively from June 30, 2003, the sunset date.

Section 15 removes local authority to establish a railroad quiet zone by ordinance and strikes the statutory minimum half-mile length applicable to a quiet zone. The local authority must apply to the Federal Railroad Administration to establish a quiet zone.

Section 16 strikes the statutory definition of the misdemeanor violation consisting of a locomotive engineer's failure to ring the bell or sound the whistle. The violation is defined by federal law.

Section 17 requires the Revisor to change a subpart in Minnesota Rules to reflect the shorter objection period for rules variances specified in sections 4 and 7 of this bill.

BB/AV:rer

Senator Murphy introduced--

S.F. No. 1089: Referred to the Committee on Transportation.

1

A bill for an act

2 relating to transportation; authorizing billing for
 3 highway sign program and establishing special account;
 4 modifying eligibility criteria for certain business
 5 signs; modifying provisions relating to state-aid
 6 highways and streets, traffic signals, and railroads
 7 in quiet zones; removing expiration for commuter rail
 8 corridor coordinating committee; appropriating money;
 9 amending Minnesota Statutes 2004, sections 160.80,
 10 subdivision 1a; 162.02, subdivisions 2, 3a; 162.06,
 11 subdivision 2; 162.09, subdivisions 2, 3a; 162.14,
 12 subdivision 6; 169.06, subdivisions 5, 6; 169.28,
 13 subdivision 2; 174.86, subdivision 5; 219.166;
 14 219.567; proposing coding for new law in Minnesota
 15 Statutes, chapters 160; 162.

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

17 Section 1. [160.298] [HIGHWAY SIGN PROGRAM; BILLING,
 18 ACCOUNT, APPROPRIATION.]

19 The commissioner of transportation may bill highway
 20 operations units of the department and local road authorities
 21 for the costs of a centrally managed highway sign program.
 22 These costs may include equipment acquisition and rental, labor,
 23 materials, and other costs as determined by the commissioner.
 24 Receipts must be credited to a special account, which is
 25 established in the trunk highway fund, and are appropriated to
 26 the commissioner to pay the costs for which the billings are
 27 made. Amounts credited to the account are exempt from statewide
 28 and agency indirect costs payments.

29 Sec. 2. Minnesota Statutes 2004, section 160.80,
 30 subdivision 1a, is amended to read:

1 Subd. 1a. [ELIGIBILITY CRITERIA FOR BUSINESS PANELS.] (a)

2 To be eligible for a business panel on a logo sign panel, a
3 business establishment must:

4 (1) be open for business;

5 (2) have a sign on site that both identifies the business
6 and is visible to motorists;

7 (3) be open to everyone, regardless of race, religion,
8 color, age, sex, national origin, creed, marital status, sexual
9 orientation, or disability;

10 (4) not impose a cover charge or otherwise require
11 customers to purchase additional products or services; and

12 (5) meet the appropriate criteria in paragraphs (b) to (e).

13 (b) Gas businesses must provide vehicle services including
14 fuel and oil; restroom facilities and drinking water;
15 continuous, staffed operation at least 12 hours a day, seven
16 days a week; and public access to a telephone.

17 (c) Food businesses must serve at least two meals a day
18 during normal mealtimes of breakfast, lunch, and dinner; provide
19 a continuous, staffed food service operation at least ten hours
20 a day, seven days a week except holidays as defined in section
21 645.44, subdivision 5, and except as provided for seasonal food
22 service businesses; provide seating capacity for at least 20
23 people; ~~serve-meals-prepared-on-the-premises;~~ and possess any
24 required state or local licensing or approval. ~~Reheated,~~
25 ~~prepackaged,-ready-to-eat-food-is-not-"food-prepared-on-the~~
26 ~~premises."~~ Seasonal food service businesses must provide a
27 continuous, staffed food service operation at least ten hours a
28 day, seven days a week, during their months of operation.

29 (d) Lodging businesses must include sleeping
30 accommodations, provide public access to a telephone, and
31 possess any required state or local licensing or approval.

32 (e) Camping businesses must include sites for camping,
33 include parking accommodations for each campsite, provide
34 sanitary facilities and drinking water, and possess any required
35 state or local licensing or approval.

36 (f) Businesses that do not meet the appropriate criteria in

1 paragraphs (b) to (e) but that have a signed lease as of January
2 1, 1998, may retain the business panel until December 31, 2005,
3 or until they withdraw from the program, whichever occurs first,
4 provided they continue to meet the criteria in effect in the
5 department's contract with the logo sign vendor on August 1,
6 1995. After December 31, 2005, or after withdrawing from the
7 program, a business must meet the appropriate criteria in
8 paragraphs (a) to (e) to qualify for a business panel.

9 (g) Seasonal businesses must indicate to motorists when
10 they are open for business by either putting the full months of
11 operation directly on the business panel or by having a "closed"
12 plaque applied to the business panel when the business is closed
13 for the season.

14 (h) The maximum distance that an eligible business in
15 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington
16 county can be located from the interchange is: for gas
17 businesses, one mile; for food businesses, two miles; for
18 lodging businesses, three miles; and for camping businesses, ten
19 miles.

20 (i) The maximum distance that an eligible business in any
21 other county can be located from the interchange shall not
22 exceed 15 miles in either direction.

23 (j) Logo sign panels must be erected so that motorists
24 approaching an interchange view the panels in the following
25 order: camping, lodging, food, gas.

26 (k) If there is insufficient space on a logo sign panel to
27 display all eligible businesses for a specific type of service,
28 the businesses closest to the interchange have priority over
29 businesses farther away from the interchange.

30 Sec. 3. Minnesota Statutes 2004, section 162.02,
31 subdivision 2, is amended to read:

32 Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall
33 be made and promulgated by the commissioner acting with the
34 advice of a committee ~~which shall be~~ selected by the several
35 county boards acting through the officers of the statewide
36 association of county commissioners. The committee shall be

1 composed of nine members so selected that each member shall be
2 from a different state highway construction district. Not more
3 than five of the nine members of the committee shall be county
4 commissioners. The remaining members shall be county highway
5 engineers. In the event that agreement cannot be reached on any
6 rule, the commissioner's determination shall be final. The
7 rules shall be printed and copies thereof ~~shall be~~ forwarded to
8 the county engineers of the several counties. For the purposes
9 of this section, the expedited process for adopting rules
10 established in section 14.389 may be used.

11 (b) Notwithstanding section 15.059, subdivision 5, the
12 committee does not expire.

13 Sec. 4. Minnesota Statutes 2004, section 162.02,
14 subdivision 3a, is amended to read:

15 Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING
16 STANDARDS.] The commissioner may grant variances from the rules
17 and from the engineering standards developed pursuant to section
18 162.021 or 162.07, subdivision 2. A political subdivision in
19 which a county state-aid highway is located or is proposed to be
20 located may submit a written request to the commissioner for a
21 variance for that highway. The commissioner shall publish
22 notice of the request in the State Register and give notice to
23 all persons known to the commissioner to have an interest in the
24 matter. The commissioner may grant or deny the variance within
25 30 days of providing notice of the request. If a written
26 objection to the request is received within ~~20~~ seven days of
27 providing notice, the variance shall be granted or denied only
28 after a contested case hearing has been held on the request. If
29 no timely objection is received and the variance is denied
30 without hearing, the political subdivision may request, within
31 30 days of receiving notice of denial, and shall be granted a
32 contested case hearing. For purposes of this subdivision,
33 "political subdivision" includes (1) an agency of a political
34 subdivision which has jurisdiction over parks, and (2) a
35 regional park authority.

36 Sec. 5. Minnesota Statutes 2004, section 162.06,

1 subdivision 2, is amended to read:

2 Subd. 2. [ADMINISTRATIVE COSTS OF DEPARTMENT.] ~~A-sum-of~~
3 ~~1-1/2~~ Two percent ~~shall~~ must be deducted from the total amount
4 available in the county state-aid highway fund, set aside in a
5 separate account, and used for administrative costs incurred by
6 the state Transportation Department in carrying out the
7 provisions relating to the county state-aid highway system.

8 Sec. 6. Minnesota Statutes 2004, section 162.09,
9 subdivision 2, is amended to read:

10 Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall
11 be made and promulgated by the commissioner acting with the
12 advice of a committee ~~which shall be~~ selected by the governing
13 bodies of such cities, acting through the officers of the
14 statewide association of municipal officials. The committee
15 shall be composed of 12 members, so selected that there shall be
16 one member from each state highway construction district and in
17 addition one member from each city of the first class. Not more
18 than six members of the committee shall be elected officials of
19 the cities. The remaining members of the committee shall be
20 city engineers. In the event that agreement cannot be reached
21 on any rule the commissioner's determination shall be final.
22 The rules shall be printed and copies ~~thereof shall be~~ forwarded
23 to the clerks and engineers of the cities. For the purposes of
24 this section, the expedited process for adopting rules
25 established in section 14.389 may be used.

26 (b) Notwithstanding section 15.059, subdivision 5, the
27 committee does not expire.

28 Sec. 7. Minnesota Statutes 2004, section 162.09,
29 subdivision 3a, is amended to read:

30 Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING
31 STANDARDS.] The commissioner may grant variances from the rules
32 and from the engineering standards developed pursuant to section
33 162.13, subdivision 2. A political subdivision in which a
34 municipal state-aid street is located or is proposed to be
35 located may submit a written request to the commissioner for a
36 variance for that street. The commissioner shall publish notice

1 of the request in the State Register and give notice to all
2 persons known to the commissioner to have an interest in the
3 matter. The commissioner may grant or deny the variance within
4 30 days of providing notice of the request. If a written
5 objection to the request is received within ~~20~~ seven days of
6 providing notice, the variance shall be granted or denied only
7 after a contested case hearing has been held on the request. If
8 no timely objection is received and the variance is denied
9 without hearing, the political subdivision may request, within
10 30 days of receiving notice of denial, and shall be granted a
11 contested case hearing. For purposes of this subdivision,
12 "political subdivision" includes (1) an agency of a political
13 subdivision which has jurisdiction over parks, and (2) a
14 regional park authority.

15 Sec. 8. Minnesota Statutes 2004, section 162.14,
16 subdivision 6, is amended to read:

17 Subd. 6. [ADVANCES.] Any such city may make advances from
18 any funds available to it for the purpose of expediting the
19 construction, reconstruction, improvement, or maintenance of its
20 municipal state-aid street system; ~~provided that such advances~~
21 ~~shall not exceed the city's total estimated apportionment for~~
22 ~~the three years following the year the advance is made.~~

23 Advances made by any such city shall be repaid out of subsequent
24 apportionments made to such city in accordance with the
25 commissioner's rules.

26 Sec. 9. [162.031] [CONSTRUCTION ACROSS ANOTHER COUNTY OR
27 STATE.]

28 When a county state-aid highway route is so located that in
29 order to achieve the designated objectives the commissioner
30 determines that it is necessary to construct the highway across
31 a portion of another county or state, the county initiating the
32 construction is authorized to spend county state-aid highway
33 funds for that purpose in the same manner as other expenditures
34 for county state-aid highway purposes are made. No part of that
35 highway may be constructed in another county until both counties
36 approve the construction.

1 Sec. 10. [162.091] [CONSTRUCTION ACROSS ANOTHER
2 MUNICIPALITY OR STATE.]

3 When a municipal state-aid street route is so located that
4 in order to achieve the designated objectives the commissioner
5 determines that it is necessary to construct the street across a
6 portion of another municipality or state, the municipality
7 initiating the construction is authorized to spend municipal
8 state-aid street funds for that purpose in the same manner as
9 other expenditures for municipal state-aid street purposes are
10 made. No part of that street may be constructed in another
11 municipality until both municipalities approve the construction.

12 Sec. 11. Minnesota Statutes 2004, section 169.06,
13 subdivision 5, is amended to read:

14 Subd. 5. [TRAFFIC-CONTROL SIGNAL.] (a) Whenever traffic is
15 controlled by traffic-control signals exhibiting different
16 colored lights, or colored lighted arrows, successively one at a
17 time or in combination, only the colors Green, Red, and Yellow
18 shall be used, except for special pedestrian signals carrying a
19 word or legend~~7-and-said~~. The traffic-control signal lights
20 ~~shall~~ or colored lighted arrows indicate and apply to drivers of
21 vehicles and pedestrians as follows:

22 (1) Green indication:

23 (i) Vehicular traffic facing a circular green signal may
24 proceed straight through or turn right or left unless a sign at
25 such place prohibits either ~~such~~ turn. But vehicular traffic,
26 including vehicles turning right or left, shall yield the
27 right-of-way to other vehicles and to pedestrians lawfully
28 within the intersection or adjacent crosswalk at the time ~~such~~
29 this signal is exhibited.

30 (ii) Vehicular traffic facing a green arrow signal, shown
31 alone or in combination with another indication, may cautiously
32 enter the intersection only to make the movement indicated by
33 ~~such~~ the arrow, or ~~such~~ other movement as ~~is~~ permitted by other
34 indications shown at the same time. Such vehicular traffic
35 shall yield the right-of-way to pedestrians lawfully within an
36 adjacent crosswalk and to other traffic lawfully using the

1 intersection.

2 (iii) Unless otherwise directed by a pedestrian-control
3 signal as provided in subdivision 6, pedestrians facing any
4 green signal, except when the sole green signal is a turn arrow,
5 may proceed across the roadway within any marked or unmarked
6 crosswalk. Every driver of a vehicle shall yield the
7 right-of-way to such pedestrian, except that the pedestrian
8 shall yield the right-of-way to vehicles lawfully within the
9 intersection at the time that the green signal indication is
10 first shown.

11 (2) Steady yellow indication:

12 (i) Vehicular traffic facing a circular yellow signal is
13 thereby warned that the related green movement is being
14 terminated or that a red indication will be exhibited
15 immediately thereafter when vehicular traffic ~~shall~~ must not
16 enter the intersection, except for the continued movement
17 allowed by any green arrow indication simultaneously exhibited.

18 (ii) Pedestrians facing a circular yellow signal, unless
19 otherwise directed by a pedestrian-control signal as provided in
20 subdivision 6, are thereby advised that there is insufficient
21 time to cross the roadway before a red indication is shown and
22 no pedestrian shall then start to cross the roadway.

23 (iii) Vehicular traffic facing a steady yellow arrow signal
24 is thereby warned that the protected vehicular movement
25 permitted by the corresponding prior green arrow indication is
26 being terminated.

27 (3) Steady red indication:

28 (i) Vehicular traffic facing a circular red signal alone
29 ~~shall~~ must stop at a clearly marked stop line, but, if none,
30 before entering the crosswalk on the near side of the
31 intersection, or, if none, then before entering the intersection
32 and shall remain standing until a green indication is shown,
33 except as follows: (A) the driver of a vehicle ~~which-is~~ stopped
34 as close as practicable at the entrance to the crosswalk on the
35 near side of the intersection or, if none, then at the entrance
36 to the intersection in obedience to a red or stop signal, and

1 with the intention of making a right turn may make ~~such~~ the
2 right turn, after stopping, unless an official sign has been
3 erected prohibiting such movement, but shall yield the
4 right-of-way to pedestrians and other traffic lawfully
5 proceeding as directed by the signal at ~~said~~ that intersection;
6 or (B) the driver of a vehicle on a one-way street which
7 ~~intersects~~ intersecting another one-way street on which traffic
8 moves to the left shall stop in obedience to a red or stop
9 signal and may then make a left turn into ~~said~~ the one-way
10 street, unless an official sign has been erected prohibiting the
11 movement, but shall yield the right-of-way to pedestrians and
12 other traffic lawfully proceeding as directed by the signal at
13 ~~said~~ that intersection.

14 (ii) Unless otherwise directed by a pedestrian-control
15 signal as provided in subdivision 6, pedestrians facing a steady
16 red signal alone shall not enter the roadway.

17 (iii) Vehicular traffic facing a steady red arrow signal,
18 with the intention of making a movement indicated by the arrow,
19 ~~shall~~ must stop at a clearly marked stop line, but, if none,
20 before entering the crosswalk on the near side of the
21 intersection, or, if none, then before entering the intersection
22 and ~~shall~~ must remain standing until a permissive signal
23 indication permitting the movement indicated by the red arrow is
24 displayed, except as follows: when an official sign has been
25 erected permitting a turn on a red arrow signal, the vehicular
26 traffic facing a red arrow signal indication is permitted to
27 enter the intersection to turn right, or to turn left from a
28 one-way street into a one-way street on which traffic moves to
29 the left, after stopping, but must yield the right-of-way to
30 pedestrians and other traffic lawfully proceeding as directed by
31 the signal at that intersection.

32 (b) In the event an official traffic-control signal is
33 erected and maintained at a place other than an intersection,
34 the provisions of this section are applicable except those which
35 can have no application. Any stop required ~~shall~~ must be made
36 at a sign or marking on the pavement indicating where the

1 stop ~~shall~~ must be made, but in the absence of any such sign or
2 marking the stop ~~shall~~ must be made at the signal.

3 (c) When a traffic-control signal indication or indications
4 placed to control a certain movement or lane are so identified
5 by placing a sign near the indication or indications, no other
6 traffic-control signal indication or indications within the
7 intersection ~~shall control~~ controls vehicular traffic for
8 such that movement or lane.

9 Sec. 12. Minnesota Statutes 2004, section 169.06,
10 subdivision 6, is amended to read:

11 Subd. 6. [PEDESTRIAN CONTROL SIGNAL.] (a) Whenever special
12 pedestrian-control signals exhibiting the words "Walk" or "Don't
13 Walk" or symbols of a "walking person" or "upraised hand" are in
14 place such, the signals ~~shall~~ or symbols indicate as follows:

15 (1) A steady "Walk," flashing-or-steady--- ~~Pedestrians~~
16 signal or the symbol of a "walking person" indicates that a
17 pedestrian facing such either of these signals may proceed
18 across the roadway in the direction of the signal, possibly in
19 conflict with turning vehicles. Every driver of a vehicle shall
20 yield the right-of-way to such pedestrian except that the
21 pedestrian shall yield the right-of-way to vehicles lawfully
22 within the intersection at the time that either signal
23 indication is first shown.

24 (2) A "Don't Walk," signal or the symbol of an "upraised
25 hand," flashing or steady--- ~~No,~~ indicates that a pedestrian
26 shall not start to cross the roadway in the direction of such
27 signals either signal, but any pedestrian who has partially
28 crossed on the "Walk" or "walking person" signal indication
29 shall proceed to a sidewalk or safety island while the "Don't
30 Walk" signal is showing.

31 (b) A pedestrian crossing a roadway in conformity with this
32 section is lawfully within the intersection and, when in a
33 crosswalk, is lawfully within the crosswalk.

34 Sec. 13. Minnesota Statutes 2004, section 169.28,
35 subdivision 2, is amended to read:

36 Subd. 2. [EXEMPT CROSSING.] (a) The commissioner may

1 designate a crossing as an exempt crossing ~~if-the-crossing-is:~~

2 (1) if the crossing is on a rail line on which service has
3 been abandoned; or

4 (2) if the crossing is on a rail line that carries fewer
5 than five trains each year, traveling at speeds of ten miles per
6 hour or less; or

7 (3) as agreed to by the operating railroad and the
8 Department of Transportation, following a diagnostic review of
9 the crossing.

10 (b) The commissioner shall direct the railroad to erect at
11 the crossing signs bearing the word "Exempt" that conform to
12 section 169.06. The installation or presence of an exempt sign
13 does not relieve a driver of the duty to use due care. A train
14 must not proceed across an exempt crossing unless a police
15 officer is present to direct traffic or a railroad employee is
16 on the ground to warn traffic until the train enters the
17 crossing.

18 (c) A vehicle that must stop at grade crossings under
19 subdivision 1 is not required to stop at a marked exempt
20 crossing unless directed otherwise by a police officer or a
21 railroad employee.

22 Sec. 14. Minnesota Statutes 2004, section 174.86,
23 subdivision 5, is amended to read:

24 Subd. 5. [COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE.]

25 (a) A Commuter Rail Corridor Coordinating Committee shall be
26 established to advise the commissioner on issues relating to the
27 alternatives analysis, environmental review, advanced corridor
28 planning, preliminary engineering, final design, implementation
29 method, construction of commuter rail, public involvement, land
30 use, service, and safety. The Commuter Rail Corridor
31 Coordinating Committee shall consist of:

32 (1) one member representing each significant funding
33 partner in whose jurisdiction the line or lines are located;

34 (2) one member appointed by each county in which the
35 corridors are located;

36 (3) one member appointed by each city in which advanced

1 corridor plans indicate that a station may be located;

2 (4) two members appointed by the commissioner, one of whom
3 shall be designated by the commissioner as the chair of the
4 committee;

5 (5) one member appointed by each metropolitan planning
6 organization through which the commuter rail line may pass; and

7 (6) one member appointed by the president of the University
8 of Minnesota, if a designated corridor provides direct service
9 to the university.

10 (b) A joint powers board existing on April 1, 1999,
11 consisting of local governments along a commuter rail corridor,
12 shall perform the functions set forth in paragraph (a) in place
13 of the committee.

14 (c) Notwithstanding section 15.059, subdivision 5, the
15 committee does not expire.

16 [EFFECTIVE DATE.] This section is effective retroactively
17 from June 30, 2003. All actions taken in reliance on Minnesota
18 Statutes, section 15.059 or 174.86 are ratified by the enactment
19 of this section.

20 Sec. 15. Minnesota Statutes 2004, section 219.166, is
21 amended to read:

22 219.166 [ESTABLISHMENT OF QUIET ZONES.]

23 A county, statutory or home rule charter city, or town may
24 ~~by ordinance establish a defined~~ apply to the Federal Railroad
25 Administration for the establishment of a "quiet zone" in which
26 the sounding of horns, whistles, or other audible warnings by
27 locomotives is regulated or prohibited. A quiet zone
28 ~~established under this section must consist of at least one-half~~
29 ~~mile of railroad right-of-way.~~ All quiet zones, regulations,
30 and ordinances adopted under this section must conform to
31 federal law and the regulations of the Federal Railroad
32 Administration under United States Code, title 49, section 20153.

33 Sec. 16. Minnesota Statutes 2004, section 219.567, is
34 amended to read:

35 219.567 [FAILURE TO RING BELL.]

36 An engineer driving a locomotive on a railway who fails to

1 to ring the bell or sound the whistle on the locomotive, or have
2 it rung or sounded, ~~at least 80 rods from a place where the~~
3 ~~railway crosses a traveled road or street on the same level,~~
4 ~~except in cities, or (2) to continue ringing the bell or~~
5 ~~sounding the whistle at intervals until the locomotive and~~
6 ~~attached train have completely crossed the road or street, in~~
7 accordance with Federal Railroad Administration regulations
8 under United States Code, title 49, section 20153, is guilty of
9 a misdemeanor.

10 Sec. 17. [RULE CHANGE; INSTRUCTION TO REVISOR.]

11 The revisor of statutes shall change Minnesota Rules, part
12 8820.3300, subpart 2, to require that comments be directed to
13 the commissioner of transportation in conformity with the same
14 period allowed for written objections to be received by the
15 commissioner under this act's amendments to Minnesota Statutes
16 2004, sections 162.02, subdivision 3a, and 162.09, subdivision
17 3a. The rule change is effective the same day as the effective
18 date of this act's amendments to Minnesota Statutes 2004,
19 sections 162.02, subdivision 3a, and 162.09, subdivision 3a.

Preliminary

Fiscal Note – 2005-06 Session

Bill #: S1089-0 Complete Date:

Chief Author: MURPHY, STEVE

Title: HIGHWAY, TRAFFIC SIGNAL & RR PROV

Fiscal Impact	Yes	No
State		X
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Transportation Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
– No Impact –					
Less Agency Can Absorb					
– No Impact –					
Net Expenditures					
– No Impact –					
Revenues					
– No Impact –					
Net Cost <Savings>					
– No Impact –					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
– No Impact –					
Total FTE					

Preliminary

Bill Description

Senate File 1089 has several components. Most of these have no fiscal impact. Three components do have a fiscal impact, but these impacts involve rearranging of expenditures within the respective funds, and so do not have an overall fiscal impact. These three components are:

Sec. 1 provides Mn/DOT the ability to charge its highway operations units and local road authorities costs it incurs in making highway signs, as part of a centrally managed highway sign program. It establishes a special account in the Trunk Highway Fund from which the Commissioner may pay for these costs and credit any receipts.

Sec. 5 increases Mn/DOT's allocation from the County State Aid Highway Fund for administering county state aid highway programs from the current 1-1/2 percent to 2 percent.

Sec. 8 deletes language related to limiting the amount of money a municipality can advance to expedite construction, improvement or maintenance of its municipal state-aid street system, with those advanced funds being repaid out of future apportionments. The current limit is the total of the planned advances for the three years following the year the advance is made; this limit would be eliminated.

The remaining components of this bill do not have any fiscal impact. These features are briefly described below for informational purposes.

Sec. 2 removes a restriction from MS § 160.80 so that businesses that do not prepare meals on their premises may now be included in the department's freeway logo sign program.

Sec. 3 and 6 allows Mn/DOT's State Aid For Local Transportation Division to use the expedited rules process established in MS § 14.389 when adopting their rules.

Sec. 4 and 7 reduces the amount of time a political subdivision can request a variance from the Commissioner of Transportation from county state aid highway rules and engineering standards from the current 20 days to seven days.

Sec. 9 – 10 will allow counties and municipalities to use state-aid funds to construct a highway across another jurisdiction provided all affected jurisdictions agree and the Commissioner has determined the necessity.

Sec 11 – 12 allows for use of legends and symbols on traffic control and pedestrian control devices.

Sec 13 allows the Commissioner of Transportation to designate a rail crossing as Exempt (e.g., requirements of always stopping at the crossing do not apply) following a diagnostic review of the crossing and as agreed to by the operating railroad.

Sec 14 eliminates a sunset provision that required the Commuter Rail Corridor Coordinating Committee to be dissolved. Although technically this would slightly increase department costs, these costs would be the same as is currently occurring. Therefore, no cost associated with this provision is being shown.

Sec 15- 16 modifies the statute on railroad quiet zones to allow cities, counties or towns to apply with the Federal Railroad Administration (FRA) if they wish to establish a "quiet zone", and clarifies language related to ringing a bell or sounding a whistle by a locomotive engineer (to be in accordance with FRA regulations rather than a specific distance away).

Sec 17 requires a change to Minnesota Rules, part 8820.330 s2, so comments to the Commissioner from political subdivisions requesting variance from county state aid rules and engineering standards conform with the same time period allowed for written objections as provided in Minnesota Statutes, sections 162.02(3a) and 162.09(3a).

Assumptions

Sec. 1 Mn/DOT will not actively seek business from local jurisdictions to make local signs; therefore there would be no increased expenditures related to sign fabrication, nor would any increased revenues resulting from sales to local governments be received.

Preliminary

Impact on Expenditures

Sec. 1 The net effect of this is that there would not be any change in expenditures. Expenditures currently made from a central account would instead be spread among various operational parts of the department, but there would not be any overall change in the amount of expenditures.

Sec. 5 The bill proposes that increased funds be made available for administrative activities related to the County State Aid Highway System. Current law provides that 1.5% of money available for apportionment is allocated to a separate account for administrative purposes, rather than being apportioned to the 87 counties. This bill proposes that the 1.5% be increased to 2.0%. The effect of this change is depicted in the table below (dollar amounts are in millions and are based on the February 2005 Fund Statements).

	(\$ in Millions)	2006	2007	2008	2009
<u>County Regular Distribution</u>		371.5	381.1	389.1	399.6
<u>Administrative Amount:</u>					
Current Law	1.5%	5.573	5.716	5.837	5.995
Proposed Law	2.0%	7.430	7.622	7.783	7.993
Difference between Current and Proposed		1.858	1.905	1.946	1.998

This would not increase overall expenditures within the County State Aid Highway Fund. It would increase administrative spending by the amounts shown above and decrease by the same amounts the allocation of money to Minnesota's 87 counties based on the apportionment formula in MS § 162.07. Apportioned funding is considered a "direct" appropriation, while administrative expenditures based on a percentage set in law are considered "open" appropriations. Thus, this provision would increase "open" appropriations by the amounts shown in the table above, with a corresponding decrease in "direct" appropriations.

Sec. 8 The effect of this proposed change would be to permit larger amounts of money to be advanced to municipalities from their future apportionments. This would permit municipalities to undertake more expensive projects than is possible under current law. However, municipalities who would choose to take advantage to this provision would have additional future years when apportionment funds would not be available.

Sec. 9 - 16

No fiscal impact.

Long-Term Fiscal Considerations

The change in the percentage of County State Aid Highway Fund money allocated for administrative purposes would continue in future years.

Local Government Effects

Counties would receive 0.5% less in County State Aid apportionments. Municipalities (with population greater than 5,000) would have increased ability to advance apportionment funds, as previously described.

References/Sources

Mn/DOT Office of Maintenance
Mn/DOT Office of State Aid
Mn/DOT Office of Business Services, Rules Coordinator
Mn/DOT Office of Freight & Commercial Vehicle Operations (Rail section)

1 Senator moves to amend S.F. No. 1089 as follows:

2 Page 13, after line 19, insert:

3 "Sec. 18. [EFFECTIVE DATE.]

4 Section 2 is effective the day following final enactment."

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and Fiscal Analysis

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Senate

State of Minnesota

S.F. No. 808 - Regulating Motorized Foot Scooters (And SCS0808A-1 Amendment)

Author: Senator Steve Murphy

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1 defines motorized foot scooter as a vehicle with handlebars, two small wheels (maximum ten-inch diameter), an internal combustion engine or electric motor, that is designed to be stood upon or sat upon by the operator.

Section 2, Subdivision 1 applies the laws governing bicycle operation to operation of motorized foot scooters, where practicable.

Subdivision 2 prohibits carrying a passenger on a motorized foot scooter, and prohibits operation on a sidewalk, except to enter or leave adjacent property.

Subdivision 3 prohibits operation of a motorized foot scooter by a child under 12.

Subdivision 4 requires an operator under 18 to wear protective headgear.

Subdivision 5 requires a motorized foot scooter to be equipped with a headlight and taillight if it is operated under conditions when vehicle lights are required by law.

Subdivision 6 provides that a motorized foot scooter must be operated as follows:

- As close as practicable to the right-hand edge of the street unless passing another vehicle or avoiding an obstacle or unsafe condition; and
- To make a left turn, the operator must dismount on the right-hand edge of the road and cross the roadway on foot, subject to pedestrian law.

Unless the local authority prohibits operation by law, a person may operate a motorized foot scooter on a bicycle path, lane, or trail that is not reserved for exclusive use of nonmotorized traffic.

SCS0808A-1 Amendment

Section 1 exempts motorized foot scooters from registration fees and plate display requirements.

BB/AV:rer

Senators Murphy and Kubly introduced--

S.F. No. 808: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; defining motorized
3 foot scooters and regulating their use and operation;
4 amending Minnesota Statutes 2004, section 169.01, by
5 adding a subdivision; proposing coding for new law in
6 Minnesota Statutes, chapter 169.

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

8 Section 1. Minnesota Statutes 2004, section 169.01, is
9 amended by adding a subdivision to read:

10 Subd. 4c. [MOTORIZED FOOT SCOOTER.] "Motorized foot
11 scooter" means a device with no more than two ten-inch or
12 smaller diameter wheels that has handlebars, is designed to be
13 stood or sat upon by the operator, and is powered by an internal
14 combustion engine or electric motor that is capable of
15 propelling the device with or without human propulsion. An
16 electric personal assistive mobility device, a motorized
17 bicycle, an electric-assisted bicycle, or a motorcycle is not a
18 motorized foot scooter.

19 Sec. 2. [169.225] [MOTORIZED FOOT SCOOTER.]

20 Subdivision 1. [APPLICATION OF TRAFFIC LAWS.] Every person
21 operating a motorized foot scooter shall have all rights and
22 duties applicable to the operator of a bicycle, except in
23 respect to those provisions relating expressly to motorized foot
24 scooters and in respect to those provisions of law that by their
25 nature cannot reasonably be applied to motorized foot scooters.

26 Subd. 2. [SIDEWALK AND PASSENGER PROHIBITION.] No person

1 may operate a motorized foot scooter upon a sidewalk, except
2 when necessary to enter or leave adjacent property. No person
3 may operate a motorized foot scooter that is carrying any person
4 other than the operator.

5 Subd. 3. [MINIMUM AGE FOR OPERATOR.] No person under the
6 age of 12 years may operate a motorized foot scooter.

7 Subd. 4. [PROTECTIVE HEADGEAR.] No person under the age of
8 18 years may operate a motorized foot scooter without wearing
9 properly fitted and fastened protective headgear that complies
10 with standards established by the commissioner of public safety.

11 Subd. 5. [REQUIRED LIGHTING EQUIPMENT.] A motorized foot
12 scooter must be equipped with a headlight and a taillight that
13 comply with standards established by the commissioner of public
14 safety if the vehicle is operated under conditions when vehicle
15 lights are required by law.

16 Subd. 6. [OPERATION REQUIREMENTS AND PROHIBITIONS.] (a) A
17 person operating a motorized foot scooter on a roadway shall
18 ride as close as practicable to the right-hand curb or edge of
19 the roadway, except in the following situations:

20 (1) when overtaking and passing another vehicle proceeding
21 in the same direction;

22 (2) when preparing for a left turn, in which case the
23 operator shall stop and dismount at the right-hand curb or right
24 edge of the roadway, and shall complete the turn by crossing the
25 roadway on foot, subject to restrictions placed by law on
26 pedestrians; or

27 (3) when reasonably necessary to avoid impediments or
28 conditions that make it unsafe to continue along the right-hand
29 curb or edge, including, but not limited to, fixed or moving
30 objects, vehicles, bicycles, pedestrians, animals, surface
31 hazards, or narrow lanes.

32 (b) A person may operate a motorized foot scooter on a
33 bicycle path, bicycle lane, bicycle trail, or bikeway that is
34 not reserved for the exclusive use of nonmotorized traffic,
35 unless the local authority or governing body having jurisdiction
36 over that path, lane, trail, or bikeway prohibits operation by

01/31/05

[REVISOR] RR/JK 05-2084

1 law.

1 Senator moves to amend S.F. No. 808 as follows:

2 Page 1, after line 7, insert:

3 "Section 1. Minnesota Statutes 2004, section 168.012,
4 subdivision 1, is amended to read:

5 Subdivision 1. [VEHICLES EXEMPT FROM TAX, FEES, OR PLATE
6 DISPLAY.] (a) The following vehicles are exempt from the
7 provisions of this chapter requiring payment of tax and
8 registration fees, except as provided in subdivision 1c:

9 (1) vehicles owned and used solely in the transaction of
10 official business by the federal government, the state, or any
11 political subdivision;

12 (2) vehicles owned and used exclusively by educational
13 institutions and used solely in the transportation of pupils to
14 and from those institutions;

15 (3) vehicles used solely in driver education programs at
16 nonpublic high schools;

17 (4) vehicles owned by nonprofit charities and used
18 exclusively to transport disabled persons for educational
19 purposes;

20 (5) ambulances owned by ambulance services licensed under
21 section 144E.10, the general appearance of which is
22 unmistakable; and

23 (6) motorized foot scooters as defined in section 169.01,
24 subdivision 4c; and

25 (7) vehicles owned by a commercial driving school licensed
26 under section 171.34, or an employee of a commercial driving
27 school licensed under section 171.34, and the vehicle is used
28 exclusively for driver education and training.

29 (b) Vehicles owned by the federal government, municipal
30 fire apparatuses including fire-suppression support vehicles,
31 police patrols, and ambulances, the general appearance of which
32 is unmistakable, are not required to register or display number
33 plates.

34 (c) Unmarked vehicles used in general police work, liquor
35 investigations, or arson investigations, and passenger
36 automobiles, pickup trucks, and buses owned or operated by the

1 Department of Corrections, must be registered and must display
2 appropriate license number plates, furnished by the registrar at
3 cost. Original and renewal applications for these license
4 plates authorized for use in general police work and for use by
5 the Department of Corrections must be accompanied by a
6 certification signed by the appropriate chief of police if
7 issued to a police vehicle, the appropriate sheriff if issued to
8 a sheriff's vehicle, the commissioner of corrections if issued
9 to a Department of Corrections vehicle, or the appropriate
10 officer in charge if issued to a vehicle of any other law
11 enforcement agency. The certification must be on a form
12 prescribed by the commissioner and state that the vehicle will
13 be used exclusively for a purpose authorized by this section.

14 (d) Unmarked vehicles used by the Departments of Revenue
15 and Labor and Industry, fraud unit, in conducting seizures or
16 criminal investigations must be registered and must display
17 passenger vehicle classification license number plates,
18 furnished at cost by the registrar. Original and renewal
19 applications for these passenger vehicle license plates must be
20 accompanied by a certification signed by the commissioner of
21 revenue or the commissioner of labor and industry. The
22 certification must be on a form prescribed by the commissioner
23 and state that the vehicles will be used exclusively for the
24 purposes authorized by this section.

25 (e) Unmarked vehicles used by the Division of Disease
26 Prevention and Control of the Department of Health must be
27 registered and must display passenger vehicle classification
28 license number plates. These plates must be furnished at cost
29 by the registrar. Original and renewal applications for these
30 passenger vehicle license plates must be accompanied by a
31 certification signed by the commissioner of health. The
32 certification must be on a form prescribed by the commissioner
33 and state that the vehicles will be used exclusively for the
34 official duties of the Division of Disease Prevention and
35 Control.

36 (f) Unmarked vehicles used by staff of the Gambling Control

1 Board in gambling investigations and reviews must be registered
2 and must display passenger vehicle classification license number
3 plates. These plates must be furnished at cost by the
4 registrar. Original and renewal applications for these
5 passenger vehicle license plates must be accompanied by a
6 certification signed by the board chair. The certification must
7 be on a form prescribed by the commissioner and state that the
8 vehicles will be used exclusively for the official duties of the
9 Gambling Control Board.

10 (g) All other motor vehicles must be registered and display
11 tax-exempt number plates, furnished by the registrar at cost,
12 except as provided in subdivision 1c. All vehicles required to
13 display tax-exempt number plates must have the name of the state
14 department or political subdivision, nonpublic high school
15 operating a driver education program, or licensed commercial
16 driving school, plainly displayed on both sides of the vehicle;
17 except that each state hospital and institution for the mentally
18 ill and mentally retarded may have one vehicle without the
19 required identification on the sides of the vehicle, and county
20 social service agencies may have vehicles used for child and
21 vulnerable adult protective services without the required
22 identification on the sides of the vehicle. This identification
23 must be in a color giving contrast with that of the part of the
24 vehicle on which it is placed and must endure throughout the
25 term of the registration. The identification must not be on a
26 removable plate or placard and must be kept clean and visible at
27 all times; except that a removable plate or placard may be
28 utilized on vehicles leased or loaned to a political subdivision
29 or to a nonpublic high school driver education program."

30 - Renumber the sections in sequence and correct the internal
31 references

32 Amend the title as follows:

33 Page 1, line 2, after the semicolon, insert "exempting
34 motorized foot scooters from tax and registration fees;"

35 Page 1, line 4, delete "section" and insert "sections
36 168.012, subdivision 1;"