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Senate

State of Minnesota

S.F. No. 2121 – Modifying Provisions Relating to Commercial Drivers’ Licenses

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Section 1 deletes in the definition of recreational vehicle the requirement that a recreational vehicle be used as temporary living quarters while engaged in vacation or recreational activities and requires a motor home to have a living unit built into it in order to be classified as a recreational vehicle. Prohibits any motor vehicle with removable equipment mounted into or on the vehicle from being registered as a motor vehicle.

Section 2 defines “commercial motor vehicle” to include all vehicles used in transportation of hazardous materials, regardless of weight. All emergency vehicles are excluded from the definition.

Section 3 repeals the requirement that a person driving a commercial vehicle who refuses an implied-consent test be disqualified and have their driver’s license revoked for one year and substitutes a requirement that such a disqualification and revocation be according to federal regulations.

Section 4 defines “commercial motor vehicle” in chapter 171 to include all vehicles used in transportation of hazardous materials, regardless of weight.

Section 5 defines “state” in chapter 171 to include the U. S. Virgin Islands and any U. S. territory or insular possession.

Section 6 defines “tank vehicle” in chapter 171 as any commercial vehicle designed to transport liquid or gaseous materials in a tank attached to the vehicle, except portable tanks under 1,000 gallons.

Section 7 amends law describing classes of driver’s licenses.

Subdivision 1 allows an instruction permit to be issued to a person with a Minnesota ID card without requiring the ID card to be invalidated.

Subd. 2 amends the law allowing a farm truck to be driven with a class D (basic) license by deleting the requirement that a farm employee with such a license be primarily employed to drive the truck; requiring that a farm truck driven with a class D license be used to transport farm products, farm machinery, or farm supplies to or from a farm; and prohibiting a farm truck driven with a class D license from being operated by a common or contract motor carrier. Any emergency vehicle is allowed to be operated with a class D license.

Subd 2a. deletes the provision that allows a vehicle up to 26,000 pounds carrying up to 200 gallons of petroleum products, and a farm vehicle up to 26,000 pounds carrying up to 1,500 gallons of liquid fertilizer, to be operated without a hazardous materials endorsement.

Subd. 3 makes technical changes.

Subd. 4 changes a reference to the federal code of regulations.

Section 8 exempts persons on active duty with the military, Coast Guard, reserves, or National Guard from the requirement to hold a commercial driver’s license while driving a commercial vehicle owned by the federal government and used for military purposes.

Section 9 prohibits the issuance of a limited class A, B, or C license to a person who has been disqualified from driving a commercial vehicle.

Section 10 specifies that if an applicant for a commercial driver’s license does not pass the air brake component of a written or behind-the-wheel test, the person’s CDL must indicate that the person is restricted from operating a commercial vehicle with air brakes.

Section 11 deletes language requiring the Department of Public Safety to remove from a driving record after 10 years any alcohol-related violation that was a first-offense violation for an alcohol concentration between .08 and .10 when the driver incurred no further violations in the ten-year period.

Section 12 requires the Department of Public Safety, before issuing a commercial driver’s license, to request the applicant for a complete driving record from all states where the applicant was previously licensed in the last 10 years.

Section 13 deletes language setting out specific disqualifications for driving a commercial motor vehicle, and substitutes a reference to federal regulations setting out disqualifications and penalties.

Section 14 deletes language requiring disqualification from operating a commercial vehicle for one year after a license revocation for refusing to take an implied-consent test while driving a commercial vehicle and substitutes a reference to federal regulations setting out disqualifications and penalties.

Section 15 makes a technical change.

Section 16 requires the Department of Public Safety to fully participate in the commercial driver's license information system established under federal law.

Section 17 repeals sections 169.99, subdivision 1b and 171.12, subdivision 6, the "Dimler amendment" which prohibits the department from recording on a driving record a speeding violation that is not more than 10 mph over a 55 mph limit and repeals laws providing for commercial driver disqualifications for grave offenses, multiple offenses, serious traffic violations, out-of-service orders, and grade crossing violations. Repeals rules that sets out commercial vehicle disqualifications.

Senators Jungbauer, Nienow and Pariseau introduced--
S.F. No. 2121: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to public safety; modifying motor vehicle,
3 traffic regulation, and driver's license provisions
4 relating to commercial motor vehicles; making
5 technical and clarifying changes; modifying
6 definitions of recreational vehicle, motor home,
7 state, and tank vehicle; prohibiting issuance of
8 identification card to holder of driving instruction
9 permit; modifying driver's license classifications,
10 restrictions, exceptions, and exemptions; modifying
11 driver records provisions; incorporating federal
12 regulations; amending Minnesota Statutes 2004,
13 sections 168.011, subdivision 25; 169.01, subdivision
14 75; 169A.52, subdivision 3; 171.01, subdivisions 22,
15 47, by adding a subdivision; 171.02; 171.03; 171.04,
16 subdivision 2; 171.09; 171.12, subdivision 3; 171.165,
17 subdivisions 1, 2, 6; proposing coding for new law in
18 Minnesota Statutes, chapter 171; repealing Minnesota
19 Statutes 2004, sections 169.99, subdivision 1b;
20 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a,
21 4b; Minnesota Rules, part 7503.2400.

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

23 Section 1. Minnesota Statutes 2004, section 168.011,
24 subdivision 25, is amended to read:

25 Subd. 25. [RECREATIONAL EQUIPMENT VEHICLE.] (a)
26 "Recreational equipment vehicle" means travel trailers including
27 those which that telescope or fold down, chassis-mounted
28 campers, ~~house-cars~~, motor homes, tent trailers, ~~slip-in~~
29 ~~campers~~, and converted buses that provide temporary human living
30 quarters. A

31 (b) "Recreational vehicle" is considered-to-provide
32 temporary-living-quarters-if-it a vehicle that:

33 (1) is not used as the residence of the owner or occupant;

1 (2) is used ~~for temporary living quarters by the owner or~~
2 occupant while engaged in recreational or vacation activities;
3 and

4 (3) is either self-propelled or towed on the ~~public streets~~
5 or highways incidental to the recreational or vacation
6 activities.

7 ~~(b) For the purposes of this subdivision, a~~ Subd. 25a.
8 [MOTOR HOME.] "Motor home" means a unit recreational vehicle
9 designed to provide temporary living quarters~~,~~. The motor home
10 has a living unit built into as an integral part of, or
11 permanently attached to the chassis of, a self-propelled motor
12 vehicle chassis or van.

13 (a) A motor home must contain permanently installed,
14 independent, life-support systems which that meet the American
15 National Standards Institute standard number A119.2 for
16 recreational vehicles and provide at least four of the following
17 facilities, two of which must be from the systems listed in
18 clauses (1), (5), and (6): (1) a cooking facility with liquid
19 propane gas supply, (2) a refrigerator, (3) a self-contained
20 toilet or a toilet connected to a plumbing system with a
21 connection for external water disposal, (4) a heating or air
22 conditioning system separate from the motor vehicle engine, (5)
23 a potable water supply system including a sink with a faucet
24 either self-contained or with connections for an external
25 source, and (6) a separate 110-125 ~~volt~~ volts electrical power
26 supply.

27 (b) For purposes of this subdivision, "permanently
28 installed" means built into or attached as an integral part of a
29 chassis or van, and designed not to be removed except for repair
30 or replacement. A system which that is readily removable or
31 held in place by clamps or tie-downs is not permanently
32 installed.

33 (c) Motor homes include ~~but are not limited to,~~ the
34 following a:

35 (1) type A motor home -, which is a raw chassis upon which
36 is built a driver's compartment and an entire body that provides

1 temporary living quarters as defined described in this
2 paragraph (a);

3 (2) type B motor home - , which is a van-type-vehicle van
4 that conforms to the motor-home-definition description in this
5 paragraph (a) and has been completed or altered by the a
6 final-stage manufacturer; and

7 (3) type C motor home - , which is an incomplete vehicle
8 upon which is permanently attached a body designed to provide
9 temporary living quarters as defined described in this
10 paragraph (a).

11 (d) A motor vehicle with a slip-in campers-are camper or
12 other removable equipment that is mounted into or on a motor
13 vehicle commonly-known-as-a-pickup-truck,-in-the-pickup-box,-
14 either-by-bolting-through-the-floor-of-the-pickup-box-or-by
15 firmly-clamping-to-the-side-of-the-pickup-box.--The-vehicle
16 may is not a motor home, is not a recreational vehicle, and must
17 not be registered as a recreational vehicle under section
18 168.013.

19 Sec. 2. Minnesota Statutes 2004, section 169.01,
20 subdivision 75, is amended to read:

21 Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial
22 motor vehicle" means a motor vehicle or combination of motor
23 vehicles used to transport passengers or property if the motor
24 vehicle:

25 (1) has a gross vehicle weight of more than 26,000 pounds;

26 (2) has a towed unit with a gross vehicle weight of more
27 than 10,000 pounds and the combination of vehicles has a
28 combined gross vehicle weight of more than 26,000 pounds;

29 (3) is a bus;

30 (4) is of any size and is used in the transportation of
31 hazardous materials,-except-for-those-vehicles-having-a-gross
32 vehicle-weight-of-26,000-pounds-or-less-while-carrying-in-bulk
33 tanks-a-total-of-not-more-than-200-gallons-of-petroleum-products
34 and-liquid-fertilizer; or

35 (5) is outwardly equipped and identified as a school bus,
36 except for type A-I and type III school buses as defined in

1 subdivision 6.

2 (b) For purposes of chapter 169A:

3 (1) a commercial motor vehicle does not include a farm
4 truck, ~~fire-fighting-equipment~~ an authorized emergency vehicle,
5 or a recreational equipment vehicle being operated by a person
6 within the scope of section 171.02, subdivision 2, paragraph
7 (b); and

8 (2) a commercial motor vehicle includes a vehicle capable
9 of or designed to meet the standards described in paragraph (a),
10 clause (2), whether or not the towed unit is attached to the
11 truck-tractor at the time of the violation or stop.

12 Sec. 3. Minnesota Statutes 2004, section 169A.52,
13 subdivision 3, is amended to read:

14 Subd. 3. [TEST REFUSAL; LICENSE REVOCATION.] (a) Upon
15 certification by the peace officer that there existed probable
16 cause to believe the person had been driving, operating, or in
17 physical control of a motor vehicle in violation of section
18 169A.20 (driving while impaired), and that the person refused to
19 submit to a test, the commissioner shall revoke the person's
20 license or permit to drive, or nonresident operating privilege,
21 for a period of one year even if a test was obtained pursuant to
22 this section after the person refused to submit to testing.

23 (b) Upon certification by the peace officer that there
24 existed probable cause to believe the person had been driving,
25 operating, or in physical control of a commercial motor vehicle
26 with the presence of any alcohol in violation of section 169A.20
27 (driving while impaired), and that the person refused to submit
28 to a test, the commissioner shall disqualify the person from
29 operating a commercial motor vehicle ~~for-a-period-of-one-year~~
30 ~~under-section-171.165-(commercial-driver's-license~~
31 ~~disqualification)~~ and shall revoke the person's license or
32 permit to drive or nonresident operating privilege ~~for-a-period~~
33 ~~of-one-year~~ according to the federal regulations adopted by
34 reference in section 171.165, subdivision 2.

35 Sec. 4. Minnesota Statutes 2004, section 171.01,
36 subdivision 22, is amended to read:

1 Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor
2 vehicle" means a motor vehicle or combination of motor vehicles
3 used to transport passengers or property if the motor vehicle:

4 (1) has a gross vehicle weight of more than 26,000 pounds;

5 (2) has a towed unit with a gross vehicle weight of more
6 than 10,000 pounds and the combination of vehicles has a
7 combined gross vehicle weight of more than 26,000 pounds;

8 (3) is a bus;

9 (4) is of any size and is used in the transportation of
10 hazardous materials, ~~except for those vehicles having a gross~~
11 ~~vehicle weight of 26,000 pounds or less and carrying in bulk~~
12 ~~tanks a total of not more than 200 gallons of liquid fertilizer~~
13 ~~and petroleum products; or~~

14 (5) is outwardly equipped and identified as a school bus,
15 except for type III school buses defined in section 169.01,
16 subdivision 6, clause (5).

17 Sec. 5. Minnesota Statutes 2004, section 171.01,
18 subdivision 47, is amended to read:

19 Subd. 47. [STATE.] "State" means any a state of the United
20 States, territory or possession of the United States, the
21 District of Columbia, the Commonwealth of Puerto Rico or any
22 province of the Dominion of Canada, the United States Virgin
23 Islands, or any territory or insular possession subject to the
24 jurisdiction of the United States.

25 Sec. 6. Minnesota Statutes 2004, section 171.01, is
26 amended by adding a subdivision to read:

27 Subd. 48a. [TANK VEHICLE.] "Tank vehicle" means any
28 commercial motor vehicle that is designed to transport any
29 liquid or gaseous materials within a tank that is either
30 permanently or temporarily attached to the vehicle or the
31 chassis, except portable tanks having a rated capacity under
32 1,000 gallons.

33 Sec. 7. Minnesota Statutes 2004, section 171.02, is
34 amended to read:

35 171.02 [LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.]

36 Subdivision 1. [LICENSE REQUIRED.] Except when expressly

1 exempted, a person shall not drive a motor vehicle upon a street
 2 or highway in this state unless the person has a license valid
 3 under this chapter for the type or class of vehicle being
 4 driven. The department shall not issue a driver's license to a
 5 person unless and until the person's license from any
 6 jurisdiction has been invalidated. The department shall provide
 7 to the issuing department of any jurisdiction, information that
 8 the licensee is now licensed in Minnesota. A person is not
 9 permitted to have more than one valid driver's license at any
 10 time. The department shall not issue to a person to whom a
 11 current Minnesota identification card has been issued a driver's
 12 license, other than ~~an instruction permit or~~ a limited license,
 13 unless the person's Minnesota identification card has been
 14 invalidated.

15 Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS,
 16 EXEMPTIONS.] (a) Drivers' licenses ~~shall be~~ are classified
 17 according to the types of vehicles ~~which~~ that may be driven by
 18 the holder of each type or class of license. The commissioner
 19 may, as appropriate, subdivide the classes listed in this
 20 subdivision and issue licenses classified accordingly. Except
 21 as provided in subdivision 2a, no class of license ~~shall be~~ is
 22 valid to operate a motorcycle, school bus, tank vehicle,
 23 double-trailer or triple-trailer combination, vehicle
 24 transporting hazardous materials, or bus, unless so endorsed.
 25 There ~~shall be~~ are four general classes of licenses as follows:

26 (b) Class D; valid for:

27 (1) operating all farm trucks ~~operated by~~ if the farm truck
 28 is:

29 (i) ~~the owner,~~ controlled and operated by a farmer,
 30 including operation by an immediate family member of the owner,
 31 or an employee of the owner not primarily employed to
 32 operate the farm truck, within 150 miles of the farm, or farmer;

33 (ii) used to transport agricultural products, farm
 34 machinery, or farm supplies, to or from a farm;

35 (iii) not used in the operations of a common or contract
 36 motor carrier as governed by Code of Federal Regulations, title

1 49, part 365; and

2 (iv) ~~an-employee-of-the-owner-employed-during-harvest-to~~
 3 ~~operate-the-farm-truck-for-the-first,-continuous-transportation~~
 4 ~~of-agricultural-products-from-the-production-site-or-on-farm~~
 5 ~~storage-site-to-any-other-location-within-50-miles-of-that~~
 6 ~~site~~ used within 150 miles of the farm;

7 (2) operating ~~fire-trucks-and-emergency-fire-equipment~~ an
 8 authorized emergency vehicle, as defined in section 169.01,
 9 subdivision 5, whether or not in excess of 26,000 pounds gross
 10 vehicle weight, ~~operated-by-a-firefighter-while-on-duty,-or-a~~
 11 ~~tiller-operator-employed-by-a-fire-department-who-drives-the~~
 12 ~~rear-portion-of-a-midmount-aerial-ladder-truck;~~

13 (3) operating a recreational equipment vehicle as defined
 14 in section 168.011, subdivision 25, that is operated for
 15 personal use;

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

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

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

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

26 (iii) the requirements of subdivision 2a, ~~paragraph-(b),~~
 27 are satisfied, as determined by the commissioner; and

28 ~~The-holder-of-a-class-D-license-may-also-tow~~

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

31 (c) Class C; valid for:

32 (1) operating class D motor vehicles;

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

35 (3) with a school bus endorsement, operating school buses
 36 designed to transport 15 or fewer passengers, including the

1 driver.

2 (d) Class B; valid for operating all ~~vehicles-in~~ class C
3 motor vehicles, class D motor vehicles, and all other
4 single-unit motor vehicles including, with a passenger
5 endorsement, buses. The holder of a class B license may tow
6 only vehicles with a gross vehicle weight of 10,000 pounds or
7 less.

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

10 Subd. 2a. [~~EXCEPTIONS~~ EXCEPTION FOR CERTAIN SCHOOL BUS
11 DRIVERS.] ~~(a)-Notwithstanding-subdivision-2,-(1)-a-hazardous~~
12 ~~materials-endorsement-is-not-required-to-operate-a-vehicle~~
13 ~~having-a-gross-vehicle-weight-of-26,000-pounds-or-less-while~~
14 ~~carrying-in-bulk-tanks-a-total-of-not-more-than-200-gallons-of~~
15 ~~petroleum-products-and-(2)-a-class-C-license-or-hazardous~~
16 ~~materials-endorsement-is-not-required-to-operate-a-farm-vehicle~~
17 ~~as-defined-in-Code-of-Federal-Regulations,-title-49,-section~~
18 ~~390.5,-having-a-gross-vehicle-weight-of-26,000-pounds-or-less~~
19 ~~while-carrying-in-bulk-tanks-a-total-of-not-more-than-1,500~~
20 ~~gallons-of-liquid-fertilizer.~~

21 (b) Notwithstanding subdivision 2, paragraph (c), the
22 holder of a class D driver's license, without a school bus
23 endorsement, may operate a type A school bus described in
24 subdivision 2, paragraph (b), under the following conditions:

25 (1) (a) The operator is an employee of the entity that
26 owns, leases, or contracts for the school bus and is not solely
27 hired to provide transportation services under this paragraph
28 subdivision.

29 (2) (b) The operator drives the school bus only from points
30 of origin to points of destination, not including home-to-school
31 trips to pick up or drop off students.

32 (3) (c) The operator is prohibited from using the
33 eight-light system. Violation of this ~~clause~~ paragraph is a
34 misdemeanor.

35 (4) (d) The operator's employer has adopted and implemented
36 a policy that provides for annual training and certification of

1 the operator in:

2 ~~(i)~~ (1) safe operation of the type of school bus the
3 operator will be driving;

4 ~~(ii)~~ (2) understanding student behavior, including issues
5 relating to students with disabilities;

6 ~~(iii)~~ (3) encouraging orderly conduct of students on the
7 bus and handling incidents of misconduct appropriately;

8 ~~(iv)~~ (4) knowing and understanding relevant laws, rules of
9 the road, and local school bus safety policies;

10 ~~(v)~~ (5) handling emergency situations; and

11 ~~(vi)~~ (6) safe loading and unloading of students.

12 ~~(5)~~ (e) A background check or background investigation of
13 the operator has been conducted that meets the requirements
14 under section 122A.18, subdivision 8, or 123B.03 for teachers;
15 section 144.057 or chapter 245C for day care employees; or
16 section 171.321, subdivision 3, for all other persons operating
17 a type A school bus under this paragraph subdivision.

18 ~~(6)~~ (f) Operators shall submit to a physical examination as
19 required by section 171.321, subdivision 2.

20 ~~(7)~~ (g) The operator's driver's license is verified
21 annually by the entity that owns, leases, or contracts for the
22 school bus.

23 ~~(8)~~ (h) A person who sustains a conviction, as defined
24 under section 609.02, of violating section 169A.25, 169A.26,
25 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or
26 ordinance of another state is precluded from operating a school
27 bus for five years from the date of conviction.

28 ~~(9)~~ (i) A person who has ever been convicted of a
29 disqualifying offense as defined in section 171.3215,
30 subdivision 1, paragraph (c), may not operate a school bus under
31 this paragraph subdivision.

32 ~~(10)~~ (j) A person who sustains a conviction, as defined
33 under section 609.02, of a fourth moving offense in violation of
34 chapter 169 is precluded from operating a school bus for one
35 year from the date of the last conviction.

36 ~~(11)~~ (k) Students riding the school bus must have training

1 required under section 123B.90, subdivision 2.

2 ~~(12)~~ (1) An operator must be trained in the proper use of
3 child safety restraints as set forth in the National Highway
4 Traffic Safety Administration's "Guideline for the Safe
5 Transportation of Pre-school Age Children in School Buses."

6 ~~(13)~~ (m) Annual certification of the requirements listed in
7 this ~~paragraph~~ subdivision must be maintained under separate
8 file at the business location for each operator licensed under
9 this ~~paragraph~~ subdivision and subdivision 2, paragraph (b),
10 clause (5). The business manager, school board, governing body
11 of a nonpublic school, or any other entity that owns, leases, or
12 contracts for the school bus operating under this ~~paragraph~~
13 subdivision is responsible for maintaining these files for
14 inspection.

15 ~~(14)~~ (n) The school bus must bear a current certificate of
16 inspection issued under section 169.451.

17 ~~(15)~~ (o) The word "School" on the front and rear of the bus
18 must be covered by a sign that reads "Activities" when the bus
19 is being operated under authority of this ~~paragraph~~ subdivision.

20 Subd. 3. [MOTORIZED BICYCLE.] (a) ~~No~~ A motorized bicycle
21 ~~shall~~ may not be operated on any public roadway by any person
22 who does not possess a valid driver's license, unless the person
23 has obtained a motorized bicycle operator's permit or motorized
24 bicycle instruction permit from the commissioner of public
25 safety. The operator's permit may be issued to any person who
26 has attained the age of 15 years and who has passed the
27 examination prescribed by the commissioner. The instruction
28 permit may be issued to any person who has attained the age of
29 15 years and who has successfully completed an approved safety
30 course and passed the written portion of the examination
31 prescribed by the commissioner.

32 (b) This course must consist of, but is not limited to, a
33 basic understanding of:

- 34 (1) motorized bicycles and their limitations;
35 (2) motorized bicycle laws and rules;
36 (3) safe operating practices and basic operating

1 techniques;

2 (4) helmets and protective clothing;

3 (5) motorized bicycle traffic strategies; and

4 (6) effects of alcohol and drugs on motorized bicycle

5 operators.

6 (c) The commissioner may ~~promulgate~~ adopt rules prescribing
7 the content of the safety course, examination, and the
8 information to be contained on the permits. A person operating
9 a motorized bicycle under a motorized bicycle permit is subject
10 to the restrictions imposed by section 169.974, subdivision 2,
11 on operation of a motorcycle under a two-wheel instruction
12 permit.

13 (d) The fees for motorized bicycle operator's permits are
14 as follows:

15	(1) Examination and operator's permit,	
16	valid for one year	\$ 6
17	(2) Duplicate	\$ 3
18	(3) Renewal permit before age 21	
19	and valid until age 21	\$ 9
20	(4) Renewal permit after age 21 <u>or older</u>	
21	and valid for four years	\$15
22	(5) Duplicate of any renewal permit	\$ 4.50
23	(6) Written examination and	
24	instruction permit, valid for	
25	30 days	\$ 6

26 Subd. 4. [RESTRICTED COMMERCIAL DRIVER'S LICENSE.] (a) The
27 commissioner may issue restricted commercial drivers' licenses
28 and take the following actions to the extent that the actions
29 are authorized by regulation of the United States Department of
30 Transportation entitled-~~"Waiver-for-Farm-Related-Service~~
31 ~~Industries"-as-published-in-the-Federal-Register, April-17, 1992~~
32 in Code of Federal Regulations, title 49, section 383.3,
33 paragraph (f):

34 (1) prescribe examination requirements and other
35 qualifications for the license;

36 (2) prescribe classes of vehicles that may be operated by

1 holders of the license;

2 (3) specify commercial motor vehicle operation that is
3 authorized by the license, and prohibit other commercial motor
4 vehicle operation by holders of the license; and

5 (4) prescribe the period of time during which the license
6 is valid.

7 (b) Restricted commercial drivers' licenses are subject to
8 sections 171.165 and 171.166 in the same manner as other
9 commercial drivers' licenses.

10 (c) Actions of the commissioner under this subdivision are
11 not subject to sections 14.05 to 14.47 of the Administrative
12 Procedure Act.

13 Subd. 5. [EXEMPTION FOR CERTAIN BACKUP SNOWPLOW DRIVERS.]
14 Pursuant to the waiver authorization set forth in Public Law
15 104-59, section 345, subsection (a), paragraph (5), a person who
16 operates a commercial motor vehicle for the purpose of removing
17 snow or ice from a roadway by plowing, salting, or sanding is
18 not required to hold a commercial driver's license if the person:

19 (1) is an employee of a local unit of government with a
20 population of 3,000 or less;

21 (2) is operating within the boundaries of the local unit of
22 government;

23 (3) holds a valid class D driver's license; and

24 (4) except in the event of a lawful strike, is temporarily
25 replacing the employee who normally operates the vehicle but
26 either is unable to operate the vehicle or is in need of
27 additional assistance due to a snow emergency as determined by
28 the local unit of government.

29 Sec. 8. Minnesota Statutes 2004, section 171.03, is
30 amended to read:

31 171.03 [PERSONS EXEMPT.]

32 The following persons are exempt from license hereunder:

33 ~~(1)~~ (a) A person in the employ or service of the United
34 States federal government is exempt while driving or operating a
35 motor vehicle owned by or leased to the United States federal
36 government, ~~except that only a noncivilian operator of a~~

1 ~~commercial-motor-vehicle-owned-or-leased-by-the-United-States~~
2 ~~Department-of-Defense-or-the-Minnesota-National-Guard-is-exempt~~
3 ~~from-the-requirement-to-possess-a-valid-commercial-motor-vehicle~~
4 ~~driver's-license.~~

5 (b) A person in the employ or service of the United States
6 federal government is exempt from the requirement to possess a
7 valid class A, class B, or class C commercial driver's license
8 while driving or operating for military purposes a commercial
9 motor vehicle owned by or leased to the United States federal
10 government if the person is:

11 (1) on active duty in the U. S. Coast Guard;

12 (2) on active duty in a branch of the U. S. Armed Forces,
13 which includes the Army, Air Force, Navy, and Marine Corps;

14 (3) a member of a reserve component of the U. S. Armed
15 Forces; or

16 (4) on active duty in the Army National Guard or Air
17 National Guard, which includes (i) a member on full-time
18 National Guard duty, (ii) a member undergoing part-time National
19 Guard training, and (iii) a National Guard military technician,
20 who is a civilian required to wear a military uniform.

21 The exemption provided under this paragraph does not apply to a
22 U. S. Armed Forces Reserve technician.

23 ~~(2)~~ (c) Any person while driving or operating any farm
24 tractor, or implement of husbandry temporarily operated-or-moved
25 on a highway, and is exempt. For purposes of this section, an
26 all-terrain vehicle, as defined in section 84.92, subdivision 8,
27 an off-highway motorcycle, as defined in section 84.787,
28 subdivision 7, and an off-road vehicle, as defined in section
29 84.797, subdivision 7, are not implements of husbandry.

30 ~~(3)~~ (d) A nonresident who is at least 15 years of age and
31 who has in immediate possession a valid driver's license issued
32 to the nonresident in the home state or country may operate a
33 motor vehicle in this state only as a driver.

34 ~~(4)~~ (e) A nonresident who has in immediate possession a
35 valid commercial driver's license issued by a state or
36 jurisdiction in compliance accordance with the Commercial-Motor

1 ~~Vehiele-Safety-Act-of-1986, United States Code, title 49,~~
 2 ~~sections 521, 2304, and 2701 to 2716~~ standards of Code of
 3 Federal Regulations, title 49, part 383, and who is operating in
 4 Minnesota the class of commercial motor vehicle authorized by
 5 the issuing state, or jurisdiction is exempt.

6 (5) (f) Any nonresident who is at least 18 years of age,
 7 whose home state or country does not require the licensing of
 8 drivers may operate a motor vehicle as a driver, but only for a
 9 period of not more than 90 days in any calendar year, if the
 10 motor vehicle so operated is duly registered for the current
 11 calendar year in the home state or country of ~~such~~ the
 12 nonresident.

13 (6) (g) Any person who becomes a resident of the state of
 14 Minnesota and who has in possession a valid driver's license
 15 issued to the person under and pursuant to the laws of some
 16 other state or ~~province~~ jurisdiction or by military authorities
 17 of the United States may operate a motor vehicle as a
 18 driver, but only for a period of not more than 60 days after
 19 becoming a resident of this state, without being required to
 20 have a Minnesota driver's license as provided in this chapter.

21 (7) (h) Any person who becomes a resident of the state of
 22 Minnesota and who has in possession a valid commercial driver's
 23 license issued by another state or jurisdiction in
 24 compliance accordance with the ~~Commercial-Motor-Vehicle-Safety~~
 25 ~~Act-of-1986, United States Code, title 49, sections 521, 2304,~~
 26 ~~and 2701 to 2716~~ standards of Code of Federal Regulations, title
 27 49, part 383, is exempt for not more than 30 days after becoming
 28 a resident of this state, ~~and.~~

29 (8) (i) Any person operating a snowmobile, as defined in
 30 section 84.81, is exempt.

31 Sec. 9. Minnesota Statutes 2004, section 171.04,
 32 subdivision 2, is amended to read:

33 Subd. 2. [DISQUALIFIED OPERATORS OF COMMERCIAL MOTOR
 34 VEHICLES.] During the period of disqualification, the department
 35 shall not issue a class C, class B, or class A commercial
 36 driver's license, including a limited license, to a person who

1 has been disqualified from operating a commercial motor vehicle
2 under section 171.165.

3 Sec. 10. Minnesota Statutes 2004, section 171.09, is
4 amended to read:

5 171.09 [DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.]

6 (a) The commissioner ~~shall have the authority~~, when good
7 cause appears, ~~to~~ may impose restrictions suitable to the
8 licensee's driving ability or ~~such~~ other restrictions applicable
9 to the licensee as the commissioner may determine to be
10 appropriate to assure the safe operation of a motor vehicle by
11 the licensee. ~~The commissioner may~~

12 (b) Pursuant to Code of Federal Regulations, title 49,
13 section 383.95, if an applicant for a commercial driver's
14 license either does not successfully complete the air brake
15 component of the knowledge test, or does not successfully
16 complete the skills test in a vehicle equipped with air brakes
17 as such tests are prescribed in Code of Federal Regulations,
18 title 49, part 384, the department shall indicate on the class
19 C, class B, or class A commercial driver's license, if issued,
20 that the individual is restricted from operating a commercial
21 motor vehicle equipped with air brakes.

22 (c) Upon receiving satisfactory evidence of any violation
23 of the restrictions of on the license, the commissioner may
24 suspend or revoke the license. A license suspension under this
25 section is subject to section 171.18, subdivisions 2 and 3.

26 ~~(b)~~ (d) A person who drives, operates, or is in physical
27 control of a motor vehicle while in violation of the
28 restrictions imposed in a restricted driver's license issued to
29 that person under paragraph-(a) this section is guilty of a
30 crime as follows:

31 (1) if the restriction relates to the possession or
32 consumption of alcohol or controlled substances, the person is
33 guilty of a gross misdemeanor; or

34 (2) if the restriction relates to another matter, the
35 person is guilty of a misdemeanor.

36 Sec. 11. Minnesota Statutes 2004, section 171.12,

1 subdivision 3, is amended to read:

2 Subd. 3. [APPLICATION AND RECORD, WHEN DESTROYED.] The
3 department may cause applications for drivers' licenses,
4 provisional licenses, and instruction permits, and related
5 records, to be destroyed immediately after the period for which
6 issued, except that:

7 (1) the driver's record pertaining to revocations,
8 suspensions, cancellations, disqualifications, convictions, and
9 accidents ~~shall be~~ is cumulative and must be kept for a period
10 of at least five years;

11 (2) the driver's record pertaining to the alcohol-related
12 offenses and licensing actions listed in section 169A.03,
13 subdivisions 20 and 21, ~~and~~ to violations of sections section
14 169A.31 in any motor vehicle, and to violations of section
15 171.24, subdivision 5, shall in a commercial motor vehicle, must
16 ~~be cumulative and kept for a period of at least 15 years, except~~
17 ~~as provided in clause (3), and~~

18 ~~(3) the driver's record pertaining to an offense, or a~~
19 ~~related licensing action, under section 169A.20, subdivision 1,~~
20 ~~clause (1) or (5), must be purged after ten years of any~~
21 ~~reference to the offense or action if (i) this offense or action~~
22 ~~involved an alcohol concentration of 0.08 or more but less than~~
23 ~~0.10, (ii) this offense or action was a first impaired driving~~
24 ~~incident, and (iii) the driver has incurred no other impaired~~
25 ~~driving incident during the ten-year period. For purposes of~~
26 ~~this clause, "impaired driving incident" includes any incident~~
27 ~~that may be counted as a prior impaired driving conviction or a~~
28 ~~prior impaired driving related loss of license, as defined in~~
29 ~~section 169A.03, subdivisions 20 and 21. This clause does not~~
30 ~~apply to the driver's record of a person to whom a commercial~~
31 ~~driver's license has been issued retained permanently.~~

32 Sec. 12. [171.162] [COMMERCIAL DRIVER'S LICENSE, RECORDS
33 CHECK.]

34 As required by Code of Federal Regulations, title 49,
35 section 383.73, before issuing a class A, class B, or class C
36 commercial driver's license, the department shall request the

1 applicant's complete driving record from all states where the
2 applicant was previously licensed over the last ten years to
3 operate any type of motor vehicle.

4 Sec. 13. Minnesota Statutes 2004, section 171.165,
5 subdivision 1, is amended to read:

6 Subdivision 1. [~~FIRST-VIOLATION~~ FEDERAL STANDARDS.]

7 Subject to section 171.166, the commissioner shall disqualify a
8 person from operating commercial motor vehicles ~~for one-year~~
9 ~~upon receiving a record of the first conviction of the person~~
10 ~~for committing a violation of any of the following offenses~~
11 ~~while operating a commercial motor vehicle:~~

12 ~~(1) section 169A.20 or 169A.31;~~

13 ~~(2) section 169.09, subdivision 1 or 2;~~

14 ~~(3) a felony, other than a felony described in subdivision~~
15 ~~3, paragraph (a), clause (2), item (ii);~~

16 ~~(4) driving with a revoked, suspended, canceled, denied, or~~
17 ~~disqualified commercial driver's license;~~

18 ~~(5) causing a fatality through the negligent or criminal~~
19 ~~operation of a commercial motor vehicle; or~~

20 ~~(6) an offense committed in another state that would be~~
21 ~~grounds for disqualification under this subdivision or~~
22 ~~subdivision 2 if committed in Minnesota~~ in accordance with the
23 driver disqualifications and penalties in Code of Federal
24 Regulations, title 49, part 383, subpart D and Code of Federal
25 Regulations, title 49, section 384.219.

26 Sec. 14. Minnesota Statutes 2004, section 171.165,
27 subdivision 2, is amended to read:

28 Subd. 2. [IMPLIED CONSENT REVOCATION.] The commissioner
29 shall disqualify a person from operating commercial motor
30 vehicles ~~for one-year from the effective date of a revocation~~
31 ~~under section 169A.52 or a statute or ordinance from another~~
32 ~~state or jurisdiction in conformity with it, if the person was~~
33 ~~driving, operating, or in physical control of a commercial motor~~
34 ~~vehicle at the time of the incident on which the revocation is~~
35 based in accordance with the driver disqualifications and
36 penalties in Code of Federal Regulations, title 49, part 383,

1 subpart D.

2 Sec. 15. Minnesota Statutes 2004, section 171.165,
3 subdivision 6, is amended to read:

4 Subd. 6. [EXEMPTIONS.] A disqualification shall not be
5 imposed under this section on a recreational equipment vehicle
6 operator, farmer, or firefighter operating a commercial motor
7 vehicle within the scope of section 171.02, subdivision 2,
8 paragraph (b).

9 Sec. 16. [171.167] [NOTICE TO COMMERCIAL DRIVER'S LICENSE
10 INFORMATION SYSTEM.]

11 The department shall participate fully in the commercial
12 driver's license information system established under the
13 Commercial Motor Vehicle Safety Act of 1986 at United States
14 Code, title 49, section 31309.

15 Sec. 17. [REPEALER.]

16 Minnesota Statutes 2004, sections 169.99, subdivision 1b;
17 171.12, subdivision 6; and 171.165, subdivisions 3, 4, 4a, and
18 4b, are repealed. Minnesota Rules, part 7503.2400, is repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0229

169.99 UNIFORM TRAFFIC TICKET.

Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed.

171.12 DRIVING RECORD; FILING; PRIVATE DATA; SURCHARGE.

Subd. 6. **Certain convictions not recorded.** The department shall not keep on the record of a driver any conviction for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed.

171.165 COMMERCIAL DRIVER'S LICENSE, DISQUALIFICATION.

Subd. 3. **Grave or multiple offenses.** (a) Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;

(2) life, for a conviction:

(i) of a second or subsequent disqualifying offense set forth in subdivision 1 or 2, a statute of another state or ordinance in conformity with it, or any combination of those offenses, arising from separate incidents; or

(ii) under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

(b) A person whose commercial motor vehicle driving privileges have been disqualified under paragraph (a), clause (2), item (i), may apply for reinstatement after ten years. A person whose commercial motor vehicle driving privileges have been disqualified under paragraph (a), clause (2), item (ii), may not apply for reinstatement.

(c) A person whose commercial motor vehicle driving privileges have been reinstated under paragraph (b) and who subsequently commits a disqualifying offense set forth in subdivision 1 or 2, or any combination of those offenses, may not apply for reinstatement.

Subd. 4. **Serious traffic violation.** On receiving a record of conviction and subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic violation includes the following:

(1) following too closely under section 169.18, subdivision 8;

(2) erratic lane change under sections 169.18, subdivisions 3 and 7; and 169.19, subdivision 4;

(3) operating the commercial vehicle at a speed 15 miles per hour or more above the posted speed limit;

(4) reckless or careless driving under section 169.13;

(5) fleeing a peace officer under section 609.487;

APPENDIX
Repealed Minnesota Statutes for 05-0229

(6) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident;

(7) operating a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the type of vehicle being operated; and

(8) operating a commercial motor vehicle without a commercial driver's license in immediate possession, unless the person provides proof to the court that, on the date of the citation, the person held a valid commercial driver's license of the proper class and with the proper endorsements.

Subd. 4a. **Violation of out-of-service order.** (a) The commissioner shall disqualify a person from operating a commercial motor vehicle for not less than:

(1) 90 days nor more than one year if the operator is convicted of a first violation of an out-of-service order;

(2) one year nor more than five years if, during any ten-year period, the operator is convicted of two violations of out-of-service orders in separate incidents; and

(3) three years nor more than five years if, during any ten-year period, the operator is convicted of three or more violations of out-of-service orders in separate incidents.

(b) The commissioner shall notify the commissioner of transportation of each disqualification under this subdivision.

Subd. 4b. **Railroad grade crossing violation.** (a) The commissioner shall disqualify a person from operating a commercial motor vehicle for not less than:

(1) 60 days if the person is convicted of a first railroad grade crossing violation;

(2) 120 days if, during any three-year period, the person is convicted of two railroad grade crossing violations arising from separate incidents;

(3) one year if, during any three-year period, the person is convicted of three or more railroad grade crossing violations arising from separate incidents.

(b) For the purposes of this subdivision, "railroad grade crossing violation" means a violation of section 169.26 or 169.28, Code of Federal Regulations, title 49, section 392.10, or a statute or ordinance from another state in conformity with those sections, while operating a commercial motor vehicle.

1 Senator moves to amend S.F. No. 2121 as follows:

2 Page 4, after line 11, insert:

3 "Sec. 3. Minnesota Statutes 2004, section 169.01,
4 subdivision 76, is amended to read:

5 Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials"
6 means those materials found to be hazardous for the purposes of
7 the federal Hazardous Materials Transportation Act and that
8 require the motor vehicle to be placarded under Code of Federal
9 Regulations, title 49, ~~part-172,--subpart-F~~ parts 100-185."

10 Page 5, after line 16, insert:

11 "Sec. 6. Minnesota Statutes 2004, section 171.01,
12 subdivision 35, is amended to read:

13 Subd. 35. [HAZARDOUS MATERIALS.] "Hazardous materials"
14 means those materials found to be hazardous for the purposes of
15 the federal Hazardous Materials Transportation Act and that
16 require the motor vehicle to be placarded under Code of Federal
17 Regulations, title 49, ~~part-172,--subpart-F~~ parts 100-185."

18 Page 5, line 29, after "tank" insert ", as defined in Code
19 of Federal Regulations, title 49, section 178.320, including a
20 cargo tank or a portable tank as defined in Code of Federal
21 Regulations, title 49, section 171.8,"

22 Page 7, delete lines 29 and 30 and insert:

23 "(6) towing vehicles if:

24 (i) the towed vehicles have a gross vehicle weight of
25 10,000 pounds or less; or

26 (ii) the towed vehicles have a gross vehicle weight of more
27 than 10,000 pounds and the combination of vehicles has a gross
28 vehicle weight of 26,000 pounds or less."

29 Page 16, delete lines 11 to 15 and insert:

30 "(2) the driver's record pertaining to violations of a
31 driver or vehicle out-of-service order must be kept for a period
32 of at least ten years; and

33 (3) the driver's record pertaining to felony convictions in
34 the commission of which a motor vehicle was used, to the
35 alcohol-related offenses and licensing actions listed in section
36 169A.03, subdivisions 20 and 21, and to violations of sections

1 section 169.09, to violations of section 169A.31, and to
2 violations of section 171.24, subdivision 5, shall must"

3 Page 18, delete lines 4 to 8 and insert:

4 "Subd. 6. [EXEMPTIONS.] (a) A disqualification shall not
5 be imposed under this section on a recreational equipment
6 vehicle operator, farmer, or firefighter authorized emergency
7 vehicle operator operating a commercial motor vehicle within the
8 scope of section 171.02, subdivision 2, paragraph (b).

9 (b) A conviction for a violation that occurred before
10 August 1, 2005, while operating a vehicle that is not a
11 commercial motor vehicle shall not be counted as a first or
12 subsequent violation for purposes of determining the period for
13 which a driver must be disqualified under this section."

14 Renumber the sections in sequence and correct the internal
15 references

16 Amend the title accordingly

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and Fiscal Analysis**

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State of Minnesota

**S.F. No. 1989 - Expiration or Extension of Old Liens on
Passenger Automobiles**

Author: Senator Michael J. Jungbauer

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

BB

Date: April 7, 2005

Section 1, paragraph (a), provides for automatic expiration of a security interest in a passenger automobile seven years after the security interest is perfected.

Paragraph (b) allows a lien holder to notify the department in the sixth year of the lien, that the lien will not be satisfied before the end of the seven years. Upon notification, the department must extend the lien for a period up to seven additional years.

BB/AV:rer

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State of Minnesota

**S.F. No. 1432 - Appointment of Carver County Auditor as
Deputy Registrar (Delete-Everything Amendment A-1)**

Author: Senator Julianne E. Ortman

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

Date: April 7, 2005

Section 1 extends from January 1, 2009, to January 1, 2015, the deadline by which a business corporation may be appointed a deputy registrar, and the expiration date of that appointment. Based on application of an officer of the corporation before July 1, 2015, (current law specifies 2009) the officer may be appointed as successor agent to the corporation.

Section 2 requires the Commissioner of Public Safety to appoint the Carver County auditor as deputy registrar and driver's license agent in the city of Chanhassen, notwithstanding contrary law or rule. All consistent provisions of the deputy registrar and driver's license agent sections of law apply to the appointment.

BB/AV:rer

Senators Ortman and Murphy introduced--

S.F. No. 1432: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to motor vehicles; directing commissioner of
3 public safety to appoint the Carver County auditor as
4 a deputy motor vehicle registrar.

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

6 Section 1. [APPOINTMENT OF DEPUTY REGISTRAR IN CARVER
7 COUNTY.]

8 Notwithstanding any restriction in law or rule concerning
9 proximity of deputy motor vehicle registrar offices or predicted
10 number of annual applications processed, the commissioner of
11 public safety shall appoint the auditor of Carver County as a
12 deputy motor vehicle registrar in connection with the operation
13 of a county license center. All provisions of Minnesota
14 Statutes, section 168.33, not inconsistent with this section,
15 apply to the appointment.

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

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State of Minnesota

S.F. No. 1703 – Relating to Transportation Finance

Author: Senator Sharon Marko

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

Date: April 7, 2005

Section 1 creates a high speed rail fund in the state treasury. Money in the fund is appropriated to the commissioner for the planning and design, including environmental studies, of the high speed rail corridor between the Twin Cities and Chicago.

Section 2 (a) Specifies the deposit of revenues from the motor vehicle sales tax as follows below.

(b) From July 1, 2005 to June 30, 2007, 32 percent (increased from 30 percent) to the highway user fund, 31.5 percent (increased from 21.5 percent) to the metropolitan area transit fund, 9 percent (increased from 1.43 percent) to the Greater Minnesota transit fund, and the remaining money to the general fund (27.5 percent, decreased from 46.25 percent).

(c) From July 1, 2007 to June 30, 2008, 32 percent to the highway user fund, 39 percent to the metropolitan area transit fund, 14 percent to the Greater Minnesota transit fund, and the remaining money to the general fund (15 percent).

(d) From July 1, 2008 to June 30, 2009, 32 percent to the highway user fund, 41.5 percent to the metropolitan area transit fund, 14 percent to the Greater Minnesota transit fund, and the remaining money to the general fund (12.5 percent).

(e) From July 1, 2009 to June 30, 2010, 32 percent to the highway user fund, 44 percent to the metropolitan area transit fund, 14 percent to the Greater Minnesota transit fund, and the remaining money to the general fund (10 percent).

(f) On and after July 1, 2010, 32 percent to the highway user fund, 46 percent to the metropolitan area transit fund, 14 percent to the Greater Minnesota transit fund, and the remaining money to the general fund (8 percent).

(g) In fiscal years 2006 and 2007, the commissioner must transfer \$10 million from the amount to be credited to the trunk highway fund from the amount deposited in the highway user tax distribution fund to the high speed rail fund.

Section 3 defines the metropolitan transportation area as the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Section 4 imposes an additional sales tax of one half of one percent in the metropolitan transportation area. This section is effective for sales made after June 30, 2005.

Section 5 requires the sales tax imposed to be paid to the commissioner of revenue with other sales taxes imposed by chapter 297A. The commissioner must credit the sales tax to the general fund.

Section 6, subdivision 1 appropriates the revenue collected from the sales tax, less the cost of collection, to the commissioner of finance for transfer to the metropolitan transportation sales tax account within the metropolitan area transit fund.

Subdivision 2 specifies that money in the metropolitan transportation sales tax account is appropriated: (1) 85 percent to the Metropolitan Council for the capital and operating costs of bus, rail and paratransit service within the metropolitan area and to provide for implementation of the Metropolitan Council's 2030 Transportation Policy Plan by 2020; and (2) 15 percent to the Metropolitan Council for distribution based on population to the counties in the metropolitan transportation area. Each county must receive a minimum distribution of \$1.5 million. The money must be used as provided in section 7.

Section 7, subdivision 1 requires a county receiving money under section 6 to distribute 50 percent of the funds to cities and towns within the county. A city or town must apply for a grant from the county to receive the funds. The application must contain information specifying the project, amount of funds requested and how the funds will be expended. Funds may be used by the county, city or town only to plan, design, build, maintain, promote and operate public transit, bicycle and pathway programs, pedestrian programs, plan and provide transportation infrastructure for transit-oriented development and provide the local match for federal transportation grants.

Subdivision 2 specifies that to be eligible to receive money from the Metropolitan Council a county must by January 1, 2006, create a special account and accounting procedures to ensure the money is spent only for the allowable purposes. By April 1st of each year, the county must submit a report to the Council detailing how the money was spent, the resulting increase in transit, bicycle and pedestrian travel and the impact on roadway congestion and the need for vehicle parking. The chair of the Council must withhold funds if a county fails to comply with the requirements. If a

county has not met the requirements by the date of the following year's distribution, the funds must be included in the distribution to the other qualifying counties.

Subdivision 3 requires the Council by July 1st of each odd numbered year, to report to the legislative committees with jurisdiction over transportation on how the money was spent and the resulting improvements in transit, bicycle and pedestrian travel.

Section 8 makes sections 3 to 7 effective in the metropolitan area.

Section 9 appropriates, on July 1, 2005, \$37.65 million from the general fund for deposit \$28.75 million to the metropolitan area transit fund and \$8.9 million to the Greater Minnesota transit fund.

Senators Marko, Belanger, Rest, Langseth and Senjem introduced--
S.F. No. 1703: Referred to the Committee on Taxes.

A bill for an act

relating to transportation; imposing a sales tax within the metropolitan area with the proceeds dedicated to metropolitan transportation and transit improvements and services; providing for allocation of revenues for the motor vehicle sales tax; appropriating money; amending Minnesota Statutes 2004, section 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 174; proposing coding for new law as Minnesota Statutes, chapter 473J.

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

Section 1. [174.56] [HIGH-SPEED RAIL FUND.]

A high-speed rail fund is created in the state treasury, consisting of money credited to the fund under section 297B.09, subdivision 1. Money in the fund is appropriated to the commissioner of transportation for the planning and design, including environmental studies, of the Minnesota portion of a high-speed rail corridor between the Twin Cities and Chicago as part of the Midwest Regional Rail System.

Sec. 2. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [DEPOSIT OF REVENUES.] (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

~~(b) From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and~~

1 metropolitan area transit fund under section 16A.88, and 14
2 percent must be deposited in the greater Minnesota transit fund
3 under section 16A.88. The remaining money must be deposited in
4 the general fund.

5 (f) On and after July 1, 2010, 32 percent of the money
6 collected and received must be deposited in the highway user tax
7 distribution fund, 46 percent must be deposited in the
8 metropolitan area transit fund under section 16A.88, and 14
9 percent must be deposited in the greater Minnesota transit fund
10 under section 16A.88. The remaining money must be deposited in
11 the general fund.

12 (g) In the fiscal years ending June 30, 2006, and June 30,
13 2007, the commissioner shall transfer, from the amount to be
14 credited to the trunk highway fund from the amount deposited in
15 the highway user tax distribution fund under paragraph (b),
16 \$10,000,000 for deposit in the high-speed rail fund.

17 Sec. 3. [473J.01] [METROPOLITAN TRANSPORTATION AREA.]

18 The metropolitan transportation area is the area within the
19 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
20 Washington.

21 Sec. 4. [473J.02] [SALES TAX.]

22 A sales tax and a use tax of 0.50 percent is imposed on
23 retail sales and uses taxable under chapter 297A that occur in
24 the metropolitan transportation area. These taxes are in
25 addition to the taxes imposed by sections 297A.62, subdivision
26 1, and 297A.63, subdivision 1, and any local taxes imposed
27 pursuant to a special law.

28 [EFFECTIVE DATE.] This section is effective for sales and
29 purchases made after June 30, 2005.

30 Sec. 5. [473J.03] [TAX COLLECTION.]

31 The taxes imposed by section 473J.02 must be reported and
32 paid to the commissioner of revenue with the taxes imposed by
33 chapter 297A and in accordance with an agreement between the
34 counties in the metropolitan transportation area and the
35 commissioner of revenue. The taxes are subject to the same
36 interest, penalty, and other provisions provided for sales and

1 purposes of this subdivision, "population" has the meaning given
 2 in section 477A.011, subdivision 3. This money must be used as
 3 provided in section 473J.05 by counties, home rule charter and
 4 statutory cities, and towns to plan, design, build, maintain,
 5 promote, and operate public transit, bicycle, and pedestrian
 6 projects, and to plan, design, and provide transportation
 7 infrastructure associated with transit-oriented development.

8 [EFFECTIVE DATE.] This section is effective for sales and
 9 purchases made after June 30, 2005.

10 Sec. 7. [473J.05] [COUNTY USE OF DISTRIBUTION.]

11 Subdivision 1. [PURPOSES.] A county receiving money
 12 distributed by the Metropolitan Council under section 473J.04
 13 must distribute 50 percent of the funds to home rule charter and
 14 statutory cities and towns within the county. To receive a
 15 distribution from the county, a city or town shall apply for a
 16 grant from the county under this section by the time required by
 17 the county. The application must contain information specifying
 18 the project, amount of funds requested, and how the funds will
 19 be expended to further the implementation of the project. Funds
 20 may be used by the county, or distributed to a city for use by
 21 the city, only to:

22 (1) plan, design, build, maintain, promote, and operate
 23 public transit;

24 (2) plan, design, build, maintain, promote, and operate
 25 bicycle programs and pathways including, but not limited to,
 26 bicycle racks, bicycle lockers, off-road bicycle paths,
 27 on-street bicycle striping, signage, lighting, and other
 28 projects with a primary focus on bicycle transportation;

29 (3) plan, design, build, maintain, promote, and operate
 30 pedestrian programs within the county including, but not limited
 31 to, sidewalks, paths, signage, lighting, and pedestrian
 32 crossings with an emphasis on pedestrian transportation;

33 (4) plan, design, and provide transportation infrastructure
 34 associated with transit-oriented development; and

35 (5) provide the local match for federal transportation
 36 grants for projects that encourage transit use, bicycling, and

1 committees of the house of representatives and senate with
2 jurisdiction over transportation and transportation finance.

3 Sec. 8. [APPLICATION.]

4 Sections 3 to 7 apply in the counties of Anoka, Carver,
5 Dakota, Hennepin, Ramsey, Scott, and Washington.

6 Sec. 9. [APPROPRIATION.]

7 \$37,650,000 is appropriated July 1, 2005, from the general
8 fund to the commissioner of finance for deposit as follows:
9 \$28,750,000 to the metropolitan area transit fund for use by the
10 Metropolitan Council as provided under Minnesota Statutes,
11 section 16A.88, subdivision 2; and \$8,900,000 to the greater
12 Minnesota transit fund for use by the commissioner of
13 transportation as provided under Minnesota Statutes, section
14 16A.88, subdivision 1.

1 Senator moves to amend S.F. No. 1703 as follows:

2 Page 3, line 18, before "The" insert "(a)"

3 Page 3, after line 20, insert:

4 "(b) "Joint powers board" means the Metropolitan
5 Transportation Area Joint Powers Board."

6 Page 3, delete lines 22 to 27, and insert:

7 "Subdivision 1. [AUTHORIZATION; RATES.] Notwithstanding
8 sections 297A.99, subdivisions 1, 2, 3, 5, and 13; 477A.016; or
9 any other law, the joint powers board may impose a
10 transportation sales and use tax, at a rate of one-half of one
11 percent on retail sales and uses taxable under chapter 297A, and
12 may impose an excise tax on the sale of new motor vehicles, at
13 the rate of \$20 per vehicle, occurring within the jurisdiction
14 of the taxing authority, to fund transportation improvements, as
15 provided in this section.

16 Subd. 2. [METROPOLITAN TRANSPORTATION AREA SALES TAX.] The
17 joint powers board may impose the transportation sales and use
18 tax and motor vehicle excise tax within the metropolitan
19 transportation area, if approved by a majority of the voters in
20 the metropolitan transportation area who vote on the question to
21 impose the tax at a special election held in the metropolitan
22 transportation area at the time of the general election the
23 Tuesday after the first Monday in November 2006."

24 Page 3, line 34, delete everything before "and" and insert "
25 joint powers board"

Envision Twin Cities Transitways

St. Cloud

Big Lake

Rogers

Northwest Corridor
Bus Rapid Transit

NORTHSTAR
CORRIDOR

Hinkley

ushline

Maplewood

THE CENTRAL
CORRIDOR

RED ROCK
CORRIDOR

Southwest Corridor
Rail Transit Study

Eden Prairie

Lakeville

Cedar Avenue
Corridor Transitway

Hastings

- 

Cedar Avenue Corridor
A 16-mile busway running from the Mall of America south to Burnsville, Eagan, Apple Valley and Lakeville.
- 

Central Corridor
An 11-mile light rail line connecting downtown St. Paul and downtown Minneapolis by way of University and Washington Avenues.
- 

Hiawatha Light Rail Transit Line
A 12-mile light rail line running south from downtown Minneapolis to the Airport and the Mall of America.
- 

Midtown Greenway
A bicycle trail and walking path within a wider Greenway corridor that connects the Chain of Lakes to the Mississippi River in South Minneapolis. The Greenway lies parallel to and one block north of Lake Street. A streetcar line is planned to run through the Midtown Greenway in the future.
- 

Northstar Corridor
A 40-mile six-station commuter rail corridor linking downtown Minneapolis to Big Lake.
- 

Northwest Corridor
A 22-mile busway from Minneapolis northwest to Robbinsdale, Crystal, Brooklyn Park, Osseo, Dayton, Maple Grove and Rogers.
- 

Red Rock Corridor
A 30-mile commuter rail corridor running north along Highway 61 from Hastings to St. Paul and on to Minneapolis.
- 

Rush Line Corridor
An 80-mile corridor connecting downtown St. Paul with Hinkley.
- 

Southwest Transitway
An approximately 14-mile light rail corridor extending southwest from downtown Minneapolis through Hopkins, St. Louis Park, Minnetonka and Eden Prairie.

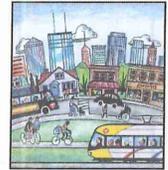
- 

Busways
High capacity, express bus service on dedicated bus lanes or designated streets.
- 

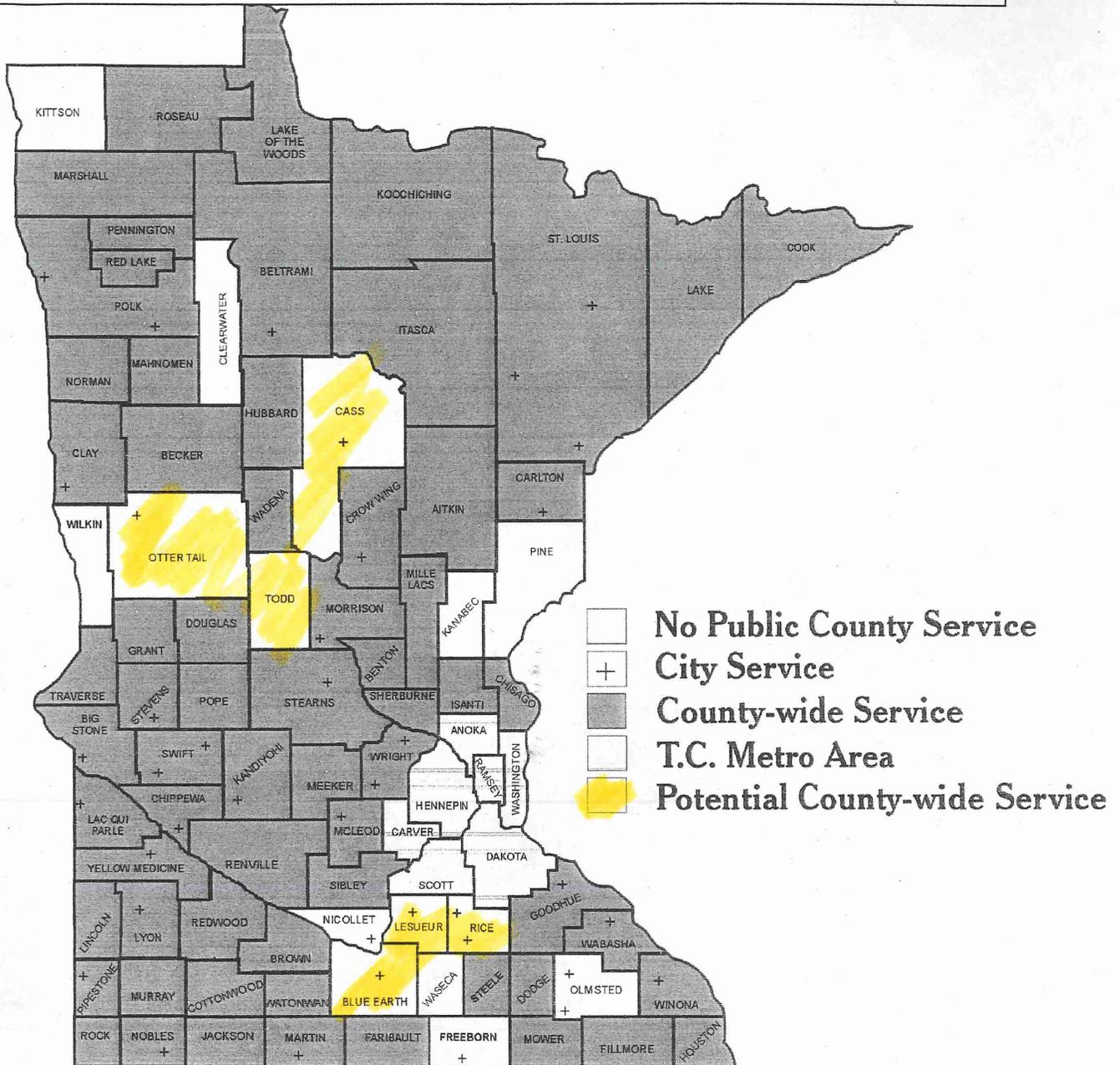
Commuter Rail
Diesel-propelled trains for passenger service typically between a central city and suburbs. Stations are spaced approximately five miles apart with less frequent service than light rail. Tracks are often shared with freight rail.
- 

Light Rail
One to three car trains powered by overhead electric wires running on dedicated right-of-way that is often shared with motor vehicles. Stations spaced one-quarter to one mile apart with frequent all day service.

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TRANSIT for

 Livable Communities
www.tlcmnnesota.org

Greater Minnesota Transit Service



Seven counties with no public transit service
Eight counties with municipal service only
65 counties with county-wide service, some of which is quite limited (weekday only, no evening service , etc)

Summary of Transportation Choices 2020 Initiative - HF 1735 / SF 1703

Overview

Transportation Choices 2020 would provide increased, stable and secure funding for transit and for bicycle and pedestrian projects in Minnesota. It would:

- 1) Fund full implementation of the transit portion of the Metropolitan Council's *Transportation Policy Plan* including expanded bus service, new park and ride capacity, and eight dedicated transitways - both bus and rail - by 2020 rather than 2030 or some later date
- 2) Provide revenue to local units of government in the metropolitan area to allocate toward transit, bicycle, and pedestrian projects
- 3) Expand transit in Greater Minnesota to all counties, extend service to more municipalities within counties, and provide more evening and weekend service.
- 4) Allocate money for planning and design of High Speed Rail as part of the Midwest Regional Rail Initiative

The initiative would be funded by a new one-half cent regional sales tax in the seven county metropolitan area and phasing in additional revenue from the state's Motor Vehicle Sales Tax. If passed by the legislature and signed by the Governor, the bill would go into effect on July 1, 2005 and the first money would be available on January 1, 2006.

Rationale

Transit investment in the Twin Cities region lags far behind U.S. regions of similar size. The Twin Cities region has a smaller bus system, fewer miles of rail transit, and lower transit ridership. The region secures fewer federal New Starts grants than our peers. Transit service in Greater Minnesota is limited. Because transit lacks secure and stable funding, it has been subjected to repeated cuts. Unlike roads, transit funding is not constitutionally dedicated and less than half of the budget is even statutorily dedicated. Minnesota's trunk highway system has had dedicated funding for nearly 50 years which has provided ongoing money for expansion projects and allows Minnesota to maximize federal funding for roads.

Expanding public transit is critical to Minnesota's quality of life and economic vitality. With stable, increased funding, our region's transit system can expand to meet the mobility and access demands of the 21st century. A fully funded transit system with multimodal hubs will give all Minnesotans alternatives to being stuck in traffic or stuck at home. When transit moves more people during rush hour, it reduces the need for costly expansion of highways and parking lots and reduces dependence on imported oil. In regions with a greater reliance on public transit, families spend less of their income on transportation and the elderly, disabled, and those without access to a car have more independence and opportunities. Transportation choices contribute to improved health and protect our air and water quality.

In other major metropolitan regions, the most common source of revenue for transit is a regional sales tax of one-half to a full cent. Atlanta, Cleveland, Dallas, Denver, and Houston all have a one cent regional sales tax, San Jose has a one-half cent, St. Louis has three-fourth cent and Seattle has eight-tenths of a cent dedicated for public transit.

Components of the bill

1. A new half-cent regional sales tax in the seven county metropolitan area would be distributed:

- **85% (approximately \$191 million) to the Metropolitan Council** for Metro Transit, the Opt-outs, Metro Mobility, and other transit services for capital and operating costs of bus, rail, and paratransit service. The sales tax will provide for full implementation of the Metropolitan Council's *Transportation Policy Plan* by 2020 including:
 - 1) Expanded express and local bus service and facilities,
 - 2) Transitway planning, design and construction for the Northwest Busway, Central Corridor light rail, Southwest Corridor light rail, Cedar Avenue transitway, Red Rock commuter rail, Rush line transitway, I-35W transitway, and
 - 3) High priority express bus and park and ride service for I-94 West Corridor, Highway 10/252/65 corridor, Highway 212/169 corridor, I-394 corridor. I-35E North corridor, I-94 East Corridor, I-35W North, Highway 52/55 corridor, Highway 36 corridor, I-35E South.
- **15% (approximately \$34 million annually) to the Metropolitan Council** for pass through to counties on a per-capita basis for planning design, maintenance, construction, promotion, and operation of public transit, bicycle and pedestrian projects, and for planning of transit oriented development. Half of this money would be provided by counties to municipalities on a pass through basis.

2. The percentage of the state Motor Vehicle Sales Tax dedicated to metropolitan area transit fund would be increased from the current 21.5 percent to 46 percent by 2011 to: 1) replace the current general fund appropriation that now goes to metropolitan area transit, and 2) ensure implementation of the transit portion of the Metropolitan Council *Transportation Policy Plan* by 2020. This change would secure the \$57.5 million in general fund dollars that were allocated to metro area transit in 2005 and raise an additional \$83 million by 2011.

3. The percentage of the state Motor Vehicle Sales Tax dedicated to Greater Minnesota Transit would be increased from the current 1.43 percent to 14 percent by 2009 to: 1) replace the current general fund appropriation that now goes to Greater Minnesota transit, and 2) provide for expansion of transit in Greater Minnesota. This change would secure the \$15.8 million in general fund dollars that were allocated to greater Minnesota transit in 2005 and raise an additional \$57 million by 2008. Additional funding would provide for operation of transit service in all 81 counties including the seven counties without any current service, extend service to more municipalities within counties, and provide more extensive service including evening and weekend service.

4. Allocate approximately \$10 million for the 2006-07 biennium for planning and design of high speed rail within Minnesota as part of the Midwest Regional Rail Initiative. The \$10 million would come from a two percent increase in the MVST and an allocation of \$10 million of those dollars to the Minnesota Department of Transportation for purposes of Regional Rail.

Legislative Supporters for the Transportation Choices 2020 Initiative

House

Ron Erhardt
Edina (41A) (lead)

Bernie Lieder
Crookston (1B)

Kathy Tingelstad
Andover (49B)

Alice Hausman
St. Paul (66B)

Bud Nornes
Fergus Falls (10A)

Michael Beard
Shakopee (35A)

Peter Nelson
Lindstrom (17B)

Frank Hornstein
Minneapolis (60B)

Ray Cox
Northfield (25B)

Dan Larson
Bloomington (63B)

Melissa Hortman
Brooklyn Park (47B)

Leon Lillie
North St. Paul (55A)

Sheldon Johnson
St. Paul (67B)

Phyllis Kahn
Minneapolis (59B)

Senate

Sharon Marko
Cottage Grove (57) (lead)

Ann Rest
New Hope (45)

Keith Lanseth
Glyndon (9)

David Senjem
Rochester (29)

Scott Dibble
Minneapolis (60)

Transportation Choices 2020 Endorsements as of April 7, 2005

1. Alliance for Metropolitan Stability
2. Amalgamated Transit Union Local 1005
3. AFL-CIO Minnesota
4. American Institute of Architects Minnesota
5. American Heart Association
6. Environmental Justice Advocates of Minnesota
7. Friends of the Parks and Trails of Ramsey County
8. Isaiah
9. Jewish Community Action
10. Metropolitan Interfaith Council on Affordable Housing
11. Midtown Greenway Coalition
12. Minnesota Center for Independent Living
13. Minnesota Consortium for Citizens with Disabilities and its member organizations
14. Minnesota Public Health Association
15. Minnesota Public Transit Association
16. Minnesota Senior Federation
17. Minnesotans for an Energy Efficient Economy
18. National Federation of the Blind of Minnesota
19. Service Employees International Union Local 26
20. Sierra Club Northstar Chapter
21. Thousand Friends of Minnesota
22. Transit for Livable Communities
23. Twin Cities Bicycle Club
24. United Food and Commercial Workers Union Local 789
25. University United

METRO AREA TRANSIT NEEDS 2005 to 2020 - State share of unmet needs (in millions)

To double transit ridership by increasing bus service and completing transitways by 2020

\$2005 constant \$	To double transit ridership by increasing bus service and completing transitways by 2020																Total 2005-20	Avg Annual \$ Needed	
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020			
BUS-CAPITAL NEEDS -2004\$																			
Increase system by 80% by 2020 (1)		65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	975.6		
Debt service maintenance on regional bonding (2)								20.1	20.1	20.1	20.1	19.6					100.0		
BUS-OPERATING NEEDS-2004\$																			
Maintain current system (3.85% incr./yr (4))	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	187.0	2992.0		
Percentage increase of bus system by year/(100)		6.7	13.3	20.0	26.7	33.4	40.1	46.8	53.5	60.2	66.9	73.6	80.3	87.0	93.7	100.4			
Increase system by 80% by 2020 (3)		11.1	22.1	33.3	44.4	55.5	66.6	77.7	88.9	100.0	111.1	122.2	133.4	144.5	155.6	166.0	1332.4		
BUS OP/CAP NEEDS TOTAL		76.2	87.2	98.3	109.4	120.5	151.8	162.9	174.0	185.1	195.7	187.3	198.4	209.5	220.6	231.0	2408.0	160.5	
TRANSITWAYS-CAPITAL NEEDS (4)																			
	Project Cost-total																		
Hiawatha LRT	715																	0.0	
Northstar CR '07\$ (5)	265	37.5	50.8															88.3	
NW Bswy '02\$ (6)	92	2.2	33.1															35.3	
Central LRT '07\$ (7)	840	5.0	21.3	59.7	57.8	59.7	55.9	58.8										318.4	
Cedar Bswy '03\$ (8)	119	10.5		21.0	3.8	19.3	8.4											63.0	
Red Rock CR '01\$ (9)	262	1.1				41.4	41.4	11.9	15.7	4.2								115.7	
Rush Line CR '00\$ (10)	191	1.1											21.5	21.5	21.3	21.3		86.7	
Southwest LRT '10\$ (11)	805	0.4	0.9						19.8	55.7	91.1	97.9	72.6					338.3	
Midtown Gnwy Streetcar '05\$ (12)	53										2		11.0	9.0	9.0	4.0	4.8	39.8	
Union Depot '03\$ (13)	189	2.6							2.6	11.2	11.2	10.5	10.5	6.8	6.8	8.3	8.3	78.9	
High Speed Rail '02\$ (14)	500									32.3	32.3	32.3	10.8					107.7	
Subtotal Transitways Capital	4031	60.5	106.1	80.7	61.6	120.5	105.7	70.7	38.1	103.4	136.6	140.7	126.3	37.3	37.1	33.6	13.0	1272.0	84.8
Total Federal New Starts \$ assumed by year (15)		32.5	48.0	100.0	89.1	105.3	104.0	100.3	100	24.25	100	100	100					1003.4	66.9
Total other Fed \$ assumed by year (15)		17.5	7.3	20.4	3.6	23.0		8.0	0.8	113.3	113.3	117.7	136.3	41.8	33.5	33.3	9.8	679.5	45.3
TRANSITWAYS-OPER. NEEDS(16)																			
Hiawatha LRT '04\$		12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	196.8	
Northstar CR '\$07\$					7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	99.0	
Northwest Bswy '04\$ (17)				5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	71.8	
Central LRT '08\$									3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	33.2	
Cedar Bswy '03\$ (18)				0.9	0.9	0.9	0.9	0.9	4.0	4.0	4.0	4.0	4.0	7.4	7.4	7.4	7.4	54.1	
Red Rock CR '01\$ (19)										8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	61.8	
Rush Line CR '00\$																	8.8	8.8	
SW LRT '10\$ (20)														14.4	14.4	14.4	14.4	57.8	
Mt Gnwy '05\$																	1.9	1.9	
Union Depot '03\$																			
High Speed Rail '02\$														29.1	29.1	29.1	29.1		
Subtotal Transitways Operating		12.3	12.3	18.3	25.9	25.9	25.9	25.9	32.8	32.8	41.6	41.6	41.6	102.4	102.4	102.4	113.1	757.2	50.5
TRANSITWAYS OP/CAP NEEDS		72.8	118.4	99.1	87.5	146.4	131.7	96.6	70.9	136.1	178.2	182.3	167.9	139.7	139.5	135.9	126.1	2029.2	135.3
BUS TRANSITWAYS OP/CAP TOTAL		72.8	194.6	186.2	185.8	255.8	252.2	248.4	233.7	310.1	363.3	378.0	355.2	338.1	349.0	356.6	357.2	4437.1	\$295.81
+10% local transit /bike/walk (21)		80.1	214.0	204.9	204.4	281.4	277.4	273.2	257.1	341.2	399.7	415.8	390.7	371.9	383.9	392.2	392.9	4880.8	\$325.39

FOOTNOTES

(1) Capital cost to increase bus service by 80%, in order to increase total ridership including transitways by 100% by 2020. Figure comes from doubling Met Council's estimates to increase bus service by 40%

(and total ridership by 50%) by 2020 and includes the cost of: bus purchases, additional garage capacity, second replacement of buses, park and ride capacity increase, and transit advantages/
/technology. Source: Met Council's draft 2004 Transportation Policy Plan, Nov. 16, 2004, p. 80-81, Table 4-3.

(2) Source: Met Council Nov. TPP, Nov. 16, 2004 draft. P. 114 Table 5-3. An unmet capital need. Dollars would be used to buy down debt on regional bonds as soon as funding becomes available.

(3) Source: Met Council's draft TPP, Nov. 16, 2004. p. 80-81, Table 4-2. Operating cost to increase bus service by 80% by 2020. Doubles Met Council's figure of a 40% increase in service by 2020.

(4) Capital costs are state share only. New Starts projects include Northstar, Central, Southwest and Red Rock and assume 50% federal, 40% state, and 10% local match unless otherwise noted.

(5) Northstar: In '04, project received \$10 million from NCDTA and \$2.5 mil from Met Council towards local match, and \$10 mil in federal New Starts funding; all for land acquisition and final design.

Northstar matches: 50% federal (New Starts), 33% state, 17% local. Source: MnDOT powerpoint presentation Jan. 20,2004-have hard copy.

(6) Northwest busway: federal match totals \$17.5 mil. Source: Northwest Corridor Transportation Study, Busway Scoping Report, Feb 4, 2002.

(7) Central Corridor: Source: Central Corridor Update, Summer 2002, Alternatives Analysis results.

(8) Cedar busway: Federal match is non-New Starts and assumed to be 25% of project costs, state share is 75%. Source: Dakota County planning office, Phase II study results, phone 12-9-04.

(9) Red Rock CR: Source: MnDOT phase I study, 2001. Have hard copy of powerpoint.

(10) Rush Line: Source: Rush Line Corridor Transit Study Final Report, Sept 2001. Assumes 50% federal, 40% state and 10% local, and fixed guideway busway from St. Paul to Wyoming, MN.

(11) Southwest: Source: Southwest Rail Transit Study, October 2003.

(12) Midtown Greenway streetcar: Assumes 75% state and 25% federal match, non-New Starts. Source: Midtown Greenway Trolley Feasibility Study, March 2001.

(13) Union Depot: Source: Kathy deSpegliare, Ramsey RRA. Assumes 50% federal non-New Starts, 40% state, 10% local matches.

(14) Midwest High Speed Rail. Assumes 80% federal and 20% state share, MN portion of HSR costs shown (state share). Source: Mike Shadauer, MnDOT Rail project office, 12-9-04.

(15) Federal dollars are for comparison purposes only and are not included in state needs assessment totals.

(16) Net incremental operating cost subsidy, accounting for fare revenue, unless otherwise noted. Source is same as for capital costs of same project unless otherwise noted. No local match assumed.

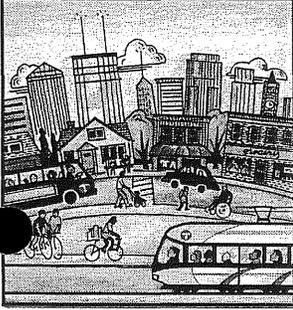
(17) Northwest busway: Source: Met Council draft TPP dated Nov 16, 2004. P. 83, Table 4-6.

(18) Cedar: busway to be phased in. 1st five years add'l operating \$.85 mil; 2nd five years \$3.85 mil; 3rd five years \$7 mil.

(19) Red Rock: Operating costs assumed to be same as Northstar CR (rough estimate).

(20) Southwest:cost shown is average of study's estimate of \$7-26 million.

(21) Adds 10 percent to the needs assessment for local cities and counties to allocate for local transit, biking and walking projects.



Denver Colorado The Next Transit Metropolis

Transit for Livable Communities

TLC is a non-profit organization working to improve the quality of life in Minnesota communities by promoting transit, walking, biking and transit oriented development.

Our major policy initiatives include:

- *Securing increased and dedicated funding for transit, biking and walking.*
- *Encouraging development and zoning that supports walking, biking, and transit.*
- *Advocating for reform of state transportation funding, road design practices, and local parking policies.*

To contact TLC:

Write to:

626 Selby Avenue, Suite A
St. Paul, MN 55104

Phone: 651-767-0298

E-mail: tlc@tlcminnesota.org

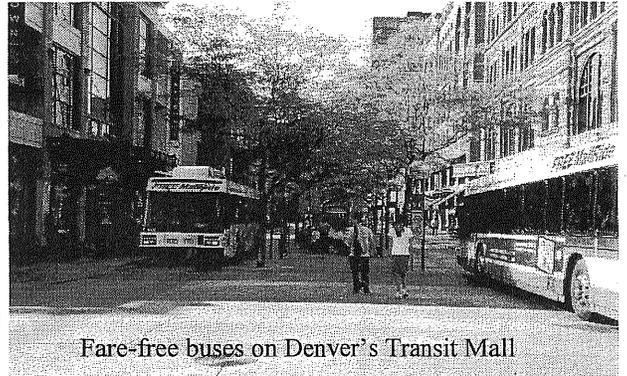
Web: www.tlcminnesota.org

Jan 05

Color Green

Transit referendum passes.

On November 2nd, voters in the Denver metropolitan area approved a referendum to greatly expand public transit. Passage of the referendum will pay for **\$4.7 billion** in transit improvements over the next 12 years through an increase in the regional sales tax – from 6/10ths of a cent to a full cent (a dime on a \$10 purchase). The referendum, known as FasTracks, was strongly supported by Denver voters, the business community, and local elected officials.

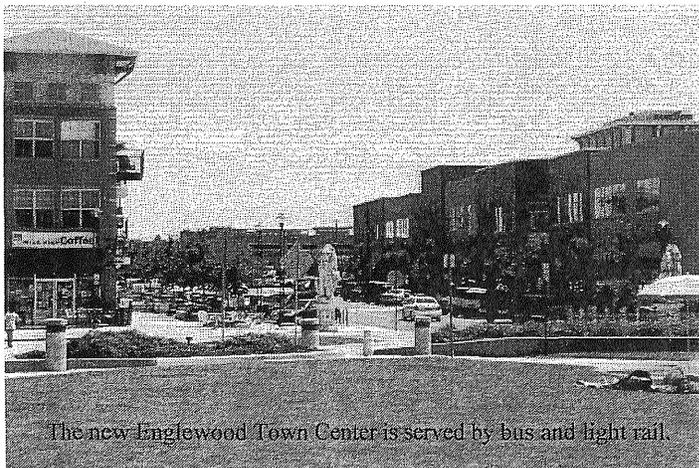


Fare-free buses on Denver's Transit Mall

FasTracks will add 119 miles of new light rail and commuter rail, 18 miles of rapid bus transit, 21,000 new parking spaces at transit stations, and expanded bus service throughout the region; much of it in the suburbs. Denver's transit agency, the Regional Transit District (RTD), currently operates 16 miles of LRT, two downtown transit stations connected by a fare-free transit mall, express bus service on dozens of miles of HOV lanes, and frequent bus service. Denver's T-REX project, which opens in 2006, will widen I-25 to three lanes in each direction and add 19 miles of light rail.

The Denver metro area has 20% FEWER highway lane miles per person than does the Twin Cities region.¹ Transit ridership in Denver was 78 million in 2003 (8% higher than in the Twin Cities region).

Transit-oriented development continues in Denver; in down-town along the transit mall and at Union Station; and to the southwest along the light rail line. Light rail



The new Englewood Town Center is served by bus and light rail

has helped to transform the site of an abandoned shopping mall in the City of Englewood into a new Civic Center and acres of high density housing. RTD is planning for 50 new transit villages, most of them along the expanding rail system.

(over)

Denver Colorado The New Transit Metropolis

TRANSIT for



Livable Communities

This fact sheet was produced with support from the Joyce, McKnight, and Minneapolis Foundations.

Check out TLC's other fact sheets.

Available fact sheets include:

- New Rail Starts
- Subsidies for Roads and Transit
- Peer City Investment in Public Transit
- Sources of Funding for Transit in Peer Cities
- Myths about Transit in the Twin Cities Region
- Revenues to Minnesota's Highway Users Tax Distribution Fund
- Transit Routes and Ridership in North American Cities
- Highway Lane miles in the Largest 25 Regions



Light rail station in Littleton Colorado, southwest of downtown Denver. Light rail on this corridor carries 33,000 riders each weekday. During peak hours, LRT carries 19 percent of peak hour travelers in the US-85 corridor.

Transit is key transportation strategy. The 2030 Metro Vision RTP developed by Denver's Regional Council of Governments identifies \$30 billion in state and regional spending for roads, transit, safety, bike and pedestrian spending for the 25-year planning horizon. Of this amount, \$19.5 billion or 65% is for transit, travel demand management, and bike and pedestrian projects.

Denver is not alone. Nearly every major metropolitan area in the US has made a similar commitment to transit.

- **Dallas** with its one cent sales tax for transit has built a robust bus, light rail and commuter rail system. That region now has 44 miles of light rail and 35 miles of regional rail connecting Dallas and Ft. Worth. Dallas plans to double its light rail system by 2014. Dallas has more highway lane miles per capita than the Twin Cities and a very sprawling land use pattern.
- **San Diego** has nearly 100 miles of rail transit. *Mobility 2030*, the transportation plan for the region, calls for "transit to be the first choice for many trips" and projects a "double-digit transit mode share in the peak hour." Of the \$20 billion in major capital investments planned for 2002 to 2030, \$8.5 billion (42%) is for transit; \$6.6 billion (37%) is for HOV, managed lanes, and HOV connectors; and \$4.1 billion is for highway system completion, widening, and connections.
- **Phoenix** voters approved a roads and transit referendum in 2004. That proposal will add 27 miles of light rail. Phoenix will also expand its regional highway system which is only 2/3rds the size of the highway system in the Twin Cities region.

Endnotes:

1. Department of Transportation, Federal Highway Administration. Urbanized Areas, Selected Characteristics—2002 (www.fhwa.dot.gov/policy/ohim/hs02/hm72.htm)

Sources of Funding for Public Transit in Peer Cities

In Addition to Fare Revenues and Federal Funding

	Region (Transit Organization)	Local Sales Tax	Other Source or Sources of Transit Funding
1	Atlanta MARTA	1.0%	
2	Baltimore MTA		State transportation trust fund (vehicle taxes), state general fund
3	Cleveland RTA	1.0%	
4	Dallas DART	1.0%	
5	Denver RTD	1.0%	
6	Houston METRO	1.0%	
7	Minneapolis-St. Paul Metro Transit		State general fund, motor vehicle sales tax, regional property tax (for capital) & select county property tax for rail operations.
8	Pittsburgh Port Authority		State transit fund (various taxes), state and county general funds
9	Portland Tri-Met		Regional payroll tax (0.6218%)
10	St. Louis Bi-State	0.25% 0.75%	
11	San Diego MTS, Trolley, others	0.11%	CA Transportation Development Act (state gas tax revenues)
12	San Jose VTA	0.5%	CA Transportation Development Act (state gas tax revenues)
13	Seattle King County Metro	0.8%	

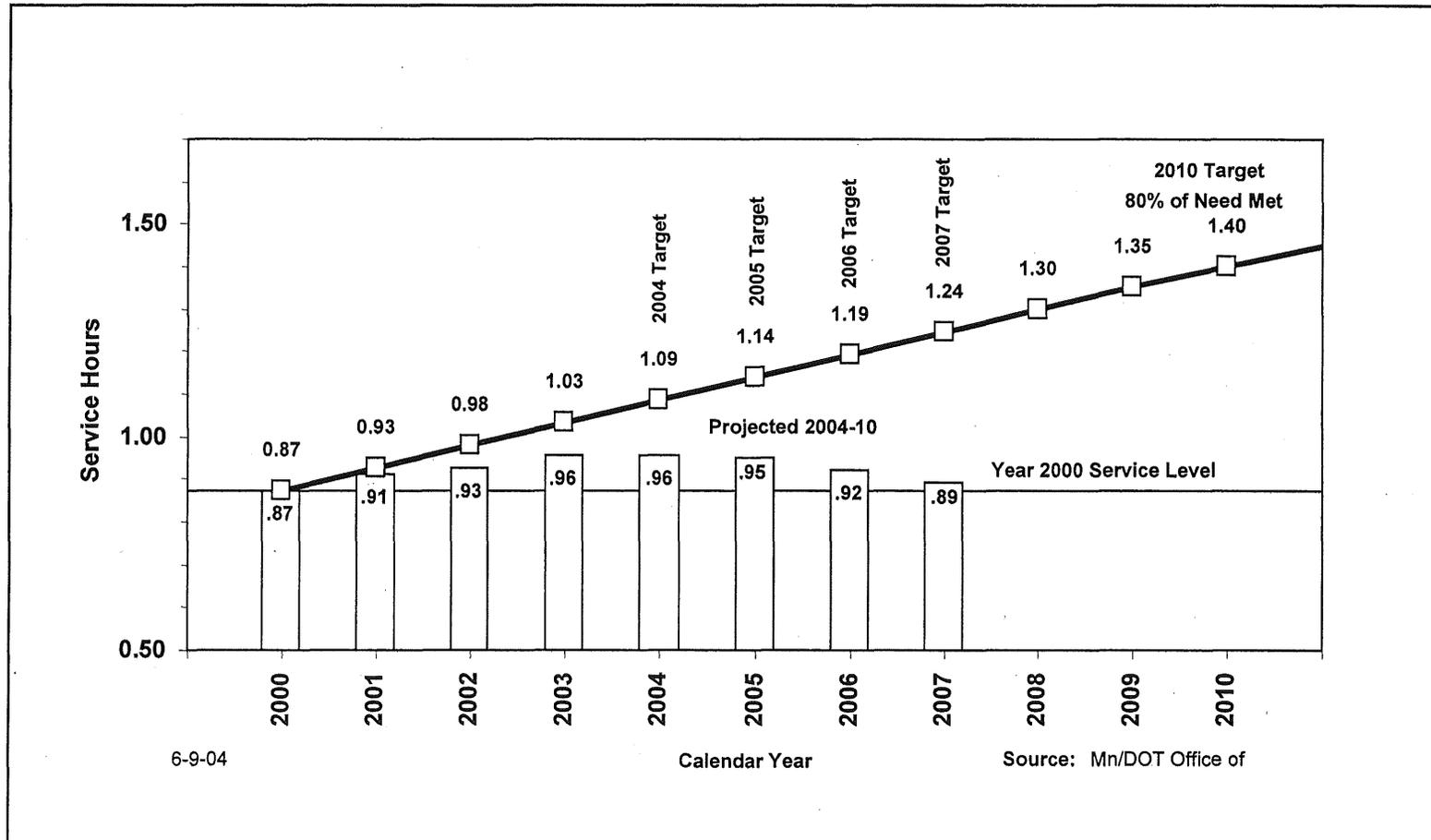
SOURCES:

Atlanta: call to MARTA office (Knox O'Callahan), 11 March 2002
Baltimore: call to MTA Maryland office, 6 March 2002
Cleveland: RTA press release (<http://www.gcrt.a.org/pressreleaselist.asp?listingid=286>)
Dallas: call to DART office (Donna Henry), 7 March 2002
Denver: call to RTD office (planning dept.), 6 March 2002
Houston: Metro financial report (<http://www.hou-metro.harris.tx.us/pdf/ar01/financial.pdf>), Texas tax rate information (<http://www.window.state.tx.us/taxinfo/local/rateinfo.html>)
Pittsburgh: call to Port Authority office (Kathy Williams), 7 March 2002
Portland: Tri-Met 2001 financial report (<http://www.tri-met.org/financials2001.pdf>) and tax rate information (<http://www.tri-met.org/taxinfo.htm>); call to Tri-Met office, December 2001
St. Louis: list of municipal tax rates (<http://www.co.st-louis.mo.us/taxes/s&pchart.html>), Bi-State Facts (<http://www.bi-state.org/facts.html>)
San Diego: call to MTDB office (Nancy Irwin), 13 March 2002
San Jose: VTA capital report (http://www.vta.org/inside/about/2002_Adopted_Budget.pdf), Transportation Development Act (<http://www.dot.ca.gov/hq/MassTrans/tdastatu.htm>)
Seattle: call to King County Metro Transit office (Jill Krekalow), 15 March 2002

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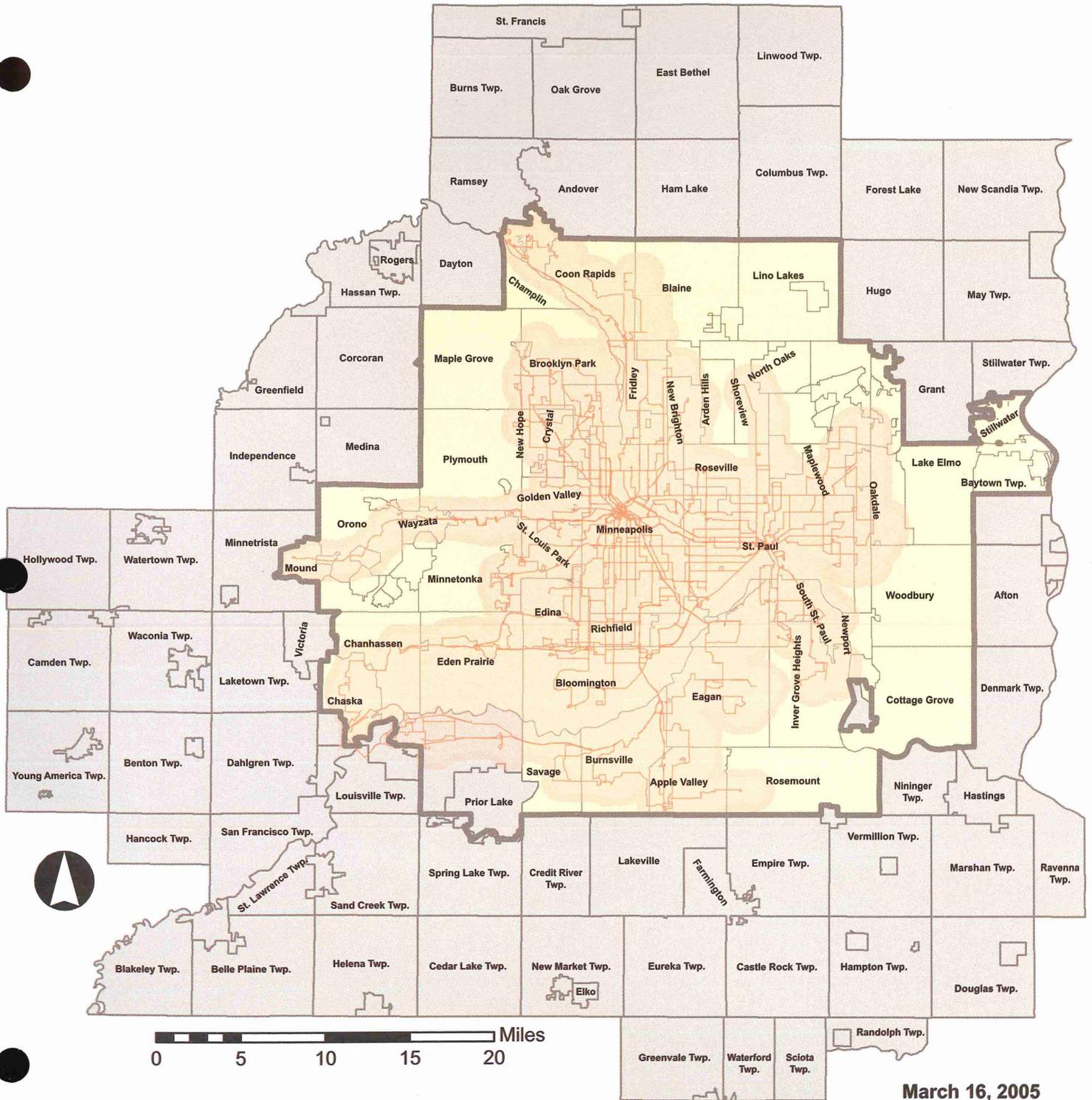
Greater Minnesota Transit Plan Bus Service Hours

(in millions)



State Plan Measure: Number of bus service hours required to meet transit needs

2005 Potential Metro Mobility Service Area (Preliminary Draft)



-  ADA Eligible Routes
-  Potential Metro Mobility Service Area
-  Current Metro Mobility Service Area
-  Transit Taxing District

NOTE: This map represents the potential Metro Mobility/County ADA service area. Changes to the fixed-route system will impact the ADA service area indicated on this map.

