



S.F. No. 817 – Highway project development modifications (as proposed to be amended by A-1 amendment)

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S.F. 817 modifies requirements related to the development of highway projects and highway purposes at the Minnesota Department of Transportation (“MnDOT”).

Section 1 requires the commissioner of the Minnesota Pollution Control Agency to consult with the commissioner of transportation for purposes of its cumulative impacts analysis and conform the rules to the proposed transportation cumulative impact analysis established in **section 4**.

Section 2 amends the statutory appropriation limitation on the highway user tax distribution fund to:

- Define “highway purposes” as:
 - Construction, improvement, maintenance, and operations of a highway;
 - Multimodal infrastructure within a highway right-of-way related to transit, active transportation, and the reduction of greenhouse gases;
 - Activities directly related to, or necessary to administer or support, the purposes specified above.
- Define “trunk highway purposes” as:
 - Highway purposes for the trunk highway system; and
 - Trunk highway project offset actions required under **section 4, subdivision 7**.
- Strike existing statutory limitations on the commissioner of transportation using funds from the highway user tax distribution fund or trunk highway fund for the following purposes, including:
 - the Minnesota Safety Council;
 - driver education programs;
 - the Office of Transit and Active Transportation within MnDOT;
 - the Office of Passenger Rail;
 - the installation, construction, expansion, or maintenance of electric vehicle infrastructure

Section 3 establishes a community preferred alternative requirement to all current and future federally-funded transportation projects involving the construction, reconstruction, rehabilitation, or resurfacing of a highway.

Subdivision 1 requires the commissioner to study an alternative design approved by the policy advisory committee established in **subdivision 2** before developing transportation projects involving the construction, reconstruction, rehabilitation, or resurfacing of a highway.

Subdivision 2 establishes the policy advisory committee, which is composed of elected and appointed local officials from impacted project areas, to approve or disapprove of alternative designs. Specifies membership requirements. Requires the commissioner to submit design alternatives for approval to the policy advisory committee. Approval on the preferred alternative design from the committee requires a two-thirds vote and must occur before the commissioner (1) selects a preferred alternative design; (2) initiates the final layout approval process; or (3) begins project construction.

Subdivision 3 requires the commissioner to adopt bylaws and procedures to govern the approval and operation of the policy advisory committee and specifies certain requirements of adopted bylaws, including a regular meeting schedule, a process by which policy advisory committee members can introduce resolutions, and the establishment of procedures for organizing and holding public meetings.

Subdivision 4 requires the commissioner to establish a robust and meaningful public participation and community engagement process as part of forming a policy advisory committee.

Subdivision 5 requires the commissioner to submit an annual legislative report on the activities of any policy advisory committee during the prior year.

Section 4 applies and implements a transportation cumulative impacts analysis requirement on certain trunk highway construction, reconstruction, or maintenance projects.

Subdivision 1 defines key terms for purposes of the transportation cumulative impact analysis.

Subdivision 2 provides application and implementation parameters for the transportation cumulative impact analysis required by this section.

Subdivision 3 establishes the process by which a transportation cumulative impact analysis is required before the inclusion of a trunk highway project in the state transportation improvement program or metropolitan transportation improvement program. Establishes impacts analysis and determination of adverse impact criteria. If a determination of adverse impact is found, the applicable road designing entity must alter the scope or design of the project, enter into a community benefit agreement as provided in **subdivision 6**, or halt the project. Requires public justification.

Subdivision 4 requires the commissioner of transportation to establish its own process by which it can conduct an impacts analysis.

Subdivision 5 requires an applicable entity to conduct public meetings in a relevant environmental justice area affected by a project if the entity is required to conduct an impacts analysis under **subdivision 3**. Specifies public meeting notice and comment requirements.

Subdivision 6 establishes community benefit agreement policy requirements for an applicable entity. A community benefit agreement established for an environmental justice area must provide for (1) a reduction in transportation pollutants; (2) a reduction in adverse impacts on the environment or health; (3) a mitigation action as provided in **subdivision 7**; (4) related beneficial impacts determined by the commissioner. Requires the policies adopted conform with the MPCA's rules for a community benefit agreement under Chapter 116.

Subdivision 7 links the existing mitigation actions required under Chapter 161 for greenhouse gas/vehicle miles travelled offsets to a community benefit agreement required under this section if certain criteria are met. Specifies mitigation location prioritization order.

Section 5 establishes an environmental justice ombudsperson at MnDOT with a particular focus on environmental justice advocacy in the department and transportation cumulative impact analysis work established in section 4.



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