

## S.F. No. 2199 – Metropolitan Transportation Planning Board

**Author:** Senator Karla Bigham

**Prepared by:** Alexis C. Stangl, Senate Counsel (651/296-4397)

**Date:** April 23, 2021

---

**S.F. 2199** establishes the Metropolitan Transportation Planning Board (“board”), which is responsible for planning and constructing transit facilities in the metropolitan area. These duties are currently carried out by the Metropolitan Council (“council”) and the Transportation Advisory Board. Much of the bill language moves existing statutory language from **chapter 471** and recodifies the language in a newly created **chapter 174B**.

**Section 1 (Metropolitan area transit account)** annually appropriates 0.75% of the money in the Metropolitan area transit account to the commissioner of transportation for the activities of the Metropolitan Transportation Planning Board.

**Section 2 (Definitions)** provides definitions for the new chapter of law created in the bill.

**Section 3 (Metropolitan Transportation Planning Board)** establishes the Metropolitan Transportation Planning Board as an independent entity within the Department of Transportation. The Board is designated as the metropolitan planning agency for the Twin Cities metro area. The Board is responsible for all transportation and transit planning in the metro area. The Board and the Department are responsible for constructing transit infrastructure in the metro area. In addition, the Board is responsible for determining regular route bus services to be operated by the Metropolitan Council. The Board is not responsible for operating or maintaining public transit facilities. This section is similar to **section 473.146, subdivision 4**.

**Section 4 (Powers)** grants the Board the powers described in this section as well as other powers necessary to perform its duties. When operating powers granted in this section, the board is not subject to approval of the commissioner. The board may acquire property by condemnation proceedings under certain situations. The board may design and construct public transit or paratransit systems or projects and related infrastructure. The Metropolitan Council retains the right to sell or lease naming rights at light rail transit stations. The board is to acquire and take control of any or all of an existing public transit systems. The Metropolitan Council must take over operations of the acquired system. State agencies and local governments may convey facilities to the board with or without compensation. The board may assist in relocating individuals and businesses that

are displaced by board operations and may make relocation payments. This section is similar to **section 473.405**.

**Section 5 (Transportation Accessibility Advisory Committee)** requires the board to establish a Transportation Accessibility Advisory Committee to advise the board on developing and managing policies regarding accessibility of fixed route and special transportation services. This section is similar to **section 473.375, subdivision 9a**.

**Section 6 (Transportation Policy Plan)** requires the board to adopt a long-range comprehensive policy plan for transportation in the metropolitan area. The plan must address specific issues. The plan must also include specified nontransit elements. Before revising the plan, the board must evaluate the performance of the metro area's transportation system as a whole. The board must update the evaluation of the regional transit system every two years. The board must use the results of the performance evaluation to make recommendations to improve the system in each revision of the plan. The board must have the performance evaluation peer reviewed. The board must submit the performance evaluation to the legislature. This section is similar to **section 473.146, subdivisions 1 and 3 and section 473.1466**.

**Section 7 (Transitways; light rail transit and commuter rail in the metropolitan area)** requires the board to identify in the transportation policy plan heavily traveled corridors where development of a transitway may be feasible and cost-effective. After completion of environmental studies and receiving local input, the board must designate the locally preferred alternative transit mode for the corridor. The board must ensure that light rail transit facilities that are designated as the locally preferred alternative will be capable of operation in an efficient, cost-effective, and coordinated manner. Construction of light rail transit facilities must not start unless the mode is designated as the locally preferred alternative for the corridor. The board must ensure that the light rail transit and commuter rail facilities are implemented to move riders into and out of, as well as within, the metro area and to interface with each other and other transportation facilities. This section is similar to **section 473.399**.

**Section 8 (Light rail transit construction; authority)** allows the board to plan and build light rail transit facilities in the metro area. This section is similar to **section 174.35**.

**Section 9 (Light rail transit facility plans; definitions)** provides definitions relating to **sections 7-10**. This section is similar to **section 473.3993**.

**Section 10 (Light rail transit design plans)** outlines the process for light rail transit design. This is similar to **section 473.3994**.

**Subdivision 1 (Designation of responsible authority)** requires the governor to designate either the board or the commissioner of transportation as the responsible entity for planning and constructing a light rail transit line. The commissioner must not spend state money to study light rail transit unless the funds are appropriated in legislation.

**Subdivision 2 (Preliminary design plans; public hearing)** requires the responsible authority and the regional rail authority to hold public hearings on the preliminary design plans.

**Subdivision 3 (Preliminary design plans; local approval)** requires the responsible authority to submit the preliminary design plans to each local government in which the route

is proposed to be located. This must be done at least 30 days before the public hearing required by **subdivision 2**. The local government must hold a public hearing. Within 45 days of the public hearing required by **subdivision 2**, the local governments must review and approve or disapprove of the plans.

**Subdivision 4 (Preliminary design plans; board hearing)** says that if any local government disapproves the preliminary design plans, the board must hold a hearing on the plans to allow disapproving local government units and others to present their views. The responsible authority may conduct an independent study and may attempt to resolve disagreements about the plans. Within 60 days of the hearing, the board must review the plans and decide what amendments to the plan, if any, must be made to accommodate the objections raised by the disapproving local governments. Amendments must be made before continuing the planning and designing process.

**Subdivision 5 (Final design plans)** says that if final design plans incorporate a substantial change from the preliminary design plans, the responsible authority must submit the change to the local governments where the change is proposed to be located. Within 60 days, the local government must review and approve or disapprove of the change. If a local government disapproves, the board must review the final design plans in the same manner as preliminary design plans that were disapproved.

**Subdivision 6 (Board review)** requires the commissioner, if acting as the responsible authority, to submit preliminary and final design plans to the board before proceeding with construction. The board must review the plans for consistency with the board's development guide and approve the plans.

**Subdivision 7 (Light rail transit operating costs)** requires the board, in consultation with the Metropolitan Council, to prepare an estimate of the amount of operating subsidy required to operate the light rail transit in the corridor. This must be done before submitting an application for federal assistance. The board must review and evaluate the estimate with regard to the effect of operating the light rail transit on the currently available mechanisms for financing transit in the metro area.

**Subdivision 8 (Corridor Management Committee)** requires the responsible authority to establish a Corridor Management Committee to advise the authority on the design and construction of light rail transit and other specified issues.

**Subdivision 9 (Transfer of facility after construction)** requires the responsible authority to transfer to the Metropolitan Council all facilities and equipment upon completion of construction.

**Section 11 (Light rail transit; design-build method)** allows a responsible authority to use a design-build method of project development and construction for light rail transit, subject to the specified requirements. This section is similar to **section 473.3995**.

**Section 12 (Federal funding; light rail transit)** says that after completion of the alternatives analysis and draft environmental impact statement and selection of the locally preferred alternative, the responsible authority may prepare an application for federal assistance for each light rail transit facility. The board must review and approve the application before it is submitted. This section is similar to **section 473.3997**.

**Section 13 (Right-of-way use; contracts; liability)** governs situations where a corridor is shared by light rail transit and freight rail. This section is similar to **section 473.4052**.

**Subdivision 1 (Contracts for joint or shared use)** states that the location of light rail transit in a shared corridor that is within or adjacent to the right-of-way used for freight rail purposes is a public purpose. The board, a metro county, or public entity contracting with the board or county may contract with a railroad for the use of the right-of-way for light rail transit and freight rail purposes and the construction and operation of facilities in the shared corridor.

**Subdivision 2 (Liability)** states that railroads and railroad employees operating in a shared corridor have the same liability limits as municipalities in actions arising from an incident in the shared corridor.

**Subdivision 3 (Insurance)** requires that when there is a contract between the board and the railroad, the board is to procure insurance in an amount consistent with federal law. Procurement of insurance by the board constitutes a waiver of the liability limits to the extent that the insurance pays the claim. Insurance procured by the railroad does not constitute a waiver of liability.

**Subdivision 4 (Application)** the provisions in **subdivisions 2 and 3** apply only for Southwest light rail.

**Section 14 (Transit shelters and stops)** defines “transit authority” to mean the board, cities, or replacement service providers, depending on the ownership of the transit shelter or stop. A transit authority must establish design specifications for transit shelters. A transit authority must ensure transit shelters are maintained and accessible to all users. Minimum requirements for transit shelter design and maintenance are specified. This section is similar to **section 473.41**.

**Section 15 (Metropolitan area transit investment)** provides definitions for the section. A state agency or local unit of government that submits a request to the legislature to obtain state funds for a guideway must provide a summary financial plan for the project that presents the specified information. The board must annually prepare a report, in collaboration with the commissioner of transportation and the chair of the Metropolitan Council, on comprehensive transit finance in the metro area. The report must include specified information and be submitted to the legislature. This section is similar to **section 473.4485**.

**Section 16 (Policy; goals)** states the legislative policy and goals relating to creating and operating transit programs in the metro area. This section is similar to **section 473.371**.

**Section 17 (Development Guide)** requires the Metropolitan Council’s development guide to be consistent with the plans adopted by the board.

**Section 18 (Requirement)** amends the requirements of the Metropolitan Councils long-range comprehensive policy to remove references to transportation. This requirement was transferred to the board in **section 6**.

**Section 19 (Definitions)** changes a reference from the Metropolitan Council to the board.

**Section 20 (Cooperation with Metropolitan Transportation Planning Board)** requires the Metropolitan Council to cooperate with the board.

**Section 21 (Regular route fares)** changes a reference from the Metropolitan Council to the board.

**Section 22 (Act exclusive)** adds a cross reference to the newly created **chapter 174B**.

**Section 23 (Report; implementation changes)** requires the commissioner of transportation, in consultation with the chair of the Metropolitan Council, to report to the legislature by December 1, 2021, on recommendations on how to fully implement the requirements of this act. This section is effective the day following final enactment.

**Section 24 (Transition; Transportation Advisory Board; Metropolitan Transportation Planning Board)** transfers the responsibilities of the Transportation Advisory Board to the Metropolitan Transportation Planning Board. The Council and Transportation Advisory Board must provide to the Metropolitan Transportation Planning Board all information relating to current and future transit lines.

**Section 25 (Revisor instruction)** requires the revisor of statute to title **chapter 174B** as “Metropolitan Transportation Planning.”

**Section 26 (Repealer)** repeals several statutes that were replaced by provisions in the bill. In many cases, the repealed statutes appear in substantially the same form but in a new location.

**Section 27 (Effective date)** provides that this act is effective July 1, 2022, except where otherwise provided.