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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4561

03/23/2022

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to transportation; eliminating designation of high-occupancy vehicle lanes;

1.3 requiring a report; transferring money; amending Minnesota Statutes 2020, sections

1.4 160.845; 160.93, subdivision 5, by adding a subdivision; 473.407, subdivision 1;

1.5 Minnesota Statutes 2021 Supplement, section 160.93, subdivision 4; repealing

1.6 Minnesota Statutes 2020, section 160.93, subdivisions 1, 2, 2a, 3.

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

1.8 Section 1. Minnesota Statutes 2020, section 160.845, is amended to read:

1.9 **160.845 RESTRICTIONS ON TOLL FACILITY.**

1.10 (a) A road authority, including the governing body of a city, or a private operator may

1.11 not convert, transfer, or utilize any portion of a highway to impose tolls or for use as a toll

1.12 facility. A road authority, including the governing body of a city, or a private operator may

1.13 not limit operation of a commercial motor vehicle, as defined in section 169.011, subdivision

1.14 16, to a toll facility or otherwise require that a commercial motor vehicle use the tolled

1.15 portion of a highway.

1.16 (b) This section does not apply to (1) any toll facility ~~or high-occupancy vehicle lane~~

1.17 constructed, converted, or established before September 1, 2007, (2) any additional lane;

1.18 ~~including a priced dynamic shoulder lane, high-occupancy vehicle lane, or high-occupancy~~

1.19 ~~toll lane,~~ added to a highway after September 1, 2007, and (3) any other general purpose

1.20 lane that adds capacity.

2.1 Sec. 2. Minnesota Statutes 2020, section 160.93, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 1a. **High-occupancy lanes.** The commissioner is prohibited from designating a  
2.4 high-occupancy vehicle lane or a high-occupancy toll lane. The commissioner may not  
2.5 impose a user fee on owners or operators of a vehicle using a highway lane of travel.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

2.7 Sec. 3. Minnesota Statutes 2021 Supplement, section 160.93, subdivision 4, is amended  
2.8 to read:

2.9 Subd. 4. **Prohibition.** No person may operate a ~~single-occupant~~ vehicle in a designated  
2.10 ~~high-occupancy vehicle lane~~ or dynamic shoulder lane except in compliance with the  
2.11 requirements of the commissioner. A person who violates this subdivision is guilty of a  
2.12 petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4, and 169.891  
2.13 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor  
2.14 traffic offense. ~~Upon approval of the Federal Highway Administration, this subdivision~~  
2.15 ~~does not apply on New Year's Day, Memorial Day, Independence Day, Labor Day,~~  
2.16 ~~Thanksgiving, and Christmas.~~

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

2.18 Sec. 4. Minnesota Statutes 2020, section 160.93, subdivision 5, is amended to read:

2.19 Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic  
2.20 shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes as  
2.21 ~~priced lanes~~, general purpose lanes, ~~high-occupancy vehicle lanes~~, or as shoulders as defined  
2.22 in section 169.011, subdivision 74. The commissioner may prescribe the conditions under  
2.23 which the lanes may be used. The commissioner may not charge a fee to an owner or operator  
2.24 of a vehicle that is using a dynamic shoulder lane.

2.25 ~~(b) The commissioner may not operate a dynamic shoulder lane on marked Trunk~~  
2.26 ~~Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with~~  
2.27 ~~marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along this~~  
2.28 ~~portion of marked Trunk Highway 35W may only be used by:~~

2.29 ~~(1) a vehicle with more than one occupant;~~

2.30 ~~(2) a single-occupant vehicle if the fee under subdivision 1 is paid;~~

3.1 ~~(3) a transit bus providing public transit, as defined in section 174.22, subdivision 7;~~  
 3.2 ~~and~~

3.3 ~~(4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.~~

3.4 ~~(e)~~ (b) The commissioner shall erect signs to indicate when the lanes may be used.

3.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.6 Sec. 5. Minnesota Statutes 2020, section 473.407, subdivision 1, is amended to read:

3.7 Subdivision 1. **Authorization.** The council may appoint peace officers, as defined in  
 3.8 section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as  
 3.9 defined in section 626.84, subdivision 1, paragraph (f), known as the Metropolitan Transit  
 3.10 Police, to police its transit property and routes, to carry out investigations, and to make  
 3.11 arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency  
 3.12 is limited to offenses relating to council transit property, equipment, employees, and  
 3.13 passengers. The jurisdiction of the Metropolitan Transit Police shall include traffic lanes  
 3.14 designed for bus or transit use, and freeway or expressway shoulders in the seven-county  
 3.15 metropolitan area used by authorized transit buses and Metro Mobility buses under section  
 3.16 169.306, ~~and high-occupancy vehicle lanes used by transit buses.~~ Upon request from, or  
 3.17 under an agreement with, any law enforcement agency and subject to the availability of its  
 3.18 personnel and other resources, the Metropolitan Transit Police may exercise general law  
 3.19 enforcement agency authority to assist any law enforcement agency in implementing or  
 3.20 carrying out law enforcement activities, programs, or initiatives. If the commissioner of  
 3.21 transportation contracts with the Metropolitan Council for operation of commuter rail  
 3.22 facilities under section 174.90, the jurisdiction of the Metropolitan Transit Police extends  
 3.23 to offenses relating to the operation, property, facilities, equipment, employees, and  
 3.24 passengers of the commuter rail facilities located in and outside of the metropolitan area.

3.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.26 Sec. 6. **HIGH-OCCUPANCY VEHICLE LANE CONVERSION.**

3.27 Subdivision 1. Lane conversion. By July 31, 2023, the commissioner of transportation  
 3.28 must convert all high-occupancy vehicle lanes to general purpose lanes.

3.29 Subd. 2. Transfers. (a) On June 30, 2023, all money in the high-occupancy vehicle lane  
 3.30 user fee account in the special revenue fund is transferred to the commissioner of  
 3.31 transportation for deposit in the trunk highway fund.

4.1 (b) On June 30, 2023, all money in the I-35W high-occupancy vehicle and dynamic  
4.2 shoulder lane account in the special revenue fund is transferred to the commissioner of  
4.3 transportation for deposit in the trunk highway fund.

4.4 Subd. 3. **Legislative report.** By December 1, 2022, the commissioner of transportation  
4.5 must submit a report on lane conversions under subdivision 1 to the chairs and ranking  
4.6 minority members of the legislative committees with jurisdiction over transportation policy  
4.7 and finance. The report must include information on the lane conversion process and  
4.8 recommendations, if any, for legislative changes or appropriations.

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

4.10 Sec. 7. **REPEALER.**

4.11 Minnesota Statutes 2020, section 160.93, subdivisions 1, 2, 2a, and 3, is repealed.

4.12 **EFFECTIVE DATE.** This section is effective August 1, 2023.

**160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.**

Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to individuals traveling in a trunk highway corridor, the commissioner of transportation may charge user fees to owners or operators of single-occupant vehicles using dynamic shoulder lanes as designated by the commissioner and any designated high-occupancy vehicle lanes. The fees may be collected using electronic or other toll-collection methods and may vary in amount with the time of day and level of traffic congestion within the corridor. The commissioner shall consult with the Metropolitan Council and obtain necessary federal authorizations before implementing user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this section are not subject to section 16A.1283.

Subd. 2. **Deposit of revenues; appropriation.** (a) Except as provided in subdivision 2a, money collected from fees authorized under subdivision 1 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue fund. A separate account must be established for each trunk highway corridor. Money in the account is appropriated to the commissioner.

(b) From this appropriation the commissioner shall first repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing and administering the fee collection system for that corridor.

(c) The commissioner shall spend remaining money in the account as follows:

(1) one-half must be spent for transportation capital improvements within the corridor; and

(2) one-half must be transferred to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.

Subd. 2a. **I-35W high-occupancy vehicle and dynamic shoulder lane account.** (a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to \$1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of \$1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections 160.84 to 160.92 and 161.162 to 161.167.