



Minnesota Regional Transit
Board: Records.

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REGIONAL TRANSIT BOARD
270 Metro Square Building
St. Paul, Minnesota 55101
612/292-8789

MEETING OF THE REGIONAL TRANSIT BOARD
Monday, April 6, 1987
Council Chambers
4:00 p.m.

AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Minutes of March 16, 1987, Board Meeting
4. Consent List
5. REPORT OF THE POLICY COMMITTEE

Alison Fuhr,
Vice Chair

 - A. Draft Environmental Impact Statement Trunk Highway 77/1-494 Improvement Project
6. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Ruth Franklin,
Chair

 - A. 1987 Affirmative Action Status Report, Resolution No. 87-05
 - B. New Metro Mobility Provider Contract Approval (Wilder Transportation Service)
 - C. Request for Proposal for Metro Mobility Evaluation Contract
 - D. Financial Statements - January 1987
 - E. Issuance of General Obligation Refunding Bonds, Series 1987C, Resolution No. 87-04
7. OTHER BUSINESS
 - A. Chairman's Report
 - B. Members' Reports
 - C. Staff Reports
8. PUBLIC COMMENT

Elliott Perovich
Chairman

REGIONAL TRANSIT BOARD

270 Metro Square Building, St. Paul, Minnesota 55101

Minutes of the Meeting of the
REGIONAL TRANSIT BOARD
Metropolitan Council Chambers
March 16, 1987

BOARD MEMBERS PRESENT: Elliott Perovich, Chairman; Doris Caranicas; Carole Faricy; Ruth Franklin; Alison Fuhr; Rochelle Graves; Paul Joyce; Edward Kranz and Bernard Skrebes

OTHERS PRESENT: Gregory Andrews, Tom Beaver, Jerry Brechlin, Kathy Christopherson, Cindy Fish, Mary Fitzgerald, Jan Hennings, Carol Hinze, Ed Kouneski, Cindy Mayer, Julie Opsahl, Randy Rosvold, Regional Transit Board Staff; Bob Rossman, Amalgamated Transit Union; Natalio Diaz, Emil Brandt, Pat Scully, Steve Wilson and Dirk deVries, Metropolitan Council; Greg Failor, Metropolitan Transit Commission (MTC); Al Pint, Minnesota Department of Transportation (Mn/DOT); Charles Weaver, legal counsel; Pat Regan, Mayor LuAnne Stoffel and Tom Nesbitt from the City of Hastings

The meeting was called to order at 4:00 p.m. The chairman administered the Oath of Office to new members Carole Faricy and Rochelle Graves and to returning member Doris Caranicas.

Joyce moved approval of the agenda; Caranicas seconded the motion. The motion carried unanimously. Items 6 and 7 on the agenda were delayed until Al Pint of the Minnesota Department of Transportation arrived.

The chairman noted that a new set of minutes had been distributed, correcting the date of the meeting. Skrebes moved approval of the minutes of the meeting of March 2, 1987. Joyce seconded the motion; the motion carried unanimously.

CONSENT LIST

Project Path Report and Environmental Assessment, Trunk Highway 169 Minnesota River Crossing/Downtown Shakopee Approach Caranicas moved approval of the item as discussed in the chairman's memorandum dated February 18, 1987. Fuhr seconded the motion; the motion carried unanimously.

REPORT OF THE POLICY COMMITTEE

Committee Vice Chair Fuhr said the Policy Committee did not meet since the last board meeting; its next meeting is Wednesday, March 18.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Committee Chair Franklin reviewed the committee report, dated March 10, 1987. The following items were reviewed and acted upon at its March 5 meeting.

HASTINGS COMMUTER EXPRESS

Franklin moved:

That the Regional Transit Board not renew or extend the contract for operation of the Hastings Commuter Express service.

Skrebes seconded the motion. A meeting, attended by Ed Kranz, Pat Scully, Pat Regan and Elliott Perovich, was held today on this contract. Kranz and Scully would like to investigate means of reorganizing the service. Vote was taken; the motion carried (Fuhr voted nay). (This item was reconsidered later in the meeting.)

CITY OF BLOOMINGTON'S FEDERAL AID URBAN (FAU) TRANSIT PROJECT APPLICATION TO ASSIST IN FUNDING OF THE MEGA MALL TRANSIT STATION

Franklin moved:

That the Regional Transit Board support the City of Bloomington's Federal Aid Urban Transit Project Application to assist in funding the Mega Mall transit station.

Fuhr seconded the motion; the motion carried unanimously. (Kranz arrived.)

MINNESOTA RIDESHARE AND METROPOLITAN TRANSIT COMMISSION FEDERAL AID URBAN APPLICATIONS

Mayer noted that a report, dated March 16, 1987, regarding the 1989-1991 FAU applications had been handed out. Included with the report are copies of the applications. Franklin said the Transportation Advisory Board's subcommittee will review and set priorities on the applications. Franklin moved:

That the Regional Transit Board authorize the executive director to submit an application for 1989-1991 Federal Aid Urban funding for the Minnesota Rideshare program in the amount of \$750,000 as well as two Metropolitan Transit Commission applications; one for 48 forty-foot buses in the amount of \$5,500,000; and another application for computer hardware and software equipment in the amount of \$250,000.

Joyce seconded the motion. The motion carried unanimously.

FINANCIAL STATEMENTS - DECEMBER 1986

Franklin said these reports are generated monthly and reviewed at the committee meeting, which is an opportunity to review all the elements. She moved:

That the Regional Transit Board receive the December 1986 financial statements and direct that they be placed on file.

Kranz asked that the Hastings Commuter Express item be reconsidered because there were people in the audience who wished to comment on the issue. The chairman suggested that the last item in the committee report be considered first.

OFFICE LEASE PROPOSAL

Christopherson referred to Andrews' March 10 memorandum and the attached lease. John McDonald, President of Ameritas, Inc., has now signed the lease with no changes to the signed copy. She said the lease provides approximately 50-percent more space than we presently have. The scheduled date for moving into the new quarters is May 1, 1988.

Weaver said one key element is the finishing allowance of \$16.50 per square foot. We must get the requirements for the base building and start the design people working on how we will finish the second floor. The allowance seems very reasonable. The operating costs are principally the real estate tax and other normal costs to maintain the building. The costs start in the fourth year of the lease. The contractor has a good reputation for getting projects done on time. Franklin moved:

That the Regional Transit Board authorize the chairman and executive director to execute a lease with Ameritas, Inc. in substantially the form attached hereto.

Kranz seconded the motion. The motion carried unanimously.

HASTINGS COMMUTER EXPRESS

Franklin moved to reconsider the matter; Joyce seconded the motion. The motion carried unanimously.

Scully said there are people riding the bus who do not own cars and will have a hardship getting to work; however, the service may not qualify under the Metropolitan Council and Regional Transit Board regulations. The issue merits more discussion and he suggested that the board postpone its decision. Having reviewed Regan's budget, Scully said there may be room for negotiation. Kranz said he had reviewed the application with the private provider and Kranz worked closely with the city. The city invested its own money developing a commuter service that has grown. Kranz suggested that the board continue funding for another month and ask for proposals from the city to RTB on how to continue service.

Mayor LuAnn Stoffel of the City of Hastings said the city is on the fringes of the Twin Cities and receives very little from the Council. It is an older community that has been affected by the farm crisis.

Connie Warren, a Hastings resident, said she has ridden the bus since the inception of the service. She is a single parent, head of household, and the service is important to her and women like her who need transit service because they have no cars, or undependable cars. Kranz asked what the current ridership is. Warren said there are 25 or more riders, but the system needs more time to get going. Once people try it, they like it, and would not object to a modest fare increase. The fare is \$1.75 one way.

Pat Regan, President of Commuter Express, said the service is cost-effective and fits the mission statement of the Regional Transit Board. The Board has not recognized the local contribution to the service. He is willing to discuss his budget and run the service another month at the rate proposed. He has proposed stops in Cottage Grove where MTC is picking up passengers.

Franklin said the service seems to be very efficient but the recommendation came forward because the service goes against Metropolitan Council rules and regulations. Originally the city was to contribute, but they did not match funds the last time the service was extended. She asked how an arrangement to extend service could be worked out under Council regulations. Hollander said an option discussed previously was that the Board could allow the violation of Metropolitan Council policy and appeal to them to modify it.

Diaz said the Metropolitan Council does not use the term "violation;" projects are considered consistent or inconsistent with their guidelines. They are in the process of reviewing and revising the Transportation Policy Plan and a request for a revision can be made.

Joyce said because of the interest the city expressed today in saving the service, it would be worthwhile to take an extra month to work out a solution.

Franklin said another issue is prioritizing future service based on the Transit Service Needs Assessment. At this point there are enough exurban funds to extend this, but sometime down the line, when other services are established in outer rings, there may be a shortage. Kranz said last year Hastings provided approximately \$15,000 in local funds. The Board funded the entire amount for January to March 1987. The city received \$500 for local transit service last year and the subsidy for commuter express. The area provides \$47,000 in exurban taxes for transit. He would like the project funded another three months. He moved:

That the Regional Transit Board fund the project for the next three months with the understanding that the city will return to the board with a proposal that includes matching funds.

Fuhr seconded the motion. Regan said at the current subsidy level he is requesting \$120 per day for about 30 daily riders. Kranz said it should be made clear to the Hastings people and the provider that they must move forward on this and be instructed in the motion that the city must come back with a proposal in the very near future.

The chairman said he questions whether the board would have funded this without Hastings stating they would pick up half of the deficit. The Board may not want to fund a project that is inconsistent with Council policy. The Board should go back and talk about this. Regan said he would run without subsidy if there is some possibility of extending the service. Scully said the Board should talk to the Council to see what can be done. He clarified that he did not agree with Regan's budget.

Fuhr asked if Kranz would amend his motion and ask that this be forwarded to the Council for reevaluation of the policy. Kranz agreed, and said he picked 90 days because that was discussed earlier. It could be done sooner. The city needs time to study it and come back to the Board.

Diaz said another issue is that the service is inconsistent with existing legislation because it is not ridesharing or paratransit service. In this case the Council policy and legislation are the same.

Tom Nesbitt, a former councilman and citizen of Hastings, said it is important to understand that people have the perception the regional agencies have forgotten about them. The inner cities receive the benefits and the outer areas are footing the bill.

Franklin asked if the service can be continued on a day-to-day basis until it goes back to committee and staff input is received on how this can be handled. She agreed with the chairman that the committee could discuss it on April 2 and the board can reconsider it on April 6. Kranz said the city has not had an opportunity to analyze discussion at this meeting. Fuhr called the question.

Franklin offered a substitute motion:

That the Regional Transit Board extend the contract to April 6, 1987, with the matter on the agenda of the April 2, 1987, Administration and Finance Committee meeting and the April 6, 1987, meeting of the Board.

Skrebes seconded the motion. Caranicas asked if that will be enough time to do what is necessary in terms of the implications of the legislative mandate on the use of exurban funds. Andrews said a legal opinion will be developed before the April 2 meeting on whether the funds can be used. Staff will discuss the budget with the provider in order to reach agreement on reasonable costs. The chairman suggested that the City of Hastings be included in light of what they want to do on transit in general. Kranz said he agrees there should be a time-certain, but three months would give people a reasonable time to react. Franklin said in three weeks time the committee could discuss staff input and decide whether to extend the period to 90 days.

Vote was taken on the substitute motion; the motion carried (Faricy, Fuhr, Graves and Kranz voted nay).

Regan said the April 6 date confuses the issue because more time is needed. He offered to make a budget proposal retroactive to January and would like riders to know that the date means nothing in terms of how long the bus will run.

LOUISIANA AVENUE TIMED TRANSFER STATION

Hollander said the board has acted on the staff recommendation and staff is not asking for a motion to amend that. Graves said that if it is true that citizen input was not received, the board should not make promises that are not followed through. Moving the transfer station to the northwest quadrant does not seem very far. Hollander said there was a meeting held several weeks ago to discuss the design. The city is saying that after hearing plans they still disagree and would like the board to reconsider. Graves asked if moving the station would deal with the noise pollution. Rosvold said staff met several times with city staff to discuss site location policies and looked at six different sites. A variety of requirements were discussed. The issue was brought to several city council meetings and they considered putting it in Golden Valley. The site has 11 bus routes with four of them from St. Louis Park, two from Golden Valley and four of them will be on the freeway. The morning rush hour is key to ensure that people make their timed transfers to get to work on time. The city council meetings are open to the public. Graves asked if there had been public notice. Perovich said the agendas of city council meetings must be published.

The chairman said St. Louis Park is saying we did not ask them what they would tell their residents and what the RTB should tell them. In Anoka the city communicated with people on major issues, scheduled a meeting and invited representatives from the Minnesota Department of Transportation. St. Louis Park is saying there should have been a hearing on each of the six sites. We did not do that because some of those sites will not work. St. Louis Park apparently did not pass information along to their people; it becomes a question of who is responsible to do that. Graves said the RTB should ensure that these things are done. Fuhr discussed the meetings and the response from the public.

Kranz asked if another public hearing can be held on the site. Caranicas said it would have to reconsider all six sites. Rosvold said we are running short of time in the site selection process. Perovich said there was a full public hearing on this site, but St. Louis Park is complaining that we did not discuss all the sites and let them choose. We came in with the preferred site and information was mailed on all the alternatives. Hollander asked Al Pint to address the Mn/DOT construction schedule. Pint said they are trying to keep the station on schedule and have to proceed with design and right-of-way acquisition. He thinks the transit professionals did a good job of selecting a site. Graves said she is not saying this may not be the preferred site, but her perception is that people are not comfortable with this and need an opportunity to be heard. Something needs to be done for the residents of that community. If a marketing presentation is needed, it should be done.

Caranicas said Mn/DOT is working with the community on the design of the station. Perovich said Mn/DOT, RTB and City of St. Louis Park staff chose this site as the one that would work. Caranicas said we should keep in mind that people who support projects do not come to public hearings. The chairman said in the future we will establish who is responsible for communicating with residents. There is an assumption that cities do it.

Kranz said he has seen bad projects that were noncontroversial, but there is nothing wrong with Mn/DOT making a presentation to the residents. He so moved. Pint said that at the public hearing he committed himself to working with staff and the neighborhood to develop the best design. He does not need to be directed to do that. Fuhr said we handled this poorly. She would like the position to stand, but asked Pint to present the five other sites at the next meeting and tie it into the resolution.

Kranz moved and Graves seconded:

That the Regional Transit Board recommend that the Minnesota Department of Transportation hold a public meeting to discuss the Louisiana Avenue Timed Transfer Station.

Graves asked if they can make a marketing presentation and show the residents the model and why the site was chosen. People are reasonable, but get upset when they feel that are being duped. Pint said he would be happy to work with RTB staff to do that. Perovich asked if the meeting would deal with site selection or site design. Kranz said both should be covered with respect to how we got where we are. Franklin said she likes the marketing approach, but would have a hard time voting on the motion to start over. She would support marketing and good communications. Vote was taken; the motion carried unanimously.

PLYMOUTH AVENUE TIMED-TRANSFER TRANSIT STATION

Pint reviewed the site design. Perovich said the Minnesota Department of Transportation was directed to go back and work with Arby's and then proceed.

OTHER BUSINESS

CHAIRMAN'S REPORT

Perovich noted that at the next meeting he and Kuehn will report on the American Public Transit Association Legislative Conference in Washington D.C. they attended recently. Kranz also attended the conference.

MEMBERS REPORTS

Caranicas discussed scheduling a recognition dinner for outgoing members sometime in May. She said we will have to be more responsive to the Metropolitan Council Minority Affairs Committee.

Fuhr said the new chair was introduced at the last Transportation Handicapped Advisory Committee meeting. Senators Ramsted and Pogemiller attended the meeting. Fuhr called attention to the memorandum she placed in members' boxes dated March 13 proposing that the board support Hennepin County's light rail transit project to the extent that the Metropolitan Council has and with the proviso that there be appropriate regional oversight. Perovich said Hennepin County cannot apply for federal money because they do not have a federal Environmental Impact Statement. Joyce said we have to move forward because there has already been too much delay. The RTB would maintain its overall policy role. Council Member Scully said the Council took a position in favor of repealing the Schreiber amendment completely and supporting Hennepin County with the condition that there be oversight.

Fuhr moved:

That the Regional Transit Board supports efforts toward light rail transit development by the Hennepin County Railroad Authority, provided these efforts are consistent with regional goals, plans and policies.

Kranz seconded the motion; the motion carried unanimously.

Hollander reviewed the January 26 memorandum on LRT status and strategy. She suggested that the board begin to consider revising the board's strategy. Graves asked how LRT would impact the existing MTC lines between St. Paul and Minneapolis and MTC's ability to maintain itself. Hollander said she would expect that 94B would continue as an express service. The 16A route might not be continued, but buses would go into the neighborhoods. With timed-transfer it would be a more web-like system. MTC is interested in running the LRT.

STAFF REPORTS

Hollander introduced Howard Blin, the new planner in the Planning Section.

Hollander reported that there has been another accident with Metro Mobility. A meeting was called today with the providers and the administrative center to discuss driver supervision. Providers were told their credibility is at stake. Caranicas said people should realize that there were also accidents when MTC ran Project Mobility. Perovich said our record is better, but that is not important when someone is badly injured. We have done more than the state regulations require.

There being no further business, Franklin moved and Joyce seconded that the meeting be adjourned. The motion carried unanimously. The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Mary Fitzgerald
Secretary

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: March 30, 1987
TO: Regional Transit Board
FROM: Elliott Perovich, Chairman
SUBJECT: Consent List

The following referral has been reviewed by the staff and chair of the Regional Transit Board. In my opinion, the referral meets the standards of consent referrals adopted by the board in its bylaws.

Final Environmental Impact Statement New U.S. Highway 10 between Egret Boulevard and I-35W in Coon Rapids, Blaine and Mounds View.

This document reviews issues and impacts on the environment caused by the construction of this roadway within Coon Rapids, Blaine and Mounds View.

The Regional Transit Board has been asked to comment on the Final Environmental Impact Statement by the Minnesota Department of Transportation. The RTB has reviewed this document in accordance with the Implementation Plan and finds no significant impact on transit.

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: March 19, 1987
TO: Regional Transit Board
FROM: Policy Committee
SUBJECT: Report of the Policy Committee

At its March 18, 1987, meeting the Policy Committee discussed and approved the following recommendation:

Draft Environmental Impact Statement (DEIS) Trunk Highway (T.H.) 77/1-494 Improvement Project

That the Regional Transit Board (RTB) notify the Minnesota Department of Transportation (Mn/DOT) that their review of the Draft Environmental Impact Statement for T.H. 77/1-494 Improvement Project has been completed. The RTB raises specific concerns outlined in this review pertaining to the impacts on existing and future transit services, preferential treatments provided for transit and the transit use assumptions utilized in the development of the Draft Environmental Impact Statement.

Other Business

Other items that were discussed at the meeting but that required no action include:

- o Jobseekers Program Expansion; and
- o Role of the Taxicab Advisory Committee

An LRT promotional videocassette from the Asea Company was also shown.

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PC/BD/TX1

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Policy Committee
FROM: Randy Rosvold, Planner *RR*
SUBJECT: Draft Environmental Impact Statement (DEIS)
Trunk Highway (T.H.) 77/I-494 Improvement Project

ACTION REQUESTED

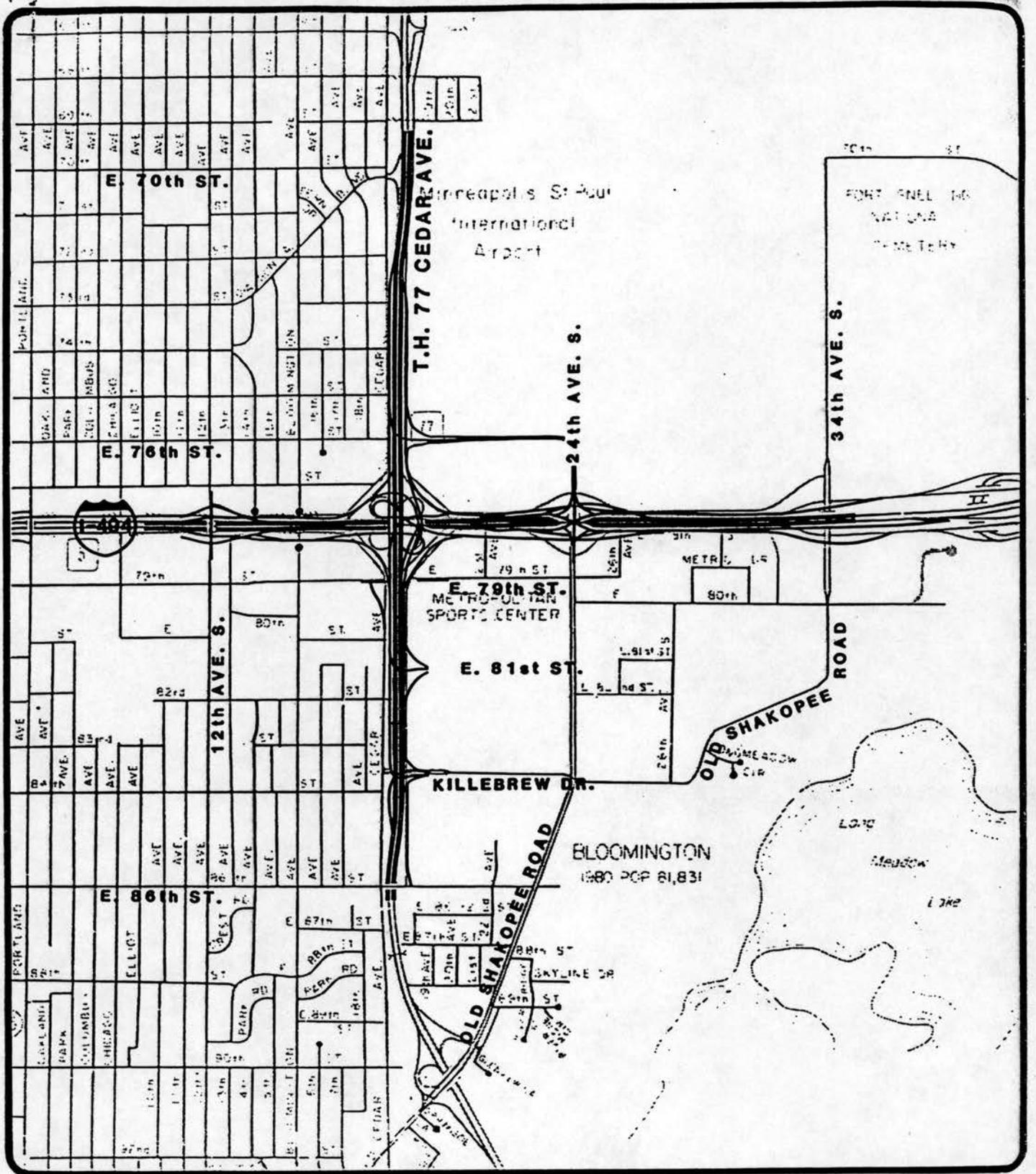
That the Regional Transit Board (RTB) notify the Minnesota Department of Transportation (Mn/DOT) that their review of the Draft Environmental Impact Statement for T.H. 77/I-494 Improvement Project has been completed. The RTB raises specific concerns outlined in this review pertaining to the impacts on existing and future transit services and to the front pull-out area of the Metropolitan Transit Commission's (MTC's) South Garage.

BACKGROUND

Two previous environmental impact statements have been prepared for related projects in the Airport South Area in Bloomington. As part of the Airport South Transportation and Environmental Management Study, a generic EIS was prepared in 1984-1985 according to the Minnesota Environmental Quality Board Review Program. A state EIS was also prepared for the development proposal of the Mall of America and Fantasyworld by the City of Bloomington in 1986. The Regional Transit Board reviewed both of these environmental impact statements and provided written comments concerning the impacts the projects would have on existing and future transit services within the development area.

The Draft Environmental Impact Statement (DEIS) on the T.H. 77/I-494 Improvement Project builds on data presented in the previous environmental documents and the transportation plan for the Airport South district. The transportation needs cited in the previous documents are consistent with the transportation improvements described in this Draft Environmental Impact Statement.

The T.H. 77/I-494 Improvement Project proposes to upgrade sections of T.H. 77 and I-494 in order to eliminate existing roadway network deficiencies and enable the roadway system to accommodate future forecasted traffic resulting from the development of the Mega Mall/Airport South area. The specific plans are outlined in Figure 2.1.D and include lane additions on T.H. 77 and I-494, new and upgraded interchanges and a separated roadway system providing access from T.H. 77 and I-494 to the arterial streets serving the Airport South area.



T.H. 77/I-494 IMPROVEMENT PROJECT

FIGURE 2.1.D
Proposed
T.H. 77/I-494
Improvements



The project is proposed to be constructed in at least two phases. The first stage improvements concentrate on T.H. 77 and are proposed to be completed by 1989. Improvements to I-494 would be completed in a subsequent stage by 1995. The preferred roadway improvement design concept was developed in conjunction with the Transportation Plan for the Airport South District completed by BRW, Inc., in 1985.

Four roadway alternatives were evaluated in the DEIS. All of the alternatives assume Year 2005 development including the phasing in of the Mall of America and Fantasyworld. The alternatives examined included: Alternative 1 (preferred alternative illustrated in Figure 2.1.D), complete roadway improvements with Travel Demand Management (TDM); Alternative 1a, stage 1 roadway improvements with TDM; Alternative 2, no roadway improvements and no TDM; and Alternative 3, TDM and no roadway improvements.

Throughout all of the studies conducted in the I-494/T.H. 77 area, transportation and transit have been identified as important elements in the development of the area. This roadway improvement project addresses the future needs in the area to enable the highway network to satisfactorily accommodate anticipated traffic volumes.

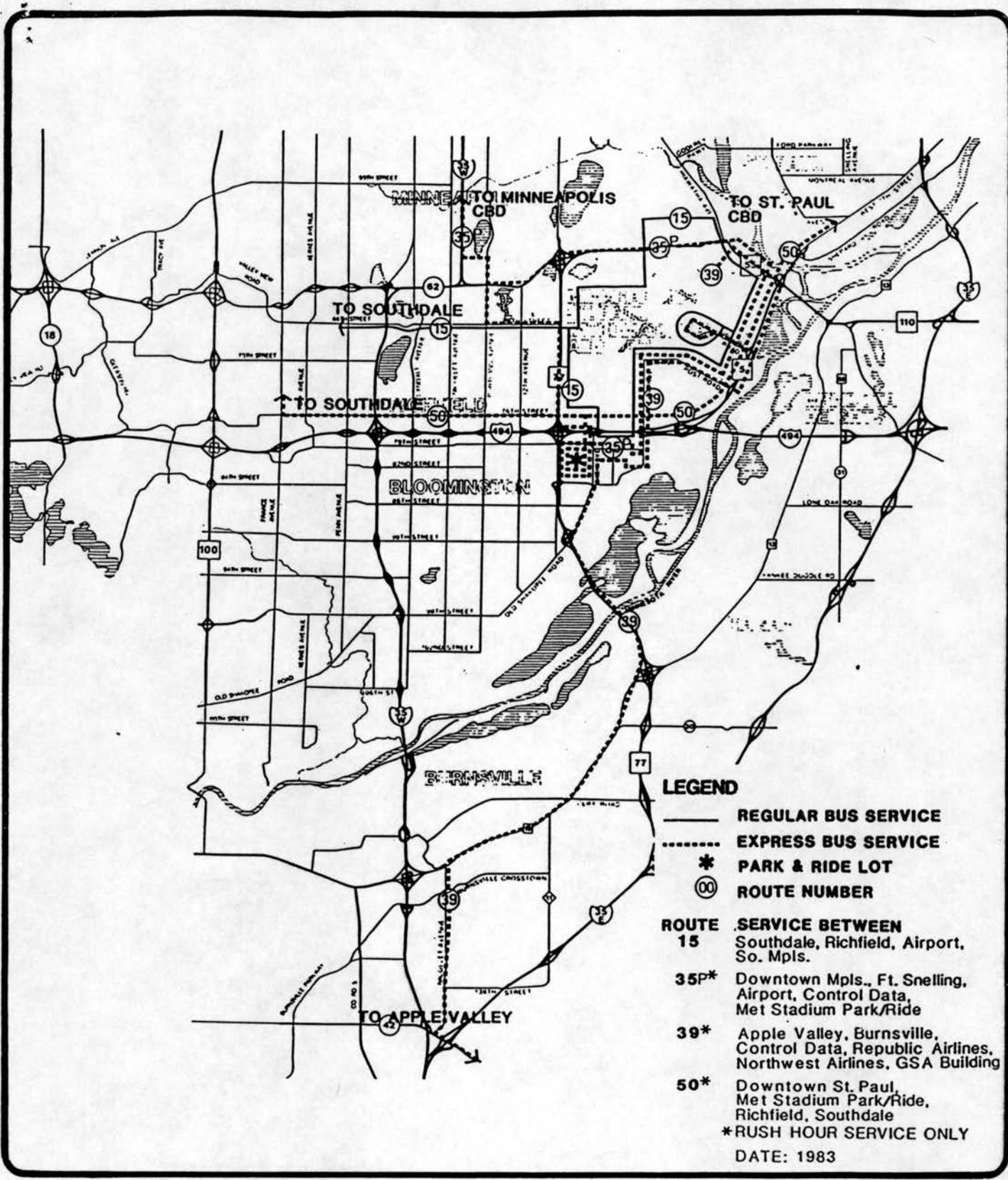
The staff review of the DEIS raised some concerns relating to how this development will impact transit. These concerns are summarized below.

The first concern deals with the impacts on existing transit services. This includes both the impact on transit service operating within and through the area and the impact on the MTC South Garage. Issues relating to the South Garage include roadway access, bus circulation patterns, traffic capacity concerns and acquisition of additional right-of-way in front of the facility which will require tighter turning movements for buses leaving the garage.

These concerns and the impacts on bus circulation to and from South Garage are adequately addressed in the DEIS, with the exception of the front pull-out area. This should be examined further.

The existing transit services operating within and through the area are described in the DEIS in the section on existing conditions and roadway deficiencies on Pages 2-23 and 2-24. Figure 2.3.E, which illustrates existing transit service, needs to be updated to correspond with the narrative on existing bus routes. This map is missing Routes 78, 88, 89, 77A, 77C, 77E, 77G and does not illustrate the new realignment of Route 39.

The last area of concern relates to the transit use assumptions. The traffic forecasts for T.H. 77 and I-494 are based on the work done for the Airport South transportation plan. These assumptions use a moderate transit use scenario which implies a 1 to 2 percent mode split. In order to attain this level of transit usage, there will need to be increases in the amount of transit service in the Airport South area. These are being examined in the I-494 study currently underway but have not been adequately addressed in the DEIS.



T.H. 77/I-494 IMPROVEMENT PROJECT

FIGURE 2.3.E
Existing Transit Service



FINDINGS AND CONCLUSIONS

- o Mn/DOT has requested RTB review of the Draft Environmental Impact Statement for T.H. 77/I-494.
- o The impacts on bus circulation to and from the MTC South Garage bus facility are adequately addressed. However, additional analysis should be conducted on the impact of reducing the front pull-out area due to the relocation of the roadway.
- o The overall impacts on the existing transit service operating within and through the project area are adequately addressed. Specifically, the impact the different alternatives would have on existing and future route alignments and access needs to be analyzed.
- o The structure and form of additional transit services necessary to achieve a 1 to 2 percent moderate transit use mode split should be further defined and evaluated. The I-494 study should be used to provide some of these alternatives.

RECOMMENDATION

That the Regional Transit Board (RTB) notify the Minnesota Department of Transportation (Mn/DOT) that their review of the Draft Environmental Impact Statement for T.H. 77/I-494 Improvement Project has been completed. The RTB raises specific concerns outlined in this review pertaining to the impacts on existing and future transit services and to the front pull-out area of the Metropolitan Transit Commission's (MTC's) South Garage.

RR: jmo
OPOORR/TX2

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Regional Transit Board
FROM: Administration and Finance Committee
SUBJECT: Report of the A&F Committee

At the meeting scheduled for April 2, 1987, the Administration and Finance Committee moved the following recommendations:

SUBJECT: 1987 AFFIRMATIVE ACTION REPORT - RESOLUTION NO. 87-05

This item has been revised per discussion during the meeting (please see attached).

Recommendation:

✓ That the Administration and Finance Committee accept the affirmative action status report and recommend approval of Resolution No. 87-05 setting forth the Regional Transit Board's 1987 affirmative action goals.

SUBJECT: NEW METRO MOBILITY PROVIDER CONTRACT APPROVAL

Recommendation:

✓ That the Administration and Finance Committee recommend the Regional Transit Board authorize the Executive Director to enter into contract with the Amherst H. Wilder Foundation to provide Metro Mobility service in Ramsey County for the period April 15, 1987 to December 31, 1987.

SUBJECT: METRO MOBILITY EVALUATION CONTRACT

Recommendation:

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That the Administration and Finance Committee recommend the Regional Transit Board authorize the Executive Director to issue a Request for Proposal to select a consultant for the purpose of evaluating the changes to the Metro Mobility program implemented by the RTB in October, 1986.

SUBJECT: FINANCIAL STATEMENTS - JANUARY 1987

Recommendation:

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That the Administration and Finance Committee recommend the Board receive the January 1987 financial statements and direct that they be placed on file.

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SUBJECT: ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS
SERIES 1987C, RESOLUTION NO. 87-04

Recommendation:

That the Administration and Finance Committee approve Resolution No. 87-04 ratifying the Metropolitan Council's acceptance of the bid and authorizing the Executive Director to execute the required Escrow Agreement.

Other items discussed during the meeting but that required no action were:

- 1) Hastings Commuter Express Service Funding Option
- 2) 1988 Proposed Budget Processing Schedule

No further business was discussed.

Ruth Franklin
Chair

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April 6, 1987
Page Two

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REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

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SUBJECT: METRO MOBILITY EVALUATION CONTRACT

Recommendation:

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Recommendation:

That the Administration and Finance Committee recommend the Board receive the January 1987 financial statements and direct that they be placed on file.

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, St. Paul, MN 55101

RESOLUTION NO. 87-

Establishing the Regional Transit Board
1987 Affirmative Action Goals

- WHEREAS, the Regional Transit Board (hereinafter called the "RTB") has adopted an Affirmative Action Plan that is in conformance with Revised Orders No. 4 and 14 issued by the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor; and
- WHEREAS, the RTB's Affirmative Action Plan requires that an annual utilization analysis be conducted; and
- WHEREAS, the RTB is committed to setting annual affirmative action goals based on an analysis of the information collected in the utilization analysis;

NOW, THEREFORE, BE IT RESOLVED:

That the goals of the Regional Transit Board's Affirmative Action Plan for 1987 are as follows:

- 1) To maintain an overall minority and female workforce representation equal to or greater than the availability of qualified minority and female candidates in the appropriate labor market.
- 2) To make an affirmative effort to increase minority representation in the manager and clerical categories.
- 3) To make an affirmative effort to increase female representation in the professional category.

Adopted this _____ day of _____, 1987

Elliott Perovich, Chairman

Mary Fitzgerald, Secretary



REGIONAL TRANSIT BOARD

270 Metro Square Building
St. Paul, Minnesota 55101
612/292-8789

MEETING OF THE REGIONAL TRANSIT BOARD
Monday, April 6, 1987
Council Chambers
4:00 p.m.

AMENDED AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Minutes of March 16, 1987, Board Meeting
4. Consent List
5. REPORT OF THE POLICY COMMITTEE Alison Fuhr,
Vice Chair
 - A. Draft Environmental Impact Statement Trunk Highway 77/I-494 Improvement Project
6. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE Ruth Franklin,
Chair
 - A. 1987 Affirmative Action Status Report, Resolution No. 87-05
 - B. New Metro Mobility Provider Contract Approval (Wilder Transportation Service)
 - C. Request for Proposal for Metro Mobility Evaluation Contract
 - D. Financial Statements - January 1987
 - E. Issuance of General Obligation Refunding Bonds, Series 1987C, Resolution No. 87-04
 - F. Hastings Commuter Express Service Funding Option
7. OTHER BUSINESS
 - A. Chairman's Report
 - 1) Quality Transit Coalition Membership
 - 2) Transportation Handicapped Advisory Committee Appointments
 - B. Members' Reports
 - C. Staff Reports
8. PUBLIC COMMENT

Elliott Perovich
Chairman

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, St. Paul, MN 55101

RESOLUTION NO. 87-

Establishing the Regional Transit Board
1987 Affirmative Action Goals

WHEREAS, the Regional Transit Board (hereinafter called the "RTB") has adopted an Affirmative Action Plan that is in conformance with Revised Orders No. 4 and 14 issued by the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor; and

WHEREAS, the RTB's Affirmative Action Plan requires that an annual utilization analysis be conducted; and

WHEREAS, the RTB is committed to setting annual affirmative action goals based on an analysis of the information collected in the utilization analysis;

NOW, THEREFORE, BE IT RESOLVED:

That the goals of the Regional Transit Board's Affirmative Action Plan for 1987 are as follows:

- 1) To maintain an overall minority and female workforce representation equal to or greater than the availability of qualified minority and female candidates in the appropriate labor market.
- 2) To make an affirmative effort to increase minority representation in the manager and clerical categories.
- 3) To make an affirmative effort to increase female representation in the professional category.

Adopted this _____ day of _____, 1987

Elliott Perovich, Chairman

Mary Fitzgerald, Secretary

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Regional Transit Board
FROM: Administration and Finance Committee
SUBJECT: A&F Discussion on Hastings Commuter Express Service
Funding Option

Attached is the Hastings Commuter Express memo presented at the A&F meeting for discussion on April 2, 1987.

No action was requested or taken and the Committee agreed that the next step is for the City of Hastings to initiate a proposal or request an amendment to its current contract budget and management plan.

On April 6th, this issue is to go before the Hastings City Council.

Attachment
ch

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: March 24, 1987
TO: Administration and Finance Committee
FROM: Edward Kouneski, Programs Manager *EK gnt*
Cynthia Mayer, Project Administrator *CM*
SUBJECT: Hastings Commuter Express Service Funding Option

ACTION REQUESTED

This item is presented for information purposes. No action is requested.

BACKGROUND

In a memorandum to the Administration and Finance Committee dated March 5, 1987, staff recommended that the Regional Transit Board discontinue funding for the Hastings Commuter Express Service, operated by Commuter Express, Inc., which has been receiving exurban funds. The recommendation was made for the following reasons:

- o To meet the legislative requirement for exurban funding that specifies only ridesharing and paratransit services are eligible.
- o To comply with the existing Metropolitan Council policy which discourages subsidized regular route bus service from freestanding growth centers.
- o To focus the RTB's available exurban funding resources on the needs and new services identified for implementation in the Transit Service Needs Assessment.

The A&F Committee passed this recommendation, but at the Regional Transit Board meeting of March 16, 1987, staff was requested to conduct further research on this issue.

DISCUSSION

Staff has obtained a legal opinion on the legislative requirement for exurban funding and has explored a funding option with the City of Hastings that would direct state funds from the city's TRAC program, a paratransit service, into the commuter express program and make available more exurban dollars for the TRAC program.

March 24, 1987

Page 2

Legal Opinion

Staff had concluded that the Hastings Commuter Express program can no longer be funded with exurban dollars. The legal opinion (attached) supports this conclusion. Legislation mandates that exurban funds be used for ridesharing and paratransit services. The Hastings Commuter Express Service is neither.

Originally, the program was represented as a "buspool," or subscription bus service, and a goal was set that: "By December 1986, 90 percent of the seats will be reserved for subscription bus users. The remaining 10 percent will continue to be available for the occasional user." (Reference: Administration and Finance Committee memorandum dated March 6, 1986.) Between six and eleven seats are now being filled by subscription riders--representing approximately 20 percent or fewer of the seats available on the bus. Occasional riders fill the remaining seats. It is clear that the bus functions as a regular route service, operating on a fixed route and schedule with designated stops.

The legal opinion refers to definitions in statute of "ridesharing arrangement" and of "buspool" and states the following:

- o A ridesharing arrangement is "transportation of persons, for a fee or otherwise, in a motor vehicle when the transportation is incidental to another purpose of the driver. The term includes the forms of shared transportation known as carpools, commuter vanpools, and buspools, whether or not furnished by an employer."

Since the purpose of the commuter express route's "bus driver is entirely, not incidentally, the transportation of passengers," the legal opinion concludes that the service does not qualify as a ridesharing arrangement.

- o Moreover, a buspool is defined as "a prearranged ridesharing arrangement in which a group of persons travel together on a regular basis on a bus ..."

The legal opinion states: "... it is difficult to conclude that the (service) is a prearranged group of persons 'traveling together.'"

- o Finally, the opinion states: "... given the definition of 'ridesharing arrangement' and the resemblance of the (service) to regular route transit, we are of the view that the (service) does not constitute a 'ride sharing program'".

The Hastings Commuter Express Service has not met its goal to fill virtually every seat with subscription riders. The service has been unable to achieve its original intended purpose, to become a buspool. Although exurban funds should not be used to fund the service, there is another option possible as explained below, if the Board chooses to continue funding the service.

Funding Option

The City of Hastings has the option to merge the Commuter Express program with its existing TRAC program. TRAC is a paratransit service that qualifies for exurban funds. In 1986, TRAC required only \$550 in exurban funds; however, it had budgeted more than \$8,000 in exurban funds with an equal local match. TRAC's 1987 budget includes \$5,800 in exurban funds, but based on the historical use of these funds, it is likely that only a small amount again will be required. The TRAC program receives substantial federal and state operating assistance and has a high farebox return, about 40 percent. If state funds, now a part of the TRAC budget, were directed to the Commuter Express program, then the commuter service could continue to operate. This would require the RTB to grant more exurban funds to the TRAC program, with the city providing a local match for these additional exurban funds.

Following is a chart of the funding arrangement under this option for the combined program:

	<u>Hastings Transit Services</u>		
	TOTAL	TRAC	Commuter Service
Operating Cost	\$175,130	\$121,370	\$53,760
Farebox Revenue	63,840	36,960	26,880
Operating Deficit	\$111,290	\$ 84,410	\$26,880
Federal Funds/ Section 18	\$ 33,764	\$ 33,764	\$ 0
RTB State Funds	\$ 39,058	\$ 12,178	\$26,880
Exurban Funds	\$ 19,234	\$ 19,234	\$ 0
Local Match	\$ 19,234	\$ 19,234	\$ 0

The local match of \$19,234 is the maximum that would be required, assuming modest ridership levels, or a "worst case" scenario. It should be noted that the farebox revenue budgeted for the TRAC program this year was \$36,960, compared with \$41,728 that was actually collected last year, a difference of \$4,768. Also, the budgeted farebox revenue for the commuter service of \$26,880 assumes 30 passengers per trip, on the average. If ridership were to average 40 passengers per trip, an additional \$8,960 in farebox revenue would be collected. The City of Hastings clearly has an incentive to boost ridership on the Commuter Express service while also retaining or exceeding last year's TRAC ridership levels. Under a scenario where actual revenue collected from TRAC is the same as last year's level and the Commuter Express service averages 40 passengers a trip, the local match requirement would be \$12,370. The City of Hastings has already committed to spend \$5,794 in local match money for the TRAC service in 1987.

The next step is for the City of Hastings to initiate a proposal or request an amendment to its current contract budget and management plan, merging the Commuter Express route, under a purchase of service arrangement, into the TRAC program. If the city's budget amendment conforms to that presented above, the merging of the programs could then be approved provided that the Board is

willing to accept that funding this service would be inconsistent with the current Metropolitan Council policy discouraging subsidized bus service from freestanding growth centers.

Hastings Commuter Express Service Budget

To provide for the analysis presented in this memorandum, a new budget was negotiated with Commuter Express, Inc.; and based on varying ridership assumptions, the service would exhibit the following operating and performance characteristics on an annual basis:

Ridership Assumption (Passengers per One-Way Trip)	30	35	40	45
Operating Cost.	\$53,760	\$53,760	\$53,760	\$53,760
Total Passengers	15,360	17,920	20,480	23,040
Farebox Revenue	\$26,880	\$31,360	\$35,840	\$40,320
Subsidy	\$26,880	\$22,400	\$17,920	\$13,440
Cost per Passenger	\$ 3.50	\$ 3.00	\$ 2.63	\$ 2.33
Subsidy per Passenger	\$ 1.75	\$ 1.25	\$.88	\$.58
Farebox Recovery Ratio	.50%	.58%	.67%	.75%

Exurban Funding Guidelines

The City of Hastings has requested that the RTB consider changing the exurban funding guidelines to either (1) permit the city to receive back the full amount of funds it contributes from the exurban taxes collected in the area in order for the Commuter Express Service to continue operations; or (2) allow the Commuter Express Service fares to be counted as the local match for exurban funds.

Under the new funding option that has been described above, fares would be counted as part of the local match since the service would be funded with state funds. State funds are distributed to small urban programs with a requirement that 40 percent of the total program operating costs be covered with local funds or revenues, including fares.

The funding option described above requires more exurban funds to be contributed by the RTB to the TRAC program; consequently, more local funds would be required to match the additional exurban funds. The city may wish to request that TRAC fares be counted as part of the local match for exurban funds, requiring even more exurban funds to be contributed by the RTB to cover the full operating costs of the program.

Under the current guidelines, the RTB funds 50 percent of the operating deficit for exurban programs. The exurban fund recipients are required to match the RTB's contribution. Fares are not included as part of the recipient's local match. At this time, staff is not prepared to recommend a change in the

March 24, 1987

Page 5

exurban guidelines that would mean a greater contribution from the RTB. The principal reason for this is the following: Five new exurban services have been identified as priorities for implementation from the Transit Service Needs Assessment. Although there is now a surplus of exurban funds, it could quickly diminish as these services are implemented.

For your information, following are excerpts from recent resolutions passed by the City of Hastings in two separate actions. On March 16, the City Council resolved the following:

The City Council reaffirms its support for the continued operation of the Commuter Express Program from Hastings to St. Paul.

The City Council requests that the Regional Transit Board recognize that the fares generated by riders of the Commuter Express Program constitutes the local contribution from the program.

Previously, the City Council's Planning Committee had passed a resolution, which included the following request:

That the Regional Transit Board provide to the Commuter Express program the maximum amount of available exurban funds generated from the City of Hastings with the remaining funds to be provided by the operation of the Commuter Express program.

FINDINGS AND CONCLUSIONS

- o The Hastings Commuter Express Service is not eligible for exurban funds, based on the legislative requirement. This conclusion is supported by legal opinion.
- o A funding option is available to the City of Hastings. The commuter express program could be merged with the City's TRAC program. By directing state funds, now in TRAC's budget, toward subsidizing the commuter express route, the city could request additional exurban funds for its TRAC program, a paratransit service.
- o This funding option would require the RTB to grant a maximum of \$13,440 in additional exurban funds to the City of Hastings, totalling \$19,234 on an annual basis. The City of Hastings would be required to match, at most, this amount.
- o The current TRAC budget assumes a conservative farebox revenue estimate. In addition, the commuter express service assumes ridership averaging 30 passengers per trip. If TRAC were to retain the same amount of revenue this year as in 1986 and if the commuter express program were to attract an average of 40 passengers per trip, the local match required from the city could be as low as \$12,370. The city has already budgeted \$5,794 in local funds to support transit service in 1987.

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- o In conclusion, this funding analysis presented by RTB staff illustrates that the community has an incentive to boost ridership on its services and actively express support for the commuter route. The next step is for the City of Hastings to submit a proposal to amend its current contract with the RTB to incorporate this funding option, if it desires.

RECOMMENDATION

No action is requested at this time. A staff recommendation will be made, as appropriate, upon receipt of a proposal initiated by the City of Hastings.

HSTNGS/TX2

HOLMES & GRAVEN
CHARTERED

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March 24, 1987

Greg Andrews
Executive Director
Regional Transit Board
280 Metro Square Building
Saint Paul, Minnesota 55101

HAND DELIVERED

RE: Regional Transit Board
Hastings Commuter Express
Legal Opinion 13
Our File No. RE165-1

Dear Greg:

You have asked our office to render a legal opinion as to the ability of the Regional Transit Board ("RTB") to use ex-urban funds to subsidize the Hastings Commuter Express Service (the "Service").

We are advised that the Service is a daily bus service between Hastings and downtown St. Paul, operating on a fixed route, with a fixed schedule and designated stops. A portion of riders are subscribers and the remaining riders are occasional users. Hastings is outside the metropolitan transit taxing district.

Minn. Stat. § 473.446, subd. 1a(1986), dealing with taxation within the metropolitan transit area but outside the metropolitan transit taxing district, provides that:

The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but

Greg Andrew
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Page 2

outside of the transit taxing district. (emphasis supplied).

The issue presented here is whether the Service constitutes a paratransit service or a ride sharing program.

Minn. Stat. § 473.121, subd. 18a(1986) provides that "paratransit" has the same meaning given in § 174.22, subd. 6. Minn. Stat. § 174.22, subd. 6 (1986) defines paratransit as:

the transportation of passengers by motor vehicle or other means of conveyance by persons operating on a regular and continuing basis . . . "Paratransit" includes transportation by car pool and commuter van, point deviation and route deviation services, shared-ride taxi service, dial-a-ride service, and other similar services.

Further explanation of "paratransit" is provided by the definition of "regular route transit". The latter term is defined in Minn. Stat. § 174.22, subd. 8 (1986), which definition is incorporated by reference into Chapter 473 by § 473.121, subd. 20a, to mean:

transportation of passengers for hire by a motor vehicle or other means of conveyance by any person operating on a regular and continuing basis as a common carrier on fixed routes and schedules. "Regular route transit" does not include . . . paratransit. (emphasis supplied).

Thus, "paratransit" and "regular route transit" are mutually exclusive and if a transit service qualifies as "regular route transit" it cannot qualify as "paratransit". It is noteworthy that under § 473.446, subd. 1, transit taxes collected in the metropolitan transit taxing district shall be used for "transit and paratransit service" and under Minn. Stat. § 473.121, subd. 19 and § 174.22, subd. 7 (1986), "transit" is defined to include both paratransit and regular route transit. Thus, it is clear that under § 473.446, subd. 1a, exurban taxes, unlike transit taxing district taxes, cannot be used for "regular route transit".

The crucial distinction between paratransit and regular route transit appears to be that regular route transit, unlike paratransit, is operated by a person "as a common carrier on fixed routes and schedules". In the instant case, the Service is operated on a fixed route and schedule. In addition, the

transportation of non-subscriber users clearly make the Service a common carrier. Thus, there appears to be little doubt that the Service constitutes "regular route service" and not "paratransit".

While the Service does not appear to qualify as "paratransit", a second issue is raised as to whether the Service may be deemed a "ride sharing program". The term ride sharing program is nowhere defined in § 473.121 or § 174.22. Minn. Stat. § 473.375, subd. 11 (1986) authorizes the RTB to carry on the "ridesharing program" in the metropolitan area under the duties imposed by § 174.257. Section 174.257 does not contain a definition of "ridesharing", but §174.257, subd. 2 makes reference to a "ridesharing arrangement" as defined in § 169.01, subd. 63. Minn. Stat. § 169.01, subd. 63 defines "ridesharing arrangement" as:

transportation of persons, for a fee or otherwise, in a motor vehicle when the transportation is incidental to another purpose of the driver. The term includes the forms of shared transportation known as carpools, commuter vanpools, and buspools, whether or not furnished by an employer.

In view of the fact that the purpose of Service's bus driver is entirely, not incidentally, the transportation of the passengers, it is clear that the Service does not qualify as a "ridesharing arrangement" under § 169.01, subd. 63. Minn. Stat. § 160.01, subd. 64 defines "buspool" to mean "a prearranged ridesharing arrangement in which a group of persons travel together on a regular basis on a bus . . ." Aside from the problems in meeting the definition of "ridesharing arrangement", it is difficult to conclude that the Service is a prearranged group of persons "traveling together". See also Minn. Stat. §174.22, subd. 2 (definition of commuter van used in a "ridesharing arrangement"), § 169.01, subd. 66 (definition of a commuter vanpool).

That does not necessarily answer the question of whether the Service constitutes a "ridesharing program" under § 473.446, subd. 1a. The use of the definitions of the various transit categories is rather loose. For example, § 473.446, subd. 1 refers to "transit and paratransit service", yet § 174.22, subd. 7 defines "transit" to include "paratransit". Similarly, § 473.446, subd. 1a, the provision at issue here, refers to "paratransit services or ridesharing programs", yet § 174.22, subd. 6 defines "paratransit" to include transportation by "car pool and commuter van". Nevertheless, given the definition of "ridesharing arrangement" and the resemblance of the Service to regular route transit, we are of the view that the Service does not constitute a "ride sharing program".

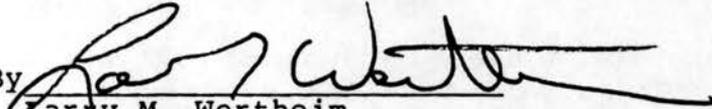
Greg Andrew
March 24, 1987
Page 4

An argument has been raised that "ride sharing programs" excludes any subsidized service, but would include an unsubsidized subscription bus service. Although that issue is not directly raised by the question presented here, we do not find that argument persuasive. The statutory scheme does not classify transit in general or ridesharing in particular based upon whether a subsidy is provided. In fact, § 473.446, subd. 1a, the provision at issue here, specifically authorizes transit tax subsidies for "ride sharing programs".

Based upon the foregoing, we are of the opinion that the Service does not constitute paratransit or a ridesharing program so as to be eligible for funding under § 473.446, subd. 1a.

HOLMES & GRAVEN, Chartered

By



Larry M. Wertheim

cc: Ed Kouneski
Charles Weaver

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Regional Transit Board
FROM: Elliott Perovich, Chairman
SUBJECT: Quality Transit Coalition Membership

The Regional Transit Board has been invited to join the Quality Transit Coalition. The coalition was formed for the purpose of promoting the transfer of the Motor Vehicle Excise Tax as a permanent dedicated source of revenue to support public transit. A list of the membership and a resolution outlining the goals of the coalition is attached.

MF122A

RESOLUTION
ESTABLISHING MEMBERSHIP IN THE
QUALITY TRANSIT COALITION FOR BETTER PUBLIC TRANSIT

WHEREAS, public transit exists to serve individuals and families and is important to the health of neighborhoods and communities; and

WHEREAS, public transit is the essential link in the many systems of support designed to guarantee full community participation of all the citizens of Minnesota; and

WHEREAS, for those individuals not able to own or operate an automobile because of economic conditions or state of physical or mental well-being, public transit is the life line; and

WHEREAS, public transit is an important element in achieving the mobility which is essential to good economic, environmental, and social conditions in Minnesota, and must be viewed as both a social service and a key element of the infrastructure which supports and influences the very form of our society; and

WHEREAS, it is imperative that the elected officials of the State of Minnesota - the Governor and Legislators - establish a dedicated source of funds to adequately support public transit state wide.

NOW THEREFORE, LET IT BE RESOLVED, that a broad based coalition of public transit users, advocates for transit, and providers of transit be established for the purpose of promoting the transfer of the Motor Vehicle Excise Tax (MVET) as a permanent and dedicated source of revenue to support public transit. The coalition will be calling on the Minnesota Governor and Legislature to take the action that was intended when the MVET legislation was passed into law in 1984.

LET IT FURTHER BE RESOLVED, that the _____
(name of organization), will participate as a member of the Quality Transit Coalition and will actively work to tell lawmakers of the importance of transit programs to the social and economic health of rural and urban Minnesota.

QUALITY TRANSIT COALITION MEMBERSHIP

Anoka County Transportation Program
Catholic Charities of the Archdiocese of Mpls. and St. Paul
Central MN Council on Aging
Cottonwood County Family Service Center
Courage Center
Dakota Area Resources and Transportation for Seniors
Fairview Seniors Program (Roseville)
Human Services, Inc. of Washington County
Jewish Family & Children's Service of Mpls.
Lincoln County Transportation
Lutheran Social Services of MN
Metro Senior Federation
Metropolitan Center of Independent Living
Midwest Olsen Med-Kab
Minnesota Board on Aging
Minnesota Public Transit Association
Minnesota Senior Federation
Minnesota State Council for the Handicapped
Morley Bus Company
Moundsview Senior Citizens Program
Murray County Coordinator on Aging
Northwest Regional Development Commission
Northwest Senior Federation
Pipestone County Transportation
Ramsey County Coordinated Transportation Project
Senior Workers of Mpls.
Senior Workers of St. Paul
South Hennepin Human Services Council
Southwest Regional Development Commission
Suburban Paratransit
Transit Access Coalition
United Handicapped Federation
West Cap Volunteer Transportation Program
West Metro Coordinated Transit
White Bear Lake Senior Citizens Program
Wilder Senior Center
Worthington RSVP

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

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Fairview Seniors Program (Roseville)
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Lincoln County Transportation
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Metro Senior Federation
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Midwest Olsen Med-Kab
Minnesota Board on Aging
Minnesota Public Transit Association
Minnesota Senior Federation
Minnesota State Council for the Handicapped
Morley Bus Company
Moundsview Senior Citizens Program
Murray County Coordinator on Aging
Northwest Regional Development Commission
Northwest Senior Federation
Pipestone County Transportation
Ramsey County Coordinated Transportation Project
Senior Workers of Mpls.
Senior Workers of St. Paul
South Hennepin Human Services Council
Southwest Regional Development Commission
Suburban Paratransit
Transit Access Coalition
United Handicapped Federation
West Cap Volunteer Transportation Program
West Metro Coordinated Transit
White Bear Lake Senior Citizens Program
Wilder Senior Center
Worthington RSVP

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
 TO: Regional Transit Board
 FROM: Edward Kouneski, Programs Manager ^{EK}
 SUBJECT: Appointments to the Transportation Handicapped Advisory Committee

BACKGROUND:

On January 1, the terms of 13 THAC appointees expired and additional positions became vacant because of resignations. In February, the RTB distributed 443 press releases to solicit persons interested in serving on THAC. The press release was sent to metropolitan daily and community newspapers; Metro Mobility providers; organizations of and for disabled people; and newspapers, newsletters and other periodicals printed for older persons in the metropolitan area. A total of 38 applications were received. RTB board members have made the following decisions on appointments:

<u>District</u>	<u>RTB Board Members</u>	<u>THAC Appointee</u>	<u>Representing</u>
B	Bernard Skrebes	Mary Catherine Scheierl (new)	Metro Mobility Provider, Morley Bus Co.
B	" "	Edward John Sapinski (new)	Multi Resource Centers, Inc.
C	Doris Caranicas	Rozanne M. Severance (new)	Metropolitan Center for Independent Living
C	" "	Leroy Marshall (reappointed)	Metro Mobility Rider
D	Rochelle Graves	James LeTourneau (reappointed)	Metro Mobility Provider, Yellow Taxi
D	" "	Rahn J. Workcuff (reappointed)	Metro Mobility Rider
G	Paul Joyce	Clarence Leo Sindt, Jr. (new)	Minnesota State Council for the Handicapped and the Independent Living Council
G	" "	Thomas Gerald Hayes (new)	Courage Center

Regional Transit Board
April 6, 1987
Page 2

Please note that RTB board member Carole Faricy will be deciding on her appointments later this week. Afterwards, the remaining applications will go to Elliott Perovich for the at-large appointments.

Also, please note that there was only one application for District H. The applicant was a Metro Mobility provider. The THAC bylaws state that there must be representation from at least one elderly or disabled person from each RTB district. District H already has representation from a provider. RTB staff is currently soliciting names from Bette Undis (the provider representative for District H) and from the State Council for the Handicapped to fill this vacancy.

RECOMMENDATION:

That the Regional Transit Board approve the above appointees as members of the Transportation Handicapped Advisory Committee.

cc: Judy Hollander
Tom Beaver
Mike Kuehn

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Policy Committee
FROM: Randy Rosvold, Planner *RR*
SUBJECT: Draft Environmental Impact Statement (DEIS)
Trunk Highway (T.H.) 77/I-494 Improvement Project

ACTION REQUESTED

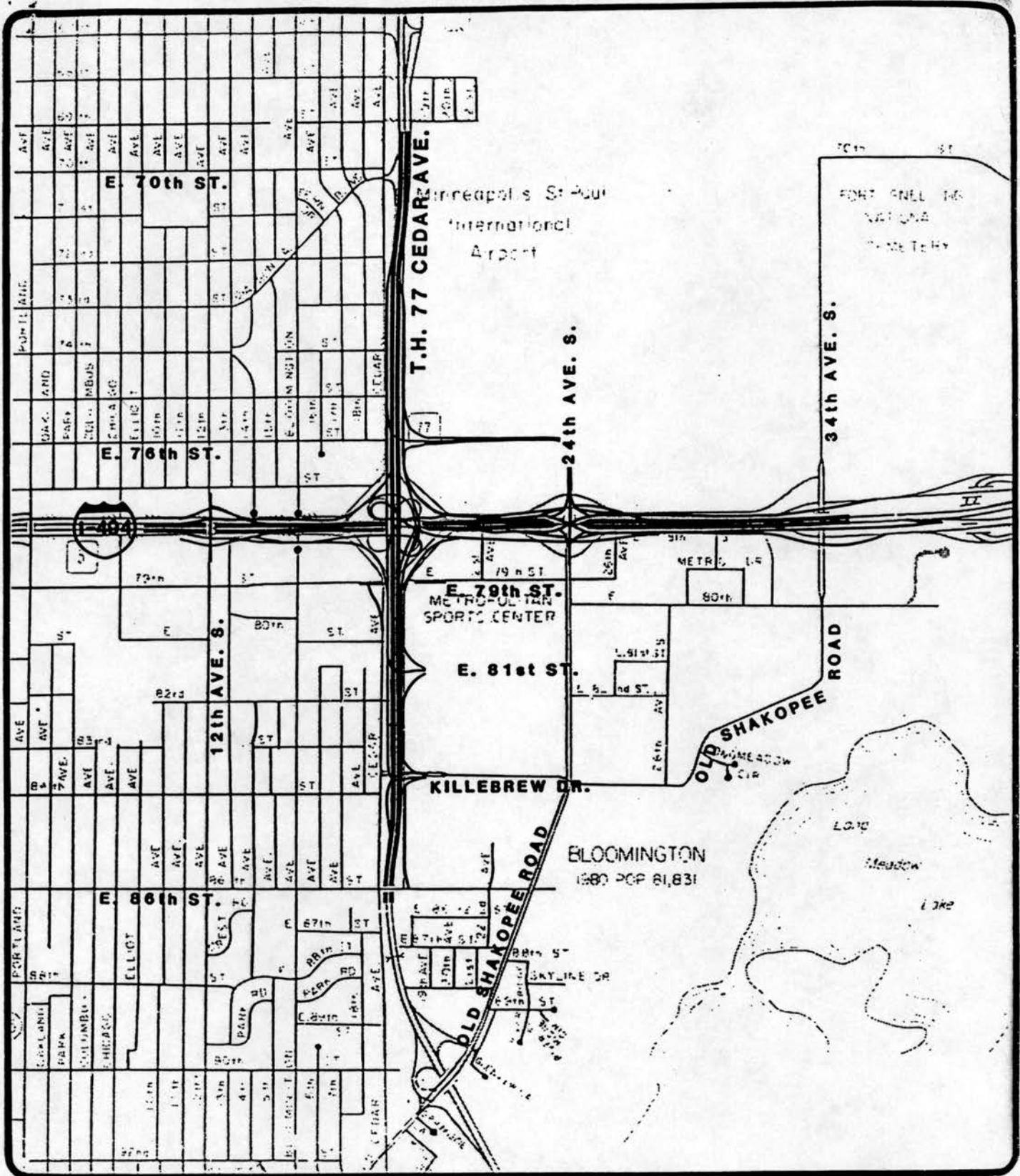
That the Regional Transit Board (RTB) notify the Minnesota Department of Transportation (Mn/DOT) that their review of the Draft Environmental Impact Statement for T.H. 77/I-494 Improvement Project has been completed. The RTB raises specific concerns outlined in this review pertaining to the impacts on existing and future transit services and to the front pull-out area of the Metropolitan Transit Commission's (MTC's) South Garage.

BACKGROUND

Two previous environmental impact statements have been prepared for related projects in the Airport South Area in Bloomington. As part of the Airport South Transportation and Environmental Management Study, a generic EIS was prepared in 1984-1985 according to the Minnesota Environmental Quality Board Review Program. A state EIS was also prepared for the development proposal of the Mall of America and Fantasyworld by the City of Bloomington in 1986. The Regional Transit Board reviewed both of these environmental impact statements and provided written comments concerning the impacts the projects would have on existing and future transit services within the development area.

The Draft Environmental Impact Statement (DEIS) on the T.H. 77/I-494 Improvement Project builds on data presented in the previous environmental documents and the transportation plan for the Airport South district. The transportation needs cited in the previous documents are consistent with the transportation improvements described in this Draft Environmental Impact Statement.

The T.H. 77/I-494 Improvement Project proposes to upgrade sections of T.H. 77 and I-494 in order to eliminate existing roadway network deficiencies and enable the roadway system to accommodate future forecasted traffic resulting from the development of the Mega Mall/Airport South area. The specific plans are outlined in Figure 2.1.D and include lane additions on T.H. 77 and I-494, new and upgraded interchanges and a separated roadway system providing access from T.H. 77 and I-494 to the arterial streets serving the Airport South area.



T.H. 77/I-494 IMPROVEMENT PROJECT

FIGURE 2.1.D
Proposed
T.H.77/I-494
Improvements



The project is proposed to be constructed in at least two phases. The first stage improvements concentrate on T.H. 77 and are proposed to be completed by 1989. Improvements to I-494 would be completed in a subsequent stage by 1995. The preferred roadway improvement design concept was developed in conjunction with the Transportation Plan for the Airport South District completed by BRW, Inc., in 1985.

Four roadway alternatives were evaluated in the DEIS. All of the alternatives assume Year 2005 development including the phasing in of the Mall of America and Fantasyworld. The alternatives examined included: Alternative 1 (preferred alternative illustrated in Figure 2.1.D), complete roadway improvements with Travel Demand Management (TDM); Alternative 1a, stage 1 roadway improvements with TDM; Alternative 2, no roadway improvements and no TDM; and Alternative 3, TDM and no roadway improvements.

Throughout all of the studies conducted in the I-494/T.H. 77 area, transportation and transit have been identified as important elements in the development of the area. This roadway improvement project addresses the future needs in the area to enable the highway network to satisfactorily accommodate anticipated traffic volumes.

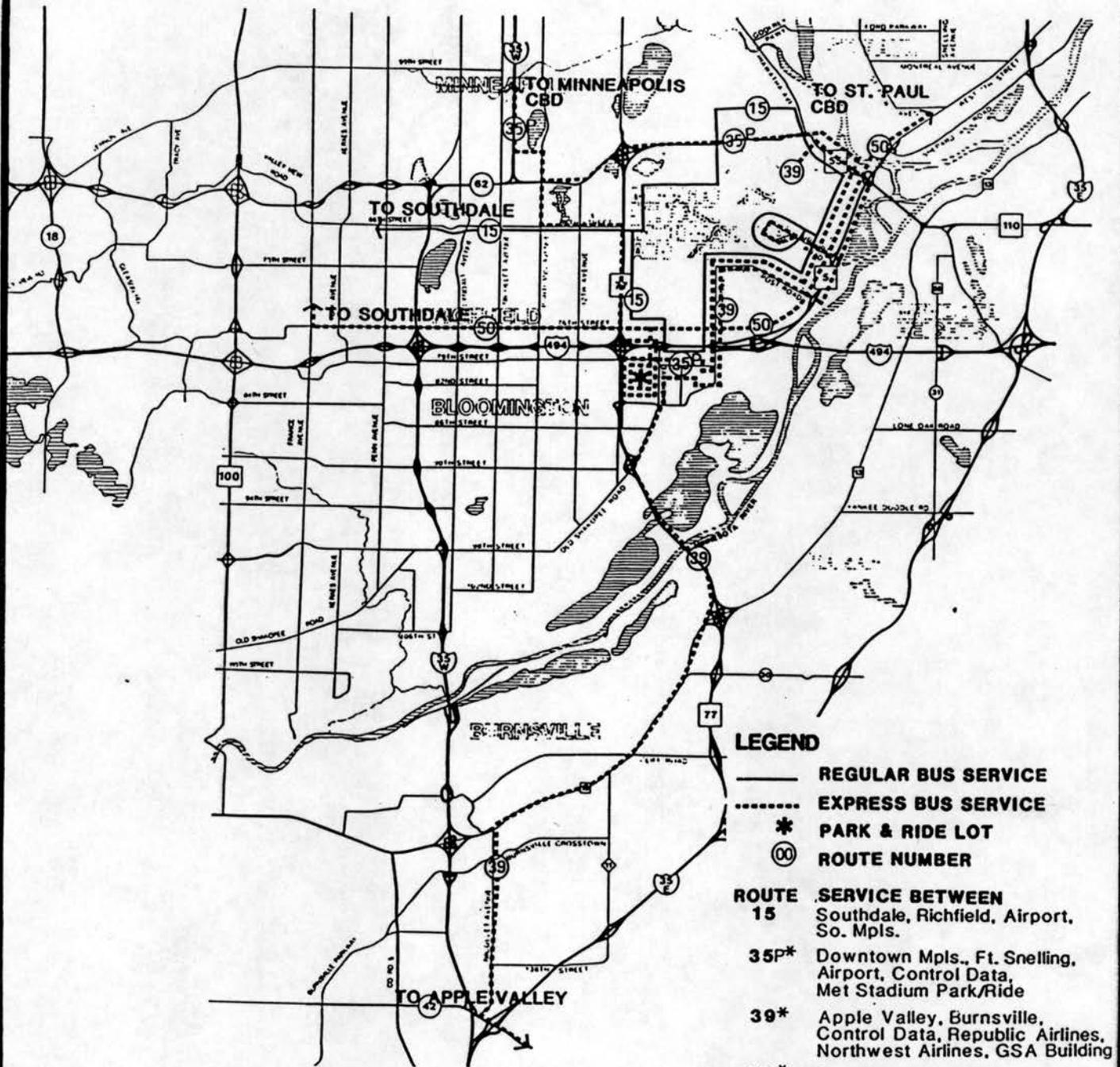
The staff review of the DEIS raised some concerns relating to how this development will impact transit. These concerns are summarized below.

The first concern deals with the impacts on existing transit services. This includes both the impact on transit service operating within and through the area and the impact on the MTC South Garage. Issues relating to the South Garage include roadway access, bus circulation patterns, traffic capacity concerns and acquisition of additional right-of-way in front of the facility which will require tighter turning movements for buses leaving the garage.

These concerns and the impacts on bus circulation to and from South Garage are adequately addressed in the DEIS, with the exception of the front pull-out area. This should be examined further.

The existing transit services operating within and through the area are described in the DEIS in the section on existing conditions and roadway deficiencies on Pages 2-23 and 2-24. Figure 2.3.E, which illustrates existing transit service, needs to be updated to correspond with the narrative on existing bus routes. This map is missing Routes 78, 88, 89, 77A, 77C, 77E, 77G and does not illustrate the new realignment of Route 39.

The last area of concern relates to the transit use assumptions. The traffic forecasts for T.H. 77 and I-494 are based on the work done for the Airport South transportation plan. These assumptions use a moderate transit use scenario which implies a 1 to 2 percent mode split. In order to attain this level of transit usage, there will need to be increases in the amount of transit service in the Airport South area. These are being examined in the I-494 study currently underway but have not been adequately addressed in the DEIS.



T.H. 77/I-494 IMPROVEMENT PROJECT

FIGURE 2.3.E Existing Transit Service



FINDINGS AND CONCLUSIONS

- o Mn/DOT has requested RTB review of the Draft Environmental Impact Statement for T.H. 77/I-494.
- o The impacts on bus circulation to and from the MTC South Garage bus facility are adequately addressed. However, additional analysis should be conducted on the impact of reducing the front pull-out area due to the relocation of the roadway.
- o The overall impacts on the existing transit service operating within and through the project area are adequately addressed. Specifically, the impact the different alternatives would have on existing and future route alignments and access needs to be analyzed.
- o The structure and form of additional transit services necessary to achieve a 1 to 2 percent moderate transit use mode split should be further defined and evaluated. The I-494 study should be used to provide some of these alternatives.

RECOMMENDATION

That the Regional Transit Board (RTB) notify the Minnesota Department of Transportation (Mn/DOT) that their review of the Draft Environmental Impact Statement for T.H. 77/I-494 Improvement Project has been completed. The RTB raises specific concerns outlined in this review pertaining to the impacts on existing and future transit services and to the front pull-out area of the Metropolitan Transit Commission's (MTC's) South Garage.

RR: jmo
OPOORR/TX2

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Regional Transit Board
FROM: Administration and Finance Committee
SUBJECT: A&F Discussion on Hastings Commuter Express Service
Funding Option

Attached is the Hastings Commuter Express memo presented at the A&F meeting for discussion on April 2, 1987.

No action was requested or taken and the Committee agreed that the next step is for the City of Hastings to initiate a proposal or request an amendment to its current contract budget and management plan.

On April 6th, this issue is to go before the Hastings City Council.

Attachment
ch

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: March 24, 1987
TO: Administration and Finance Committee
FROM: Edward Kouneski, Programs Manager *EK*
Cynthia Mayer, Project Administrator *CM*
SUBJECT: Hastings Commuter Express Service Funding Option

ACTION REQUESTED

This item is presented for information purposes. No action is requested.

BACKGROUND

In a memorandum to the Administration and Finance Committee dated March 5, 1987, staff recommended that the Regional Transit Board discontinue funding for the Hastings Commuter Express Service, operated by Commuter Express, Inc., which has been receiving exurban funds. The recommendation was made for the following reasons:

- o To meet the legislative requirement for exurban funding that specifies only ridesharing and paratransit services are eligible.
- o To comply with the existing Metropolitan Council policy which discourages subsidized regular route bus service from freestanding growth centers.
- o To focus the RTB's available exurban funding resources on the needs and new services identified for implementation in the Transit Service Needs Assessment.

The A&F Committee passed this recommendation, but at the Regional Transit Board meeting of March 16, 1987, staff was requested to conduct further research on this issue.

DISCUSSION

Staff has obtained a legal opinion on the legislative requirement for exurban funding and has explored a funding option with the City of Hastings that would direct state funds from the city's TRAC program, a paratransit service, into the commuter express program and make available more exurban dollars for the TRAC program.

March 24, 1987

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Legal Opinion

Staff had concluded that the Hastings Commuter Express program can no longer be funded with exurban dollars. The legal opinion (attached) supports this conclusion. Legislation mandates that exurban funds be used for ridesharing and paratransit services. The Hastings Commuter Express Service is neither.

Originally, the program was represented as a "buspool," or subscription bus service, and a goal was set that: "By December 1986, 90 percent of the seats will be reserved for subscription bus users. The remaining 10 percent will continue to be available for the occasional user." (Reference: Administration and Finance Committee memorandum dated March 6, 1986.) Between six and eleven seats are now being filled by subscription riders--representing approximately 20 percent or fewer of the seats available on the bus. Occasional riders fill the remaining seats. It is clear that the bus functions as a regular route service, operating on a fixed route and schedule with designated stops.

The legal opinion refers to definitions in statute of "ridesharing arrangement" and of "buspool" and states the following:

- o A ridesharing arrangement is "transportation of persons, for a fee or otherwise, in a motor vehicle when the transportation is incidental to another purpose of the driver. The term includes the forms of shared transportation known as carpools, commuter vanpools, and buspools, whether or not furnished by an employer."

Since the purpose of the commuter express route's "bus driver is entirely, not incidentally, the transportation of passengers," the legal opinion concludes that the service does not qualify as a ride-sharing arrangement.

- o Moreover, a buspool is defined as "a prearranged ridesharing arrangement in which a group of persons travel together on a regular basis on a bus ..."

The legal opinion states: "... it is difficult to conclude that the (service) is a prearranged group of persons 'traveling together.'"

- o Finally, the opinion states: "... given the definition of 'ridesharing arrangement' and the resemblance of the (service) to regular route transit, we are of the view that the (service) does not constitute a 'ride sharing program'".

The Hastings Commuter Express Service has not met its goal to fill virtually every seat with subscription riders. The service has been unable to achieve its original intended purpose, to become a buspool. Although exurban funds should not be used to fund the service, there is another option possible as explained below, if the Board chooses to continue funding the service.

Funding Option

The City of Hastings has the option to merge the Commuter Express program with its existing TRAC program. TRAC is a paratransit service that qualifies for exurban funds. In 1986, TRAC required only \$550 in exurban funds; however, it had budgeted more than \$8,000 in exurban funds with an equal local match. TRAC's 1987 budget includes \$5,800 in exurban funds, but based on the historical use of these funds, it is likely that only a small amount again will be required. The TRAC program receives substantial federal and state operating assistance and has a high farebox return, about 40 percent. If state funds, now a part of the TRAC budget, were directed to the Commuter Express program, then the commuter service could continue to operate. This would require the RTB to grant more exurban funds to the TRAC program, with the city providing a local match for these additional exurban funds.

Following is a chart of the funding arrangement under this option for the combined program:

	<u>Hastings Transit Services</u>		
	TOTAL	TRAC	Commuter Service
Operating Cost	\$175,130	\$121,370	\$53,760
Farebox Revenue	63,840	36,960	26,880
Operating Deficit	\$111,290	\$ 84,410	\$26,880
Federal Funds/ Section 18	\$ 33,764	\$ 33,764	\$ 0
RTB State Funds	\$ 39,058	\$ 12,178	\$26,880
Exurban Funds	\$ 19,234	\$ 19,234	\$ 0
Local Match	\$ 19,234	\$ 19,234	\$ 0

The local match of \$19,234 is the maximum that would be required, assuming modest ridership levels, or a "worst case" scenario. It should be noted that the farebox revenue budgeted for the TRAC program this year was \$36,960, compared with \$41,728 that was actually collected last year, a difference of \$4,768. Also, the budgeted farebox revenue for the commuter service of \$26,880 assumes 30 passengers per trip, on the average. If ridership were to average 40 passengers per trip, an additional \$8,960 in farebox revenue would be collected. The City of Hastings clearly has an incentive to boost ridership on the Commuter Express service while also retaining or exceeding last year's TRAC ridership levels. Under a scenario where actual revenue collected from TRAC is the same as last year's level and the Commuter Express service averages 40 passengers a trip, the local match requirement would be \$12,370. The City of Hastings has already committed to spend \$5,794 in local match money for the TRAC service in 1987.

The next step is for the City of Hastings to initiate a proposal or request an amendment to its current contract budget and management plan, merging the Commuter Express route, under a purchase of service arrangement, into the TRAC program. If the city's budget amendment conforms to that presented above, the merging of the programs could then be approved provided that the Board is

willing to accept that funding this service would be inconsistent with the current Metropolitan Council policy discouraging subsidized bus service from freestanding growth centers.

Hastings Commuter Express Service Budget

To provide for the analysis presented in this memorandum, a new budget was negotiated with Commuter Express, Inc.; and based on varying ridership assumptions, the service would exhibit the following operating and performance characteristics on an annual basis:

Ridership Assumption (Passengers per One-Way Trip)	30	35	40	45
Operating Cost.	\$53,760	\$53,760	\$53,760	\$53,760
Total Passengers	15,360	17,920	20,480	23,040
Farebox Revenue	\$26,880	\$31,360	\$35,840	\$40,320
Subsidy	\$26,880	\$22,400	\$17,920	\$13,440
Cost per Passenger	\$ 3.50	\$ 3.00	\$ 2.63	\$ 2.33
Subsidy per Passenger	\$ 1.75	\$ 1.25	\$.88	\$.58
Farebox Recovery Ratio	.50%	.58%	.67%	.75%

Exurban Funding Guidelines

The City of Hastings has requested that the RTB consider changing the exurban funding guidelines to either (1) permit the city to receive back the full amount of funds it contributes from the exurban taxes collected in the area in order for the Commuter Express Service to continue operations; or (2) allow the Commuter Express Service fares to be counted as the local match for exurban funds.

Under the new funding option that has been described above, fares would be counted as part of the local match since the service would be funded with state funds. State funds are distributed to small urban programs with a requirement that 40 percent of the total program operating costs be covered with local funds or revenues, including fares.

The funding option described above requires more exurban funds to be contributed by the RTB to the TRAC program; consequently, more local funds would be required to match the additional exurban funds. The city may wish to request that TRAC fares be counted as part of the local match for exurban funds, requiring even more exurban funds to be contributed by the RTB to cover the full operating costs of the program.

Under the current guidelines, the RTB funds 50 percent of the operating deficit for exurban programs. The exurban fund recipients are required to match the RTB's contribution. Fares are not included as part of the recipient's local match. At this time, staff is not prepared to recommend a change in the

March 24, 1987

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exurban guidelines that would mean a greater contribution from the RTB. The principal reason for this is the following: Five new exurban services have been identified as priorities for implementation from the Transit Service Needs Assessment. Although there is now a surplus of exurban funds, it could quickly diminish as these services are implemented.

For your information, following are excerpts from recent resolutions passed by the City of Hastings in two separate actions. On March 16, the City Council resolved the following:

The City Council reaffirms its support for the continued operation of the Commuter Express Program from Hastings to St. Paul.

The City Council requests that the Regional Transit Board recognize that the fares generated by riders of the Commuter Express Program constitutes the local contribution from the program.

Previously, the City Council's Planning Committee had passed a resolution, which included the following request:

That the Regional Transit Board provide to the Commuter Express program the maximum amount of available exurban funds generated from the City of Hastings with the remaining funds to be provided by the operation of the Commuter Express program.

FINDINGS AND CONCLUSIONS

- o The Hastings Commuter Express Service is not eligible for exurban funds, based on the legislative requirement. This conclusion is supported by legal opinion.
- o A funding option is available to the City of Hastings. The commuter express program could be merged with the City's TRAC program. By directing state funds, now in TRAC's budget, toward subsidizing the commuter express route, the city could request additional exurban funds for its TRAC program, a paratransit service.
- o This funding option would require the RTB to grant a maximum of \$13,440 in additional exurban funds to the City of Hastings, totalling \$19,234 on an annual basis. The City of Hastings would be required to match, at most, this amount.
- o The current TRAC budget assumes a conservative farebox revenue estimate. In addition, the commuter express service assumes ridership averaging 30 passengers per trip. If TRAC were to retain the same amount of revenue this year as in 1986 and if the commuter express program were to attract an average of 40 passengers per trip, the local match required from the city could be as low as \$12,370. The city has already budgeted \$5,794 in local funds to support transit service in 1987.

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- o In conclusion, this funding analysis presented by RTB staff illustrates that the community has an incentive to boost ridership on its services and actively express support for the commuter route. The next step is for the City of Hastings to submit a proposal to amend its current contract with the RTB to incorporate this funding option, if it desires.

RECOMMENDATION

No action is requested at this time. A staff recommendation will be made, as appropriate, upon receipt of a proposal initiated by the City of Hastings.

HSTNGS/TX2

HOLMES & GRAVEN
CHARTERED

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March 24, 1987

Greg Andrews
Executive Director
Regional Transit Board
280 Metro Square Building
Saint Paul, Minnesota 55101

HAND DELIVERED

RE: Regional Transit Board
Hastings Commuter Express
Legal Opinion 13
Our File No. RE165-1

Dear Greg:

You have asked our office to render a legal opinion as to the ability of the Regional Transit Board ("RTB") to use ex-urban funds to subsidize the Hastings Commuter Express Service (the "Service").

We are advised that the Service is a daily bus service between Hastings and downtown St. Paul, operating on a fixed route, with a fixed schedule and designated stops. A portion of riders are subscribers and the remaining riders are occasional users. Hastings is outside the metropolitan transit taxing district.

Minn. Stat. § 473.446, subd. 1a(1986), dealing with taxation within the metropolitan transit area but outside the metropolitan transit taxing district, provides that:

The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but

Greg Andrew
March 24, 1987
Page 2

outside of the transit taxing district. (emphasis supplied).

The issue presented here is whether the Service constitutes a paratransit service or a ride sharing program.

Minn. Stat. § 473.121, subd. 18a(1986) provides that "paratransit" has the same meaning given in § 174.22, subd. 6. Minn. Stat. § 174.22, subd. 6 (1986) defines paratransit as:

the transportation of passengers by motor vehicle or other means of conveyance by persons operating on a regular and continuing basis . . . "Paratransit" includes transportation by car pool and commuter van, point deviation and route deviation services, shared-ride taxi service, dial-a-ride service, and other similar services.

Further explanation of "paratransit" is provided by the definition of "regular route transit". The latter term is defined in Minn. Stat. § 174.22, subd. 8 (1986), which definition is incorporated by reference into Chapter 473 by § 473.121, subd. 20a, to mean:

transportation of passengers for hire by a motor vehicle or other means of conveyance by any person operating on a regular and continuing basis as a common carrier on fixed routes and schedules. "Regular route transit" does not include . . . paratransit. (emphasis supplied).

Thus, "paratransit" and "regular route transit" are mutually exclusive and if a transit service qualifies as "regular route transit" it cannot qualify as "paratransit". It is noteworthy that under § 473.446, subd. 1, transit taxes collected in the metropolitan transit taxing district shall be used for "transit and paratransit service" and under Minn. Stat. § 473.121, subd. 19 and § 174.22, subd. 7 (1986), "transit" is defined to include both paratransit and regular route transit. Thus, it is clear that under § 473.446, subd. 1a, exurban taxes, unlike transit taxing district taxes, cannot be used for "regular route transit".

The crucial distinction between paratransit and regular route transit appears to be that regular route transit, unlike paratransit, is operated by a person "as a common carrier on fixed routes and schedules". In the instant case, the Service is operated on a fixed route and schedule. In addition, the

transportation of non-subscriber users clearly make the Service a common carrier. Thus, there appears to be little doubt that the Service constitutes "regular route service" and not "paratransit".

While the Service does not appear to qualify as "paratransit", a second issue is raised as to whether the Service may be deemed a "ride sharing program". The term ride sharing program is nowhere defined in § 473.121 or § 174.22. Minn. Stat. § 473.375, subd. 11 (1986) authorizes the RTB to carry on the "ridesharing program" in the metropolitan area under the duties imposed by § 174.257. Section 174.257 does not contain a definition of "ridesharing", but §174.257, subd. 2 makes reference to a "ridesharing arrangement" as defined in § 169.01, subd. 63. Minn. Stat. § 169.01, subd. 63 defines "ridesharing arrangement" as:

transportation of persons, for a fee or otherwise, in a motor vehicle when the transportation is incidental to another purpose of the driver. The term includes the forms of shared transportation known as carpools, commuter vanpools, and buspools, whether or not furnished by an employer.

In view of the fact that the purpose of Service's bus driver is entirely, not incidentally, the transportation of the passengers, it is clear that the Service does not qualify as a "ridesharing arrangement" under § 169.01, subd. 63. Minn. Stat. § 160.01, subd. 64 defines "buspool" to mean "a prearranged ridesharing arrangement in which a group of persons travel together on a regular basis on a bus . . ." Aside from the problems in meeting the definition of "ridesharing arrangement", it is difficult to conclude that the Service is a prearranged group of persons "traveling together". See also Minn. Stat. §174.22, subd. 2 (definition of commuter van used in a "ridesharing arrangement"), § 169.01, subd. 66 (definition of a commuter vanpool).

That does not necessarily answer the question of whether the Service constitutes a "ridesharing program" under § 473.446, subd. 1a. The use of the definitions of the various transit categories is rather loose. For example, § 473.446, subd. 1 refers to "transit and paratransit service", yet § 174.22, subd. 7 defines "transit" to include "paratransit". Similarly, § 473.446, subd. 1a, the provision at issue here, refers to "paratransit services or ridesharing programs", yet § 174.22, subd. 6 defines "paratransit" to include transportation by "car pool and commuter van". Nevertheless, given the definition of "ridesharing arrangement" and the resemblance of the Service to regular route transit, we are of the view that the Service does not constitute a "ride sharing program".

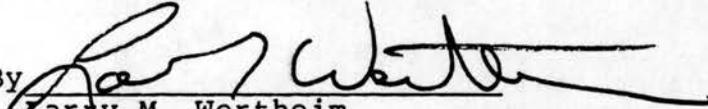
Greg Andrew
March 24, 1987
Page 4

An argument has been raised that "ride sharing programs" excludes any subsidized service, but would include an unsubsidized subscription bus service. Although that issue is not directly raised by the question presented here, we do not find that argument persuasive. The statutory scheme does not classify transit in general or ridesharing in particular based upon whether a subsidy is provided. In fact, § 473.446, subd. 1a, the provision at issue here, specifically authorizes transit tax subsidies for "ride sharing programs".

Based upon the foregoing, we are of the opinion that the Service does not constitute paratransit or a ridesharing program so as to be eligible for funding under § 473.446, subd. 1a.

HOLMES & GRAVEN, Chartered

By



Larry M. Wertheim

cc: Ed Kouneski
Charles Weaver

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
 TO: Regional Transit Board
 FROM: Edward Kouneski, ^{EK} Programs Manager
 SUBJECT: Appointments to the Transportation Handicapped Advisory Committee

BACKGROUND:

On January 1, the terms of 13 THAC appointees expired and additional positions became vacant because of resignations. In February, the RTB distributed 443 press releases to solicit persons interested in serving on THAC. The press release was sent to metropolitan daily and community newspapers; Metro Mobility providers; organizations of and for disabled people; and newspapers, newsletters and other periodicals printed for older persons in the metropolitan area. A total of 38 applications were received. RTB board members have made the following decisions on appointments:

<u>District</u>	<u>RTB Board Members</u>	<u>THAC Appointee</u>	<u>Representing</u>
B	Bernard Skrebes	Mary Catherine Scheierl (new)	Metro Mobility Provider, Morley Bus Co.
B	" "	Edward John Sapinski (new)	Multi Resource Centers, Inc.
C	Doris Caranicas	Rozanne M. Severance (new)	Metropolitan Center for Independent Living
C	" "	Leroy Marshall (reappointed)	Metro Mobility Rider
D	Rochelle Graves	James LeTourneau (reappointed)	Metro Mobility Provider, Yellow Taxi
D	" "	Rahn J. Workcuff (reappointed)	Metro Mobility Rider
G	Paul Joyce	Clarence Leo Sindt, Jr. (new)	Minnesota State Council for the Handicapped and the Independent Living Council
G	" "	Thomas Gerald Hayes (new)	Courage Center

Regional Transit Board
April 6, 1987
Page 2

Please note that RTB board member Carole Faricy will be deciding on her appointments later this week. Afterwards, the remaining applications will go to Elliott Perovich for the at-large appointments.

Also, please note that there was only one application for District H. The applicant was a Metro Mobility provider. The THAC bylaws state that there must be representation from at least one elderly or disabled person from each RTB district. District H already has representation from a provider. RTB staff is currently soliciting names from Bette Undis (the provider representative for District H) and from the State Council for the Handicapped to fill this vacancy.

RECOMMENDATION:

That the Regional Transit Board approve the above appointees as members of the Transportation Handicapped Advisory Committee.

cc: Judy Hollander
Tom Beaver
Mike Kuehn

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: April 6, 1987
TO: Regional Transit Board
FROM: Elliott Perovich, Chairman
SUBJECT: Quality Transit Coalition Membership

The Regional Transit Board has been invited to join the Quality Transit Coalition. The coalition was formed for the purpose of promoting the transfer of the Motor Vehicle Excise Tax as a permanent dedicated source of revenue to support public transit. A list of the membership and a resolution outlining the goals of the coalition is attached.

MF122A

RESOLUTION
ESTABLISHING MEMBERSHIP IN THE
QUALITY TRANSIT COALITION FOR BETTER PUBLIC TRANSIT

WHEREAS, public transit exists to serve individuals and families and is important to the health of neighborhoods and communities; and

WHEREAS, public transit is the essential link in the many systems of support designed to guarantee full community participation of all the citizens of Minnesota; and

WHEREAS, for those individuals not able to own or operate an automobile because of economic conditions or state of physical or mental well-being, public transit is the life line; and

WHEREAS, public transit is an important element in achieving the mobility which is essential to good economic, environmental, and social conditions in Minnesota, and must be viewed as both a social service and a key element of the infrastructure which supports and influences the very form of our society; and

WHEREAS, it is imperative that the elected officials of the State of Minnesota - the Governor and Legislators - establish a dedicated source of funds to adequately support public transit state wide.

NOW THEREFORE, LET IT BE RESOLVED, that a broad based coalition of public transit users, advocates for transit, and providers of transit be established for the purpose of promoting the transfer of the Motor Vehicle Excise Tax (MVET) as a permanent and dedicated source of revenue to support public transit. The coalition will be calling on the Minnesota Governor and Legislature to take the action that was intended when the MVET legislation was passed into law in 1984.

LET IT FURTHER BE RESOLVED, that the Ill supports the effort of
(name of organization), will ~~participate as a member of the~~ Quality Transit Coalition and will actively work to tell lawmakers of the importance of transit programs to the social and economic health of rural and urban Minnesota.

QUALITY TRANSIT COALITION MEMBERSHIP

Anoka County Transportation Program
Catholic Charities of the Archdiocese of Mpls. and St. Paul
Central MN Council on Aging
Cottonwood County Family Service Center
Courage Center
Dakota Area Resources and Transportation for Seniors
Fairview Seniors Program (Roseville)
Human Services, Inc. of Washington County
Jewish Family & Children's Service of Mpls.
Lincoln County Transportation
Lutheran Social Services of MN
Metro Senior Federation
Metropolitan Center of Independent Living
Midwest Olsen Med-Kab
Minnesota Board on Aging
Minnesota Public Transit Association
Minnesota Senior Federation
Minnesota State Council for the Handicapped
Morley Bus Company
Moundsview Senior Citizens Program
Murray County Coordinator on Aging
Northwest Regional Development Commission
Northwest Senior Federation
Pipestone County Transportation
Ramsey County Coordinated Transportation Project
Senior Workers of Mpls.
Senior Workers of St. Paul
South Hennepin Human Services Council
Southwest Regional Development Commission
Suburban Paratransit
Transit Access Coalition
United Handicapped Federation
West Cap Volunteer Transportation Program
West Metro Coordinated Transit
White Bear Lake Senior Citizens Program
Wilder Senior Center
Worthington RSVP



REGIONAL TRANSIT BOARD

270 Metro Square Building
St. Paul, Minnesota 55101
612/292-8789

MEETING OF THE REGIONAL TRANSIT BOARD
Monday, April 6, 1987
Council Chambers
4:00 p.m.

AMENDED AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Minutes of March 16, 1987, Board Meeting
4. Consent List
5. REPORT OF THE POLICY COMMITTEE

Alison Fuhr,
Vice Chair

 - A. Draft Environmental Impact Statement Trunk Highway 77/I-494 Improvement Project
6. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Ruth Franklin,
Chair

 - A. 1987 Affirmative Action Status Report, Resolution No. 87-05
 - B. New Metro Mobility Provider Contract Approval (Wilder Transportation Service)
 - C. Request for Proposal for Metro Mobility Evaluation Contract
 - D. Financial Statements - January 1987
 - E. Issuance of General Obligation Refunding Bonds, Series 1987C, Resolution No. 87-04
 - F. Hastings Commuter Express Service Funding Option
7. OTHER BUSINESS
 - A. Chairman's Report
 - 1) Quality Transit Coalition Membership
 - 2) Transportation Handicapped Advisory Committee Appointments
 - B. Members' Reports
 - C. Staff Reports
8. PUBLIC COMMENT

Elliott Perovich
Chairman

B Hopkins, Chair THAC
 May O'Hare
 Failor
 Entzel

deVries
 Piaz
 Wexler
 Lopez

J# MR
 RR
 KT
 GB
 JH
 CF
 EK
 82-01

REGIONAL TRANSIT BOARD
ROLL CALL AND ATTENDANCE SHEET

Date: April 6, 1987

Board Meeting

MEMBER NAME	PRESENT	87-05 VOTE	87-04 VOTE	VOTE
Chairman	✓	Y	Y	absent
Doris Caranicas (P)	✓	Y	Y	✓
Carole Faricy	—			
Ruth Franklin (Chair, A & F)	✓	Y	Y	Y
Alison Fuhr (P)	✓	Y	Y	Y
Rochelle Graves (P)	✓	pass	Y	Y
Paul Joyce (A & F)	✓	Y	Y	Y
Edward Kranz (A & F)	✓	Y	Y	Y
Bernard Skrebos (A & F)	✓	Y	Y	out of room

1 _____ moves to amend H.F. 744 as follows:
2 Delete everything after the enacting clause and insert:
3 "Section 1. Minnesota Statutes 1986, section 473.1623,
4 subdivision 2, is amended to read:
5 Subd. 2. [FINANCIAL REPORTING AND MANAGEMENT ADVISORY
6 COMMITTEE.] A financial reporting and management advisory
7 committee is created, consisting of the chairs of the council
8 and the following metropolitan agencies: the waste control
9 commission, transit board, transit commission, metropolitan
10 airports commission, and sports facilities commission. The
11 committee is established to assist and advise the council and
12 other governing boards in meeting the requirements of this
13 section. Staff and administrative services for the committee
14 must be provided by the council and the member agencies. Other
15 agencies shall make financial information available upon request.
16 Sec. 2. Minnesota Statutes 1986, section 473.373, is
17 amended by adding a subdivision to read:
18 Subd. 1a. [PURPOSE.] The board is established: (1) to
19 foster effective delivery of existing transit services and
20 encourage innovation in transit service, (2) to prepare
21 implementation and financial plans for the metropolitan transit
22 system, (3) to set policies and standards for implementing the
23 transit policies and programs of the state and the transit
24 policies of the metropolitan council in the metropolitan area,

1 (4) to conduct transit research and evaluation, and (5) to
2 administer state and metropolitan transit subsidies.

3 The board shall arrange with others for the delivery and
4 provision of transit services and facilities. The board shall
5 avoid, to the greatest extent possible, direct operational
6 planning, administration, or management of specific transit
7 services and facilities.

8 Sec. 3. Minnesota Statutes 1986, section 473.377, is
9 amended by adding a subdivision to read:

10 Subd. 4. [FARE POLICY.] The plan must contain a statement
11 of the policies that will govern the imposition of user charges
12 for various types of transit service and the policies that will
13 govern decisions by the board to change fare policy.

14 Sec. 4. Minnesota Statutes 1986, section 473.38,
15 subdivision 2, is amended to read:

16 Subd. 2. [FINANCIAL PLAN; COUNCIL APPROVAL.] Along with
17 its annual budget, each even-numbered year the board shall
18 prepare a financial plan for the succeeding three calendar
19 years, in half-year segments. The financial plan must be
20 consistent with the board's implementation plan and must contain
21 the elements specified in section 473.1623, subdivision 3. The
22 financial plan must contain schedules of user charges and any
23 changes in user charges planned or anticipated by the board
24 during the period of the plan. The financial plan must contain
25 a proposed request for state financial assistance for the
26 succeeding biennium. The board shall submit the financial plan
27 to the council for review and approval or disapproval. The
28 council may approve or disapprove in whole or in part. The
29 council may disapprove only for inconsistency with the policy
30 plan of the council.

31 Sec. 5. Minnesota Statutes 1986, section 473.39,
32 subdivision 1a, is amended to read:

33 Subd. 1a. [~~AMOUNT~~;-I-394-FACILITIES AMOUNTS.] (a) The
34 council may issue certificates of indebtedness, bonds, or other
35 obligations under this section in an amount not exceeding
36 ~~\$8,500,000~~ \$17,000,000 for expenditure financial assistance to

1 the commission, as prescribed in the implementation plan of the
2 board and the capital program of the commission. Of this

3 (b) The council may issue certificates of indebtedness,
4 bonds, or other obligations under this section in an amount, no
5 more than not exceeding \$1,500,000 may be spent for land
6 acquisition and capital improvements for park and ride lots and
7 transit transfer stations planned for the interstate highway
8 described in section 161.123, clause (2), commonly known as
9 I-394. These facilities may be constructed and maintained by
10 the metropolitan transit commission. The board shall require,
11 as a condition of financial assistance to the commission, that
12 the commission make facilities it constructs, acquires, or
13 improves for I-394 with funds provided under this provision
14 available to all transit providers on a nondiscriminatory basis,
15 as the board defines these terms.

16 Sec. 6. [FARES.]

17 The board may not alter fare policies nor may the
18 commission alter fare schedules existing on January 1, 1987,
19 until:

20 (1) the board has satisfied statutory transit and financial
21 planning requirements by: (i) adopting plans and policies on
22 fares, as required by Laws 1985, First Special Session chapter
23 10, section 30 and restated by sections 3 and 4 of this act;
24 (ii) adopting an implementation plan under Minnesota Statutes
25 1986, section 473.161, that has been approved by the council,
26 including any revisions required by the council, under Minnesota
27 Statutes 1986, section 473.161; (iii) adopting an approved
28 financial plan under Minnesota Statutes 1986, section 473.38,
29 subdivision 2, as amended; and (iv) submitting the
30 implementation and financial plans adopted under clauses (ii)
31 and (iii) to the legislature with its request for state
32 financial assistance; and

33 (2) the legislature has acted on the board's request for
34 state financial assistance submitted under clause (1).

35 Sec. 7. [FEDERAL GRANTS.]

36 The board may not be a recipient of federal capital or

1 operating assistance for transit until:

2 (1) the board has satisfied statutory planning requirements
3 by: (i) adopting plans and policies on fares, as required by
4 Laws 1985, First Special Session chapter 10, section 30 and
5 restated by sections 3 and 4 of this act; (ii) adopting an
6 implementation plan under Minnesota Statutes 1986, section
7 473.161, that has been approved by the council, including any
8 revisions required by the council, under Minnesota Statutes
9 1986, section 473.161; (iii) adopting an approved financial plan
10 under Minnesota Statutes 1986, section 473.38, subdivision 2,
11 as amended; and (iv) submitting the implementation and financial
12 plans adopted under clauses (ii) and (iii) to the legislature
13 with its request for state financial assistance;

14 (2) the legislature has acted on the board's request for
15 state financial assistance submitted under clause (1); and

16 (3) the board has studied and reported to the legislature
17 on the effects, advantages, and disadvantages of transferring
18 the authority to receive these funds from the commission to the
19 board and on how and for what purpose the board would use the
20 funds differently than the MTC could use the funds.

21 Sec. 8. [ROUTE PLANNING AND SCHEDULING.]

22 The board shall contract with the commission or other
23 operators or local governments for route planning and scheduling
24 services in any configuration of new or reconfiguration of
25 existing transit services and routes, including route planning
26 and scheduling necessary for the test marketing program, the
27 service bidding program, and the interstate highway described in
28 section 161.123, clause (2), commonly known as I-394. Route
29 planning and scheduling is subject to approval by the board for
30 conformity to the board's transit implementation plans and
31 route, schedule, and other service standards, objectives, and
32 policies established by the board.

33 Sec. 9. [SERVICE BIDDING.]

34 The board may competitively bid transit service only in
35 accordance with standards, procedures, and guidelines adopted by
36 resolution of the board. The board shall establish an advisory

1 committee to assist and advise the board in developing and
 2 implementing standards, procedures, and guidelines. The
 3 advisory committee must include representatives of the
 4 commission, the Amalgamated Transit Union Local 1005, private
 5 operators, local governments, and other persons interested in
 6 the subject. At least 60 days before adopting any standards,
 7 procedures, or guidelines for competitive bidding of transit
 8 service, the board shall hold a public hearing on the subject.
 9 The board shall publish notice of the hearing in newspapers of
 10 general circulation in the metropolitan area not less than 15
 11 days before the hearing. At the hearing all interested persons
 12 must be afforded an opportunity to present their views orally
 13 and in writing. Following the hearing, and after considering
 14 the testimony, the board shall revise and adopt the standards,
 15 procedures, and guidelines.

16 Sec. 10. [APPROPRIATION.]

17 Subdivision 1. [AMOUNTS.] The following amounts are
 18 appropriated from to the regional transit board for
 19 the purposes and fiscal years specified:

	<u>1988</u>	<u>1989</u>
21 <u>(1) Regular route MTC service</u>		
22 <u>(2) Other regular route service</u>		
23 <u>(3) Metro mobility</u>		
24 <u>(4) Small urban, rural, and</u>		
25 <u> replacement services</u>		
26 <u>(5) Test marketing of new services</u>		
27 <u>(6) Light rail transit studies</u>		
28 <u>(7) Planning and programs</u>		
29 <u>(8) Administration</u>		

30 The unencumbered balance remaining in the first year does
 31 not cancel but is available for the second year.

32 Subd. 2. [LIMITATIONS.] (a) The board may not reduce the
 33 amounts available for expenditure under subdivision 1,
 34 categories (1) to (5), or spend any money, except money received
 35 from federal grants and private contributions, for the purposes
 36 of categories (6) to (8) in addition to the amounts

1 appropriated. The board may not transfer funds among categories
2 except as provided in paragraph (b)

3 (b) The board may not transfer funds among categories until:

4 (1) the board has satisfied statutory transit and financial
5 planning requirements by: (i) adopting plans and policies on
6 fares, as required by Laws 1985, First Special Session chapter
7 10, section 30 and restated by sections 3 and 4 of this act;
8 (ii) adopting an implementation plan under Minnesota Statutes
9 1986, section 473.161, that has been approved by the council,
10 including any revisions required by the council, under Minnesota
11 Statutes 1986, section 473.161; (iii) adopting an approved
12 financial plan under Minnesota Statutes 1986, section 473.38,
13 subdivision 2, as amended; and (iv) submitting the
14 implementation and financial plans to the legislature adopted
15 under clauses (ii) and (iii) with its request for state
16 financial assistance; and

17 (2) the legislature has acted on the board's request for
18 state financial assistance submitted under clause (1).

19 Sec. 11. [APPLICATION.]

20 Sections 1 to 5 apply in the counties of Anoka, Carver,
21 Dakota, Hennepin, Ramsey, Scott, and Washington."

22 Amend the title accordingly

REAS
Ozment
J. Jambler
Morrison
Blaty
Clawitz
Ostloff
Jefferson

NAYS
McLaughlin
Kelly
Nelson
Simonson

passed on
division
7-4

02MENT

1 02MENT moves to amend H.F. 744 as follows:

2 Page 1, after line ~~8~~², insert:

3 "Section 1. Minnesota Statutes 1986, section 15A.081,
 4 subdivision 1, is amended to read:

5 Subdivision 1. The governor shall set the salary rate
 6 within the ranges listed below for positions specified in this
 7 subdivision, upon approval of the legislative commission on
 8 employee relations and the legislature as provided by section
 9 43A.18, subdivisions 2 and 5:

	Salary Range
	Effective
	July 1, 1983
13 Commissioner of education;	\$57,500-\$70,000
14 Commissioner of finance;	
15 Commissioner of transportation;	
16 Commissioner of human services;	
17 Executive director, state board of	
18 investment;	
19 Commissioner of administration;	\$50,000-\$60,000
20 Commissioner of agriculture;	
21 Commissioner of commerce;	
22 Commissioner of corrections;	
23 Commissioner of jobs and training;	
24 Commissioner of employee relations;	

1 Commissioner of energy and economic
2 development;
3 Commissioner of health;
4 Commissioner of labor and industry;
5 Commissioner of natural resources;
6 Commissioner of revenue;
7 Commissioner of public safety;
8 Chair, waste management board;
9 Chief administrative law judge; office of
10 administrative hearings;
11 Director, pollution control agency;
12 Director, state planning agency;
13 Executive director, housing finance
14 agency;
15 Executive director, public employees
16 retirement association;
17 Executive director, teacher's
18 retirement association;
19 Executive director, state retirement
20 system;
21 Chair, metropolitan council;
22 ~~Chair, regional transit board;~~
23 Coordinator of full productivity and
24 opportunity;
25 Commissioner of human rights; \$40,000-\$52,500
26 Director, department of public service;
27 Commissioner of veterans' affairs;
28 Director, bureau of mediation services;
29 Commissioner, public utilities commission;
30 Member, transportation regulation board.

31 Sec. 2. Minnesota Statutes 1986, section 15A.081,
32 subdivision 7, is amended to read:

33 Subd. 7. [PART-TIME METROPOLITAN OFFICERS.] The governor
34 shall set the salary rate within the range set forth below for
35 the following part-time positions, upon approval of the
36 legislative commission on employee relations and the legislature

Passed

1 Morrison moves to amend the amendment to H.F.
2 744 (RH744A-4) as follows:

3 Page 2, after line ¹³~~24~~, insert:

4 "Sec. 4. Minnesota Statutes 1986, section 473.377, is
5 amended by adding a subdivision to read:

6 Subd. 5. [LOCAL REVIEW AND COMMENT.] At least ³⁰~~60~~ days
7 before holding the hearing required on the implementation plan
8 or revision, the board shall submit copies of the plan or a
9 summary of the plan to the chief administrative officer of each
10 statutory and home rule charter city, town, and county in the
11 metropolitan area, along with notice of the hearing and an
12 invitation to testify and submit comments."

*defeated
6-5*

1 Tjornholm moves to amend H.F. 744 as follows:
 2 Page 3, after line 15, insert:
 3 "Sec. 6. Minnesota Statutes 1986, section 473.408, is
 4 amended by adding a subdivision to read:
 5 Subd. 8. [COST RECOVERY RATIO.] Total revenue from fares
 6 for all regular route service must produce annually not less
 7 than 35 percent of total operating cost for that service.
 8 Whenever the board's current financial plan or budget shows, for
 9 any calendar year, that total revenue from fares for all regular
 10 route service is expected to be less than 35 percent of total
 11 operating cost for that service, the board shall reduce
 12 expenditures and subsidies for transit administration and
 13 management so as to reduce total operating cost sufficiently to
 14 bring fare revenue for that year into conformance with the
 15 requirements of this section. "Total operating cost" has the
 16 meaning given in section 174.23, subdivision 7, and rules
 17 adopted under that subdivision. "Revenue from fares" means
 18 actual receipts paid by passengers and does not include
 19 reimbursement for reduced fares."
 20 Renumber sections
 21 Amend the title accordingly

HOUSE SUBCOMMITTEE REPORT

SUBCOMMITTEE ACTION TAKEN March 24, 1987

TO: Rep. Tom Osthoff, Chairman

Committee on Metropolitan Affairs

FROM: Rep. Peter McLaughlin, Chairman of the

Subcommittee on Transportation,

to which was referred H.F. No. 1009,

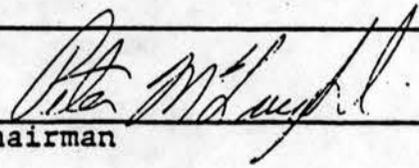
A bill for an act

relating to transportation; providing for standards for special transportation service; requiring standards for special transportation service in the metropolitan area; amending Minnesota Statutes 1986, sections 174.30, subdivisions 1, 2, 4, 6, 7, and by adding subdivisions; 473.386, subdivisions 1, 2, 3, 4, 6, and by adding subdivisions; repealing Minnesota Statutes 1986, section 473.386, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

SEE ATTACHED

And when so amended that the bill be recommended to pass to the full
committee


Chairman

Subcommittee on Transportation

1 _____ moves to amend H.F. 1009 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 1986, section 174.30,
4 subdivision 1, is amended to read:

5 Subdivision 1. [APPLICABILITY LIMITATIONS; BY TYPE OF
6 PROVIDER; BY SOURCE OF FUNDS.] The operating standards for
7 special transportation service adopted under this section do not
8 apply to special transportation provided by:

9 (a) A common carrier operating on fixed routes and
10 schedules;

11 (b) ~~A~~-taxi;

12 ~~(c)~~ A volunteer driver using a private automobile;

13 ~~(d)~~ (c) A school bus as defined in section 169.01,
14 subdivision 6; or

15 ~~(e)~~ (d) An emergency ambulance regulated under chapter 144.

16 The operating standards adopted under this section only
17 apply to providers of special transportation service who receive
18 grants or other financial assistance from either the state or
19 the federal government, or both, to provide or assist in
20 providing that service; except that the operating standards
21 adopted under this section do not apply to any nursing home
22 licensed under section 144A.02, to any board and care facility
23 licensed under section 144.50, or to any day care or group home
24 facility licensed under sections 245.781 to 245.812 unless the

1 facility or program provides transportation to nonresidents on a
2 regular basis and the facility receives reimbursement, other
3 than per diem payments, for that service under rules promulgated
4 by the commissioner of human services.

5 Sec. 2. Minnesota Statutes 1986, section 174.30,
6 subdivision 2, is amended to read:

7 Subd. 2. [AUTHORITY TO ADOPT; PURPOSE AND CONTENT;
8 RULEMAKING.] The commissioner of transportation shall adopt by
9 rule standards for the operation of vehicles used to provide
10 special transportation service which are reasonably necessary to
11 protect the health and safety of individuals using that
12 service. The commissioner, as far as practicable, consistent
13 with the purpose of the standards, shall avoid adoption of
14 standards that unduly restrict any public or private entity or
15 person from providing special transportation service because of
16 the administrative or other cost of compliance.

17 Standards adopted under this section may must include but
18 are not limited to:

19 (a) Qualifications of drivers and attendants, including
20 driver training requirements that must be met before a driver
21 provides special transportation;

22 (b) Safety equipment-~~required-for~~ of vehicles and necessary
23 safety equipment;

24 (c) General requirements concerning inspection and
25 maintenance of vehicles, replacement vehicles, standard vehicle
26 equipment of-vehicles, and specialized equipment necessary to
27 ensure vehicle usability and safety for disabled persons; and

28 (d) Minimum insurance requirements.

29 The commissioner shall consult with the state council for
30 the handicapped before making a decision on a variance from the
31 standards.

32 Sec. 3. Minnesota Statutes 1986, section 174.30, is
33 amended by adding a subdivision to read:

34 Subd. 2a. [VEHICLE AND EQUIPMENT SAFETY; PROVIDER
35 RESPONSIBILITIES.] (a) Every special transportation service
36 provider shall systematically inspect, repair, and maintain, or

1 cause to be inspected, repaired, and maintained, the vehicles
2 and equipment subject to the control of the provider. Each
3 vehicle and its equipment must be inspected daily. A vehicle
4 may not be operated in a condition that is likely to cause an
5 accident or breakdown of the vehicle. Equipment, including
6 specialized equipment necessary to ensure vehicle usability and
7 safety for disabled persons, must be in proper and safe
8 operating condition at all times.

9 (b) Each special transportation provider shall maintain the
10 following records for each vehicle:

11 (1) an identification of the vehicle, including make,
12 serial number, and year, and, if the vehicle is not owned by the
13 provider, the name and address of the person furnishing the
14 vehicle;

15 (2) a schedule of inspection and maintenance operations to
16 be performed;

17 (3) a record of inspections, repairs, and maintenance
18 showing the date and nature;

19 (4) a lubrication record; and

20 (5) a record of tests conducted to ensure that emergency
21 doors or windows and wheelchair lifts function properly.

22 Sec. 4. Minnesota Statutes 1986, section 174.30,
23 subdivision 4, is amended to read:

24 Subd. 4. [~~CERTIFICATE-OF-COMPLIANCE~~ VEHICLE AND EQUIPMENT
25 INSPECTION; PROCEDURES.] (a) The commissioner shall inspect or
26 provide for the inspection of vehicles at least annually. In
27 addition to scheduled annual inspections and reinspections
28 scheduled for the purpose of verifying that deficiencies have
29 been corrected, unannounced inspections of any vehicle may be
30 conducted. The commissioner shall provide for the unannounced
31 inspection quarterly of at least five percent of the vehicles
32 operated by providers certified by the commissioner.

33 (b) On determining that a vehicle or vehicle equipment is
34 in a condition that is likely to cause an accident or breakdown,
35 the commissioner shall require the vehicle to be taken out of
36 service immediately. The commissioner of-transportation shall

1 ~~issue an annual certificate of compliance for each vehicle used~~
2 ~~to provide special transportation service which complies with~~
3 ~~the standards adopted under this section. The commissioner~~
4 ~~shall issue a certificate of compliance to a vehicle subject to~~
5 ~~subdivision 3 only if the vehicle also complies with sections~~
6 ~~299A.11 to 299A.18~~ require that vehicles and equipment not
7 meeting standards be repaired and brought into conformance with
8 the standards and shall require written evidence of compliance
9 from the operator within ten days.

10 (c) The commissioner shall provide in the rules procedures
11 for inspecting vehicles, removing unsafe vehicles from service,
12 determining and requiring compliance and issuing the
13 certificates. The procedures may include inspection of vehicles
14 and examination of drivers, and reviewing driver qualifications.

15 Sec. 5. Minnesota Statutes 1986, section 174.30, is
16 amended by adding a subdivision to read:

17 Subd. 4a. [CERTIFICATION OF SPECIAL TRANSPORTATION
18 PROVIDERS.] The commissioner shall annually evaluate or provide
19 for the evaluation of each provider of special transportation
20 service regulated under this section and certify that the
21 provider is in compliance with the standards under this section.

22 Sec. 6. Minnesota Statutes 1986, section 174.30,
23 subdivision 6, is amended to read:

24 Subd. 6. [PREEMPTION OF OTHER REQUIREMENTS.]
25 Notwithstanding any other law, ordinance or resolution to the
26 contrary, an operator of special transportation service that has
27 been issued a current certificate of compliance under
28 subdivision 4 ~~4a~~ for ~~a vehicle~~ vehicles used to provide that
29 service is not required to obtain any other state or local
30 permit, license or certificate as a condition of operating
31 the ~~vehicle~~ vehicles for that purpose. This subdivision does
32 not exempt any vehicle from the requirements imposed on vehicles
33 generally as a condition of using the public streets and
34 highways.

35 Sec. 7. Minnesota Statutes 1986, section 174.30,
36 subdivision 7, is amended to read:

1 representatives of persons contracting to provide special
2 transportation services for-the-project, and representatives of
3 appropriate agencies for elderly and handicapped persons to
4 advise the board on management policies for the project
5 service. At least half the committee members must be disabled
6 or elderly persons or the representatives of disabled or elderly
7 persons. The advisory committee must be appointed as follows:
8 board members, including the chair, shall each appoint one
9 member to the committee, and the state council for the
10 handicapped, metropolitan senior federation, and metropolitan
11 center for independent living shall each appoint one member to
12 the committee. Committee members appointed by the board
13 members, including the chair of the board, serve a two year
14 term. The committee shall elect its chair from among the
15 members of the committee. The chair serves for a term of one
16 year.

17 Sec. 10. Minnesota Statutes 1986, section 473.386,
18 subdivision 3, is amended to read:

19 Subd. 3. [DUTIES OF BOARD.] In implementing the
20 project special transportation service the board shall:

21 (a) encourage participation in the project service by
22 public and private providers of special transportation service
23 currently receiving capital or operating assistance from a
24 public agency;

25 (b) contract with public and private providers that have
26 demonstrated their ability to effectively provide service at a
27 reasonable cost;

28 (c) encourage individuals using service-provided-through
29 the-project special transportation to use the type of service
30 most appropriate to their particular needs;

31 (d) ensure that all persons providing special
32 transportation service through-the-project receive equitable
33 treatment in the allocation of the ridership;

34 (e) encourage shared rides to the greatest extent
35 practicable;

36 (f) encourage public agencies that provide transportation

1 to eligible individuals as a component of human services and
2 educational programs to coordinate with ~~the-project~~ this service
3 and to allow reimbursement for ~~services~~ transportation provided
4 through the ~~project~~ service at rates that reflect the public
5 cost of providing ~~these-services~~ that transportation; and

6 (g) establish criteria to be used in determining individual
7 eligibility for special transportation services;

8 (h) consult with the advisory committee in a timely manner
9 before changes are made in the provision of special
10 transportation services, including but not limited to changes in
11 policies affecting the matters subject to hearing under section
12 9;

13 (i) provide for effective administration and enforcement of
14 board policies and standards; and

15 (j) annually evaluate providers of special transportation
16 service to ensure compliance with the standards established for
17 the program.

18 Sec. 11. Minnesota Statutes 1986, section 473.386,
19 subdivision 4, is amended to read:

20 Subd. 4. [COORDINATION REQUIRED.] The board may not grant
21 any financial assistance to any recipient that proposes to use
22 any part of the grant to provide special transportation service
23 in the metropolitan area unless the program is coordinated with
24 the ~~project~~ board's special transportation service in the manner
25 determined by the board.

26 Sec. 12. Minnesota Statutes 1986, section 473.386,
27 subdivision 6, is amended to read:

28 Subd. 6. [OPERATING AND SERVICE STANDARDS.] ~~A-vehicle~~
29 ~~providing-special-transportation-service-which-is-subject-to-the~~
30 ~~operating-standards-adopted-pursuant-to-section-174-30-may-not~~
31 ~~be-allowed-to-provide-service-through-the-project-unless-a~~
32 ~~current-certificate-of-compliance-has-been-issued-to-the-vehicle.~~

33 A person operating or assisting the operation of a vehicle may
34 leave the vehicle to enter premises in order to help a passenger
35 who does not require emergency ambulance service. Operators and
36 assistants shall provide the help necessary for

1 Subd. 7. [ENFORCEMENT.] No state agency, political
2 subdivision or other public agency shall provide any capital or
3 operating assistance to or reimbursement for services-rendered
4 by-any-operator-of special transportation service unless current
5 certificates-of-compliance-have-been-issued-under-subdivision-4
6 for the vehicles-used-by-the-operator-to-provide operator
7 providing the service has a current certificate of compliance
8 issued under subdivision 4a.

9 Sec. 8. Minnesota Statutes 1986, section 473.386,
10 subdivision 1, is amended to read:

11 Subdivision 1. [~~PROJECT~~ SERVICE OBJECTIVES.] The transit
12 board shall implement a project-to-coordinate special
13 transportation service, as defined in section 174.29, in the
14 metropolitan area. The project service has the following
15 objectives:

16 (a) to provide greater access to transportation for the
17 elderly, handicapped, and others with special transportation
18 needs in the metropolitan area;

19 (b) to develop an integrated system of special
20 transportation service providing transportation tailored to meet
21 special individual needs in the most cost-efficient manner; and

22 (c) to use existing public and private providers of service
23 wherever possible, to supplement rather than replace existing
24 service, and to increase the productivity of all special
25 transportation vehicles available in the area.

26 Sec. 9. Minnesota Statutes 1986, section 473.386,
27 subdivision 2, is amended to read:

28 Subd. 2. [~~FINANCING;--IMPLEMENTATION~~ SERVICE CONTRACTS;
29 MANAGEMENT AND; ADVISORY GROUPS COMMITTEE.] (a) The board
30 shall contract for services necessary for the project's
31 operation provision of special transportation. All
32 transportation service ~~provided-through-the-project~~ must be
33 provided under a contract between the board and the provider
34 which specifies the service to be provided, the standards that
35 must be met, and the rates for ~~providing-it~~ operating and
36 providing special transportation services.

1 **(b)** The board shall establish management policies for
2 the project service but shall contract with a service
3 administrator for day-to-day administration and management of
4 the service. The contract must delegate to the service
5 administrator clear authority to administer and manage the
6 delivery of the service pursuant to board management policies
7 and must establish performance and compliance standards for the
8 service administrator.

9 **(c)** The board shall ensure that the service administrator
10 establishes a system for registering and expeditiously
11 responding to complaints by users, informing users of how to
12 register complaints, and requiring providers to report on
13 incidents that impair the safety and well-being of users or the
14 quality of the service. The board shall annually report to the
15 commissioner of transportation and the legislature on complaints
16 and provider reports, the response of the service administrator,
17 and steps taken by the board and the service administrator to
18 identify causes and provide remedies to recurring problems.

19 **(d)** Within 90 days following the effective date of this
20 act, the board shall hold a public hearing on standards for
21 provider eligibility, selection, performance, compliance, and
22 evaluation; the terms of provider contracts and the contract
23 with the service administrator and related contract management
24 policies and procedures of the board; fare policies; service
25 areas, hours, standards, and procedures; and similar matters
26 relating to implementation of the service. Each year before
27 renewing contracts with providers and the service administrator,
28 the board shall provide an opportunity for the advisory
29 committee, users, and other interested persons to testify before
30 the board concerning providers, contract terms, and other
31 matters relating to board policies and procedures for
32 implementing the service.

33 **(e)** The board shall establish an advisory committee of
34 individuals-representing-the. The advisory committee must
35 include elderly, and handicapped persons, and other users of
36 special transportation service provided-by-the-project,

1 door-through-door service, including help in entering and
2 leaving the vehicle and help through the exterior entrance and
3 over any exterior steps at either departure or destination
4 buildings, provided that both the steps and the wheelchair are
5 in good repair. If an operator or assistant refuses help
6 because of the condition of the steps or the wheelchair, the
7 operator of the service shall send letters to the service
8 administrator designated by the board and the person denied
9 service describing the corrective measures necessary to qualify
10 for service.

11 Sec. 13. [REPEALER.]

12 Minnesota Statutes 1986, section 473.386, subdivision 7, is
13 repealed.

14 Sec. 14. [APPLICATION.]

15 Sections 8 to 12 apply in the counties of Anoka, Carver,
16 Dakota, Hennepin, Ramsey, Scott, and Washington."

17 Delete the title and insert:

18 "A bill for an act
19 relating to transportation; providing for standards
20 for special transportation service; requiring changes
21 in the administration of special transportation
22 service in the metropolitan area; amending Minnesota
23 Statutes 1986, sections 174.30, subdivisions 1, 2, 4,
24 6, 7, and by adding subdivisions; 473.386,
25 subdivisions 1, 2, 3, 4, and 6; repealing Minnesota
26 Statutes 1986, section 473.386, subdivision 7."

1 Sec. ... [LIGHT RAIL TRANSIT; CITY REVIEW.]

2 (a) Before proceeding with the preparation of the final
3 plans for the construction of any light rail transit facility,
4 the political subdivision proposing the facility shall submit
5 preliminary plans for route location to the governing body of
6 each statutory or home rule charter city in which the route is
7 proposed to be located.

8 (b) A public hearing on the route must be held by the
9 proposer at least one month after submission of the plans.
10 After the public hearing and after preparing final plans, the
11 proposer shall submit the final plans to the governing body of
12 each city for approval. If a governing body does not approve
13 the final plans within three months after submittal, the
14 proposer may refer the plans to the metropolitan council.

15 (c) The council shall hold a hearing, giving the proposer
16 and the cities opportunity to present the case for or against
17 approval of the plans. The council may conduct independent
18 study as it deems desirable. Not later than three months after
19 the hearing, the council shall approve or disapprove the plans,
20 make additional recommendations as it deems appropriate, and
21 submit a written report containing its findings and
22 recommendations to the proposer and the cities.

23 (d) The proposer may not proceed with the facility except
24 in accordance with plans approved by the affected city or, if

1 referred to the council, until after the council has made its
2 report, and then only after the affected city has had an
3 additional 90 days within which to consider the plans originally
4 submitted, or modified plans as may be submitted to it following
5 the report of the council. If within the 90-day period, a city
6 does not approve the plans submitted, and if the proposer then
7 wishes to proceed with the facility according to plans differing
8 substantially from the plans recommended by the council in its
9 report, the proposer shall, before proceeding with the project,
10 file a written report with the council and the city stating
11 fully the reasons for doing so.

12 Sec. ... [METROPOLITAN TRANSIT PLANNING PROCESS.]

13 By January 15, 1988, the council shall prepare and submit
14 to the legislature proposed legislation specifying the manner by
15 which regional railroad authorities shall be incorporated into
16 the metropolitan transit planning process.

17 Sec. ... [REPEALER.]

18 Minnesota Statutes 1986, section 473.398, is repealed.

Introduced by Carruthers, Rest, Blatz,
Stanisus, Osthoff
March 19, 1987
Referred to Committee on METROPOLITAN AFFAIRS

H.F. No. 1043
Companion S.F. No. _____

Reproduced by PHILLIPS LEGISLATIVE SERVICE

1 A bill for an act

2 relating to metropolitan government; providing for
3 qualifications of commission members, budget criteria,
4 plans, and reports; amending Minnesota Statutes 1986,
5 sections 473.141, subdivision 2, and by adding a
6 subdivision; 473.161, subdivision 1c; 473.1623,
7 subdivisions 4 and 5; 473.303, by adding a
8 subdivision; 473.377, subdivision 1; and 473.604,
9 subdivision 1, and by adding a subdivision.

10

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

12 Section 1. Minnesota Statutes 1986, section 473.141,
13 subdivision 2, is amended to read:

14 Subd. 2. [MEMBERSHIP; APPOINTMENTS.] (a) Each agency
15 consists of eight members, plus a chair appointed as provided in
16 subdivision 3. The metropolitan council shall appoint the eight
17 members on a nonpartisan basis after consultation with the
18 members of the legislature from the district for which the
19 member is to be appointed. The consultation with legislators in
20 the affected district must include informing each legislator of
21 the name, address, and background of each candidate for
22 appointment and soliciting and reporting to the appointments
23 committee the recommendations of each legislator on the
24 appointment.

25 (b) In addition to the notice required in section 15.0597,
26 subdivision 4, notice of vacancies and expiration of terms must
27 be published in newspapers of general circulation in the

1 metropolitan area and the appropriate districts. The council
2 shall notify in writing the governing bodies of the statutory
3 and home rule charter cities, counties, and towns having
4 territory in the district for which the member is to be
5 appointed. The notices must describe the appointment process
6 and invite participation and recommendations on the appointment.

7 (c) The council shall establish an appointments committee,
8 composed of members of the council, to screen and review
9 candidates. Following the submission of member applications to
10 the metropolitan council as provided under section 15.0597,
11 subdivision 5, the appointments committee shall conduct public
12 meetings, following appropriate notice, to accept statements
13 from or on behalf of persons who have applied or been nominated
14 for appointment and to allow consultation with and secure the
15 advice of the public and local elected officials. The committee
16 shall hold the meeting on each appointment in the district or in
17 a reasonably convenient and accessible location in the part of
18 the metropolitan area in which the district is located. The
19 committee may consolidate meetings. Following the meetings, the
20 committee shall submit to the council a written report that
21 lists the persons who have applied or been nominated or
22 recommended for the position, along with a description of the
23 background and qualifications of each. In making its
24 recommendation, the committee specifically shall consider
25 evidence of the candidate's commitment to regularly communicate
26 on issues before the agency with metropolitan council members,
27 legislators and local elected officials in the district, and the
28 committee shall report its findings on this subject in its
29 written report to the council.

30 (d) One member shall be appointed from each of the
31 following agency districts:

- 32 (1) district A, consisting of council districts 1 and 2;
- 33 (2) district B, consisting of council districts 3 and 7;
- 34 (3) district C, consisting of council districts 4 and 5;
- 35 (4) district D, consisting of council districts 6 and 10;
- 36 (5) district E, consisting of council districts 8 and 9;

1 (6) district F, consisting of council districts 11 and 12;

2 (7) district G, consisting of council districts 13 and 14;

3 and

4 (8) district H, consisting of council districts 15 and 16.

5 Sec. 2. Minnesota Statutes 1986, section 473.141, is

6 amended by adding a subdivision to read:

7 Subd. 3a. [MEMBERS; DUTIES.] Each member shall communicate
8 regularly with metropolitan council members, legislators, and
9 local government officials in the district the member represents.

10 Sec. 3. Minnesota Statutes 1986, section 473.161,

11 subdivision 1c, is amended to read:

12 Subd. 1c. [SERVICES AND SYSTEMS MANAGEMENT.] The plan must
13 include a services and systems management component that
14 describes the levels and costs of services that will be provided
15 to service areas and populations within the metropolitan area.
16 The component must describe: (1) service needs, objectives, and
17 priorities; (2) changes in existing services; (3) deployment of
18 new services; (4) distribution and coordination of services; (5)
19 timing, priority, and location, with maps, of service areas,
20 routes, levels of service, and similar matters, as appropriate
21 to the type of service; (6) delivery methods and
22 providers; ~~(6)~~ (7) system management and administration; ~~(7)~~ (8)
23 costs; ~~(8)~~ (9) manner of finance and revenue sources, including
24 federal and state funds, private funds, taxes, and user charges;
25 and ~~(9)~~ (10) fiscal effects.

26 Sec. 4. Minnesota Statutes 1986, section 473.1623,

27 subdivision 4, is amended to read:

28 Subd. 4. [FINANCIAL REPORTING; BUDGETING.] (a) The
29 advisory committee, with the assistance of the state auditor and
30 the legislative auditor, shall develop uniform or consistent
31 standards, formats, and procedures for the budgets and financial
32 reports of the council and all metropolitan agencies. The
33 council shall report to the legislature from time to time on
34 progress made by the committee in improving the uniformity and
35 quality of budgets and financial reports and on legislation that
36 may be needed for this purpose.

1 (b) The council and each metropolitan agency shall prepare
2 a summary budget for agency fiscal year 1988 and each year
3 thereafter. The advisory committee, with the assistance of the
4 state auditor and the legislative auditor, shall develop
5 guidelines and models for the summary budgets. The purpose of
6 the summary budget is to increase public knowledge and agency
7 accountability by providing citizens outside of the agency with
8 a condensed, accessible, and graphic description of the
9 financial affairs of the agency. The document should contain a
10 coherent, effectively communicated, understandable statement
11 of: financial trends and forecasts; budget policies and policy
12 changes; agency financial assumptions, objectives and plans;
13 revenue sources and expenditures by program category; personnel
14 policies, decisions, and allocation; budgetary performance
15 measures; and similar matters serving the purpose of the
16 document.

17 Sec. 5. Minnesota Statutes 1986, section 473.1623,
18 subdivision 5, is amended to read:

19 Subd. 5. [ADMINISTRATIVE COORDINATION.] The advisory
20 committee shall evaluate the benefits, costs, methods, and
21 effects, including operational effects, of joint or uniform and
22 coordinated exercise of powers by the council and metropolitan
23 agencies for appropriate administrative functions. The study
24 must include at least ongoing managerial reporting, contracts,
25 purchasing, data processing, and personnel. The council shall
26 report to the legislature from time to time on the findings and
27 recommendations of the advisory committee to date ~~by January 17~~
28 ~~1987~~, and on legal and other impediments to increased
29 coordination of administrative functions. Before submitting the
30 report, the council shall request comments on the report from
31 the affected metropolitan agencies, and the comments must be
32 submitted along with the report.

33 Sec. 6. Minnesota Statutes 1986, section 473.303, is
34 amended by adding a subdivision to read:

35 Subd. 3a. [MEMBERS; DUTIES.] Members have the duties
36 imposed by section 2.

1 Sec. 7. Minnesota Statutes 1986, section 473.377,
2 subdivision 1, is amended to read:

3 Subdivision 1. [REQUIREMENT.] The transit board shall
4 prepare, submit to the council, and adopt an implementation plan
5 as provided in section 473.161. The services and systems
6 management component of the board's plan must include a
7 description of the special transportation service provided under
8 section 473.386. The board shall prepare an implementation plan
9 meeting the requirements of this section and submit the plan to
10 the council by August 1, 1986, and thereafter at a time
11 prescribed by the council.

12 Sec. 8. Minnesota Statutes 1986, section 473.604,
13 subdivision 1, is amended to read:

14 Subdivision 1. The following persons and their respective
15 successors shall constitute the members and governing body of
16 the corporation, namely:

17 (1) All of the members and commissioners in office January
18 1, 1973, for the remainder of the terms for which they were
19 appointed or otherwise selected, respectively;

20 (2) The mayor of each of the cities, or a qualified voter
21 appointed by the mayor, for the term of office as mayor;

22 (3) A member of the council of each of the cities,
23 appointed by the council for a term of four years commencing in
24 July, 1977;

25 (4) A member of the park board of Minneapolis appointed by
26 that board and a second member of the council of St. Paul,
27 appointed by it, each for a term of two years commencing in
28 July, 1979;

29 (5) One additional resident of each city, who does not hold
30 any office under the state or any of its political subdivisions
31 except that of notary public, herein termed a "citizen
32 commissioner," such member in St. Paul to be appointed by the
33 mayor, with the approval of the council, and in Minneapolis by
34 the council, with the approval of the mayor; each for a term of
35 two years commencing in July, 1979;

36 (6) Six additional members, each appointed by the governor

1 on a nonpartisan basis, and each holding no other office under
2 the state or any of its political subdivisions except that of
3 notary public; for terms and with residence qualifications as
4 follows:

5 (a) (1) A resident of the area of the counties of
6 Washington and Ramsey, outside of St. Paul, for a four-year term
7 commencing in July, 1974, and a successor for a term ending July
8 1, 1981;

9 (2) A resident of the county of Anoka, for a four-year term
10 commencing in July, 1974, and a successor for a term ending July
11 1, 1981;

12 (3) Three residents of the area of the counties of Carver,
13 Scott and Hennepin, outside Minneapolis, for a two-year term
14 commencing in July, 1974, and their successors for a term ending
15 July 1, 1981;

16 (4) A resident of the county of Dakota, for a four-year
17 term commencing in July, 1974, and a successor for a term ending
18 July 1, 1981;

19 (b) As successors to all members referred to in paragraphs
20 (2) to (6)(a), whose terms will expire in July, 1981, a number
21 of members appointed from precincts equal or nearest to but not
22 exceeding half the number of districts which are provided by law
23 for the selection of members of the metropolitan council in
24 section 473.123. Each member shall be a resident of the
25 precinct represented. The members shall be appointed by the
26 governor as follows: a number as near as possible to
27 one-fourth, for a term of one year; a similar number for a term
28 of two years; a similar number for a term of three years; and a
29 similar number for a term of four years, all of which terms
30 shall commence on July 1, 1981. The successors of each member
31 shall be appointed for four-year terms commencing in July of
32 each fourth year after the expiration of the original term.
33 Before making an appointment, the governor shall consult with
34 each member of the legislature from the precinct for which the
35 member is to be appointed, to solicit the legislator's
36 recommendation on the appointment;

1 (7) One member appointed by the governor of the state, who
2 shall be chair of the corporation, appointed for a term
3 coterminous with that of the governor.

4 Sec. 9. Minnesota Statutes 1986, section 473.604, is
5 amended by adding a subdivision to read:

6 Subd. 7. [MEMBERS; DUTIES.] Members appointed under
7 subdivision 1, clause (b), have the duties imposed by section
8 473.141, subdivision 3a.

9 Sec. 10. [ADMINISTRATIVE COORDINATION.]

10 By January 1, 1988, the council shall report to the
11 legislature under section 473.1623, subdivision 5, on the
12 following:

13 (1) agency personnel practices, including an analysis of
14 trends, compliance with legal requirements, benefits, and salary
15 levels in comparison with relevant job markets;

16 (2) ethical practices requirements for board members and
17 employees of each agency, including the sources of the
18 requirements, agency comparisons, and comparison with
19 requirements for state and local government officers and
20 employees;

21 (3) health care benefits;

22 (4) regular publication of a consolidated metropolitan
23 bulletin or register (to be used by the council and all
24 metropolitan agencies for public information purposes)
25 containing official notices, meeting and hearing schedules,
26 notices of adopted ordinances, rules, policies, and similar
27 matters.

28 Sec. 11. [APPLICATION.]

29 Sections 1 to 10 are effective in the counties of Anoka,
30 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Senators Moe, D. M. and Lantry introduced--

S. F. No. 1100 Referred to the Committee on Local and Urban Government

1 A bill for an act

2 relating to metropolitan government; regulating

3 participation in a transportation program; providing

4 conditions for incurrence of debt for certain

5 purposes; removing fare restrictions; amending

6 Minnesota Statutes 1986, section 473.388, subdivision

7 2; 473.39; and 473.446, subdivision 1; repealing

8 Minnesota Statutes 1986, section 473.436, subdivisions

9 6 and 7; and Laws 1985, First Special Session chapter

10 10, section 122.

11

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

13 Section 1. Minnesota Statutes 1986, section 473.388,

14 subdivision 2, is amended to read:

15 Subd. 2. [REPLACEMENT SERVICE; ELIGIBILITY.] The transit

16 board may provide assistance under the program to a statutory or

17 home rule charter city or town or combination thereof, that:

18 (a) is located in the metropolitan transit taxing district;

19 (b) is not served by the transit commission or is served

20 only with transit commission bus routes which begin or end

21 within the applying city or town or combination thereof; and

22 (c) has fewer than four scheduled runs of metropolitan

23 transit commission bus service during off-peak hours defined in

24 section 473.408, subdivision 1.

25 Eligible cities or towns or combinations thereof may apply

26 on behalf of a transit operator with whom they propose to

27 contract for service.

28 The board may not provide assistance under this section to

1 a statutory or home rule charter city or town unless the city or
2 town,

3 (i) was receiving assistance under Minnesota Statutes 1982,
4 section 174.265 or by July 1, 1984,

5 (ii) had submitted an application for assistance under that
6 section by July 1, 1984, or

7 (iii) had submitted a letter of intent to apply for
8 assistance under that section by July 1, 1984, and submits an
9 application for assistance under this section by January 1, 1988.

10 Sec. 2. Minnesota Statutes 1986, section 473.39, is
11 amended to read:

12 473.39 [BORROWING MONEY.]

13 Subdivision 1. [GENERAL AUTHORITY.] The council, if
14 requested by vote of at least two-thirds of all of the members
15 of the transit board, may issue general obligation bonds subject
16 to the volume limitation in subdivision 1a to provide funds to
17 the board for expenditure to implement the board's approved
18 implementation plan and may issue general obligation bonds not
19 subject to the volume limitation set forth in subdivision 1a for
20 the refunding of outstanding bonds, or certificates of
21 indebtedness of the council, the board or the commission, and
22 judgments against the board or the commission. The council may
23 not unreasonably withhold the issuance of obligations for an
24 implementation plan that has been approved by the council. The
25 council may not issue obligations pursuant to this subdivision,
26 other than refunding bonds, in excess of the amount specifically
27 authorized by law. Except as otherwise provided in sections
28 473.371 to 473.449, the council shall provide for the issuance,
29 sale, and security of the bonds in the manner provided in
30 chapter 475, and has the same powers and duties as a
31 municipality issuing bonds under that law, except that no
32 election is required and the net debt limitations in chapter 475
33 do not apply to the bonds. The obligations are not a debt of
34 the state or any municipality or political subdivision within
35 the meaning of any debt limitation or requirement pertaining to
36 those entities. Neither the state, nor any municipality or

1 political subdivision except the council and board, nor any
2 member or officer or employee of the board or council, is liable
3 on the obligations. The obligations may be secured by taxes
4 levied without limitation of rate or amount upon all taxable
5 property in the transit taxing district and transit area as
6 provided in section 473.446, subdivision 1, clause (c). The
7 council shall certify to the transit board before October 1 of
8 each year the amounts necessary to provide full and timely
9 payment of the obligations. As part of its levy made under
10 section 473.446, subdivision 1, clause (c), the board shall levy
11 the amounts certified by the council and transfer the proceeds
12 to the council for payment of the obligations. The taxes must
13 be levied, certified, and collected in accordance with the terms
14 and conditions of the indebtedness.

15 Subd. 1a. [AMOUNT; I-394 FACILITIES.] The council may
16 issue certificates of indebtedness, bonds, or other obligations
17 under this section in an amount not exceeding \$8,500,000 for
18 expenditure as prescribed in the implementation plan of the
19 board. Of this amount, no more than \$1,500,000 may be spent for
20 land acquisition and capital improvements for park and ride lots
21 and transit transfer stations planned for the interstate highway
22 described in section 161.123, clause (2), commonly known as
23 I-394. These facilities may be constructed and maintained by
24 the metropolitan transit commission. The board shall require,
25 as a condition of financial assistance to the commission, that
26 the commission make facilities it constructs, acquires, or
27 improves for I-394 with funds provided under this provision
28 available to all transit providers on a nondiscriminatory basis,
29 as the board defines these terms. The limitation contained in
30 this subdivision does not apply to refunding bonds issued by the
31 council.

32 Subd. 1b. [TEMPORARY BORROWING.] On or after the first day
33 of any fiscal year, the board may borrow money which may be used
34 or expended by the board for any purpose, including but not
35 limited to current expenses, capital expenditures and the
36 discharge of any obligation or indebtedness of the board, or any

1 obligation or indebtedness of the council issued pursuant to
2 subdivision 1 or any obligation or indebtedness of the
3 commission. The indebtedness must be represented by a note or
4 notes which may be issued from time to time in any denomination
5 and sold at public or private sale pursuant to a resolution
6 authorizing the issuance. The resolution must set forth the
7 form and manner of execution of the notes and contain any other
8 terms and conditions the board deems necessary or desirable to
9 provide security for the holders of the notes. The note or
10 notes are payable from committed or appropriated money from
11 taxes levied by the board under section 473.446, subdivision 1,
12 clause (a), grants or loans of the state or federal government
13 made to the board, or other revenues of the board or, if the
14 commission has given prior approval to the pledge of them,
15 grants or loans made to or other revenues of the commission, and
16 the money may be pledged to the payment of the notes. To the
17 extent the notes are not paid from the grant or loan money
18 pledged for their payment, the principal of and interest on the
19 notes must be paid from any taxes levied by the board pursuant
20 to section 473.446, subdivision 1, clause (a) and any income and
21 revenue received by or accrued to the board during the fiscal
22 year in which the note or notes were issued, or other money of
23 the board lawfully available for the purpose. Notes issued
24 under this subdivision are not a debt of the state or any
25 municipality or political subdivision within the meaning of any
26 debt limitation or requirement pertaining to those entities.
27 Neither the state nor any municipality or political subdivision
28 except the board, nor any member or officer of the board, is
29 liable on the notes.

30 Subd. 2. [LEGAL INVESTMENTS.] Certificates of
31 indebtedness, bonds, or other obligations issued by the
32 council or by the board to which tax levies have been pledged
33 pursuant to section 473.446, are proper for investment of any
34 funds by a bank, savings bank, savings and loan association,
35 credit union, trust company, insurance company, or public or
36 municipal corporation, and may be pledged by any bank, savings

1 bank, savings and loan association, credit union, or trust
2 company as security for the deposit of public money.

3 Sec. 3. Minnesota Statutes 1986, section 473.446,
4 subdivision 1, is amended to read:

5 Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.]

6 For the purposes of sections 473.401 to 473.451 and the
7 metropolitan transit system, except as otherwise provided in
8 this subdivision the regional transit board shall levy each year
9 upon all taxable property within the metropolitan transit taxing
10 district, defined in subdivision 2, a transit tax consisting of:

11 (a) an amount up to two mills times the assessed value of
12 all such property, based upon the level of transit service
13 provided for the property, the proceeds of which shall be used
14 for payment of the expenses of operating transit and paratransit
15 service and to provide for payment of obligations issued by the
16 commission under section 473.39, subdivision 1b, or 473.436,
17 subdivision 6;

18 (b) an additional amount, if any, as the board determines
19 to be necessary to provide for the full and timely payment of
20 its certificates of indebtedness and other obligations
21 outstanding on July 1, 1985, to which property taxes under this
22 section have been pledged; and

23 (c) an additional amount necessary to provide full and
24 timely payment of certificates of indebtedness, bonds, or other
25 obligations issued or to be issued under section 473.39 by the
26 council for purposes of acquisition and betterment of property
27 and other improvements of a capital nature and to which the
28 council or board has specifically pledged tax levies under this
29 clause.

30 The county auditor shall reduce the tax levied pursuant to
31 this subdivision on all property within statutory and home rule
32 charter cities and towns that receive full peak service and
33 limited off-peak service by an amount equal to the tax levy that
34 would be produced by applying a rate of 0.5 mills on the
35 property. The county auditor shall reduce the tax levied
36 pursuant to this subdivision on all property within statutory

1 and home rule charter cities and towns that receive limited peak
2 service by an amount equal to the tax levy that would be
3 produced by applying a rate of 0.75 mills on the property. The
4 amounts so computed by the county auditor shall be submitted to
5 the commissioner of revenue as part of the abstracts of tax
6 lists required to be filed with the commissioner under section
7 275.29. Any prior year adjustments shall also be certified in
8 the abstracts of tax lists. The commissioner shall review the
9 certifications to determine their accuracy and may make changes
10 in the certification as necessary or return a certification to
11 the county auditor for corrections. The commissioner shall pay
12 to the regional transit board the amounts certified by the
13 county auditors on the dates provided in section 273.13,
14 subdivision 15a, clause (3). There is annually appropriated
15 from the general fund in the state treasury to the department of
16 revenue the amounts necessary to make these payments in fiscal
17 year 1987 and thereafter.

18 For the purposes of this subdivision, "full peak and
19 limited off-peak service" means peak period regular route
20 service, plus weekday midday regular route service at intervals
21 longer than 60 minutes on the route with the greatest frequency;
22 and "limited peak period service" means peak period regular
23 route service only.

24 Sec. 4. [FARE RESTRICTION REPEALED.]

25 The provisions respecting fares of the metropolitan transit
26 commission in Laws 1981, chapter 363, section 55, subdivision 1;
27 Laws 1981, Third Special Session chapter 2, article 1, section
28 2, subdivision 2; and Laws 1983, chapter 293, section 2,
29 subdivision 5, are repealed.

30 Laws 1985, First Special Session chapter 10, section 122 is
31 repealed.

32 Sec. 5. [REPEALER.]

33 Minnesota Statutes 1986, section 473.436, subdivisions 6
34 and 7, are repealed.

35 Sec. 6. [EFFECTIVE DATE.]

36 This act applies in the counties of Anoka, Carver, Dakota,

2-17-87

[REVISOR] HMW/RD 87-1494

- 1 Hennepin, Ramsey, Scott, and Washington and takes effect the day
- 2 after final enactment.

REGIONAL TRANSIT BOARD
Suite 270, Metro Square Building
121 East Seventh Street
St. Paul, Minnesota 55101

RESOLUTION NO. 87-04

WHEREAS, the Metropolitan Transit Commission (hereinafter called the "Commission"), on November 4, 1982, issued its General Obligation Certificates of Indebtedness in the aggregated principal amount of \$9,000,000 pursuant to Resolution No. 82-52 (the "1982 Bonds"); and

WHEREAS, the Commission adopted on February 26, 1987, Resolution No. 87-18 requesting that the Regional Transit Board (hereinafter called the "Board") request by a vote of at least two-thirds of its members that the Metropolitan Council (hereinafter called the "Council") issue its General Obligation Refunding Bonds to advance refund the outstanding principal amount of the 1982 Bonds; and

WHEREAS, the Board, pursuant to its Resolution No. 87-03, adopted by a vote of not less than two-thirds of the members of the Board on March 2, 1987, requested that the Council issue its General Obligation Refunding Bonds to refund the outstanding principal amount of the Commission's 1982 Bonds maturing in the years 1990 through 1995; and

WHEREAS, the Council, by Resolution No. 87-____ (the "Refunding Resolution") accepted bid on sale of \$5,660,000 General Obligation Refunding Bonds, Series 1987C and provided for their issuance; and

WHEREAS, under the Refunding Resolution, it is contemplated that the Board will continue to observe all provisions relating to the security of the 1982 Bonds to the extent that sums in the escrow fund appropriated for the payment of certain principal and interest to become due on the 1982 Bonds is insufficient for any reason to pay principal and interest on the 1982 Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Regional Transit Board as follows:

- 1) The Board hereby ratifies, affirms and approves the Refunding Resolution and agrees to be bound by all provisions therein relating to the Board.
- 2) The Council has presented to the Board a form of escrow agreement (the "Escrow Agreement") to be entered into between the Council, the Commission, the Board and American National Bank and Trust;

3) The Board hereby approves the Escrow Agreement in substantially the form presented to it and authorizes and directs its Executive Director to execute the Escrow Agreement on behalf of the Board.

ADOPTED THIS ____ day of _____, 1987.

Executive Director

Attest: _____