



Minnesota Regional Transit  
Board: Records.

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**REGIONAL TRANSIT BOARD**

Mears Park Centre  
230 East 5th Street  
St. Paul, Minnesota 55101  
612/292-8789

## **MEETING OF THE REGIONAL TRANSIT BOARD**

Monday, May 22, 1989  
Mears Park Centre, Room A  
4:00 p.m.

### **AGENDA**

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Board Meeting Minutes May 1, 1989
4. Resolution of Appreciation for Alison Fuhr, Resolution No. 89-12
5. **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**  
Ruth Franklin, Chair
  - A. Financial Statements - March 1989
  - B. Public Officials Liability Insurance Renewal
  - C. Metropolitan Transit Commission Application for Urban Mass Transportation Administration Section 3 Grant and Transportation Improvement Program Amendment
6. **REPORT OF THE POLICY COMMITTEE**  
Doris Caranicas, Chair
  - A. Key Five-Year Transit Plan Elements-Goals, Policies, Strategies and Budget Assumptions
7. **OTHER BUSINESS:**
  - A. Chairman's Report:
  - B. Members Reports
  - C. Advisory Committee Reports
  - D. Staff Reports
  - E. Public Comment

Elliott Perovich  
Chairman



REGIONAL TRANSIT BOARD  
Mears Park Centre, 230 East 5th Street  
St. Paul, Minnesota 55101

Amended Minutes of the Special Meeting of the  
**REGIONAL TRANSIT BOARD**  
Mears Park Centre Chambers  
May 1, 1989

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

**MEMBERS ABSENT:** George Isaacs

**OTHERS PRESENT:** Gregory Andrews, Dale Ulrich, Liz Carpenter, Suzanne Hanson, Mike Kuehn, Ed Kouneski, Howard Blin, Len Simich and Becky Scudder, Regional Transit Board staff; Dirk deVries, Metropolitan Council Liaison; Arnie Entzel, Amalgamated Transit Union; Greg Failor, Metropolitan Transit Commission; Natalio Diaz, and Emil Brandt, Metropolitan Council; H. Theodore Grindal and Thomas A. Satre, Opperman Heins and Paquin

The meeting was called to order at 4:00 p.m. and roll taken.

**RESOLUTION OF APPRECIATION FOR ELIZABETH CARPENTER,  
RESOLUTION NO. 89-11**

Fuhr moved and Caranicas seconded approval of the resolution. On a roll call vote, the motion was unanimously approved.

Andrews introduced Len Simich, Senior Planner, and Becky Scudder, Public Information Assistant, both of whom joined the staff this week.

**REGIONAL TRANSIT BOARD LEGISLATIVE PROGRAM**

Graves stated that at the April 17 board meeting the chairman raised concerns about the lobbying efforts of the Larkin, Daly, Hoffman and Lindgren law firm on behalf of the Hennepin County Regional Railroad Authority and a possible conflict of interest. Many board members were concerned about conflict of interest, based on the fact that the contract for legal counsel was clear that Charles Weaver would handle the agency's legal issues, but not the lobbying effort. Members continued to discuss the issue and wish to clarify the question and remedy the problems. At the board meeting, Faricy had mentioned the law firm of Opperman, Heins and Paquin, which does not have a contract with Hennepin County. Graves said she contacted them, described the problem and asked them to assist RTB for the remaining period of the legislative session. Ted Grindal and Tom Satre agreed to attend this meeting to discuss the issues with the board members and provide some background information.

Grindal distributed books to the members that include a proposed contract for services. The firm does not have a relationship with Hennepin County Regional Railroad Authority, but does represent an underwriter and is part of a consortium of light rail vendors (Siemens Duewag) that would vie for the business in the event a system is built. The issues before the RTB are not in conflict with their clients' interests since RTB will not select vendors. Satre, in response to Graves' request, described his overall transportation experience and activities on the Tax Committee.

Regarding the status of the Carruthers and Novak bills, Grindal said there are two options: there will be a compromise to accommodate the various interests, or if that fails, RTB will either get a bill it does not want or no bill will pass. Satre said the thrust is to develop a region-wide system and the Senate bill would be more favorable toward that goal.

Discussion began on Exhibit B (attached), a comparison of H.F. 1408 and S.F. 1202. Perovich pointed out the house file now calls for the chairman's per diems to be two times the usual per diem, rather than one-and-a-half times the per diem. The Senate bill calls for a full-time appointed chair.

Franklin said it may be perceived to be self-serving, but in choosing between the two versions of board structure, she is concerned that the average citizen could not get on the board because of the designated seats for elderly and handicapped people. She asked about the likelihood of changing either file. Grindal said there are no guarantees, but it is critical that they visit the authors and determine if there is room for adjustments.

Kranz said it was his understanding that the members had agreed on a package and he asked on what basis Satre and Grindal were invited to develop a proposal. Perovich agreed, saying both bills fit the board's program. At its April 17 meeting he had stated that when H.F. 1408 went to the full committee, a good share of the lobbyists were from RTB's law firm. Kranz said RTB's legal counsel was not directed to lobby for the board this year; the board directed the chairman to lobby the position of the board and he asked why the board is changing that direction. Graves said that during the last week about half the members received messages that RTB needs help at the Legislature. Those members felt they should take action today to redeem themselves at the Legislature. Based on information given to her, she found information presented at board meetings was not complete. She called other board members who expressed similar feelings. Many members do not think they will be part of a reconstituted board so this action is not self-serving, they do not want transit concerns waylaid by personal infighting at the Capitol. The board can get others bring forth members' concerns. Perovich asked Graves to be specific about the information she has received. Graves said she has consistently heard that legislators are concerned about who will be the chair. They want people to address that issue. They are also concerned about overall makeup of the board. Much of the fighting is over who will be appointed. The board's issue is whether the people will have expertise in transit. The needs of the constituents must not be waylaid by personalities. Perovich said the bills deal with how the board members will be selected. The question is what in the bills should be changed.

Graves said the members' dissatisfaction is with whether they are getting complete information. Perovich said members have information on everything in the bills. Franklin said looking at the comparison developed by Opperman, Heins and Paquin, Item 2, RTB Prepares Plans in the Senate File, is a mistake since the counties have already started this. The members should decide which of these versions they should support. Caranicas said she has the same concerns about the large number of elected officials. The chairman said the board agreed it did not wish to take a stand on the composition of the new board. There has been a lot of testimony on that topic.

Joyce supported Franklin's position since a great many people might join the board with no experience in transit, causing a lot of problems and infighting. That would delay light rail for three to five years. There must be a carryover of experience.

Responding to Kranz' question, Graves said she hopes the members will interview and hire Satre and Grindal to lobby on the board's behalf. She said the chairman is not respected and members do not want the RTB to be negatively impacted.

Fuhr asked about the status of the lobbying contract with Michael Ehrlichmann and asked if he has been effective in getting his points across. Perovich said he has worked very hard and did a good

job. Graves said people refuse to work with Perovich and that negatively affects the board's concerns.

Perovich said he will not apologize about the work he and Kuehn have done with the board's package. Graves said she knows the chairman works extremely hard, but that is not the issue. Perovich said the focus of the legislation is not an accident. (The chairman declared Graves out of order.) There is a possibility that Senator Novak will amend the Senate language on the House bill and send it back. The board should be grateful RTB will come out of this stronger than it went in. The money is already appropriated to the RTB.

Farcy said one of the reasons for this meeting is that the RTB is in trouble; her perception is that the board lost its credibility and the chairman has lost his credibility as a lobbyist. She would like to be better informed than she has been. When the Representative Carruthers' bill passed she read about it in the newspaper. The members should get more information and should bring someone in to communicate with them. Graves moved:

That the Regional Transit Board authorize the executive director to enter into an agreement with the law firm of Opperman Heins and Paquin to assist the board in a lobbying effort for the remainder of the 1989 Legislative Session at a cost not to exceed \$16,000.

Farcy seconded the motion. Kranz said initially he had reservations about supporting this course of action, but after hearing the other members discuss their concerns, he is convinced it is a good idea. The motion should include the intention of the action. He suggested adding the words "...due to credibility problems." The secretary re-read the motion. Kranz offered a friendly amendment:

The RTB members feel that the current lobbying effort has not adequately informed and involved board members and it is understood that the new board lobbyist will report directly to the board as a whole. The board authorizes the executive director to enter into an agreement with the law firm of Opperman Heins and Paquin to assist the board in a lobbying effort for the remainder of the 1989 Legislative Session at a cost not to exceed \$16,000.

Fuhr said she is concerned about Ehrlichman's contract, which has a \$15,000 limit and asked if this action would cancel that contract or add \$16,000 above that contract. Graves said the new contract will not be that high.

Kuehn said he appreciates this opportunity to address the board. As the principal staff person responsible, he would like to know his role as far as reporting to the board is concerned. Normally the process was to report at the board meetings. There are also questions on how to proceed. There are other good firms that are interested and he questioned their opportunity to express their abilities. There is a potential conflict of interest with this firm because they represent one of the turn-key operators.

Franklin said last year the board directed Larkin, Hoffman, Daly and Lindgren to lobby for the board but they did very little on the board's behalf because the chairman did not ask them to participate and that situation should be avoided. Regarding the legislative liaison, she asked if the intent is that the members would make their recommendations about the Senate file and the firm would report directly to one of the members? Grindal said they are flexible. The board cannot be convened without advance notice. He suggested designating a member who will communicate with the other members. Caranicas suggested establishing an ad hoc committee with a charge to convene emergency meetings as necessary through the end of the legislative session.

Kranz said the end of the motion should include a statement that the current lobbyist has not adequately informed and involved the board members and it is understood the new lobbyist will

report to the board as a whole. That does not mean that someone cannot be designated to meet with them. The mover and seconder accepted the friendly amendment.

Perovich spoke against the motion because it is unnecessary, untimely and expensive. Legislators will consider this to be an effort on the part of the board to salvage their own positions rather than for the future of the board. He reiterated that he will not apologize for the reporting. The amended motion was approved (Perovich voted no).

Graves said members should discuss what they want from the lobbyist. The chairman excused himself to attend the Semi-States Committee hearing and Vice Chair Graves took the chair.

Franklin moved and Joyce seconded:

That all lobbying efforts support the provisions in H.F. 1408 on Item 2, RTB Prepares Plans; Item 3, Preliminary Review by RTB Required; and Item 6, RTB Membership.

Fuhr disagreed with those recommendations because the joint powers agreement would create another board. Satre said Item 8, the Joint Powers Agreement, is not controversial and it is not necessary to lobby on it. Franklin said she prefers the Senate version. If Item 3 is a review process she would not object to it. Caranicas said it seems the Joint Planning Board referred to in Item 1 does not make sense and should be deleted. She also prefers the Senate version.

Joyce said both bills will delay light rail transit. Graves said the board was criticized in the Legislative Audit Commission report for not moving rapidly on suburban services. Lawmakers are not focusing their attention to those criticisms.

Kranz commented that he would rather leave Items 6 and 7, RTB Membership and RTB Chair, to the judgment of the legislators. On the question of the chair, he has personal feelings but would like to know the feelings of the other members. In response to Faricy's question, he said he does not feel strongly about either a full- or part-time chair, but in either case the person should be appointed by the Metropolitan Council to satisfy some of their concerns about tying the metropolitan agencies together. The appointment otherwise would be made by the governor who is not concerned about metro governance. Franklin agreed, but in looking into the future with a different governor, if the Council appoints the RTB chair would be the only one not appointed by the governor. The chairs normally meet with the governor to work out plans. RTB's chair would be excluded from those deliberations. Faricy said the Council would not appoint a chair the governor does not want. It appears that one of the agency's problems is the full-time chair and full-time executive director. A strong executive director and part-time chair would work better. Fuhr agreed that other boards with strong executive directors had no need for a full-time chair.

deVries said the RTB chair appointment is not a strong issue for the Metropolitan Council, but approving the light rail plans was more important. Fuhr said she is still concerned about the complexity of the process. Elected officials on the board do not make sense. Graves said the majority of the board members think the chair should be part-time, but she thinks the chair should be full time because of the workload.

Fuhr offered a substitute motion to review the items line by line; Caranicas seconded the motion and it was unanimously approved.

On Item 1, Joint Planning Board, the consensus was to support the language of Senate File 1202.

Item 2, RTB Prepares Plans: the consensus was to support House File 1408 provisions.

Item 3, Preliminary Review by the RTB: the consensus was to support the Senate language.

Item 4, Final RTB Approval (LRT): the consensus was to support the House provisions.

Item 5, Protect Federal Grants: the consensus was to support the House provisions.

Item 6, RTB Membership, the consensus was to support the House provisions.

Item 7, RTB Chair, Satre said the current statute may need to be modified if the board wants a stronger executive director. Kranz said he disagrees about comparability. The board may be stronger with a part-time chair. If it is determined that a full-time chair is necessary, the board could ask for changes. Members polled themselves and Kranz, Faricy and Fuhr supported a part-time chair. The members agreed not to take a position on whether the RTB chair should be part-time.

Item 8, Joint Powers Agreement: The consensus was that the lobbyist should work toward assuring the House language gets into the Senate bill and promote Senate File 488.

Caranicas said the board agrees with the rest of the items, all of which are the same in the House and Senate versions.

Graves asked the lobbyists if they have a sense of the board's wishes. Grindal said this has been helpful, but there are procedural questions. He asked if the board wishes him to communicate with members of the staff. There are issues the Perovich and Kuehn are working on that have been successful and are not within his purview.

Joyce reminded members of the requirements of the Open Meeting Law. Caranicas moved and Joyce seconded:

That the Regional Transit Board supports the following positions regarding the RTB Key Issues.

- |     |  |                                   |
|-----|--|-----------------------------------|
| 1.  | Joint Planning Board                           | Support S.F. 1202                 |
| 2.  | RTB Prepare Plans                              | Support H.F. 1408                 |
| 3.  | Preliminary Review of Plans                    | Support S.F. 1202                 |
| 4.  | Final RTB Approval                             | Support H.F. 1408                 |
| 5.  | Protect Federal Grants                         | Support H.F. 1408                 |
| 6.  | RTB Membership                                 | Support H.F. 1408                 |
| 7.  | RTB Chair                                      | No position                       |
| 8.  | Joint Powers Agreement                         | Support H.F. 1408<br>and S.F. 488 |
| 9.  | Consider Previously Agreed to Aspects of Plans | Support Both Bills                |
| 10. | Distributor of State Funds                     | Support Both Bills                |
| 11. | MTC Operates                                   | Support Both Bills                |
| 12. | Taxing Authority Removed                       | Support Status Quo                |

Responding to Kranz' question, Grindal said these are the largest issues, although there may be other issues of concern. Franklin said Ehrlichman's main interest is Metro Mobility. Joyce commented that the house file has been voted upon, but it may be possible to make an impact at the conference committee.

The motion was unanimously approved.

Reacting to Kuehn's questions about where he stands, Graves said she does not see a conflict. Faricy said she cannot believe Kuehn and the chairman will not run into Grindal and Satre at the Capitol. Kranz said lobbyists should be directed to report to an ad hoc committee and the committee should have access to whatever staff is needed. Caranicas agreed that such a committee should be created to work with the lobbyist. She nominated Faricy to chair the committee. Faricy declined because of personal commitments. It was then suggested that Caranicas chair; she declined because she will be in Toronto the majority of the time. Caranicas then moved and Kranz seconded:

That the Regional Transit Board appoint Rochelle Graves as Chair of the Ad Hoc Committee on the Legislative Program.

Graves will be the first person contacted by the lobbyists and she will contact the other members. Andrews said he will provide the staff assistance as the normal course of doing business. Franklin asked that the lobbyists report to both Andrews and Graves. The motion was unanimously approved.

It was noted that the contract will be effective as of today's date (May 1, 1989).

Grindal said that depending on other issues that may come to bear, the board may want to decide shortly if it wishes the lobbyists to work to kill the bills or set them down in order to deal with the issues next year. Satre said the Joint Planning Board will be difficult to remove. Setting the bills down would maintain the status quo. Joyce said he would have preferred that the issue had gone to a legislative study commission rather than having the Legislature pass something that is not logical. Caranicas and Franklin agreed that the issues should be referred to an interim study commission. Caranicas said that when the RTB as we know it vanishes, she would like to leave it in an orderly fashion.

There being no other business or public comment, Joyce moved and Caranicas seconded that the meeting be adjourned. The motion carried and the meeting adjourned at 6:25 p.m.

Respectfully submitted,

Mary Fitzgerald  
Secretary

Approved by the Board on \_\_\_\_\_, 1989.

COMPARISON

H.F. 1408 & S.F. 1202

<u>RTB Key Issues</u>	<u>H.F. 1408</u>	<u>S.F. 1202</u>
1. JOINT PLANNING BOARD	YES	NO
2. RTB PREPARES PLANS	NO	YES
3. PRELIMINARY APPROVAL BY RTB REQUIRED	NO	YES, modified
4. FINAL RTB APPROVAL	YES	YES
5. PROTECTS FEDERAL GRANT	YES	YES
	Language Difference	
6. RTB MEMBERSHIP	11 Members 6 elected officials  5 citizens	11 Members 8 elected officials (4 county 4 city) 3 citizens (1 disabled 1 65 yrs +)
7. RTB CHAIR	PART-TIME elected by body 1 1/2 per diem	FULL-TIME Appointed by Governor
8. JOINT POWERS AGR.	YES	NO (S.F. 488)
9. CONSIDER PREVIOUSLY AGREED TO ASPECTS OF PLANS	YES	YES
10. DISTRIBUTOR OF STATE FUNDS	RTB	RTB
11. MTC OPERATES	YES	YES
12. TAXING AUTHORITY REMOVED	NO	NO



**RESOLUTION NO. 89-12**

**RESOLUTION OF APPRECIATION**

**WHEREAS,** Alison Fuhr has served on the Regional Transit Board with distinction and honor since July 1984;

**WHEREAS,** Alison Fuhr has worked diligently to promote transit service in the Seven-County Twin Cities Metropolitan Area;

**WHEREAS,** Alison Fuhr has made a valuable contribution in focusing the direction of public debate regarding the family of vehicles, particularly with respect to light rail transit; and

**WHEREAS,** Alison Fuhr has ably represented the interests of District F on the Regional Transit Board;

**NOW, THEREFORE, BE IT RESOLVED:**

THAT the Regional Transit Board recognizes the contributions of Alison Fuhr;

THAT the Regional Transit Board expresses its sincere gratitude and appreciation to Alison Fuhr for her personal contribution and commitment to the goals of the Regional Transit Board during her membership; and

THAT the Regional Transit Board hopes she will continue to assist the Board as a private citizen in the years to come.

Adopted this twenty second day of May 1989.

\_\_\_\_\_  
Elliott Perovich, Chairman

\_\_\_\_\_  
Mary Fitzgerald, Secretary



REGIONAL TRANSIT BOARD

Mears Park Centre  
230 East 5th Street  
St. Paul, Minnesota 55101

## REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

At its meeting of May 8, 1989, the committee discussed and approved the following recommendations:

### **FINANCIAL STATEMENTS - MARCH 1989**

That the Regional Transit Board receive the March 1989 financial statements and direct that they be placed on file.

### **PUBLIC OFFICIALS LIABILITY INSURANCE RENEWAL**

That the Regional Transit Board authorize the executive director to renew the Regional Transit Board's Public Officials Liability Insurance coverage with National Union Insurance Company for the policy period of May 14, 1989 to May 14, 1990 at a premium cost of \$54,985.

### **METROPOLITAN TRANSIT COMMISSION APPLICATION FOR URBAN MASS TRANSPORTATION ADMINISTRATION SECTION 3 GRANT AND TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT**

That the Regional Transit Board approve the Metropolitan Transit Commission's application to the Urban Mass Transportation Administration for Section 3 funding for bus replacement costs and approve the submittal to the Metropolitan Council of an amendment to the Transportation Improvement Program.

The next regularly scheduled meeting of the committee will be June 5, 1989.

Ruth Franklin  
Chair

RF/mff  
5/9/89



REGIONAL TRANSIT BOARD

Mears Park Centre  
230 East 5th Street  
St. Paul, Minnesota 55101  
612/292-2700

## REPORT OF THE POLICY COMMITTEE

At its meeting of May 15, 1989, the Policy Committee approved the following recommendation:

That the Regional Transit Board approve the distribution of draft elements of the RTB's Five-Year Transit Plan to constituents and organizations who will be effected by the plan only for the purpose of prompting discussion on what should be included in the plan.

The next regularly scheduled meeting of the committee will be on May 22, 1989

Doris Caranicas  
Chair

DC/mff  
3/20/89

## Transit Bill: Draft Conference Committee Report

### RTB

District appointees: at least six elected local officials, 2 from counties and 4 from other local units; nominations process; change in district pairings but not district lines

Governor appoints a senior and a disabled person; nominations process

Governor appoints full-time chair

Senate confirmation of all

No more than 3 from any one city or town

No members of the joint advisory committee

Governmental or management experience required

Existing terms end with new appointments

Additions to list of RTB duties and functions

Modified Metro Mo study by RTB; report by 12/1/89

RTB approval required for state LRT grants from MnDOT

RTB may receive federal capital funds for LRT

RTB may not use bonds to provide capital assistance to private, for profit operators

Transit service areas defined for purposes of RTB assistance to private, for-profit providers

### MTC

Two members added; one of suburban members must be resident of full-service area; transit, governmental, or management experience required

The new RTB selects the new MTC members

Senate confirmation

MTC would operate LRT facilities and services beginning with revenue operation following acceptance testing

MTC would have to coordinate LRT and buses to avoid duplication and provide widest access

MTC could implement LRT in "missing links" if directed by RTB

### Joint LRT advisory committee

RTB required to establish the committee to assist RTB in planning and coordinating LRT

Members set in law; chair chosen from within

No sunset

Planning responsibilities and deadlines set in statute; otherwise committee works at the request of the RTB

Staff and administration provided by the RTB; CRRAs and MTC provide expertise and assistance as needed

### Regional LRT plan

RTB shall incorporate CRRA plans where possible

CRRAs must conform to regional plan. No light rail construction without regional plan.

RTB shall engage engineering services

Staged development and finance plan

- contents adapted from both bills
- prepared by RTB, in consultation with the advisory committee
- review and approval by Council for conformity with Council's transportation plan; 90 days
- initial plan due 1/1/90; expedited 60-day Council review period; RTB report and financing recommendations to legislature by 3/1/90 *2/15/90*

Coordination plan

- prepared and recommended by advisory committee for adoption by the RTB; RTB recommends changes and has final adoption power
- contents adapted from both bills
- review and comment by Council
- initial plan due 7/1/90; review process with hearing and expert panel

### Facility design plans

Definitions, with Hennepin county suggestions

Local review and RTB mediation process, somewhat amended, deals only with physical design aspects

RTB review deals with entire design plan, including finance, ridership, system coordination, etc. Review (90 days) is for coordination with other LRT facilities, handicapped access, and conformity with RTB regional LRT plan

- RTB review and recommend on preliminary design, before proposer may submit final design for local review
- RTB review and approval or disapproval on final plan

Met Council review and comment, under existing law

RTB approval of final design required before construction; 10-day re-review if 10% cost overrun

### Other

Joint powers agreements with other CRRAs

"Grandfather" language for federal grant; assurance of authority of CRRAs to receive grants

Page 17, after L32 insert

Subd 3. [Policy Plan.] Notwithstanding the provisions of section 473.146, by January 1, 1990, the council shall revise the light rail transit element of its transportation plan, taking into consideration all comprehensive plans and studies of corridors and preliminary design plans of regional rail authorities.

## PRELIMINARY DRAFT

1 Section 1. Minnesota Statutes 1988, section 174.32,  
2 subdivision 2, is amended to read:

3 Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] (a) A  
4 ~~The~~ transit assistance fund ~~is-created-for-the-purpose-of~~  
5 ~~receiving~~ receives money distributed under section 297B.09.  
6 Eighty percent of the receipts of the fund must be placed into a  
7 metropolitan account for distribution to recipients located in  
8 the metropolitan area and 20 percent into a separate account for  
9 distribution to recipients located outside of the metropolitan  
10 area. Except as otherwise provided in this subdivision, the  
11 regional transit board created by section 473.373 is responsible  
12 for distributing assistance from the metropolitan account, and  
13 the commissioner is responsible for distributing assistance from  
14 the other account. Money placed in the metropolitan account is  
15 available for distribution to regional railroad authorities  
16 established under chapter 398A in the metropolitan area, by the  
17 commissioner of transportation as provided in paragraph (b).  
18 (b) The commissioner shall request applications from all  
19 eligible regional railroad authorities. The commissioner shall  
20 establish a reasonable deadline for submittal of applications.  
21 The commissioner may not distribute more than 60 percent of the  
22 available funds to a single recipient. Before distributing  
23 money to any regional railroad authority, the commissioner shall  
24 ~~request-review-and-comment-on-the-applications-from-the~~

1 ~~metropolitan-council-and-the-regional-transit-board---~~The  
2 ~~council-and-the-board-have-60-days-to-comment---~~The-commissioner  
3 ~~shall-consider-the-comments-of-the-council-and-the-board-in~~  
4 ~~evaluating-applications-and-distributing-funds~~ submit the  
5 applications to the regional transit board for approval. The  
6 commissioner may distribute funds only with the approval of the  
7 board. Before ~~distributing~~ approving any application for funds  
8 for construction, the ~~commissioner~~ board shall report to the  
9 legislature on the use and planned distribution of construction  
10 funds.

11 Sec. 2. Minnesota Statutes 1988, section 398A.04,  
12 subdivision 9, is amended to read:

13 Subd. 9. [~~MUNICIPAL~~ AGREEMENTS.] The authority may enter  
14 into joint powers agreements under section 471.59 or other  
15 agreements with the municipality or municipalities named in the  
16 organization agreement, or with other municipalities situated in  
17 the counties named in the resolution, respecting the matters  
18 referred to in section 398A.06 or with another authority about  
19 any matter subject to this chapter.

20 Sec. 3. Minnesota Statutes 1988, section 473.169,  
21 subdivision 2, is amended to read:

22 Subd. 2. [PRELIMINARY DESIGN PLANS; PUBLIC HEARING.]  
23 Before preparing final design plans for a light rail transit  
24 facility, the political subdivision proposing the facility must  
25 hold a public hearing on the physical design component of the  
26 preliminary design plans. The proposer must provide appropriate  
27 public notice of the hearing and publicity to ensure that  
28 affected parties have an opportunity to present their views at  
29 the hearing.

30 Sec. 4. Minnesota Statutes 1988, section 473.169,  
31 subdivision 3, is amended to read:

32 Subd. 3. [PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.] At  
33 least 30 days before the hearing under subdivision 2, the  
34 proposer ~~must~~ shall submit the physical design component of the  
35 preliminary design plans to the governing body of each statutory  
36 and home rule charter city, county, and town in which the route

1 is proposed to be located. The city, county, or town ~~must~~ shall  
2 hold a public hearing, except that a county board need not hold  
3 a hearing if the county board membership is identical to the  
4 membership of the regional railroad authority submitting the  
5 plan for review. Within 45 days after the hearing under  
6 subdivision 2, the city, county, or town ~~must~~ shall review and  
7 approve or disapprove the plans for the route to be located in  
8 the city, county, or town. A local unit of government that  
9 disapproves the plans shall describe specific amendments to the  
10 plans that, if adopted, would cause the local unit to withdraw  
11 its disapproval. Failure to approve or disapprove the plans in  
12 writing within 45 days after the hearing is deemed to be  
13 approval, unless an extension of time is agreed to by the city,  
14 county, or town and the proposer. ~~if-the-preliminary-design~~  
15 ~~plans-are-approved-by-each-city,-county,-and-town-in-which-the~~  
16 ~~route-is-proposed-to-be-located,-the-proposer-may-proceed-with~~  
17 ~~final-design-plans-under-subdivision-5-~~

18 Sec. 5. Minnesota Statutes 1988, section 473.169,  
19 subdivision 4, is amended to read:

20 Subd. 4. [PRELIMINARY DESIGN PLANS; ~~METROPOLITAN-COUNCILS~~  
21 REGIONAL TRANSIT BOARD REFERRAL.] If the governing body of one  
22 or more cities, counties, or towns disapproves the preliminary  
23 design plans within the period allowed under subdivision 3, the  
24 proposer may refer the plans, along with any comments of local  
25 jurisdictions, to the ~~metropolitan-councils~~ regional transit  
26 board. The ~~councils~~ board shall hold a hearing on the plans,  
27 giving the proposer ~~and-the,~~ any disapproving local governmental  
28 units, and other persons an opportunity to present ~~the-case-for~~  
29 ~~or-against-approval-of~~ their views on the plans. The ~~councils~~  
30 board may conduct independent study as it deems desirable and  
31 may mediate and attempt to resolve disagreements about the  
32 plans. Within 90 days after the referral, the ~~councils~~ board  
33 ~~must-either-approve~~ shall review the plans as submitted by the  
34 proposer ~~or~~ and may recommend amended plans to accommodate the  
35 objections presented by the disapproving local governmental  
36 units. ~~Failure-to-respond-within-the-time-period-is-deemed-to~~

1 ~~be approval, unless an extension of time is agreed to by the~~  
2 ~~council and the proposer.~~

3 ~~Following approval or recommendation of preliminary design~~  
4 ~~plans by the council, the proposer may proceed with final design~~  
5 ~~plans under subdivision 5.~~

6 Sec. 6. Minnesota Statutes 1988, section 473.169, subd. 5,  
7 is amended to read:

8 Subd. 5. [FINAL DESIGN PLANS.] (a) ~~After the approval of~~  
9 ~~preliminary design plans under subdivision 3 or review by the~~  
10 ~~council following referral to the council under subdivision 4,~~  
11 ~~the proposer may prepare final design plans.~~

12 (b) Before proceeding with beginning construction, the  
13 proposer ~~must~~ shall submit the physical design component of  
14 final design plans to the governing body of each statutory and  
15 home rule city, county, and town in which the route is proposed  
16 to be located. Within 60 days after the submission of the  
17 plans, the city, county, or town ~~must~~ shall review and approve  
18 or disapprove the plans for the route located in the city,  
19 county, or town. A local unit of government that disapproves  
20 the plans shall describe specific amendments to the plans that,  
21 if adopted, would cause the local unit to withdraw its  
22 disapproval. Failure to approve or disapprove the plans in  
23 writing within the time period is deemed to be approval, unless  
24 an extension is agreed to by the city, county, or town and the  
25 proposer. ~~If the final design plans are approved by each city,~~  
26 ~~county, and town in which the route is proposed to be located,~~  
27 ~~the proposer may proceed with construction on that route.~~

28 (c) (b) If the governing body of one or more cities,  
29 counties, or towns disapproves the ~~final design~~ plans within the  
30 period allowed under paragraph (b) (a), the proposer may refer  
31 the plans, along with any comments of local jurisdictions, to  
32 the ~~metropolitan council~~ regional transit board. The ~~council~~  
33 ~~must~~ board shall review the final design plans under the same  
34 procedure and with the same effect as provided in subdivision 4  
35 for preliminary design plans.

36 ~~Following approval of final design plans by the council,~~

1 ~~the-proposer-may-proceed-with-construction-~~

2 Sec. 7. Minnesota Statutes 1988, section 473.373,  
3 subdivision 1a, is amended to read:

4 Subd. 1a. [~~PURPOSE~~ DUTIES OF THE BOARD.] (a) The ~~purposes~~  
5 duties of the board are:

6 (1) to foster effective delivery of existing transit  
7 services and encourage innovation in transit service;

8 (2) to increase transit service in suburban areas;

9 (3) to prepare implementation and financial plans for the  
10 metropolitan transit system;

11 ~~(3)~~ (4) to set policies and standards for implementing the  
12 transit policies and programs of the state and the transit  
13 policies of the metropolitan council in the metropolitan area;

14 (5) to advise and work cooperatively with local  
15 governments, regional rail authorities, and other public  
16 agencies, transit providers, developers, and other persons in  
17 order to coordinate all transit modes and to increase the  
18 availability of transit services;

19 ~~(4)~~ (6) to conduct transit research and evaluation; and

20 ~~(5)~~ (7) to administer state and metropolitan transit  
21 subsidies.

22 (b) The board shall arrange with others for the delivery  
23 and provision of transit services and facilities. To the  
24 greatest extent possible, the board shall avoid~~-to-the-greatest~~  
25 ~~extent-possible,~~ direct operational planning, administration,  
26 and management of specific transit services and facilities.

27 (c) The board shall advise the council, the council's  
28 transportation advisory board, the department of transportation,  
29 political subdivisions, and private developers on the transit  
30 aspects and effects of proposed transportation plans and  
31 development projects and on methods of improving the  
32 coordination, availability, and use of transit services as part  
33 of an efficient and effective overall transportation system.

34 Sec. 8. Minnesota Statutes 1988, section 473.373, is  
35 amended by adding a subdivision to read:

36 Subd. 4a. [MEMBERSHIP.] (a) The board consists of 11

1 members with governmental or management experience.

2 Appointments are subject to the advice and consent of the  
3 senate. Terms of members are four years commencing on the first  
4 Monday in January of the first year of the term.

5 (b) The council shall appoint eight members, one from each  
6 of the following agency districts:

7 (1) district A, consisting of council districts 1 and 2;

8 (2) district B, consisting of council districts 3 and 7;

9 (3) district C, consisting of council districts 4 and 5;

10 (4) district D, consisting of council districts 6 and 11;

11 (5) district E, consisting of council districts 8 and 10;

12 (6) district F, consisting of council districts 9 and 13;

13 (7) district G, consisting of council districts 12 and 14;

14 and

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

16 At least six must be elected officials of statutory or home  
17 rule charter cities, towns, or counties. Two of these officials  
18 must be county board members, each from a different county, and  
19 four must be elected officials of cities or towns. Service on  
20 the board of a person who is appointed as an elected official  
21 may continue only as long as the person holds the office. At  
22 least 30 days before the expiration of a term or upon the  
23 occurrence of a vacancy, the council shall request nominations  
24 for the position from relevant organizations of local elected  
25 officials, such as the association of metropolitan  
26 municipalities, the metropolitan intercounty association, the  
27 association of urban counties, and where applicable, the  
28 association of townships. Each relevant organization shall  
29 nominate at least two persons for each position. A local  
30 governmental unit that is not a member of an organization may  
31 submit nominations independently. The council shall make its  
32 appointments from the nominations submitted to it to the extent  
33 possible consistent with the other requirements of this  
34 paragraph and with the appointment of a board that fairly  
35 reflects the diverse areas and constituencies affected by  
36 transit.

1       (c) The governor shall appoint, in addition to the chair,  
2 two persons, one who is age 65 or older at the time of  
3 appointment, and one with a disability. These appointments must  
4 be made following the procedures of section 15.0597. In  
5 addition, at least 30 days before the expiration of a term or  
6 upon the occurrence of a vacancy in the office held by a senior  
7 citizen or a person with a disability, the governor shall  
8 request nominations from organizations of senior citizens and  
9 persons with disabilities. Each organization shall nominate at  
10 least two persons. The governor shall make the appointment from  
11 the nominations submitted, to the extent possible consistent  
12 with the requirements of paragraph (d) and with the appointment  
13 of a board that fairly reflects the diverse areas and  
14 constituencies affected by transit.

15       (d) No more than three of the members appointed under  
16 paragraphs (b) and (c) may be residents of the same statutory or  
17 home rule city or town, and none may be a member of the joint  
18 light rail transit advisory committee established under section  
19 ....

20       Sec. 9. Minnesota Statutes 1988, section 473.375,  
21 subdivision 8, is amended to read:

22       Subd. 8. [GIFTS; GRANTS.] The board may apply for, accept  
23 and disburse gifts, grants, or loans from the United States, the  
24 state, or from any person on behalf of itself or any of its  
25 contract recipients, for any of its purposes. It may enter into  
26 an agreement required for the gifts, grants, or loans and may  
27 hold, use, and dispose of money or property received therefrom  
28 according to the terms of the gift, grant, or loan. The board  
29 may not be a recipient of federal operating or capital  
30 assistance distributed by formula or block grant. ~~The board may~~  
31 ~~not be a recipient of federal discretionary capital grants for~~  
32 ~~light rail and other fixed-guideway transit systems.~~

33       No political subdivision within the metropolitan area may  
34 apply for federal transit assistance unless its application has  
35 been submitted to and approved by the board.

36       Sec. 10. Minnesota Statutes 1988, section 473.375,

1 subdivision 13, is amended to read:

2 Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide  
3 financial assistance to the commission and other providers as  
4 provided in sections 473.371 to 473.449 in furtherance of and in  
5 conformance with the implementation plan of the board. The  
6 board may not use the proceeds of bonds issued by the council  
7 under section 473.39 to provide capital assistance to private,  
8 for-profit operators of public transit.

9 Sec. 11. [473.385] [TRANSIT SERVICE AREAS.]

10 Subdivision 1. [DEFINITIONS.] (a) "Fully developed service  
11 area" means the fully developed area, as defined in the  
12 metropolitan council's development investment framework, plus  
13 the cities of Mendota Heights, Maplewood, North St. Paul, and  
14 Little Canada.

15 (b) "Regular route transit" has the meaning given it in  
16 section 174.22, subdivision 8, except that, for purposes of this  
17 section, the term does not include services on fixed routes and  
18 schedules that are primarily intended to provide circulator  
19 service within a community or adjacent communities rather than  
20 feeder service to the system of metropolitan regular route  
21 transit operated by the commission.

22 Subd. 2. [SERVICE AREAS.] The regional transit board may  
23 provide financial assistance (whether directly or through  
24 another entity) to private, for-profit operators of public  
25 transit only for the following services:

26 (1) services that are not regular route services;

27 (2) regular route services provided on the effective date  
28 of this section by a private for-profit operator under contract  
29 with the board or under a certificate of convenience and  
30 necessity issued by the transportation regulation board;

31 (3) regular route services outside of the fully developed  
32 service area that are not operated on the effective date of this  
33 section by the commission;

34 (4) regular route services provided under section 473.388;

35 (5) regular route services to recipients who, as part of a  
36 negotiated cost-sharing arrangement with the board, pay at least

1 50 percent of the cost of the service that directly benefits the  
2 recipient as an institution or organization; OR (Technical)  
3 (6) regular route services that the board and the  
4 commission agree are not or will not be operated for a  
5 reasonable subsidy by the commission.

6 Sec. 12. [473.399] [LIGHT RAIL TRANSIT; REGIONAL PLAN.]  
7 Subdivision 1. [GENERAL REQUIREMENTS.]

8 (a) The transit board shall adopt a regional light rail  
9 transit plan, as provided in this section, to ensure that light  
10 rail transit facilities in the metropolitan area will be  
11 acquired, developed, owned, and capable of operation in an  
12 efficient, cost-effective and coordinated manner as an  
13 integrated and unified system on a multicounty basis in  
14 coordination with buses and other transportation modes and  
15 facilities. To the extent practicable the board shall  
16 incorporate into its plan appropriate elements of the plans of  
17 regional railroad authorities in order to avoid duplication of  
18 effort.

19 (b) The regional plan required by this section must be  
20 adopted by the board before any regional railroad authority may  
21 begin construction of light rail transit facilities and before  
22 any authority is eligible for state financial assistance for  
23 constructing light rail transit facilities. Following adoption  
24 of the regional plan, each regional railroad authority or other  
25 developer of light rail transit in the metropolitan area shall  
26 act in conformity with the plan. Each authority or proposer  
27 shall prepare or amend its comprehensive plan and preliminary  
28 and final design plans as necessary to make the plans consistent  
29 with the regional plan.

30 (c) Throughout the development and implementation of the  
31 plan, the board shall contract for or otherwise obtain  
32 engineering services to assure that the plan adequately  
33 addresses the technical aspects of light rail transit.

34 Subd. 2. [DEVELOPMENT AND FINANCIAL PLAN.] (a) The board  
35 shall adopt a regional development and financial plan for light  
36 rail transit composed of the following elements:

1 (1) a staged development plan of light rail transit  
2 corridors;

3 (2) a statement of needs, objectives, and priorities for  
4 capital development and service for a prospective ten-year  
5 period, considering service needs, ridership projections, and  
6 other relevant factors for the various segments of the system,  
7 along with a statement of the fiscal implications of these  
8 objectives and priorities, and policies and recommendations for  
9 long term capital financing;

10 (3) a capital investment component for a five-year period  
11 following the commencement of construction of facilities, with  
12 policies and recommendations for ownership of facilities and for  
13 financing capital and operating costs;

14 (b) For any segments of rail line that may be constructed  
15 below the surface elevation, the plan must estimate the  
16 additional capital costs, debt service, and subsidy level that  
17 are attributable to the below grade construction. The plan must  
18 include a method of financing the operation of light rail  
19 transit that depends on property tax revenue for no more than 35  
20 percent of the operations cost.

21 (c) The board shall prepare the plan in consultation with  
22 its light rail transit advisory committee. The board shall  
23 submit the plan and amendments to the plan to the metropolitan  
24 council for review and approval or disapproval, for conformity  
25 with the council's transportation plan. The council has 90 days  
26 to complete its review.

27 Subd. 3. [COORDINATION PLAN.] (a) The board shall adopt a  
28 regional coordination plan for light rail transit. The plan  
29 must include:

30 (1) a method for organizing and coordinating acquisition,  
31 construction, ownership, and operation of light rail transit  
32 facilities, including in particular, coordination of vehicle  
33 specifications, provisions for a single light rail transit  
34 operator for the system, and the organization and coordination  
35 method required if a turn-key approach to facility acquisition  
36 is used by a regional railroad authority;

1       (2) specifications and standards to ensure joint or  
2 coordinated procurement of rights-of-way, track, vehicles,  
3 electrification, communications and ticketing facilities, yards  
4 and shops, stations, and other facilities that must be or should  
5 be operated on a systemwide basis;

6       (3) systemwide operating and performance specifications and  
7 standards;

8       (4) bus and park-and-ride coordination policies, standards,  
9 and plans to assure maximum use of light rail transit and the  
10 widest possible access to light rail transit in both urban and  
11 suburban areas;

12       (5) a method for ensuring ongoing coordination of  
13 development, design, and operational plans for light rail  
14 facilities;

15       (6) provision for the operation of light rail transit by  
16 the metropolitan transit commission; and

17       (7) other matters that the board deems prudent and  
18 necessary to ensure that light rail transit facilities are  
19 acquired, developed, owned, and capable of operation in an  
20 efficient, cost-effective and coordinated manner as an  
21 integrated and unified system on a multicounty basis in  
22 coordination with buses and other transportation modes and  
23 facilities.

24       (b) The <sup>joint</sup>light rail transit advisory committee shall prepare  
25 and recommend the plan to the board. The board shall review the  
26 plan within 90 days and either adopt it or disapprove it and  
27 return it to the committee with the modifications that the board  
28 recommends before adoption of the plan. The committee shall  
29 ~~revise the plan,~~ taking into consideration the board's  
30 recommendations, and resubmit the plan to the board for review  
31 and adoption or disapproval.

32       (c) The metropolitan council shall review and comment on  
33 the plan.

34       Sec. 13. [473.3991] [JOINT LIGHT RAIL TRANSIT ADVISORY  
35 COMMITTEE.]

36       Subdivision 1. [CREATION; PURPOSE.] The transit board

1 shall establish a joint light rail transit advisory committee,  
2 to assist the board in planning light rail transit facilities  
3 and in coordinating the light rail transit activities of the  
4 county regional railroad authorities and the transit  
5 commission. The committee shall perform the duties specified in  
6 section .. and shall otherwise assist the board upon request of  
7 the board.

8 Subd. 2. [MEMBERSHIP.] The committee consists of:

9 (1) two members of the governing board of each regional  
10 railroad authority that applies for and receives state funding  
11 for preliminary engineering of light rail transit facilities;

12 (2) one member, in addition to those under clause (1), of  
13 the governing board of the Hennepin county regional railroad  
14 authority;

15 (3) one member of the governing board of each regional  
16 railroad authority not represented under clause (1) that applies  
17 for and receives state funding for planning of light rail  
18 transit facilities;

19 (4) two members of the metropolitan transit commission; and

20 (5) the commissioner of transportation or an employee of  
21 the department designated by the commissioner.

22 Appointments under clauses (1) to (3) are made by the  
23 respective authorities, and appointments under clause (4) are  
24 made by the commission. The regional transit board shall make  
25 the appointment for any appointing authority that fails to make  
26 the required appointments. Members serve at the pleasure of the  
27 agency making the appointment.

28 Subd. 3. [CHAIR.] The committee shall annually elect a  
29 chair from among its members.

30 Subd. 4. [ADMINISTRATION.] The regional transit board  
31 shall provide staff and administrative services for the  
32 committee. The organizations represented on the committee shall  
33 provide information, staff, and technical assistance for the  
34 committee as needed.

35 Sec. 14. [473.3993] [LIGHT RAIL TRANSIT FACILITY PLANS;  
36 DEFINITIONS.]

1       Subdivision 1. The definitions in this section apply to  
2 section 473.169 and section 15.

3       Subd. 2. [PRELIMINARY DESIGN PLAN.] "Preliminary design  
4 plan" means a light rail transit plan that identifies:

5       (1) preliminary plans for the physical design of  
6 facilities, including location, length, and termini of routes;  
7 general dimension, elevation, alignment, and character of routes  
8 and crossings; whether the track is elevated, on the surface, or  
9 below ground; approximate station locations; and related park  
10 and ride, parking, and other transportation facilities; and a  
11 plan for handicapped access; and

12       (2) preliminary plans for intermodal coordination with bus  
13 operations and routes; ridership; capital costs; operating costs  
14 and revenues; funding for final design, construction, and  
15 operation; and an implementation method.

16       Subd. 2. [FINAL DESIGN PLAN.] "Final design plan" means a  
17 light rail transit plan that includes the items in the  
18 preliminary design plan for the facilities proposed for  
19 construction, but with greater detail and specificity. The  
20 final design plan must include, at a minimum:

21       (1) final plans for the physical design of facilities,  
22 including the right-of-way definition; environmental impacts and  
23 mitigation measures; intermodal coordination with bus operations  
24 and routes; and civil engineering plans for vehicles, track,  
25 stations, parking, and access, including handicapped access; and

26       (2) final plans for civil engineering for electrification,  
27 communication, and other similar facilities; operational rules,  
28 procedures and strategies; capital costs; ridership; operating  
29 costs and revenues; financing for construction and operation; an  
30 implementation method; and other similar matters.

31       The final design plan must be stated with sufficient  
32 particularity and detail to allow the proposer to begin the  
33 acquisition and construction of operable facilities. If a  
34 turn-key implementation method is proposed, instead of civil  
35 engineering plans the final design plan must state detailed  
36 design criteria and performance standards for the facilities.

1           Sec. 15. [473.3996] [LIGHT RAIL TRANSIT FACILITY DESIGN  
2 PLANS; REVIEW BY BOARD.]

3           Subdivision 1. [PRELIMINARY DESIGN PLANS.] Before  
4 submitting the physical design component of final design plans  
5 of a light rail transit facility for local review under section  
6 473.169, subdivision 5, the proposer shall submit preliminary  
7 design plans to the regional transit board for review. The  
8 board shall review the preliminary design plans to determine the  
9 compatibility of the plans with other light rail transit plans  
10 and facilities in the metropolitan area, the adequacy of the  
11 plans for handicapped accessibility, and the conformity of the  
12 plans with the regional light rail transit plan prepared under  
13 section 12. The board may comment on any aspect of the plans.  
14 The board has 90 days to complete its review, unless an  
15 extension of time is agreed to by the proposer. If the board  
16 determines that the plans do not satisfy the standards stated in  
17 this subdivision, the board shall recommend modifications in the  
18 plans that are necessary in order to satisfy the board. After  
19 adopting or amending the regional plan required by section 12,  
20 the board may again review any previously reviewed preliminary  
21 design plans and recommend modifications that are necessary to  
22 satisfy the board.

23           Subd. 2. [FINAL DESIGN PLANS.] Before acquiring or  
24 constructing light rail transit facilities, other than land for  
25 right of way, the proposer shall submit final design plans to  
26 the regional transit board for review. The board shall review  
27 the final design plans under the same schedule and according to  
28 the same standards as provided for its review of preliminary  
29 design plans. The board shall either approve the plans, or if  
30 it determines that the plans do not satisfy the standards,  
31 disapprove the plans, in whole or in part, and recommend  
32 modifications in the plans that are necessary to secure  
33 approval. A proposer may not proceed with acquisition or  
34 construction of a light rail transit facility, other than land  
35 for right of way, unless the final design plans for the facility  
36 have been approved by the board. Following approval of final

1 design plans by the board, if a regional railroad authority  
2 wishes to select a bid or a response to a request for proposal  
3 that is more than ten percent higher than the capital costs  
4 indicated in the final design plans for the facility, the  
5 authority may not proceed with construction until it has  
6 resubmitted the final design plans to the transit board for  
7 further review and approval or disapproval. The board has 10  
8 working days to review and approve or disapprove and recommend  
9 modification, unless an extension of time is agreed to by the  
10 authority.

11 Sec. 16. Minnesota Statutes 1988, section 473.404,  
12 subdivision 2, is amended to read:

13 Subd. 2. [MEMBERSHIP.] The transit commission consists  
14 of three five members appointed by the transit board. One  
15 member must be a resident of the city of Minneapolis, one must  
16 be a resident of the city of St. Paul, and one two must reside  
17 in the service area of the commission outside of Minneapolis and  
18 St. Paul, and one may reside anywhere in the metropolitan area.  
19 At least one of the members from outside of Minneapolis and St.  
20 Paul must reside in the commission's full-peak and off-peak  
21 service area, as defined for tax purposes in section 473.446.  
22 Appointments are not subject to the advice and consent of the  
23 senate.

24 Sec. 17. Minnesota Statutes 1988, section 473.404,  
25 subdivision 3, is amended to read:

26 Subd. 3. [TERMS.] The term of each member of the  
27 commission is three years and until a successor is appointed and  
28 qualified. The ~~initial~~ terms of members commence on ~~the first~~  
29 ~~day after August 17, 1984, that all three members have been~~  
30 appointed and qualified of the first year of a term. One member  
31 must be appointed to an initial term of one year, one to an  
32 initial term of two years, and one to an initial term of three  
33 years. The terms of members of the transit commission appointed  
34 and serving on August 17, 1984, pursuant to Minnesota Statutes  
35 1982, section 473.447, expire on the day that the terms of  
36 members appointed pursuant to this section commence.

1       Sec. 18. Minnesota Statutes 1988, section 473.404,  
2 subdivision 5, is amended to read:

3       Subd. 5. [QUALIFICATION.] Each member of the commission  
4 must have transit, governmental, or management experience. A  
5 member shall not during a term of office be a member of the  
6 metropolitan council, the regional transit board, the  
7 metropolitan waste control commission, the metropolitan airports  
8 commission, the metropolitan sports facilities commission, or  
9 any other independent regional commission, board, or agency, or  
10 hold any judicial office. Each member shall qualify by taking  
11 and subscribing to the oath of office prescribed by the  
12 Minnesota Constitution, article 5, section 5. The oath, duly  
13 certified by the official administering it, must be filed with  
14 the metropolitan council.

15       Sec. 19. Minnesota Statutes 1988, section 473.4051, is  
16 amended to read:

17       473.4051 [LIGHT RAIL TRANSIT OPERATION.]

18       The transit commission ~~may enter into an agreement to~~  
19 ~~provide for the operation of a~~ shall operate regional ~~rail~~  
20 railroad authority light rail transit ~~system~~ facilities and  
21 services upon completion of construction of the ~~system by the~~  
22 ~~regional rail authority~~ facilities and the commencement of  
23 revenue service using the facilities. ~~if a regional rail~~  
24 ~~authority enters into an agreement with the transit commission~~  
25 ~~for~~ The regional railroad authority and the commission may not  
26 allow the commencement of revenue service until after an  
27 appropriate period of acceptance testing to ensure satisfactory  
28 performance. In assuming the operation of the system, the  
29 transit commission must comply with ~~the provisions of~~ section  
30 473.415. The commission shall coordinate operation of the light  
31 rail transit system with bus service to avoid duplication of  
32 service on a route served by light rail transit and to ensure  
33 the widest possible access to light rail transit lines in both  
34 suburban and urban areas by means of a feeder bus system. If  
35 the regional plan prepared by the transit board under section 12  
36 calls for construction and operation of light rail transit

1 facilities in a jurisdiction whose governing body has chosen not  
 2 to organize and proceed under chapter 398A, the board may  
 3 authorize the transit commission to implement the plan in that  
 4 area.

5 Sec. 20. [LIGHT RAIL PLANNING REQUIREMENTS.]

6 Subdivision 1. [DEVELOPMENT AND FINANCIAL PLAN.] The  
 7 regional transit board shall complete the initial light rail  
 8 transit development and financial plan required in section 12,  
 9 subdivision 2, by January 1, 1990. The metropolitan council has  
 10 <sup>45</sup>~~60~~ days to complete its review of the initial plan. The transit  
 11 board shall report to the legislature by <sup>FEB 15</sup>~~March 1~~, 1990, on the  
 12 plan and on the board's capital development and financing  
 13 recommendations.

14 Subd. 2. [COORDINATION PLAN.] The board's light rail  
 15 transit advisory committee shall prepare and recommend to the  
 16 regional transit board the initial light rail transit  
 17 coordination plan required by section 12, subdivision 3, by July  
 18 1, 1990. Before adopting the initial coordination plan, the  
 19 transit board shall:

20 (1) submit the plan to the council and the commissioner of  
 21 transportation for review and comment;

22 (2) assemble a peer review panel of transit and light rail  
 23 transit experts of national stature to review and comment on the  
 24 plan; and

25 (3) hold a public hearing on the plan to receive the  
 26 comments and suggestions of the public.

27 The transit board may not include on the peer review panel  
 28 any person who is employed by, or under contract as a consultant  
 29 or for professional services to, regional railroad authorities,  
 30 a firm employed as a consultant to regional railroad  
 31 authorities, the transit commission, or the transit commission's  
 32 management contractor.

33 Sec. 21. [METROPOLITAN REGIONAL RAILROAD AUTHORITIES.]

34 Subdivision 1. [AUTHORITY.] Nothing in this act should be  
 35 interpreted to require the elimination of the regional railroad  
 36 authorities in the metropolitan area or to forbid one or more

1 authorities to act independently, so long as their activities  
2 are consistent with the regional light rail transit plan.

3 Subd. 2. [ELIGIBILITY FOR FEDERAL FUNDS; SPECIAL  
4 PROVISION.]

5 (a) A regional railroad authority in the metropolitan area  
6 is specifically authorized to apply for and receive, in its own  
7 name, federal financial assistance.

8 (b) Nothing in this act may be interpreted or relied on by  
9 any person, political subdivision, or agency to forbid,  
10 restrict, or delay an application for federal financial  
11 assistance of any regional railroad authority in the  
12 metropolitan area acting independently, ~~or to impair, limit, or~~  
13 transfer to another entity the authority of a regional railroad  
14 authority to receive such assistance individually,  
15 independently, and directly for the planning, engineering, or  
16 construction of a regional railroad authority's light rail  
17 transit system.

18 (c) If a regional railroad authority in the metropolitan  
19 area has made application for a federal construction or capital  
20 grant for light rail transit by April 1, 1989, and the secretary  
21 of transportation preliminarily awards or indicates an intent to  
22 award federal funds to the regional railroad authority for that  
23 grant application, then the location of the light rail transit  
24 line, stations, yards and shops contained in that application is  
25 not subject to approval by the regional transit board, if the  
26 grant is awarded or a notice of intent to award the grant is  
27 received.

28 Sec. 22. [SPECIAL TRANSIT SERVICES; DELIVERY STUDY.]

29 Subdivision 1. [STUDY REQUIRED.] The regional transit  
30 board shall conduct a study of methods to improve the delivery  
31 of transportation services for the elderly, handicapped, and  
32 disabled, including persons with permanent sensory or mental  
33 impairments, whose transit needs cannot be fully accommodated  
34 through the use of existing public transit alternatives. The  
35 board shall direct its staff to:

36 (1) ~~document the levels of service currently being provided,~~

1 ~~for programs under the jurisdiction of the department of human~~  
2 ~~services;~~

3 / (2) evaluate the potential for integrating metro mobility  
4 with other specialized transit;

5 2 (3) assess the role of nonprofits in providing  
6 cost-effective service;

7 3 (4) identify transit issues for special populations in  
8 suburban areas; and

9 (5) evaluate the efficiency and usefulness of the current  
10 metro mobility administrative center computer system and  
11 identify suggestions for improvement.

12 Subd. 2. [COMMUNITY INVOLVEMENT.] The board shall actively  
13 involve interested parties in this process, including but not  
14 limited to:

15 (1) members of the transportation handicapped advisory  
16 committee;

17 (2) representatives of the department of human services;

18 (3) members of the transit providers advisory committee;

19 (4) representatives of nonprofit transit and social service  
20 providers;

21 (5) organizations representing the elderly, handicapped,  
22 and disabled communities; and

23 (6) interested members of the general public.

24 Subd. 3. [REPORT.] The board shall report to the  
25 legislature on the study and the board's findings and  
26 recommendations by December 1, 1989.

27 Sec. 23. [APPOINTMENTS.] (a) Notwithstanding section 8,  
28 the terms of the initial members of the transit board appointed  
29 under section 8 begin July 1, 1989, and end as follows:

30 (1) for members representing districts A, B, C, D, for the  
31 chair, and for the disabled person, on the first Monday in  
32 January of 1993;

33 (2) for all other members, on the first Monday in January  
34 of 1991.

35 The terms of members of the board appointed and serving on the  
36 effective date of this act expire on the day that the terms of

1 members appointed under this section and section 8 commence.

2 (b) Notwithstanding sections 16 and 17, the initial term of  
3 one of the members added to the transit commission by section 16  
4 is two years. At the time of appointment, the board shall  
5 designate the member appointed under section 16 to a two-year  
6 term and the member appointed to a three-year term. The board  
7 may not appoint the added members under this section and section  
8 16 until the initial members of the transit board appointed  
9 under this section and section 8 have been appointed and have  
10 began serving their terms.

11 Sec. 24. [REPEALER.]

12 Minnesota Statutes 1988, sections 473.169, subdivision 1;  
13 473.1691; 473.17; 473.373, subdivision 4; and 473.398 are  
14 repealed.

15 Sec. 25. [APPLICATION.]

16 Sections 1 to 24 are effective the day following final  
17 enactment. Sections 4 to 24 apply in the counties of Anoka,  
18 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.