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S.F. No. 5099 – Assessment of highway projects for greenhouse gas emissions and vehicle miles traveled modification

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S.F. 5099 makes a variety of changes to the transportation greenhouse gas emissions impact assessment enacted by the 2023 Transportation Omnibus.

Article 1, section 1 defines key terms, outlines project assessment requirements, and establishes procedures for impact mitigation. Defines "project or portfolio" and sets criteria for assessing projects or portfolios in a new subdivision to provide that the commissioner must implement impact assessment for portfolios or a program of projects, rather than on a case-by-case basis. Requires the commissioner to implement impact assessment on a portfolio or program of projects by the earlier of January 1, 2030, or as specified by the commissioner after consulting with a metropolitan planning organization and a determination that mitigation and offset actions are appropriately established. Modifies assessment requirements for impact assessments to strike "capacity expansion" and requires an analysis of impacts to local road systems. Authorizes the commissioner to adopt additional off-set actions. Mandates the publication of public information regarding capacity expansion impact assessments, including project summaries and activities of the technical advisory committee.

Article 1, section 2 establishes a technical advisory committee in the Minnesota Department of Transportation ("MnDOT") to assist in the implementation of greenhouse gas emissions impact assessment and mitigation for highway projects. Specifies the composition of the advisory committee and allows the commissioner to appoint additional individuals with relevant expertise if deemed necessary. Outlines eligibility criteria for committee members, emphasizing experience or expertise in areas such as travel demand modeling, traffic forecasting, land use planning, or transportation-related greenhouse gas emissions assessment. Details the responsibilities of the advisory committee, including technical review and validation of assessment processes, reviewing impact assessment requirements and methodologies, advising on mitigation procedures, and performing other requested analyses. States that the commissioner must provide administrative

support to the advisory committee, but committee members are not eligible for compensation. Provides the advisory committee is subject to the Minnesota Data Practices Act and the Minnesota Open Meeting Law.

Article 2, section 1 clarifies that offset actions interlinked to a project or portfolio constitutes a trunk highway purpose in the highway user tax distribution fund.

Article 2, section 2 permits offset and mitigation actions in the Office of Transit and Active Transportation to be paid from funds from the highway user tax distribution fund or trunk highway fund. Under current law, MnDOT cannot expend trunk highway funds on the Office of Transit and Active Transportation.

Article 2, section 3 appropriates money for the following purposes:

- An unspecified sum in fiscal year 2025 from the trunk highway fund for statewide and regional travel demand models related to impact mitigation requirements;
- \$10,000,000 in fiscal year 2025 from the trunk highway fund for impact mitigation with a base appropriation for the requirements of \$5,000,000 in each of FY 2026 and FY 2027.
- \$4,000,000 in fiscal year 2025 from the general fund for grants to metropolitan planning organizations (MPOs) and local units of government related to planning and capacity requirements.