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Frustrated legislators run into MnDOT roadblock

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MANKATO — After decades of begging, advocates for an unbroken stretch of four-lane expressway from New Ulm to Rochester tried bellicosity during the 2010 legislative session.

Imploring the Minnesota Department of Transportation to put the project on its construction schedule hadn't worked, so lawmakers along the Highway 14 corridor tried ordering MnDOT to do it.

"I don't prefer this type of approach for funding projects, but I believe this has become our only choice," said Sen. Kathy Sheran, DFL-Mankato, in explaining her bill to the Senate Transportation Committee on March 11. "... My constituents don't accept the solution that gives MnDOT the ultimate discretion in determining when Highway 14 will be fixed."

The Legislature, with a few exceptions, has always given the engineers and other leaders in the transportation department the authority to decide which construction projects merit funding first. Local elected officials make recommendations through Area Transportation Partnerships, but MnDOT makes the ultimate choices — maintenance vs. new construction, bridges vs.

roads, what major projects to do in which years.

Southern Minnesotans had been asking for 40 years for a four-lane expressway, Sheran told the committee. And in 2009, they looked at MnDOT's just-finalized 20-year plan and saw no provision for completing the project between now and 2030.

"They wonder when the road will finally be a priority to the department," Sheran said. "They want the Legislature to help us by asserting its resolve as a co-equal branch of the government, and that's what we're trying to do here today."

Sheran and testifiers from North Mankato and Owatonna made the argument the Highway 14 project was a unique case, a particularly deadly highway, a key economic engine for all of southern Minnesota, an improvement that was scheduled and pushed back and scheduled and pushed back for decades.

The legislation before the Senate committee — and a similar bill that St. Peter Rep. Terry Morrow brought to the House Transportation Committee — would have required MnDOT to put the project in its four-year funding schedule known as the Statewide Transportation Improvement Program. And Highway 14 would have been required to stay in the STIP until the expressway was completed — a legislative mandate ultimately encompassing more than a half-billion dollars.

Members of the Senate Transportation Committee quickly expressed their sympathy for southern Minnesota's long, frustrating wait, and then a majority of those members made clear they considered Sheran's legislation a very bad idea.

"We have to date as a body studiously — and I think wisely — avoided mucking around with the STIP," said Sen. Scott Dibble, DFL- Minneapolis. "I think we open up that door and, boy, we're going to spend a lot of time in this committee having a lot of push and pull over what should be on lists all over the state."

That sort of political wrangling over construction spending could lead to projects being funded first because they're backed by powerful lawmakers and not because the projects are the most vital.

"Of course MnDOT has the last basic say because they're the ones we turn to as road- building authorities — actual engineers, designers — to get that done," said committee Chairman Steve Murphy, DFL- Red Wing.

The problem isn't that MnDOT doesn't recognize the value of projects such as the Highway 14 expansion; it's that the Legislature and Gov. Tim Pawlenty haven't provided the agency with enough revenue to construct even high- priority projects, Murphy said.

"We've got \$ 3 billion of backlogged road construction projects," he said.

"Every year we could spend \$ 3 billion for over a 20- year period, and we'd finally meet our 20- year goals. The problem is we're only giving them, what? ... A billion and a half. We're only giving them 50 percent of the money they actually need."

One member of the committee enthusiastically joined Sheran and Sen.

Mike Parry, a Waseca Republican and adamant supporter of the Highway 14 project, in pushing the committee to pass the bill.

"I support what you're doing, Sen. Sheran," said Sen. Julianne Ortman, R-Chanhassen. "It takes a huge community to stand up and say it's time to shift the way we do business."

But the passionate advocacy for the bill offered by Ortman might give pause to rural Minnesotans, who lose clout in St. Paul following every U. S. census. Growing suburban areas like the one Ortman represents could have an ever- increasing advantage in a transportation system where lawmakers — not MnDOT officials — decide which projects are funded.

Ortman, in fact, specified some costly projects that she'd like the Legislature to order MnDOT to move up on the priority list: the expansion of two- lane sections of Highway 5 and Highway 212, which serve the southwestern suburbs and exurbs.

" People are dying on those roads in my district as they are in yours, and I'm very supportive,"

Ortman told Sheran. “ I think Highway 14 is the highest priority for the state of Minnesota, even above Highway 5 and 212. I’d like to think they’re No. 2 and 3.”

Murphy said everybody in the Legislature thinks their local project should be at or near the top of MnDOT’s funding list. And before the words were out of his mouth, the Republican senator from Willmar shouted “ Highway 12” and someone else said “ 55, Mr. Chair.”

“ Everybody has these,” Murphy continued. “ Sen.

Jungbauer has talked about the death trap up in his district for the longest time. I mean, when you have \$ 3 billion of work that you could be doing and you have only a billion and a half dollars, you have to make choices.

And sometimes those choices are difficult.”

Sheran, clearly outnumbered in the committee, withdrew her bill rather than letting it go down in defeat. And the committee offered a consolation prize.

“ Dear President Obama,” began the letter signed by the entire committee, a letter that urged him to move forward with a new federal transportation funding bill and specifically mentioned Highway 14.

“ Residents of southern Minnesota have waited almost forty years for these projects to be completed, and have been told that they can expect to wait another twenty years before adequate funding materializes,” the letter stated. “... This important safety project is one of the many examples of large projects that are something that Minnesota cannot do alone.”

Highway 14 advocates appreciated the gesture, but Sheran said she’s wear y of asking nicely for financial help for the highway. That hasn’t persuaded MnDOT in the past, so there’s no reason to think it will in the future.

Morrow, too, has let MnDOT know that he intends to push the legislation again if funding isn’t forthcoming soon. He recognizes the concern that increased involvement by the Legislature in setting construction priorities could hurt rural Minnesota in the long run.

“ There simply aren’t the same number of votes in rural Minnesota as there are in the metro,” Morrow said. Still, leaving the decision to MnDOT doesn’t guarantee that rural Minnesota won’t be shorted either, he said. He points to a MnDOT policy to prioritize construction projects when a large corporation, which benefits from a road improvement, agrees to pay part of the cost.

“ Then rural Minnesota’s got a problem,” Morrow said. “ Because Best Buy’s not looking to relocate to Courtland.”