

1.1 A bill for an act

1.2 relating to transportation; modifying requirements for temporary use of certain
1.3 rights-of-way; amending Minnesota Statutes 2014, section 160.27, by adding
1.4 subdivisions; Minnesota Statutes 2015 Supplement, section 160.27, subdivision
1.5 10.

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

1.7 Section 1. Minnesota Statutes 2015 Supplement, section 160.27, subdivision 10,
1.8 is amended to read:

1.9 Subd. 10. **Department of Transportation temporary permit for field application.**

1.10 (a) In connection with the use of ~~the road right-of-way of a road authority~~ controlled by
1.11 the commissioner, excluding on controlled-access highways under section 160.08, a
1.12 property owner or occupant of property ~~abutting the road right-of-way~~ may apply for a
1.13 permit for temporary placement, for up to 14 days, of a pressurized flexible force main for
1.14 the transport of manure for field application.

1.15 (b) The property owner or occupant must:

1.16 (1) identify the entire length of the right-of-way for use under the permit;

1.17 (2) place the force main within the backslope of the ~~road authority's~~ right-of-way
1.18 where possible;

1.19 (3) place pumping equipment outside of the ~~road authority's~~ right-of-way; and

1.20 (4) meet all of the permit requirements identified by the ~~road authority~~ commissioner.

1.21 (c) Once the ~~road authority~~ commissioner has issued a permit, the property owner or
1.22 occupant may ~~install~~ place the force main over the length of the right-of-way from the
1.23 permittee's property to where the manure will be applied, irrespective of whether the
1.24 permittee is the owner or occupant of all property abutting the portion of the right-of-way
1.25 where the force main is to be ~~installed~~ placed.

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

2.2 Sec. 2. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision
2.3 to read:

2.4 Subd. 11. **General authority for certain field application.** (a) A property owner or
2.5 occupant of property may, with respect to a county highway, including a county state-aid
2.6 highway, or town road, temporarily place a pressurized flexible force main for the
2.7 transport of manure for field application if the following requirements are met:

2.8 (1) the road is not a controlled-access highway under section 160.08;

2.9 (2) the force main remains in place for no more than 21 days;

2.10 (3) the force main is placed within the backslope of the road right-of-way where
2.11 possible, and is not placed on the roadway, as defined in section 169.011, subdivision
2.12 68, of a public road;

2.13 (4) pumping equipment is placed outside the road right-of-way;

2.14 (5) the force main placement does not unreasonably interfere with: (i) another
2.15 landowner or occupant's access to the owner or occupant's property, (ii) the safe use of
2.16 the right-of-way in which the force main is placed, (iii) the safe use of any driveway or
2.17 private road that the force main crosses, or (iv) maintenance activities authorized by
2.18 the road authority;

2.19 (6) the property owner or occupant notifies, whether verbally or in writing, the
2.20 appropriate county or town at least one business day prior to placement of the force main
2.21 in the right-of-way; and

2.22 (7) field application is performed by the holder of a valid commercial animal
2.23 waste technician applicator license under section 18C.430, including proof of financial
2.24 responsibility.

2.25 (b) A notification under paragraph (a), clause (6), must include the starting and
2.26 estimated ending dates of field application, a basic description of the entire length of the
2.27 right-of-way being used, and the name, address, and phone number of the business or
2.28 commercial animal waste technician applicator license holder performing field application.

2.29 (c) The property owner or occupant is responsible for restoring the right-of-way to
2.30 the preplacement condition, including the immediate cleanup of any spillage or leakage
2.31 of manure into the right-of-way.

2.32 (d) A property owner or occupant who meets the requirements under paragraphs (a)
2.33 and (b) may place the force main over the length of the right-of-way from that property
2.34 owner's or occupant's property to where the manure will be applied, irrespective of

3.1 whether the person is the owner or occupant of all property abutting the portion of the
3.2 right-of-way where the force main is to be placed.

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

3.4 Sec. 3. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision
3.5 to read:

3.6 Subd. 12. **Damage or spills; liability.** A commercial animal waste technician
3.7 company licensed under section 18C.430 using a pressurized flexible force main for the
3.8 transport of manure for field application under subdivision 11 is liable for the costs of
3.9 cleanup and repair for any spill or damage caused during the placement, use, or removal
3.10 of the pressurized flexible force main.

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