

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3723

03/30/2016 Authored by Drazkowski
The bill was read for the first time and referred to the Committee on Transportation Policy and Finance
04/11/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time
05/11/2016 Referred to the Chief Clerk for Comparison with S. F. No. 3368
05/12/2016 Postponed Indefinitely

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

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

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

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

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

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

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

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

(6) field application is performed by the holder of a valid commercial animal waste technician applicator license under section 18C.430.

(b) A notification under paragraph (a), clause (5), must include the starting and estimated ending dates of field application, a basic description of the entire length of the right-of-way being used, and the name of the business or commercial animal waste technician applicator license holder performing field application.

(c) A property owner or occupant who meets the requirements under paragraphs (a) and (b) may place the force main over the length of the right-of-way from that property owner's or occupant's property to where the manure will be applied, irrespective of whether the person is the owner or occupant of all property abutting the portion of the right-of-way where the force main is to be placed.

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