

- (6) one representative with education and experience in mediation and arbitration;
- (7) one representative of the department of trade and economic development;
- (8) one representative from a higher education institution with education and experience in agricultural economics; and
- (9) one representative of the commissioner of agriculture who will chair the task force.

(c) The commissioner shall coordinate the meetings of the advisory task force, provide staff support, and participate in the advisory task force meetings. Citizen members of the task force may be reimbursed for expenses as provided in Minnesota Statutes, section 15.059, subdivision 6.

(d) The commissioner shall prepare and submit a written report with recommendations for the legislature to the senate committee on agriculture and rural development and the house committee on agriculture by December 15, 1997.

(e) The task force expires June 30, 1998.

#### Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 12, 1997

Signed by the governor May 13, 1997, 10:10 a.m.

### CHAPTER 143—S.F.No. 724

*An act relating to transportation; exempting certain roads, streets, and highways from noise standards; clarifying that specific service signs may be placed at certain intersections of trunk highways; modifying provisions relating to implements of husbandry; defining residential roadway; defining daytime and nighttime; setting speed limits; directing the commissioner of transportation to determine cost reimbursement policies; correcting obsolete reference; directing commissioner of transportation to study and prepare a report proposing a comprehensive, statewide highway access management policy; directing transfer of ownership of licenses for public safety radio system frequencies; modifying requirements for highway 280 noise barrier; providing civil penalties; amending Minnesota Statutes 1996, sections 116.07, subdivision 2a; 160.292, subdivision 5; 168.012, subdivision 2; 168A.01, subdivision 8; 169.01, subdivisions 55 and 81, and by adding subdivisions; 169.14, subdivisions 2, 3, and 5d; 169.145; 169.17; 169.522, subdivision 1; 169.801, subdivision 1; 174.23, by adding a subdivision; and 473.894, subdivision 3; Laws 1994, chapter 635, article 1, section 35; repealing Minnesota Statutes 1996, section 169.14, subdivision 4a; Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300.*

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

Section 1. Minnesota Statutes 1996, section 116.07, subdivision 2a, is amended to read:

Subd. 2a. **EXEMPTIONS FROM STANDARDS.** No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the

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outdoor atmosphere shall apply to (1) segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise mitigation measures are employed to abate noise, (2) an existing or newly constructed segment of a highway, provided that all reasonably available noise mitigation measures, as approved by the commissioners of the department of transportation and pollution control agency, are employed to abate noise, (3) except for the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired, (4) skeet, trap or shooting sports clubs, or (4) (5) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983.

Sec. 2. Minnesota Statutes 1996, section 160.292, subdivision 5, is amended to read:

Subd. 5. **NONFREEWAY TRUNK HIGHWAY.** "Nonfreeway trunk highway" means all (1) roadways that are not designated freeways and that have crossing traffic at grade intersections and (2) bypasses of outstate municipalities that have interchanges at intersections of trunk highways with local roads or with other trunk highways.

Sec. 3. Minnesota Statutes 1996, section 168.012, subdivision 2, is amended to read:

Subd. 2. **FARM VEHICLES.** Implements of husbandry, as defined in section 168A.01, subdivision 8, and tractors used solely for agricultural purposes or tractors, together with trailers or wagons thereto attached, occasionally hauling agricultural products or necessary commodities used on the farm from said farm to and from the usual market place of the owner, tractors for drawing threshing machinery and implements of husbandry temporarily moved upon the highway, shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter.

Sec. 4. Minnesota Statutes 1996, section 168A.01, subdivision 8, is amended to read:

Subd. 8. **IMPLEMENT OF HUSBANDRY.** (a) "Implement of husbandry" means every vehicle, including a farm tractor and farm wagon, designed and or adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(b) A towed vehicle meeting the description in paragraph (a) is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle.

(c) A self-propelled motor vehicle used in livestock raising operations is an implement of husbandry only if it is:

- (1) owned by or under the control of a farmer;
- (2) operated at speeds not exceeding 30 miles per hour; and

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(3) displaying the slow-moving vehicle emblem described in section 169.522.

Sec. 5. Minnesota Statutes 1996, section 169.01, subdivision 55, is amended to read:

Subd. 55. **IMPLEMENT OF HUSBANDRY.** (a) “Implement of husbandry” means every vehicle, including a farm tractor and farm wagon, designed or adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry.

(b) A towed vehicle meeting the description in paragraph (a) is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle has the meaning given in section 168A.01, subdivision 8.

Sec. 6. Minnesota Statutes 1996, section 169.01, subdivision 81, is amended to read:

Subd. 81. **RESIDENTIAL ROADWAY.** Residential roadway means a street or portion of a street that is less than one-quarter mile in length and is functionally classified by the commissioner of transportation as a local street by the road authority having jurisdiction.

Sec. 7. Minnesota Statutes 1996, section 169.01, is amended by adding a subdivision to read:

Subd. 84. **DAYTIME.** For purposes of regulating the operation of a motor vehicle, “daytime” means the time from one-half hour before sunrise to one-half hour after sunset.

Sec. 8. Minnesota Statutes 1996, section 169.01, is amended by adding a subdivision to read:

Subd. 85. **NIGHTTIME.** For purposes of regulating the operation of a motor vehicle, “nighttime” means the time from one-half hour after sunset to one-half hour before sunrise.

Sec. 9. Minnesota Statutes 1996, section 169.14, subdivision 2, is amended to read:

Subd. 2. **SPEED LIMITS.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour on non-Interstate freeways and expressways, as defined in section 160.02, subdivision 16, outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on Interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on Interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

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(6) ten miles per hour in alleys; and

(5) (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5) (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

Sec. 10. Minnesota Statutes 1996, section 169.14, subdivision 3, is amended to read:

Subd. 3. **REDUCED SPEED REQUIRED.** (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Sec. 11. Minnesota Statutes 1996, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. **SPEED ZONING IN WORK ZONES; SURCHARGE.** (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b), or who violates any other provision of this section ~~or section 169.141~~ while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

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Sec. 12. Minnesota Statutes 1996, section 169.145, is amended to read:

**169.145 IMPLEMENTS OF HUSBANDRY; SPEED; BRAKES.**

No person may:

- (1) drive or tow an implement of husbandry that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes; or
- (2) tow a vehicle registered as a farm trailer that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes and exceeding 6,000 pounds, at a speed in excess of ~~25~~ 30 miles per hour.

Sec. 13. Minnesota Statutes 1996, section 169.17, is amended to read:

**169.17 EMERGENCY VEHICLES.**

The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized emergency vehicles when vehicle responding to an emergency calls, ~~but the drivers thereof call.~~ Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

Sec. 14. Minnesota Statutes 1996, section 169.522, subdivision 1, is amended to read:

Subdivision 1. **DISPLAYING EMBLEM; RULES.** (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of ~~25~~ 30 miles per hour or less shall display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the manual of uniform traffic control devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than ~~25~~ 30 miles per hour without removing the slow-moving vehicle emblem. The emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall not be necessary to display a similar emblem on the secondary unit. After January 1, 1975, all slow-moving vehicle emblems sold in this state shall be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of head lamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall be adopted by rule in accordance with the administrative procedure act. A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.

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(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Sec. 15. Minnesota Statutes 1996, section 169.801, subdivision 1, is amended to read:

Subdivision 1. **EXEMPTION FROM SIZE, WEIGHT, LOAD PROVISIONS.** Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to:

(1) a horse-drawn wagon while carrying a load of loose straw or hay;

(2) a specialized vehicle resembling a low-slung trailer having a short bed or platform, while transporting one or more implements of husbandry; or

(3) an implement of husbandry while being driven or towed at a speed of not more than 25 30 miles per hour; provided that this exemption applies to an implement of husbandry owned, leased, or under the control of a farmer or implement dealer only while the implement of husbandry is being operated on noninterstate roads or highways within 75 miles of any farmland or implement dealership: (i) owned, leased, or operated by the farmer or implement dealer and (ii) on which the farmer or implement dealer regularly uses or sells or leases the implement of husbandry.

Sec. 16. Minnesota Statutes 1996, section 174.23, is amended by adding a subdivision to read:

Subd. 9. **COST REIMBURSEMENT POLICIES.** The commissioner of transportation shall establish reimbursement policies based on the cost principles of the federal acquisition regulations to determine the reasonableness and allowability of various costs, including overhead factors, direct salary costs, and other costs of design and consultant contracts.

Sec. 17. Minnesota Statutes 1996, section 473.894, subdivision 3, is amended to read:

Subd. 3. **APPLICATION TO FCC.** Within 180 days from adoption of the regional public safety radio system communication plan the commissioner of transportation, on behalf of the state of Minnesota, shall use the plan adopted by the board under subdivision 2 to submit an extended implementation application to the Federal Communications Commission (FCC) for the NPSPAC channels and other public safety frequencies available for use in the metropolitan area and necessary to implement the plan. Local governments and all other public or private entities eligible under part 90 of the FCC rules shall not apply for public safety channels in the 821 to 824 and 866 to 869 megahertz bands for use within the metropolitan counties until the FCC takes final action on the regional ap-

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plication submitted under this section. Exceptions to the restrictions on the application for the NPSPAC channels may be granted by the radio board. The Minnesota department of transportation shall hold the master system licenses for all public safety frequencies assigned to the metropolitan area issued by the FCC first phase under the board's plan and these channels shall be used for the implementation of the plan. Local governments and other public and private entities eligible under part 90 of the FCC rules may apply to the FCC as colicensees for subscriber equipment and those portions of the network infrastructure owned by them. Application for colicensing under this section shall require the concurrence of the radio board. The radio board shall hold the master system licenses for the public safety frequencies assigned to local government subsystems under the board's plan and these channels shall be used for implementation of the plan. Upon approval by the board of a local government's subsystem plan and evidence of a signed contract with a vendor for construction of a subsystem consistent with the board's system plan, the board shall apply to the FCC to transfer to the local government the licenses for the public safety frequencies assigned by the plan for use in the network infrastructure owned by the local government. The radio board, the Minnesota department of transportation, and local subsystem owners shall jointly colicense all subscriber equipment for the backbone system.

Sec. 18. Laws 1994, chapter 635, article 1, section 35, is amended to read:

**Sec. 35. TRUNK HIGHWAY NO. 280; NOISE BARRIERS.**

Subdivision 1. **DEFINITION.** For purposes of this section "trunk highway No. 280 project" means a department of transportation highway improvement project on marked trunk highway No. 280 that would improve, expand, or reconstruct the highway.

Subd. 2. **REQUIREMENT TRUNK HIGHWAY NO. 280 NOISE PROBLEMS; RESOLUTION OF PROBLEMS AND ISSUES.** If the commissioner of transportation takes any action between the effective date of this section and June 30, 1996, that would have the effect of delaying the start of the trunk highway No. 280 project beyond June 30, 1997, the commissioner shall, within 12 months after taking that action, erect noise barriers on the highway between marked interstate highways Nos. I-94 and I-35W as provided in the noise barrier component of the project. The department of transportation shall work with the community groups that represent residents who live along marked trunk highway No. 280 to seek solutions consistent with state daytime noise standards, within a reasonable time, for both the continuing and any additional noise problems and noise mitigation issues related to or arising from the highway.

Subd. 3. **REQUIRED ACTIONS.** The department of transportation shall build a noise barrier, if the Lauderdale city council so requests by resolution, or take other appropriate steps in consultation with community groups that represent residents who live along marked trunk highway No. 280, as part of a trunk highway No. 280 project.

**Sec. 19. HIGHWAY ACCESS MANAGEMENT POLICY STUDY.**

The commissioner of transportation shall gather information and consult with public officials of towns, cities, counties, and other political subdivisions to consider views and proposals for establishing a comprehensive, statewide highway access management policy. The commissioner shall make findings and prepare a report to the legislature, with recommendations, covering a wide range of interrelated land use, engineering, and legal procedures and planning designed to maximize the operational efficiency and safety of

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all functional categories of roadways. The commissioner of transportation shall submit the report to the legislature by January 15, 1999.

**Sec. 20. REPEALER.**

(a) Minnesota Statutes 1996, section 169.14, subdivision 4a, is repealed.

(b) Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300, are repealed.

**Sec. 21. APPLICATION.**

Section 11 applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

**Sec. 22. EFFECTIVE DATE.**

Sections 1 to 8, 10 to 17, 19, 20, paragraph (b), and 21 are effective the day following final enactment.

Sections 9 and 20, paragraph (a), are effective July 1, 1997.

Presented to the governor May 30, 1997

Signed by the governor June 3, 1997, 2:24 p.m.

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**CHAPTER 144—S.F.No. 1684**

*An act relating to education; authorizing Minneapolis school board elections to be held at the same time as state elections; amending Minnesota Statutes 1996, section 128D.08, subdivision 1; repealing Minnesota Statutes 1996, section 128D.08, subdivision 2.*

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

Section 1. Minnesota Statutes 1996, section 128D.08, subdivision 1, is amended to read:

Subdivision 1. **SAME AS CITY.** All primary and general school elections of the school district shall be held at the same time and place as the Minneapolis municipal or state primary and general elections. All candidates for school director shall file for office in the manner provided for municipal officers in the city of Minneapolis and a number of candidates equal to twice the number of board vacancies shall be nominated at the school primary election.

**Sec. 2. REPEALER.**

Minnesota Statutes 1996, section 128D.08, subdivision 2, is repealed.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

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