

## CHAPTER 403—S.F.No. 2592

*An act relating to transportation; authorizing advance payment when required by federal government for transportation project; permitting transfer or extinguishment of access rights; regulating snow fence easements, highway closures, signs, certain bicycle racks, semitrailer length, automobile tow dollies, railroad crossings, and transportation of hazardous materials; providing payment for certain culverts; requiring owners to inventory and inspect certain bridges; imposing minimum penalty for violating safety chain requirements; providing for the revision of the state transportation plan; changing the scope of certain exemptions relating to motor carriers; modifying contractor bond requirements for certain transportation projects; authorizing conveyance of certain tax-forfeited land; making technical changes; removing or modifying descriptions of certain routes of the trunk highway system; amending Minnesota Statutes 1996, sections 84.63; 117.21; 160.18, subdivision 1; 160.27, subdivision 7, as added, and by adding a subdivision; 160.296, subdivision 1; 160.80, subdivision 1, and by adding a subdivision; 161.115, subdivisions 38 and 87; 165.03; 169.26, subdivision 1; 169.81, subdivision 2, and by adding a subdivision; 169.82, subdivision 3; 174.03, subdivisions 1a and 2; 174A.06; 221.025; 221.0314, subdivision 9a; 221.034, subdivisions 1 and 5; 270.077; and 574.26, subdivision 1a; Laws 1997, chapter 159, article 2, section 51, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1996, section 161.115, subdivisions 57 and 219.*

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

**Section 1. [16B.171] EXCEPTION FOR FEDERAL TRANSPORTATION CONTRACTS.**

Notwithstanding section 16B.17 or other law to the contrary, the commissioner of transportation may, when required by a federal agency entering into an intergovernmental contract, negotiate contract terms providing for full or partial prepayment to the federal agency before work is performed or services are provided.

Sec. 2. Minnesota Statutes 1996, section 84.63, is amended to read:

**84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND FEDERAL GOVERNMENTS.**

Notwithstanding any existing law to the contrary, the commissioner of natural resources is hereby authorized on behalf of the state to convey to the United States or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of natural resources, permanent or temporary easements for specified periods or otherwise for trails, highways, roads and trails including limitation of right of access from the lands to adjacent highways and roads, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of nonuser as the commissioner of natural resources may determine.

Sec. 3. Minnesota Statutes 1996, section 117.21, is amended to read:

**117.21 EASEMENT TO MAY INCLUDE SNOW FENCES.**

When the right to establish a public road is acquired by the state, or by any of its agencies or political subdivisions, there ~~shall~~ may be included in the easement so acquired the power to erect and maintain temporary snow fences as required upon lands

New language is indicated by underline, deletions by ~~strikeout~~.

adjoining the highway part of which lands have been taken for road purposes. If included, the right to erect and maintain such fences shall be considered in awarding damages, and any award shall be conclusively presumed to include the damages, if any, caused by the right to erect and maintain such fences; provided, that, if the state, or agency or political subdivision thereof, shall file with its petition, or at any time before the question of damages is submitted to a jury, a written disclaimer of its desire and intention to acquire a right to erect and maintain snow fences as to any particular tract of land involved, then no such right shall be acquired in such proceeding and no consideration given to such fences as an element of damage.

Sec. 4. Minnesota Statutes 1996, section 160.18, subdivision 1, is amended to read:

Subdivision 1. **CULVERT ON EXISTING HIGHWAYS.** Except when the easement of access has been acquired, the a road authorities authority, other than town boards and county boards, as to highways a highway already established and constructed shall furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for may grant by permit a suitable approach to such the highway. A town board shall furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for suitable approach to a town road, provided that at any annual town meeting the electors of any town may by resolution authorize the town board to require that all or part of the costs of the furnishing of all culverts on the town roads of such town be paid by the abutting owner. A county board, by resolution, shall, before furnishing any culverts after August 1, 1975, establish The requesting abutting property owner shall pay for the cost and installation of any required culverts unless a road authority, other than the commissioner, adopts by resolution a policy for the furnishing of a culvert to an abutting owner when a culvert is necessary for suitable approach to a county and state-aid road, and such. The policy may include provisions for the payment of all or part of the costs of furnishing such culverts the culvert by the abutting landowner.

Sec. 5. Minnesota Statutes 1996, section 160.27, subdivision 7, as added by Laws 1998, chapter 283, section 2, is amended to read:

Subd. 7. **BICYCLE RACKS AND BICYCLE STORAGE FACILITIES.** In cities of the first class, advertisements, public art, and informational signs may be placed and maintained on bicycle racks and bicycle storage facilities, and on any enclosure around them, if (1) a road authority has authorized issued a permit to the city authorizing the bicycle racks and storage facilities to be placed within the right-of-way of a public highway, (2) the city has recommended and the road authority has authorized in the permit the placement of advertisements, public art, and informational signs on the bicycle racks and bicycle storage facilities, and (3) the placement does not create an unsafe situation. Advertisements, public art, and information signs authorized under this subdivision are subject to the terms and conditions imposed by the road authority authorizing their placement.

Sec. 6. Minnesota Statutes 1996, section 160.27, is amended by adding a subdivision to read:

Subd. 8. **TRUNK HIGHWAY CLOSURE; AUTHORITY, NOTICE, CIVIL PENALTY.** (a) The commissioner may restrict the use of, or close, any state trunk highway for the protection and safety of the public or for the protection of the highway from

New language is indicated by underline, deletions by ~~strikeout~~.

damage during and after storms if there is danger of the road becoming impassable or if visibility is so limited that safe travel is unlikely.

(b) To notify the public that a trunk highway is closed or its use restricted, the commissioner shall give notice by one or more of the following methods:

- (1) erect suitable barriers or obstructions on the highway;
- (2) post warnings or notices of the closing or restricting of a trunk highway;
- (3) place signs to warn, detour, direct, or otherwise control traffic on the highway; or
- (4) place personnel to warn, detour, direct, or otherwise control traffic on the highway.

(c) A person is civilly liable for rescue costs if the person (1) fails to obey the direction or instruction of authorized personnel at the location of the closed highway, or (2) drives over, through, or around a barricade, fence, or obstruction erected to prevent traffic from passing over a portion of a highway closed to public travel. "Civilly liable for rescue costs" means that the person is liable to a state agency or political subdivision for costs incurred for the purpose of rescuing the person, any passengers, or the vehicle. Civil liability may be imposed under this subdivision in addition to the misdemeanor penalty imposed under subdivision 5. However, civil liability must not exceed \$10,000. A fine paid by a defendant in a misdemeanor action that arose from the same violation may not be applied toward payment of the civil liability imposed under this subdivision.

(d) A state agency or political subdivision that incurs costs as described in paragraph (c) may bring an action to recover the civil liability and related legal, administrative, and court costs. A civil action may be commenced as is any civil action.

Sec. 7. Minnesota Statutes 1996, section 160.296, subdivision 1, is amended to read:

Subdivision 1. **PROCEDURE.** (a) A person who desires a specific service sign panel shall request the commissioner of transportation to install the sign. The commissioner of transportation may grant the request if the applicant qualifies for the sign panel and if space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the commissioner of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing. The requests for specific service sign panels shall be renewed every three years.

(b) If the applicant desires to display a business panel, the business panel for each specific service sign panel shall be supplied by the applicant. All costs to fabricate business panels shall be paid by the applicant. All business panels shall be installed and removed by the appropriate road authority. The costs for installing and removing business sign panels on specific service signs located on nonfreeway trunk highways are included in the fee specified in paragraph (a). If a business panel is stolen or damaged beyond repair, the applicant shall supply a new business panel paid for by the applicant.

Sec. 8. Minnesota Statutes 1996, section 160.80, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER MAY ESTABLISH PROGRAM.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways spe-

New language is indicated by underline, deletions by ~~strikeout~~.

cific information on gas, food, camping, and lodging, for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways. ~~The commissioner may implement policies that apply only to signs on interstate highways in urban areas, such as distance requirements from the interstate for eligible services, priority issues, and mixing of service logos.~~

Sec. 9. Minnesota Statutes 1996, section 160.80, is amended by adding a subdivision to read:

Subd. 1a. ELIGIBILITY CRITERIA FOR BUSINESS PANELS. (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

- (1) be open for business;
- (2) have a sign on site that both identifies the business and is visible to motorists;
- (3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;
- (4) not impose a cover charge or otherwise require customers to purchase additional products or services; and
- (5) meet the appropriate criteria in paragraphs (b) to (e).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; serve meals prepared on the premises; and possess any required state or local licensing or approval. Reheated, prepackaged, ready-to-eat food is not "food prepared on the premises." Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations; provide public access to a telephone; and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping; include parking accommodations for each campsite; provide sanitary facilities and drinking water; and possess any required state or local licensing or approval.

(f) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

New language is indicated by underline, deletions by strikeout.

(g) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.

(h) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses, three miles; and for camping businesses, ten miles.

(i) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction.

(j) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: camping, lodging, food, gas.

(k) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.

Sec. 10. Minnesota Statutes 1996, section 161.115, subdivision 38, is amended to read:

Subd. 38. **ROUTE NO. 107.** Beginning at the terminus of Route No. 10 on the westerly limits on the city of Minneapolis, thence extending in an easterly direction to a point on Route No. 104 as herein established at or near Washington Avenue in the city of Minneapolis.

Sec. 11. Minnesota Statutes 1996, section 161.115, subdivision 87, is amended to read:

Subd. 87. **ROUTE NO. 156.** Beginning at a point on Route No. 394 105 in the city of Minneapolis and extending in a northerly and westerly direction to a point on Route No. 62 easterly of the Great Northern Railway at or near the city of Coon Rapids.

Sec. 12. Minnesota Statutes 1996, section 165.03, is amended to read:

#### 165.03 **STRENGTH OF BRIDGES; INSPECTIONS.**

Subdivision 1. **STANDARDS GENERALLY.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under section 169.825 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 2. **INSPECTION AND INVENTORY RESPONSIBILITIES; RULES; FORMS.** The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Bridge inspections shall be made at regular intervals, not to exceed two years, by the following officials owner or official:

(a) The commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) The county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed.

(c) The city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

(d) The commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of such inspection.

(e) The owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under paragraph (a), (b), (c), or (d).

The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The ~~specified owner or highway authorities~~ authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

**Subd. 3. COUNTY INVENTORY AND INSPECTION RECORDS AND REPORTS.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (b), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the county auditor or ~~township~~ town clerk, or the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

**Subd. 4. MUNICIPAL INVENTORY AND INSPECTION RECORDS AND REPORTS.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (c), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

**Subd. 5. AGREEMENTS.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

**Subd. 6. TOLL OTHER BRIDGES.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (e), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals not to exceed two years. The certification shall be accompanied by a report of the inspection. The report shall contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

**Subd. 7. DEPARTMENT OF NATURAL RESOURCES BRIDGES.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources

New language is indicated by underline, deletions by ~~strikeout~~.

shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

- (1) the inspection and inventory of bridges subject to federal law or regulations;
- (2) the frequency of inspection of bridges described in paragraph (a); and
- (3) who may perform inspections required under the memorandum of understanding.

Sec. 13. Minnesota Statutes 1996, section 169.26, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** (a) When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so. These requirements apply when:

- (1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train; or
- (2) ~~a crossing gate is lowered warning of the immediate approach or passage of a railroad train; or~~
- ~~(3) an approaching railroad train is plainly visible and is in hazardous proximity.~~

(b) The fact that a moving train approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.

(c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when a human flagger signals the approach or passage of a train or when a crossing gate is lowered warning of the immediate approach or passage of a railroad train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

Sec. 14. Minnesota Statutes 1996, section 169.81, subdivision 2, is amended to read:

Subd. 2. **LENGTH OF SINGLE VEHICLE; EXCEPTIONS.** (a) Statewide, no single vehicle may exceed 40 feet in overall length, including load and front and rear bumpers, except:

- (1) mobile cranes, which may not exceed 48 feet in overall length; and
- (2) buses, which may not exceed 45 feet in overall length.

(b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air compressors, necessary for safe and efficient operation and located on the end of the semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed ~~41~~ 43 feet.

Statewide, no single trailer may have an overall length exceeding 45 feet, including the tow bar assembly but exclusive of rear bumpers that do not increase the overall length by more than six inches.

New language is indicated by underline, deletions by ~~strikeout~~.

For determining compliance with this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer or trailer.

Sec. 15. Minnesota Statutes 1996, section 169.81, is amended by adding a subdivision to read:

**Subd. 3d. COMBINATIONS INCLUDING AUTOMOBILE TOW DOLLIES.** Notwithstanding subdivisions 2a and 3, a combination consisting of a single unit truck or a pickup truck and not more than two two-wheeled automobile tow dollies may be operated without a permit when:

(1) the combination is operated by an employee or agent of an automobile tow dolly manufacturer or a truck rental company;

(2) no vehicle is being transported on either dolly; and

(3) the combination does not exceed 50 feet in length.

Sec. 16. Minnesota Statutes 1996, section 169.82, subdivision 3, is amended to read:

**Subd. 3. HITCHES; CHAINS; CABLES.** (a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety.

(b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. A minimum fine of \$25 must be imposed for a violation of this paragraph.

(c) This subdivision does not apply to towed implements of husbandry.

No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section 169.145 or 169.67.

Sec. 17. Minnesota Statutes 1996, section 174.03, subdivision 1a, is amended to read:

**Subd. 1a. REVISION OF STATE TRANSPORTATION PLAN.** The commissioner shall revise the state transportation plan by January 1, 1996, January 1, 2000, and,

New language is indicated by underline, deletions by ~~strikeout~~.



if the requirements of clauses (1) and (2) have been met in the previous revision, by January 1 of each ~~odd-numbered~~ every third even-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the preliminary draft of the revised plan. The revised state transportation plan must:

- (1) incorporate the goals of the state transportation system in section 174.01; and
- (2) establish objectives, policies, and strategies for achieving those goals.

Sec. 18. Minnesota Statutes 1996, section 174.03, subdivision 2, is amended to read:

Subd. 2. **IMPLEMENTATION OF PLAN.** After the adoption and each revision of the statewide transportation plan, the commissioner and the transportation regulation board shall take no action inconsistent with the revised plan.

Sec. 19. Minnesota Statutes 1996, section 174A.06, is amended to read:

#### 174A.06 CONTINUATION OF RULES.

Orders and directives heretofore in force, issued, or promulgated by the ~~public service commission, public utilities commission, or the department of transportation~~ under authority of chapters ~~174A, 216A, 218, 219, and 221, and 222~~ remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the commissioner of transportation regulation board. To the extent allowed under federal law or regulation, rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the commissioner of transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board commissioner.

- (1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;
- (2) section 219.40;
- (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;
- (4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;
- (5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and
- (6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections 221.121, 221.151, and 221.296 or certificates of convenience and necessity under section 221.071.

The board commissioner shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives ~~within 18 months of July 1, 1985.~~

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 20. Minnesota Statutes 1996, section 221.025, is amended to read:

**221.025 EXEMPTIONS.**

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451 and the transportation of children or parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected and certified under section 169.451;

(b) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (1) disabled or wrecked motor vehicles or (2) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a ~~25-mile~~ 100-mile radius from the person's home post

New language is indicated by underline, deletions by ~~strikeout~~.

office and the carrier may transport other commodities within the ~~25-mile~~ 100-mile radius if the destination of each haul is a farm;

(n) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the metropolitan council;

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less; and

(p) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 21. Minnesota Statutes 1996, section 221.0314, subdivision 9a, is amended to read:

Subd. 9a. **HOURS OF SERVICE EXEMPTION.** The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to March 15 of each year;

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Sec. 22. Minnesota Statutes 1996, section 221.034, subdivision 1, is amended to read:

Subdivision 1. **NOTICE REQUIRED.** At the earliest practicable moment, each person who transports hazardous materials, including hazardous wastes, shall give notice in accordance with subdivision 2 after each incident that occurs during the course of transportation including loading, unloading, and temporary storage, in which as a direct result of hazardous materials:

- (1) a person is killed;
- (2) a person receives injuries requiring hospitalization;
- (3) estimated carrier or other property damage exceeds \$50,000;
- (4) an evacuation of the general public occurs lasting one or more hours;
- (5) one or more major transportation arteries or facilities are closed or shut down for one hour or more;
- (6) the operational flight pattern or routine of an aircraft is altered;
- (7) fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material;

New language is indicated by underline, deletions by ~~strikeout~~.

(8) fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(9) a situation exists of such a nature that, in the judgment of the carrier, it should be reported in accordance with subdivision 2 even though it does not meet the criteria of clause (1), (2), or (3), but a continuing danger to life exists at the scene of the incident; or

(10) there has been a release of a marine pollutant in a quantity exceeding 450 liters (119 gallons) for liquids or 450 kilograms (882 pounds) for solids.

Sec. 23. Minnesota Statutes 1996, section 221.034, subdivision 5, is amended to read:

Subd. 5. **DISCHARGES NOT APPLICABLE.** Except as provided in subdivision 6, the requirements of subdivision 3 do not apply to incidents involving the unintentional release of hazardous materials being transported under the following proper shipping names:

(1) consumer commodity;

(2) battery, electric storage, wet, filled with acid or alkali;

(3) paint, enamel, lacquer, stain, shellac or varnish aluminum, bronze, gold, wood filler, and liquid or lacquer base liquid when shipped in packagings of five gallons or less; or

(4) materials prepared and transported as a limited quantity according to Code of Federal Regulations, title 49, subchapter C.

Sec. 24. Minnesota Statutes 1996, section 270.077, is amended to read:

**270.077 TAXES CREDITED TO STATE AIRPORTS FUND CREATED.**

There is hereby created in the state treasury a fund to be known as the state airports fund to which shall be credited the proceeds of All taxes levied under sections 270.071 to 270.079 and all other moneys which may be deposited to the credit thereof pursuant to any other provision of law. All moneys in the state airports fund are hereby appropriated to the commissioner of transportation for the purpose of acquiring, constructing, improving, maintaining, and operating airports and other air navigation facilities for the state, and to assist municipalities within the state in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities must be credited to the state airports fund created in section 360.017.

Sec. 25. Minnesota Statutes 1996, section 574.26, subdivision 1a, is amended to read:

Subd. 1a. **EXEMPTION; EXEMPTIONS: CERTAIN MANUFACTURERS; COMMISSIONER OF TRANSPORTATION.** (a) Sections 574.26 to 574.32 do not apply to a manufacturer of public transit buses that manufactures at least 100 public transit buses in a calendar year. For purposes of this section, "public transit bus" means a motor vehicle designed to transport people, with a design capacity for carrying more than 40 passengers, including the driver. The term "public transit bus" does not include a school bus, as defined in section 169.01, subdivision 6.

(b) At the discretion of the commissioner of transportation, sections 574.26 to 574.32 do not apply to any projects of the department of transportation (1) costing less

New language is indicated by underline, deletions by strikeout.

than \$75,000, or (2) involving the permanent or semipermanent installation of heavy machinery, fixtures, or other capital equipment to be used primarily for maintenance or repair.

Sec. 26. Laws 1997, chapter 159, article 2, section 51, subdivision 1, is amended to read:

Subdivision 1. **STUDY.** The commissioner of transportation, through the division of railroads and waterways, shall conduct a study of the potential of utilizing freight rail corridors in of the Twin Cities metropolitan area for commuter rail service. The commissioner shall perform the study in coordination with the metropolitan council and other affected metropolitan regional rail authorities and, affected metropolitan railroad companies, and the designated representatives of organized railroad employees. At least one representative of regional rail authorities, of railroad management, of operating craft employees, and of nonoperating craft employees shall serve on the policy formulation body and all other bodies of the study committee. Both employee members shall be selected by representatives of rail employees. The study committee shall consider, among other things, the positive and negative effects of commuter rail service on surrounding neighborhoods.

**Sec. 27. SALE OF TAX-FORFEITED LAND; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Hennepin county may sell to the Minnesota department of transportation the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in the form approved by the attorney general.

(c) The land that may be conveyed is located in the city of Champlin, Hennepin county and is described as: That part of Lot 11, Block 5, Auditor's Subdivision No. 15, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying south of a line run parallel with and distant 43 feet north of the south line of Government Lot 3, Section 19, Township 120 North, Range 21 West and lying east of a line run parallel with and distant 36.5 feet east of the west line of said Government Lot 3;

together with all right of access, being the right of ingress to and egress from said Lot 11 to U.S. Highway No. 169 and Hayden Lake Road.

Subject to permanent easement for sanitary sewers granted to the metropolitan council on March 2, 1995, by the Hennepin county auditor. Subject to easements of record.

**Sec. 28. REPEALER.**

(a) Minnesota Statutes 1996, section 161.115, subdivision 57, which describes legislative route No. 126, is repealed.

(b) Minnesota Statutes 1996, section 161.115, subdivision 219, is repealed when the transfer of jurisdiction of legislative route No. 288 is agreed to by the commissioner of transportation and the Anoka county board and a copy of the agreement, signed by the commissioner and the chair of the Anoka county board is filed in the office of the commissioner.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 29. INSTRUCTION TO THE REVISOR.**

(a) The revisor of statutes shall delete the route identified in section 28, paragraph (b), in the next publication of Minnesota Statutes unless the commissioner of transportation informs the revisor that the conditions required to transfer the route were not satisfied.

(b) The revisor of statutes is directed to change the terms "transportation regulation board," "board," "board's," "board or commissioner," "commissioner or board," "board or the commissioner," "commissioner or the board," "commissioner and the board," "commissioner and board," "board and the commissioner," "board and commissioner," "department and board," "board or department," and "board and the department," when referring to the transportation regulation board, to the term "commissioner," "commissioner's," or "commissioner of transportation," as appropriate, wherever those terms appear in Minnesota Statutes, chapters 218, 219, and 222.

**Sec. 30. DESCRIPTION OF ROUTE NO. 156 CHANGED; EFFECTIVE DATE.**

Section 11 is effective when the transfer of jurisdiction of a portion of route No. 156 is agreed to by the commissioner of transportation and Hennepin county and a copy of the agreement, signed by the commissioner and the chair of the Hennepin county board, has been filed in the office of the commissioner.

**Sec. 31. EFFECTIVE DATE.**

Sections 1, 5, 8, 9, 15, and 26 are effective the day following final enactment. Sections 4 and 25 are effective July 1, 1998.

Presented to the governor April 10, 1998

Signed by the governor April 20, 1998, 11:12 a.m.

**CHAPTER 404—H.F.No. 3843**

*An act relating to public administration; authorizing spending for public purposes; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing state bonds; appropriating money; amending Minnesota Statutes 1996, sections 16A.105; 16A.11, subdivision 3a, and by adding a subdivision; 16A.501; 16B.30; 85.019, subdivision 4a; 103F.725, subdivision 1a; 116.16, subdivision 5; 116.182, subdivision 1, and by adding a subdivision; 446A.072, subdivisions 2, 4, and by adding a subdivision; 473.39, by adding a subdivision; 473.399; 473.3994, subdivisions 5, 10, and 12; and 473.3998; Minnesota Statutes 1997 Supplement, sections 16A.641, subdivision 4; 16B.335, subdivision 1; 116.18, subdivision 3c; 124C.498, subdivision 2; 268.917; and 462A.202, subdivision 3a; Laws 1963, chapter 305, sections 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11; Laws 1986, chapter 396, section 2, subdivision 1, as amended; Laws 1990, chapter 610, article 1, section 16, subdivision 4; Laws 1994, chapter 643, section 2, subdivision 13; Laws 1996, chapter 463, sections 13, subdivision 4, as amended, 14, subdivisions 2 and 6, and 22, subdivision 7; and Laws 1997, chapter 202, article 1, section 35, as amended; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1996, section 473.3994, subdivision 11; Minnesota Statutes 1997 Supple-*

**New language is indicated by underline, deletions by strikeout.**