

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3368

(SENATE AUTHORS: KOENEN)

DATE	D-PG	OFFICIAL STATUS
03/31/2016	5423	Introduction and first reading Referred to Transportation and Public Safety
04/11/2016	5774a	Comm report: To pass as amended
	5799	Second reading
05/10/2016		Special Order: Amended Third reading Passed

1.1 A bill for an act
 1.2 relating to transportation; modifying permit requirements for temporary use
 1.3 of certain rights-of-way; amending Minnesota Statutes 2014, section 160.27,
 1.4 by adding subdivisions; Minnesota Statutes 2015 Supplement, section 160.27,
 1.5 subdivision 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 certain field**
 1.10 **application.** (a) In connection with the use of the road right-of-way ~~of a road authority~~
 1.11 ~~controlled by the commissioner~~, excluding on controlled-access highways under section
 1.12 160.08, a property owner or occupant of property abutting the road right-of-way may
 1.13 apply for a permit for temporary placement, for up to 14 days, of a pressurized flexible
 1.14 force main for 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 Sec. 2. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision
2.2 to read:

2.3 **Subd. 11. Local road authority temporary permit for certain field application.**

2.4 A local road authority that has implemented a permitting system shall issue a permit to
2.5 an applicant who:

2.6 (1) seeks to transport manure for field application by means of a pressurized flexible
2.7 force main placed in the right-of-way of a road that is not a controlled-access highway
2.8 under section 160.08, but is under the control of the local authority;

2.9 (2) provides a minimum of one day's notice to the local authority of the intended
2.10 placement of the force main;

2.11 (3) holds a valid commercial animal waste technician applicator license under
2.12 section 18C.430; and

2.13 (4) ensures, to the road authority's satisfaction, that the project will not unreasonably
2.14 interfere with maintenance activities authorized by the road authority or with a property
2.15 owner's or occupant's access to private property.

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

2.18 **Subd. 12. General authority for certain field application.** (a) When the local road
2.19 authority has not implemented a permitting system, an owner or occupant of property may
2.20 temporarily place, on the right-of-way of a county highway, county state-aid highway,
2.21 or town road a pressurized flexible force main for the transport of manure for field
2.22 application, if the following requirements are met:

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

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

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

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

2.28 (5) the property owner or occupant provides oral or written notice to the appropriate
2.29 county or town at least one business day prior to placement of the force main in the
2.30 right-of-way;

2.31 (6) the project does not unreasonably interfere with maintenance activities authorized
2.32 by the road authority or with a property owner's or occupant's access to private property; and

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

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

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

3.10 Sec. 4. **EFFECTIVE DATE.**

3.11 Sections 1 to 3 are effective the day following final enactment.