

House Research Act Summary

CHAPTER: 168 (S.F. 3368)

SESSION: 2016 Regular Session

TOPIC: Road right-of-way use; field application of manure

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Overview

This act amends a 2015 law on permits issued to allow use of road right-of-way to temporarily run a flexible force main pipe in order to apply manure to a field. It creates separate permit provisions for trunk highway right-of-way and for local roads, and also allows right-of-way use when a local ordinance is not in place. Various conditions on force main placement are established. The act also contains liability and immunity provisions.

Section

- 1 Department of Transportation temporary permit for field application.** Narrows an existing temporary permit provision on field application of manure using a flexible force main pipe, so that the provision only applies for trunk highway right-of-way under the jurisdiction of the Minnesota Department of Transportation.
- 2 Local road authority temporary permit for field application.** Creates a separate authority for local units of government (counties, cities, and towns) to create a permitting process by ordinance for temporary placement of force mains in local road right-of-way. Among the requirements, the permit must be valid for at least one year, no permit fee can be charged, and prior notice must be provided. The local unit of government must issue a permit if all statutory requirements are met.
- 3 General authority for certain field application.** Creates authority for temporary placement of force mains in local road right-of-way, which applies when the local unit of government has not established an ordinance on force main placement.
- 4 General regulations regarding certain field application.** Establishes various requirements governing placement of force mains in local road right-of-way, whether operating under a permit (see section 2) or under the general authority provision (see section 3). The

Section

requirements cover various topics, including prior notice and information to be provided to the local unit of government, details on force main and pumping equipment placement, noninterference conditions, field application by a licensed technician, and cleanup responsibility.

- 5** **Damage or spills; liability and immunity.** Paragraph (a) makes the company employing the licensed technician liable for cleanup and repair costs from damage during force main placement, use, or removal.

Paragraph (b) provides immunity for MnDOT and local units of government from civil suits arising from force main placement or operation.

- 6** **Effective date.** Makes the act effective June 1, 2016.