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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3355

03/05/2018 Authored by Koznick and Kunesh-Podein The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act
1.2 relating to transportation; modifying various provisions governing or administered
1.3 by the Department of Transportation; amending Minnesota Statutes 2016, sections
1.4 117.075, subdivisions 2, 3; 161.115, subdivision 111; 161.32, subdivision 2; 169.81,
1.5 by adding a subdivision; 169.8261, subdivision 2; 174.37, subdivision 6; 574.26,
1.6 subdivision 1a; Minnesota Statutes 2017 Supplement, section 169.829, subdivision
1.7 4; proposing coding for new law in Minnesota Statutes, chapter 161.

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

1.9 Section 1. Minnesota Statutes 2016, section 117.075, subdivision 2, is amended to read:

1.10 Subd. 2. Appoint commissioners for damages. (a) If the proposed taking shall appear
1.11 to be necessary and such as is authorized by law, the court by an order shall appoint three
1.12 disinterested commissioners, and at least two alternates, to ascertain and report the amount
1.13 of damages that will be sustained by the several owners on account of such taking.

1.14 (b) A disinterested commissioner or alternate appointed under this subdivision must
1.15 reside in Minnesota.

1.16 Sec. 2. Minnesota Statutes 2016, section 117.075, subdivision 3, is amended to read:

1.17 Subd. 3. Commissioner qualifications. Before appointing a commissioner, The court
1.18 shall inquire whether each prospective commissioner has any relationship, business or
1.19 otherwise, to any of the parties in the proceeding, or any interest in the proceeding which
1.20 may constitute a conflict of interest, or which may create the appearance of impropriety
1.21 should that person be appointed. Responses to this inquiry must be either written or on the
1.22 record and made available by the court to any party in the proceeding before and after
1.23 appointment. No person who might have difficulty in rendering an unbiased decision may

2.1 be appointed to serve. The court, in its discretion, may appoint one registered, practicing
 2.2 attorney to the commission who is knowledgeable in eminent domain matters. All other
 2.3 commissioners appointed must be persons actively engaged in the occupation of real estate
 2.4 sales or real estate appraising or persons knowledgeable in real estate values.

2.5 Sec. 3. Minnesota Statutes 2016, section 161.115, subdivision 111, is amended to read:

2.6 Subd. 111. **Route No. 180.** Beginning at a point on Route No. ~~392 southwest or west~~
 2.7 ~~of Ashby 3 at or near Erdahl,~~ thence extending in a general northerly or northeasterly
 2.8 direction to a point on ~~Route No. 153 as herein established at or near Ashby,~~ thence extending
 2.9 ~~in a northeasterly direction to a point on~~ Route No. 181 as herein established at or near
 2.10 Ottertail.

2.11 Sec. 4. Minnesota Statutes 2016, section 161.32, subdivision 2, is amended to read:

2.12 Subd. 2. **Direct negotiation.** In cases where the estimated cost of construction work or
 2.13 maintenance work does not exceed ~~\$150,000~~ \$250,000, the commissioner may enter into
 2.14 a contract for the work by direct negotiation, by obtaining two or more quotations for the
 2.15 work, and without advertising for bids or otherwise complying with the requirements of
 2.16 competitive bidding if the total contractual obligation of the state for the directly negotiated
 2.17 contract or contracts on any single project does not exceed ~~\$150,000~~ \$250,000. All quotations
 2.18 obtained shall be kept on file for a period of at least one year after receipt of the quotation.

2.19 Sec. 5. **[161.369] INDIAN EMPLOYMENT PREFERENCE.**

2.20 As authorized by United States Code, title 23, section 140(d), the commissioner of
 2.21 transportation may implement an Indian employment preference for members of federally
 2.22 recognized tribes on projects carried out under United States Code, title 23, on or near an
 2.23 Indian reservation. For purposes of this section, a project is on or near a reservation if: (1)
 2.24 the project is within the distance a person seeking employment could reasonably be expected
 2.25 to commute to and from each work day; or (2) the commissioner, in consultation with
 2.26 federally recognized Minnesota tribes, determines a project is near an Indian reservation.

2.27 Sec. 6. Minnesota Statutes 2016, section 169.81, is amended by adding a subdivision to
 2.28 read:

2.29 Subd. 11. **Automobile transporter.** (a) For purposes of this subdivision, the following
 2.30 terms have the meanings given them:

3.1 (1) "automobile transporter" means any vehicle combination designed and used to
3.2 transport assembled highway vehicles, including truck camper units;

3.3 (2) "stinger-steered automobile transporter" means a truck tractor semitrailer having the
3.4 fifth wheel located on a drop frame located behind and below the rear-most axle of the
3.5 power unit; and

3.6 (3) "backhaul" means the return trip of a vehicle transporting cargo or general freight,
3.7 especially when carrying goods back over all or part of the same route.

3.8 (b) Stinger-steered combination automobile transporters having a length of 80 feet or
3.9 less may be operated on interstate highways and other highways designated in this section,
3.10 and may carry a load that extends four feet or less in the front of the vehicle and six feet or
3.11 less in the rear of the vehicle.

3.12 (c) An automobile transporter may transport cargo or general freight on a backhaul,
3.13 provided it complies with weight limitations for a truck tractor and semitrailer combination
3.14 under section 169.824.

3.15 Sec. 7. Minnesota Statutes 2016, section 169.8261, subdivision 2, is amended to read:

3.16 Subd. 2. **Conditions.** (a) A vehicle or combination of vehicles described in subdivision
3.17 1 must:

3.18 (1) comply with seasonal load restrictions in effect between the dates set by the
3.19 commissioner under section 169.87, subdivision 2;

3.20 (2) comply with bridge load limits posted under section 169.84;

3.21 (3) be equipped and operated with six or more axles and brakes on all wheels;

3.22 (4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle
3.23 weight during the time when seasonal increases are authorized under section 169.826;

3.24 (5) not be operated on interstate highways;

3.25 (6) obtain an annual permit from the commissioner of transportation;

3.26 (7) obey all road postings; and

3.27 (8) not exceed 20,000 pounds gross weight on any single axle.

3.28 (b) A vehicle operated under this section may exceed the legal axle weight limits listed
3.29 in section 169.824 by not more than 12.5 percent; except that, the weight limits may be
3.30 exceeded by not more than 23.75 percent during the time when seasonal increases are
3.31 authorized under section 169.826, subdivision 1.

4.1 (c) Notwithstanding paragraph (a), clause (5), a vehicle or combination of vehicles
 4.2 hauling raw or unfinished forest products may also operate on the segment of Interstate
 4.3 Route 35 provided under United States Code, title 23, section 127.

4.4 Sec. 8. Minnesota Statutes 2017 Supplement, section 169.829, subdivision 4, is amended
 4.5 to read:

4.6 Subd. 4. **Certain emergency vehicles.** (a) The provisions of sections 169.80 to 169.88
 4.7 governing size, weight, and load do not apply to a fire apparatus, a law enforcement special
 4.8 response vehicle, or a licensed land emergency ambulance service vehicle.

4.9 (b) Emergency vehicles designed to transport personnel and equipment to support the
 4.10 suppression of fires and to mitigate other hazardous situations are subject to the following
 4.11 weight limitations when operated on an interstate highway: (1) 24,000 pounds on a single
 4.12 steering axle; (2) 33,500 pounds on a single drive axle; (3) 52,000 pounds on a tandem rear
 4.13 drive steer axle; and (4) 62,000 pounds on a tandem axle. The gross weight of an emergency
 4.14 vehicle operating on an interstate highway must not exceed 86,000 pounds.

4.15 Sec. 9. Minnesota Statutes 2016, section 174.37, subdivision 6, is amended to read:

4.16 Subd. 6. **Expiration.** The committee expires June 30, ~~2018~~ 2022.

4.17 Sec. 10. Minnesota Statutes 2016, section 574.26, subdivision 1a, is amended to read:

4.18 Subd. 1a. **Exemptions: certain manufacturers; commissioner of transportation;**
 4.19 **road maintenance.** (a) Sections 574.26 to 574.32 do not apply to a manufacturer of public
 4.20 transit buses that manufactures at least 100 public transit buses in a calendar year. For
 4.21 purposes of this section, "public transit bus" means a motor vehicle designed to transport
 4.22 people, with a design capacity for carrying more than 40 passengers, including the driver.
 4.23 The term "public transit bus" does not include a school bus, as defined in section 169.011,
 4.24 subdivision 71.

4.25 (b) At the discretion of the commissioner of transportation, sections 574.26 to 574.32
 4.26 do not apply to any projects of the Department of Transportation (1) costing less than the
 4.27 amount in section 471.345, subdivision 3, ~~or~~ (2) involving the permanent or semipermanent
 4.28 installation of heavy machinery, fixtures, or other capital equipment to be used primarily
 4.29 for maintenance or repair, or (3) awarded under section 161.32, subdivision 2.

4.30 (c) Sections 574.26 to 574.32 do not apply to contracts for snow removal, ice removal,
 4.31 grading, or other similar routine road maintenance on town roads.

5.1 Sec. 11. **LEGISLATIVE ROUTE NO. 222 REMOVED.**

5.2 (a) Minnesota Statutes, section 161.115, subdivision 153, is repealed effective the day
5.3 after the commissioner of transportation receives a copy of the agreement between the
5.4 commissioner and the governing body of Red Lake County to transfer jurisdiction of
5.5 Legislative Route No. 222 and after the commissioner notifies the revisor of statutes under
5.6 paragraph (b).

5.7 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
5.8 Statutes when the commissioner of transportation sends notice to the revisor electronically
5.9 or in writing that the conditions required to transfer the route have been satisfied.

5.10 Sec. 12. **LEGISLATIVE ROUTE NO. 253 REMOVED.**

5.11 (a) Minnesota Statutes, section 161.115, subdivision 184, is repealed effective the day
5.12 after the commissioner of transportation receives a copy of the agreement between the
5.13 commissioner and the governing body of Faribault County to transfer jurisdiction of
5.14 Legislative Route No. 253 and after the commissioner notifies the revisor of statutes under
5.15 paragraph (b).

5.16 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
5.17 Statutes when the commissioner of transportation sends notice to the revisor electronically
5.18 or in writing that the conditions required to transfer the route have been satisfied.

5.19 Sec. 13. **LEGISLATIVE ROUTE NO. 254 REMOVED.**

5.20 (a) Minnesota Statutes, section 161.115, subdivision 185, is repealed effective the day
5.21 after the commissioner of transportation receives a copy of the agreement between the
5.22 commissioner and the governing body of Faribault County to transfer jurisdiction of
5.23 Legislative Route No. 254 and after the commissioner notifies the revisor of statutes under
5.24 paragraph (b).

5.25 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
5.26 Statutes when the commissioner of transportation sends notice to the revisor electronically
5.27 or in writing that the conditions required to transfer the route have been satisfied.

5.28 Sec. 14. **LEGISLATIVE ROUTE NO. 277 REMOVED.**

5.29 (a) Minnesota Statutes, section 161.115, subdivision 208, is repealed effective the day
5.30 after the commissioner of transportation receives a copy of the agreement between the
5.31 commissioner and the governing body of Chippewa County to transfer jurisdiction of

6.1 Legislative Route No. 277 and after the commissioner notifies the revisor of statutes under
6.2 paragraph (b).

6.3 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
6.4 Statutes when the commissioner of transportation sends notice to the revisor electronically
6.5 or in writing that the conditions required to transfer the route have been satisfied.

6.6 **Sec. 15. LEGISLATIVE ROUTE NO. 298 REMOVED.**

6.7 (a) Minnesota Statutes, section 161.115, subdivision 229, is repealed effective the day
6.8 after the commissioner of transportation receives a copy of the agreement between the
6.9 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
6.10 Legislative Route No. 298 and after the commissioner notifies the revisor of statutes under
6.11 paragraph (b).

6.12 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
6.13 Statutes when the commissioner of transportation sends notice to the revisor electronically
6.14 or in writing that the conditions required to transfer the route have been satisfied.

6.15 **Sec. 16. LEGISLATIVE ROUTE NO. 299 REMOVED.**

6.16 (a) Minnesota Statutes, section 161.115, subdivision 230, is repealed effective the day
6.17 after the commissioner of transportation receives a copy of the agreement between the
6.18 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
6.19 Legislative Route No. 299 and after the commissioner notifies the revisor of statutes under
6.20 paragraph (b).

6.21 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
6.22 Statutes when the commissioner of transportation sends notice to the revisor electronically
6.23 or in writing that the conditions required to transfer the route have been satisfied.

6.24 **Sec. 17. LEGISLATIVE ROUTE NO. 323 REMOVED.**

6.25 (a) Minnesota Statutes, section 161.115, subdivision 254, is repealed effective the day
6.26 after the commissioner of transportation receives a copy of the agreement between the
6.27 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
6.28 Legislative Route No. 323 and after the commissioner notifies the revisor of statutes under
6.29 paragraph (b).

- 7.1 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
7.2 Statutes when the commissioner of transportation sends notice to the revisor electronically
7.3 or in writing that the conditions required to transfer the route have been satisfied.