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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **124**

01/09/2017 Authored by Swedzinski, Gruenhagen, Lueck, Backer, Davids and others
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
02/16/2017 Adoption of Report: Amended and re-referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to transportation; prohibiting road authorities from establishing certain
1.3 requirements and permits that govern mowing and haying; amending Minnesota
1.4 Statutes 2016, section 160.232.

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

1.6 Section 1. Minnesota Statutes 2016, section 160.232, is amended to read:

1.7 **160.232 MOWING DITCHES OUTSIDE CITIES AND HAYING.**

1.8 Subdivision 1. General limitation for road authorities. ~~(a)~~ To provide enhanced
1.9 roadside habitat for nesting birds and other small wildlife, road authorities may not mow
1.10 or till the right-of-way of a highway located outside of a home rule charter or statutory city
1.11 except as allowed in this section and section 160.23.

1.12 ~~(b)~~

1.13 Subd. 2. Dates of mowing. (a) On any highway, the first eight feet away from the road
1.14 surface, or shoulder if one exists, may be mowed at any time.

1.15 ~~(c) An entire right-of-way may be mowed after July 31. From August 31 to the following~~
1.16 ~~July 31, the entire right-of-way may only be mowed if necessary for safety reasons, but~~
1.17 ~~may not be mowed to a height of less than 12 inches.~~

1.18 ~~(d) A right-of-way may be mowed~~ (b) A road authority may mow an entire right-of-way
1.19 only from August 1 to August 31, except that a right-of-way may be mowed to a height of
1.20 no less than 12 inches (1) as necessary to maintain sight distance or for other safety and
1.21 ~~may be mowed~~ reasons; and (2) at other times under rules of the commissioner, or by
1.22 ordinance of a local road authority not conflicting with the rules of the commissioner.

2.1 (c) Nothing in paragraph (b) prevents mowing or haying by a person independent of the
2.2 road authority, as provided in subdivision 3.

2.3 Subd. 3. **Trunk highways.** (a) The commissioner is prohibited from (1) requiring a
2.4 person to obtain a permit in order to mow or hay trunk highway rights-of-way, and (2)
2.5 establishing limitations or requirements that govern trunk highway rights-of-way mowing
2.6 or haying.

2.7 (b) A landowner or occupant of land that is adjacent to a trunk highway right-of-way
2.8 may, with respect to the adjacent right-of-way:

2.9 (1) without notice to the commissioner, mow or hay, or designate another person who
2.10 may mow or hay; or

2.11 (2) notify the commissioner, whether in writing or by telephone, to specify that no
2.12 mowing or haying can occur.

2.13 (c) Notwithstanding paragraphs (a) and (b), the commissioner may restrict mowing or
2.14 haying:

2.15 (1) within the rights-of-way of a freeway;

2.16 (2) within the project limits of a construction or maintenance project; or

2.17 (3) due to an identified threat of a spread of weeds that are determined to be prohibited
2.18 noxious weeds on the eradicate list under section 18.771, paragraph (b), by placing a
2.19 temporary flag or marker that indicates the geographic area and dates of the mowing or
2.20 haying restriction.

2.21 Subd. 4. **Management practices.** ~~(e)~~ (a) A right-of-way may be mowed, burned, or
2.22 tilled by a road authority to prepare the right-of-way for the establishment of permanent
2.23 vegetative cover or for prairie vegetation management.

2.24 ~~(f)~~ (b) When feasible, road authorities are encouraged to utilize low maintenance, native
2.25 vegetation that reduces the need to mow, provides wildlife habitat, and maintains public
2.26 safety.

2.27 ~~(g)~~ (c) The commissioner of natural resources shall cooperate with the commissioner of
2.28 transportation to provide enhanced roadside habitat for nesting birds and other small wildlife.

2.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.