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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3983

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act  
1.2 relating to transportation; regulating highway right-of-way mowing practices;  
1.3 providing for pollinator habitat management; amending Minnesota Statutes 2020,  
1.4 sections 160.23; 160.232.

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

1.6 Section 1. Minnesota Statutes 2020, section 160.23, is amended to read:

1.7 **160.23 DESTRUCTION OF NOXIOUS WEEDS.**

1.8 Road authorities, ~~including road authorities of cities shall cause~~ must cut down, eradicate,  
1.9 or otherwise destroy all noxious weeds on ~~their respective highways and streets to be cut~~  
1.10 ~~down or otherwise destroyed or eradicated~~ highway and street rights-of-way owned or  
1.11 controlled by the road authority. The cutting, eradication, or destruction must occur as often  
1.12 as ~~may be~~ is necessary to prevent the ripening or scattering of seed and other propagating  
1.13 parts of such the noxious weeds. When destroying noxious weeds within a right-of-way,  
1.14 the road authority must use integrated roadside vegetation management, as defined in section  
1.15 160.232, and the most effective integrated pest management methods that are minimally  
1.16 disruptive to pollinators. If noxious weed conditions do not justify full treatment of the  
1.17 entire right-of-way, spot treatment must be used.

1.18 Sec. 2. Minnesota Statutes 2020, section 160.232, is amended to read:

1.19 **160.232 MOWING DITCHES ~~OUTSIDE CITIES;~~ POLLINATOR**  
1.20 **MANAGEMENT.**

1.21 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
1.22 the meanings given.

2.1 (b) "Integrated roadside vegetation management" means an approach to right-of-way  
 2.2 maintenance that combines a variety of techniques based on sound ecological principles,  
 2.3 which establish and maintain safe, healthy, and functional roadsides. Integrated roadside  
 2.4 vegetation management includes but is not limited to judicious use of herbicides, spot  
 2.5 mowing, biological control, prescribed burning, mechanical tree and brush removal, erosion  
 2.6 prevention and treatment, and prevention and treatment of other right-of-way disturbances.

2.7 (c) "Pollinator" has the meaning given in section 18B.01, subdivision 20a.

2.8 Subd. 2. **Applicability.** (a) The commissioner must comply with the provisions of this  
 2.9 section with respect to trunk highways and other roadway rights-of-way owned or controlled  
 2.10 by the Department of Transportation.

2.11 (b) Other road authorities, including counties, municipalities, and other local government  
 2.12 units, may and are encouraged to comply with the provisions of this section with respect to  
 2.13 roadway rights-of-way owned or controlled by the road authority.

2.14 Subd. 3. **Integrated roadside vegetation management practices.** (a) Integrated roadside  
 2.15 vegetation management must include best management practices for pollinators, nesting  
 2.16 birds, and other small wildlife. The commissioner must collaborate with the commissioners  
 2.17 of natural resources and agriculture and other regional public organizations as may be  
 2.18 necessary while developing and implementing the best management practices.

2.19 (b) When prescribed burning is used, no more than 25 percent of each right-of-way mile  
 2.20 may be burned each year in order to protect the insect and pollinator reservoir.

2.21 Subd. 4. **Right-of-way mowing; maintenance.** (a) To provide enhanced roadside habitat  
 2.22 for pollinators, nesting birds, and other small wildlife, ~~a road authorities may not mow or~~  
 2.23 ~~the~~ authority is prohibited from mowing, burning, tilling, or haying the right-of-way of a  
 2.24 highway located outside of a home rule charter or statutory city except as ~~allowed in~~ provided  
 2.25 by this section and section 160.23.

2.26 (b) On any highway, ~~the first eight feet~~ an area equal to the width of the mowing  
 2.27 equipment away from the road surface, or shoulder if one exists, may be mowed ~~at any time~~  
 2.28 as necessary for use as a safety zone for vehicles to stop on the roadway or to maintain sight  
 2.29 distance for safety.

2.30 (c) ~~One side of an entire right-of-way may be mowed after July 31. From August 31 to~~  
 2.31 ~~the following July 31, the entire right-of-way may only be mowed~~ once per year before  
 2.32 May 15 or after September 15. Mowing at other times is allowed if the road authority  
 2.33 demonstrates that doing so is necessary for safety or reasons, ~~but may not be mowed to a~~

3.1 ~~height of less than 12 inches~~ justified in the integrated roadside vegetation management  
 3.2 plan. The road authority must not mow both sides of an entire right-of-way during the same  
 3.3 calendar year unless allowed by an integrated roadside vegetation management plan.

3.4 ~~(d) A right-of-way may be mowed as necessary to maintain sight distance for safety and~~  
 3.5 ~~may be mowed at other times under rules of the commissioner, or by ordinance of a local~~  
 3.6 ~~road authority not conflicting with the rules of the commissioner.~~

3.7 ~~(e)~~ (d) A right-of-way may be mowed, burned, or tilled, or hayed to prepare the  
 3.8 right-of-way for the establishment of, or to maintain, permanent vegetative cover or for  
 3.9 prairie vegetation management as provided in the integrated roadside vegetation management  
 3.10 plan.

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

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

3.16 **Subd. 5. Pollinator habitat management practices and mapping required.** (a) The  
 3.17 commissioner must collaborate with the commissioners of agriculture and natural resources  
 3.18 and other regional public organizations as may be necessary to establish integrated roadside  
 3.19 vegetation management best practices for all trunk highway rights-of-way in Minnesota.  
 3.20 Practices must include the establishment of native plantings and designated wildflower  
 3.21 highways where mowing, tilling, burning, or haying is prohibited.

3.22 (b) The commissioners of agriculture and natural resources must collaborate with the  
 3.23 commissioner of transportation to provide enhanced roadside habitat for pollinators, nesting  
 3.24 birds, and other small wildlife.

3.25 (c) Road authorities must use integrated roadside vegetation management, which includes  
 3.26 but is not limited to utilizing low maintenance, native vegetation that reduces the need to  
 3.27 mow, provides wildlife habitat, and maintains public safety.

3.28 (d) The commissioner of transportation must make available on a public website  
 3.29 management plans and maps indicating the locations of the plans within the right-of-way  
 3.30 of all trunk highways.

3.31 **Subd. 6. Pollinator habitat management performance plan.** (a) The commissioner  
 3.32 must develop and implement a performance-based pollinator habitat management plan for  
 3.33 the trunk highway system to improve the condition of existing pollinator habitat and enhance

4.1 the effectiveness of integrated roadside vegetation management and pollinator habitat best  
4.2 management. The performance plan must include strategies to achieve pollinator habitat  
4.3 best management within all trunk highway rights-of-way.

4.4 (b) At a minimum, the performance plan must:

4.5 (1) measure, enhance, and restore acres of trunk highway rights-of-way as prairie lands,  
4.6 wetlands, and recreational lands such as parks, trails, and open space;

4.7 (2) measure and reduce pesticides and other chemicals applied within trunk highway  
4.8 rights-of-way;

4.9 (3) measure and reduce greenhouse gases produced by the Department of Transportation  
4.10 mowing within trunk highway rights-of-way;

4.11 (4) measure and reduce energy consumption due to the Department of Transportation  
4.12 mowing within trunk highway rights-of-way;

4.13 (5) measure and reduce financial penalties and settlements paid due to environmental  
4.14 damage, worker safety violations, and worker health violations due to mowing; and

4.15 (6) measure and reduce the number of instances of environmental damage, worker safety  
4.16 violations, and worker health violations due to mowing.

4.17 (c) The commissioner must include performance measures and annual performance  
4.18 targets to be achieved by each district of the department for each measure in paragraph (b).  
4.19 Additional predictive and consequential performance measures and annual performance  
4.20 targets must be identified in collaboration with the public.

4.21 (d) Annually by December 15, the commissioner must submit the performance plan,  
4.22 including information detailing the department's progress on implementing the plan and an  
4.23 annual investment plan for each district of the department, to the chairs and ranking minority  
4.24 members of the legislative committees having jurisdiction over transportation policy and  
4.25 finance. The plan must be signed by the department's chief engineer.