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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1598**

03/09/2015 Authored by McNamara, Hansen and Theis

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

03/12/2015 By motion, recalled and re-referred to the Committee on Transportation Policy and Finance

03/19/2015 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to transportation; modifying right-of-way mowing restrictions; providing
1.3 criminal penalties; amending Minnesota Statutes 2014, section 160.232.

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

1.5 Section 1. Minnesota Statutes 2014, section 160.232, is amended to read:

1.6 **160.232 MOWING DITCHES ~~OUTSIDE CITIES.~~**

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

1.11 (b) On any highway, up to the first eight 15 feet away from the road surface, or
1.12 shoulder if one exists, may be mowed at any time.

1.13 (c) An entire right-of-way may be mowed ~~after July~~ from August 1 to December
1.14 31. From August 31 January 1 to the following July 31, the entire right-of-way additional
1.15 areas may only be mowed if necessary for safety, research, or construction reasons, but
1.16 may not be mowed to a height of less than 12 inches. A haying permit is required on all
1.17 federal and state highways.

1.18 (d) A right-of-way may be ~~mowed as necessary to maintain sight distance for safety~~
1.19 ~~and may be mowed at other times under rules of the commissioner, or by ordinance of~~
1.20 ~~a local road authority not conflicting with the rules of the commissioner~~ spot-mowed or
1.21 precision-hayed for treatment of noxious weeds or invasive plant species, incorporating
1.22 best management practices for long-term control.

1.23 (e) Residences and other areas traditionally maintained as lawns may be mowed, but
1.24 landowners are encouraged to delay mowing the right-of-way until after nesting season.

2.1 ~~(f)~~ A right-of-way may be mowed, hayed, burned, or tilled to prepare ~~the right-of-way~~
2.2 for the establishment of permanent vegetative cover or for prairie vegetation management.

2.3 (g) Roadsides adjacent to state wildlife management areas may not be mowed or
2.4 hayed by persons other than road authorities unless permission to mow or hay the roadside
2.5 is obtained from the commissioner of natural resources.

2.6 (h) Private land owners and public land owners may request that roadsides on their
2.7 property not be mowed for the purpose of providing roadside habitat for wildlife or
2.8 pollinators. The request must be made in writing to the appropriate road authority and
2.9 shall include the legal description of the property.

2.10 (i) Local road authorities with roadside jurisdiction may create more restrictive
2.11 mowing, haying, or tilling ordinances on roads under their jurisdiction.

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

2.15 ~~(g)~~ (k) The commissioner of natural resources shall ~~cooperate~~ coordinate with the
2.16 commissioner of transportation and local road authorities to provide enhanced roadside
2.17 habitat for nesting birds, native pollinators, and other small wildlife.

2.18 (l) The penalty for a violation of this section is a misdemeanor and a civil penalty
2.19 equal to the value of the vegetation taken as determined by the road authority. Penalties
2.20 collected under this section must be deposited in an account maintained by the road
2.21 authority with jurisdiction over the roadside impacted by the violation.