

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3086

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
03/21/2016	5166	Introduction and first reading Referred to Transportation and Public Safety
03/24/2016		Comm report: To pass as amended and re-refer to Jobs, Agriculture and Rural Development

1.1 A bill for an act
 1.2 relating to natural resources; modifying restrictions on mowing ditches;
 1.3 providing civil 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 pollinators, nesting birds, and other
 1.8 small wildlife, road authorities or persons may not mow, hay, burn, or till the right-of-way
 1.9 of a road or highway located outside of a home rule charter or statutory city except as
 1.10 allowed in this section and section 160.23.

1.11 (b) A person or road authority must obtain a permit from the commissioner of
 1.12 transportation to mow, hay, burn, or till on a trunk highway right-of-way.

1.13 ~~(b)~~ (c) On any road or highway, a road authority or a person acting on behalf of a
 1.14 road authority may at any time mow, hay, burn, or till the first ~~eight~~ 15 feet or a single pass
 1.15 of mowing equipment, whichever width is less, away from the road surface, or shoulder
 1.16 if one exists, may be mowed at any time.

1.17 ~~(e)~~ (d) A person or road authority may mow, hay, burn, or till an entire right-of-way
 1.18 may be mowed after July 31. From August 31 to the following July 31, the entire
 1.19 right-of-way may only be mowed if necessary for safety reasons, but may not be mowed
 1.20 to a height of less than 12 inches from August 1 to March 31.

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

2.1 (e) From April 1 to July 31, a road authority or person acting on behalf of a road
2.2 authority may mow, hay, burn, or till the road or highway right-of-way outside of that
2.3 portion described in paragraph (c) only if necessary for transportation purposes such as
2.4 safety, construction, maintenance, survey, or as otherwise allowed under this section
2.5 and section 160.23.

2.6 (e) (f) A right-of-way may be mowed, hayed, burned, or tilled by or on behalf of a
2.7 road authority at any time to prepare the right-of-way for the establishment of permanent
2.8 vegetative cover or for prairie vegetation management.

2.9 (f) (g) When feasible, road authorities are encouraged to utilize low maintenance,
2.10 native vegetation that reduces the need to mow, provides pollinator and wildlife habitat,
2.11 and maintains public safety.

2.12 (g) (h) The commissioner of natural resources shall cooperate coordinate with the
2.13 commissioner of transportation and local road authorities to provide enhanced roadside
2.14 habitat for nesting birds, honeybees and native pollinators, and other small wildlife.

2.15 (i) Notwithstanding paragraphs (a) to (h), the following areas within a road or
2.16 highway right-of-way may be maintained as lawns and mowed at any time:

2.17 (1) areas within 50 feet on either side of a driveway access serving an inhabited
2.18 dwelling or a commercial business; and

2.19 (2) areas within rest areas, weigh stations, historical and geological markers, and
2.20 parks.

2.21 (j) A person who violates paragraph (a) or the terms of a permit issued under
2.22 paragraph (b) is guilty of a petty misdemeanor. Peace officers, as defined in section
2.23 626.84, subdivision 1, paragraph (c), may enforce this section. The road authority may
2.24 also seek recovery of damages under section 548.05.

2.25 **EFFECTIVE DATE.** Paragraphs (a) to (i) are effective the day following final
2.26 enactment. Paragraph (j) is effective August 1, 2017.