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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

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; amending Minnesota Statutes 2016,  
1.4 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.**

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

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

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

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

1.20 (e) A right-of-way may be mowed, burned, or tilled to prepare the right-of-way for the  
1.21 establishment of permanent vegetative cover or for prairie vegetation management.

2.1 Subd. 2. **Management practices.** ~~(f)~~ (a) When feasible, road authorities are encouraged  
2.2 to utilize low maintenance, native vegetation that reduces the need to mow, provides wildlife  
2.3 habitat, and maintains public safety.

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

2.7 Subd. 3. **Limitations for road authorities.** (a) A road authority, including a statutory  
2.8 or home rule charter city, must not:

2.9 (1) require a person to obtain a permit or provide prior notice in order to mow or hay  
2.10 public rights-of-way; or

2.11 (2) establish restrictions or requirements that govern mowing or haying performed by  
2.12 a person.

2.13 (b) Notwithstanding paragraph (a), a road authority may restrict mowing or haying within  
2.14 the project limits of a construction or maintenance project.

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