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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **4007**

03/19/2018 Authored by Swedzinski
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; governing certain trunk highway system mowing and
1.3 haying authority; amending Minnesota Statutes 2016, section 160.232.

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

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

1.6 **160.232 MOWING DITCHES OUTSIDE CITIES.**

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

1.11 Subd. 2. Requirements; dates of mowing. ~~(b)~~ (a) On any highway, the first eight feet
1.12 away from the road surface, or shoulder if one exists, may be mowed at any time.

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

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

1.19 Subd. 3. Trunk highways; limited rights. (a) The commissioner must establish
1.20 procedures to enter into agreements that provide limited rights to mow and bale hay in trunk
1.21 highway right-of-way. The procedures must not require a person to obtain a permit and
1.22 must not restrict mowing or haying except within:

2.1 (1) the right-of-way of a freeway;

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

2.3 (3) the portion of right-of-way that contains a weed on the eradicate list under section
 2.4 18.771, paragraph (b), as identified by the commissioner by placing temporary flags or
 2.5 markers that identify the restricted area and dates of the mowing or haying restriction.

2.6 (b) For segments of trunk highway right-of-way abutting privately owned land, the
 2.7 commissioner must offer limited rights agreements to any requesting landowner or authorized
 2.8 occupant of property that abuts or is adjacent to the trunk highway right-of-way. The
 2.9 commissioner must not offer agreements to other persons. The limited rights are not
 2.10 transferable and remain until change of ownership of the abutting or adjacent land.

2.11 (c) For segments of trunk highway right-of-way abutting publicly owned land, the
 2.12 commissioner must offer agreements through a public auction process. The limited rights
 2.13 are not transferable and remain for a period of at least ten years.

2.14 (d) Revenue received by the commissioner from a limited rights agreement under this
 2.15 subdivision must be deposited in the driver and vehicle services technology account in the
 2.16 special revenue fund.

2.17 Subd. 4. **Management practices.** ~~(e)~~ (a) A right-of-way may be mowed, burned, or
 2.18 tilled to prepare the right-of-way for the establishment of permanent vegetative cover or
 2.19 for prairie vegetation management.

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

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

2.25 (d) The commissioner must eradicate a weed identified under subdivision 3, paragraph
 2.26 (a), clause (3), and remove the flags or markers as soon as practicable.

2.27 **EFFECTIVE DATE.** This section is effective May 1, 2018.