

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **2169**

03/06/2017 Authored by Johnson, C.,
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; modifying requirements for a permit to mow a
1.3 right-of-way; requiring a report; amending Minnesota Statutes 2016, section
1.4 160.232.

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

1.11 (b) On any highway, the first ~~eight~~ 12 feet away from the road surface, or shoulder if
1.12 one exists, may be mowed at any time.

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

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

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

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

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

2.6 Sec. 2. **PERMIT TO MOW OR HAY.**

2.7 The commissioner of transportation must not adopt or enforce requirements that differ
2.8 from those in effect on June 1, 2016, for a permit to mow or hay a right-of-way under the
2.9 control of the commissioner unless the new permit requirements include or reflect at least
2.10 the following:

2.11 (1) ease of application comparable to a burning permit issued by the commissioner of
2.12 natural resources;

2.13 (2) acknowledgment that the state owns the right-of-way property;

2.14 (3) priority given to the owner or occupant of private land adjacent to a right-of-way;

2.15 (4) the date restrictions in Minnesota Statutes, section 160.232, with exceptions provided
2.16 as necessary to effectively control or eradicate noxious weeds;

2.17 (5) recognition of differences in the abundance of wildlife habitat north and south of
2.18 U.S. Highway 10; and

2.19 (6) input from stakeholders.