

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3551

(SENATE AUTHORS: LANG)

DATE
03/19/2018

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to transportation; modifying provisions governing mowing highway and
1.3 road rights-of-way; providing penalties; amending Minnesota Statutes 2016,
1.4 sections 160.23; 160.232; 160.2715; proposing coding for new law in Minnesota
1.5 Statutes, chapter 160.

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

1.7 Section 1. Minnesota Statutes 2016, section 160.23, is amended to read:

1.8 **160.23 DESTRUCTION OF NOXIOUS WEEDS.**

1.9 (a) Road authorities, including the commissioner of transportation and road authorities
1.10 of cities shall cause, must cut down, eradicate, or otherwise destroy all noxious weeds on
1.11 their respective or within highways and, streets to be cut down or otherwise destroyed or
1.12 eradicated, and ditches under the road authority or commissioner's jurisdiction. The cutting,
1.13 eradication, or destruction must occur as often as may be is necessary to prevent the ripening
1.14 or scattering of seed and other propagating parts of such the noxious weeds.

1.15 (b) A road authority that fails to perform the duty under paragraph (a) is subject to a fine
1.16 of \$..... Proceeds from fines collected under this paragraph must be deposited in the trunk
1.17 highway fund.

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

1.19 Sec. 2. Minnesota Statutes 2016, section 160.232, is amended to read:

1.20 **160.232 MOWING DITCHES OUTSIDE CITIES; ROAD AUTHORITIES.**

1.21 (a) To provide enhanced roadside habitat for nesting birds and other small wildlife, road
1.22 authorities may not mow or till the right-of-way of a highway located outside of a home

2.1 rule charter or statutory city except as ~~allowed~~ provided in this section and required under
 2.2 section 160.23.

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

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

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

2.11 (e) Any bales or other obstructions created as a result of mowing the right-of-way must
 2.12 be removed within ten days of the creation of the bale or obstruction.

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

2.15 ~~(f)~~ (g) When feasible, road authorities are encouraged to utilize low maintenance, native
 2.16 vegetation that reduces the need to mow, provides wildlife habitat, and maintains public
 2.17 safety.

2.18 ~~(g)~~ (h) The commissioner of natural resources shall cooperate with the commissioner
 2.19 of transportation to provide enhanced roadside habitat for nesting birds and other small
 2.20 wildlife.

2.21 (i) A road authority that fails to (1) mow for safety reasons under paragraph (c) or (d),
 2.22 or (2) remove bales or other obstructions under paragraph (e), is subject to the penalty under
 2.23 section 160.23, paragraph (b).

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

2.25 Sec. 3. **[160.233] MOWING DITCHES OUTSIDE CITIES; ADJACENT**
 2.26 **LANDOWNERS.**

2.27 (a) Notwithstanding section 160.2715, a landowner or authorized occupant is authorized
 2.28 to mow or hay a right-of-way controlled by the commissioner or a road authority provided
 2.29 the right-of-way abuts or is adjacent to the landowner's or authorized occupant's property.
 2.30 The landowner or authorized occupant may mow or hay the entire width of the right-of-way
 2.31 and is not subject to the temporal limitations provided under section 160.232, paragraph
 2.32 (c).

3.1 (b) The commissioner and road authorities are prohibited from requiring a permit to
 3.2 mow or hay a right-of-way under this section.

3.3 (c) At the request of the abutting or adjacent landowner or authorized occupant, the
 3.4 commissioner or road authority having jurisdiction over the right-of-way must provide the
 3.5 landowner or authorized occupant with reasonable assistance to mow or hay the right-of-way.

3.6 (d) The authority to mow or hay a right-of-way under this section and section 160.232
 3.7 is subject to the following hierarchy:

3.8 (1) the landowner or authorized occupant of the abutting property;

3.9 (2) the landowner or authorized occupant of an adjacent property; and

3.10 (3) the road authority.

3.11 (e) Any bales or other obstructions created as a result of mowing the right-of-way must
 3.12 be removed within ten days of the creation of the bale or obstruction.

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

3.14 Sec. 4. Minnesota Statutes 2016, section 160.2715, is amended to read:

3.15 **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

3.16 (a) Except for the actions of the road authorities, their agents, employees, contractors,
 3.17 and utilities in carrying out their duties imposed by law or contract, and except as herein
 3.18 provided, it shall be unlawful to:

3.19 (1) obstruct any highway or deposit snow or ice thereon;

3.20 (2) plow or perform any other detrimental operation within the road right-of-way, ~~except~~
 3.21 ~~in the preparation of the land for planting permanent vegetative cover or as authorized or~~
 3.22 ~~required under section~~ sections 160.23, 160.232, and 160.233;

3.23 (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway,
 3.24 county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

3.25 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or
 3.26 road, except as may be allowed by permit from the road authority imposing reasonable
 3.27 regulations as are necessary to prevent interference with the construction, maintenance, and
 3.28 safe use of the highway or road and its appurtenances;

3.29 (5) dig any holes in any highway, except to locate markers placed to identify sectional
 3.30 corner positions and private boundary corners;

- 4.1 (6) remove any earth, gravel, or rock from any highway;
- 4.2 (7) obstruct any ditch draining any highway or drain any noisome materials into any
4.3 ditch;
- 4.4 (8) place or maintain any building or structure within the limits of any highway;
- 4.5 (9) place or maintain any advertisement within the limits of any highway, except as
4.6 provided in section 160.27, subdivision 7;
- 4.7 (10) paint, print, place, or affix any advertisement or any object within the limits of any
4.8 highway, except as provided in section 160.27, subdivision 7;
- 4.9 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,
4.10 tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance
4.11 on or along any highway;
- 4.12 (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness
4.13 monuments, or markers placed to preserve section or quarter-section corners;
- 4.14 (13) improperly place or fail to place warning signs and detour signs as provided by
4.15 law;
- 4.16 (14) drive over, through, or around any barricade, fence, or obstruction erected for the
4.17 purpose of preventing traffic from passing over a portion of a highway closed to public
4.18 travel or to remove, deface, or damage any such barricade, fence, or obstruction.
- 4.19 (b) Any violation of this section is a misdemeanor.

4.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.21 applies to violations committed on or after that date.