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Subject: Ditch mowing

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Overview

This bill would modify laws pertaining to the mowing or haying of land within the right-of-way of a public highway or road. In 2017, the legislature placed a moratorium on enforcement of mowing or haying permits by the Minnesota Department of Transportation (MnDOT) and required the agency to consult stakeholders and report recommendations to the legislature by March 1, 2018 (Laws 2017, chapter 15). The mandated report is available at: <http://www.dot.state.mn.us/govrel/reports/2018/mowing-haying-recommendations.pdf>

Section

- 1** **Destruction of noxious weeds.** Establishes a fine of an unspecified amount for a road authority that does not cut down, eradicate, or otherwise destroy all noxious weeds on or within highways, streets, and ditches under the authority's control. For purposes of this section, "road authority" means MnDOT for trunk highways, a county board for county state-aid highways and county highways, a town board for town roads; and the governing body of a city for streets (Minn. Stat. § 160.02, subd. 25).
Effective date: This section would be effective the day following final enactment.
- 2** **Mowing ditches outside cities; road authorities.** Requires a road authority to mow the entire right-of-way between August 31 and July 31 if necessary for safety reasons, but to a height of not less than one foot. Requires a rural authority to mow a right-of-way as necessary to maintain sight distance for safety or as otherwise provided by a local ordinance. Requires any bales of hay or other obstructions resulting from mowing to be removed from the right-of-way within ten days. Applies the fine created under section 1 to any road

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authority that fails to (1) mow for safety reasons or (2) remove bales or other obstructions within ten days.

Effective date: This section would be effective the day following final enactment.

- 3 Mowing ditches outside cities; adjacent landowners.** Authorizes the owner or authorized occupant of land abutting or adjacent to a publicly-controlled right-of-way to mow or hay the entire right-of-way any time of year. Prohibits MnDOT and other road authorities from requiring the landowner or occupant to obtain a permit. Requires MnDOT and other road authorities, upon request, to assist the landowner or occupant with mowing or haying a right-of-way. Establishes an authority hierarchy for mowing a right-of-way: first priority would be the owner or occupant of abutting property. Second priority would be the owner or occupant of adjacent property. Third and final priority would be the road authority. Requires resulting hay bales or other obstructions to be removed within ten days.

Effective date: This section would be effective the day following final enactment.

- 4 Right-of-way uses; misdemeanors.** Provides that is not unlawful to mow or hay a right-of-way as provided under this bill.

Effective date: This section would be effective the day following final enactment and applicable to violations committed on or after that date.