

Mowing and Haying Permit FAQs

MnDOT owns and manages rights of way for nearly 12,000 miles of highway in Minnesota. MnDOT's highway rights of way serve various purposes other than vehicular travel. Examples include but are not limited to installation and maintenance of public utilities, drainage facilities, and municipal identification signs.

MnDOT's permitting process allows us to manage activities occurring on rights of way statewide and ensure that each activity is conducted in a safe manner and does not conflict with the travelling public, laws, highway operations, or other permitted activities.

Why is MnDOT announcing a "new" permit now?

MnDOT has historically used permits to allow mowing on highway rights of way for many years; therefore, this process is not new. The previous form used was not standardized for use statewide for mowing and haying. The new form and provisions are designed to be used by those who wish to mow and/or hay in MnDOT rights of way and provide consistency statewide.

Does an underlying fee owner have the right to control mowing on the highway right of way?

No, MnDOT has the right and responsibility to control mowing on state highways. In many locations there is no underlying fee owner. When MnDOT buys highway easement property for its state highway right of way, the majority of purchase documents it indicates that MnDOT controls the vegetation. Where the control of vegetation is not specifically spelled out, the highway easement encompasses the activity to control vegetation. Although a highway ditch may seem to be a simple unused grassy area, many highway activities that affect the vegetation may occur. Such activities include, but are not limited to:

- Contouring the land to promote proper drainage to protect the highway.
- Planting specific types of grass adapted to serve specific purposes along the highway, such as prevention of erosion of ditches, water infiltration, salt tolerance, etc.
- Planting vegetation for aesthetic or other purposes, including trees and shrubs, prairie vegetation, and pollinator, bird, and small mammal habitat.
- Installation and maintenance of culverts, infiltration basins, and other drainage structures.
- Installation and maintenance of facilities owned by public utilities, usually as close to the right of way boundary as possible.
- Control of noxious weeds, as required by Minnesota Statute 160.23.
- Installation and maintenance of highway signs, lights, and other approved objects along the right of way.
- Using vegetation to control snow by leaving some standing to control drifting snow, and mowing other locations to enhance snow storage areas.
- Mowing some areas for safety reasons, such as a top cut along the shoulder or maintaining sight lines at intersections.

Does a person mowing the right of way in front of their house as an extension of their lawn need a permit?

Yes, a permit is required for mowing any highway right of way. Minnesota Statute 160.232 applies to all areas outside city boundaries. It does not make exceptions for areas maintained as lawn.

When can I apply for a permit?

If the permit applicant is requesting a permit to mow and hay the right of way adjacent to their property, MnDOT will accept permit applications January 1 of each year. The early application courtesy does not extend to applications to mow segments of highway rights of way that are not adjacent to the applicant's property.

If the permit applicant is not the adjacent landowner, MnDOT will accept permit applications on February 1, well before the growing season begins.

Mowing permits apply to one growing season and are issued on an annual basis. The permit will specify the location to which it applies. Generally speaking, permits will be processed on a first come first served basis.

Why was I told I cannot mow the ditch prior to August 1st?

Minnesota Statute 160.232 applies to all areas outside city boundaries and places limitations on where and when road authorities can mow or permit mowing the highway right of way. The statute allows mowing the full right of way only during the month of August.

Can non-residents of Minnesota apply and obtain a mowing and haying permit?

Yes, all permit requests from non-adjacent landowners will be generally processed in the order they are received after February 1 every year.

Can I get a permit to mow and/or hay the ditch or center median of a freeway?

No, due to the speed and type of traffic on freeways, MnDOT considers this to be a safety concern and will not issue permits to mow in these areas.

Can I get a permit to mow and/or hay the center median of an expressway?

In most situations, the answer will be no. Due to the speed of traffic and safety concerns about crossing traffic and storing bales in the median, MnDOT considers this to be an unsafe practice and will not issue permits to mow in these areas. However, in rare situations where a median is uncommonly wide and can be accessed in a safe manner, MnDOT may exercise discretion to issue a permit.

Can the permit be transferred to a third party?

No. The person applying for the permit is responsible for providing all permit requirements and performing the work on the right of way.

Will there be a fee to obtain the permit?

MnDOT does not charge a fee to submit or approve an application for a permit. A bond may be required to assure that any damage that may occur to MnDOT's right of way can be repaired. If all the work under the permit is performed satisfactorily, the bond will be returned.

What distance of right of way will each permit cover?

This will be the decision of the District Maintenance Engineer and dependent on conditions of the right of way and the number of requests.

Why do I need to have a \$1 million insurance policy?

The State of Minnesota requires all vendors, contractors and users of state property to have insurance in an amount sufficient to protect both the state and the user from liability claims. Anyone who obtains a permit is using state property for their personal use. The normal minimum requires coverage for general liability is \$2million per occurrence/\$2million annual aggregate. The \$1million per occurrence specified for a mowing permit is less than the normal minimum requirement for general liability coverage.

How does this affect county and township roads?

MnDOT is responsible for all state, U.S., and interstate highways in Minnesota. The MnDOT permit process applies only to the highways under MnDOT jurisdiction. Counties, municipalities, and townships control the activities that occur on roads under their jurisdictions

Will permits given to those who want to stop mowing and haying on the right of way adjacent to their property?

Permits will be given to perform work on the right of way. If a landowner does not want the right of way mowed and hayed adjacent to their land, they should talk with the District Maintenance Engineer.