

January 11, 2018 – St. Cloud, MN

Welcome and administrative tasks

The group approved the previous meeting's notes. A question was raised about the 12/6 meeting notes regarding the number of new acres of CRP enrolled. MnDOT will coordinate with DNR to obtain an answer.

MnDOT Enforcement Update

Terry Conden shared MnDOT's overall enforcement procedures, which ranges from informal or "soft" enforcement to more formal actions. There are many districts who oversee permits at the local level. While they're out there, they ensure there's no illegal activity such as encroachment. The permit staff have a "notice of violation" which is handed out individuals doing illegal activity in the state highway right of way, and staff have a verbal conversation with the individual performing the activity. It provides the state statute and often the permit staff will show them the highway maps. If the illegal activity continues to be performed, they send a certified mail letter to document it. In order to have state patrol enforce, the state patrol would need to catch them doing the activity in the right of way, which would then go to the county attorney. The permit staff manage compliance, while the state patrol may do more formal enforcement. Training of local enforcement varies across jurisdictions. If illegal mowing is noticed after the fact, enforcement may go ask a farmer about it and have the conversation.

Listening sessions summary

Farmers who do mowing, haying, litter pickup and weed control in the ROW – how much does this save MnDOT? That is difficult to quantify. MnDOT acknowledges that farmers sometimes mow where they'd mow, which saves the state money, however farmers also mow areas that MnDOT wouldn't mow, or that MnDOT wouldn't mow as frequently– so in that case, it is not a savings to the state.

MnDOT requirements overview

Nancy Daubenberger shared MnDOT's priorities: First, ability to manage their Right of Way – flexibility to do what needs to be done in the ROW to manage vegetation, snow control, noxious weeds, and brush. Second, proof of liability insurance in written form from permitted individuals. Third, consistency in ROW management. Fourth, compliance with state statutes and other requirements, including executive orders.

Stakeholder input on permit process and legislation changes

The group brainstormed several potential suggestions. The first idea was take all, one cut per year, June 15 – August 1. There was not consensus, this requires further discussion. The second idea was take half/leave half width of ROW from easement to the fence cut. The current statute specifies 8 feet wide and MnDOT would prefer it reads "a single swath with a maximum of 16 feet" to allow for variances in width of equipment. Finally, permit: 5 years for adjacent landowner with annual communication among permittee, landowner or designee.