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## HIGHWAY MOWING STANDARDS TO EXTEND WILDLIFE HABITAT

### House Bill 4632 (Substitute H-1) First Analysis (5-26-99)

**Sponsor: Rep. Jim Howell**  
**Committee: Transportation**

#### ***THE APPARENT PROBLEM:***

According to Pheasants Forever, Inc., a national wildlife conservation group whose Michigan chapters work to sustain habitat, the back slopes of many road rights-of-way offer potentially very good nesting and brood rearing sites for pheasants and other birds and wildlife. The key to the effectiveness of these areas is tied to the quality of the cover.

Traditional roadside seedings of ryegrass and fescue are used for erosion control and offer only marginal wildlife benefits. The quality of the cover they provide is minimal. In addition, mowing the roadside grass too often removes the potential habitat.

To protect wildlife habitat, Pheasants Forever, Inc. encourages state transportation departments and county road agencies to plant prairie grasses and forbs as roadsides are reworked. (See *BACKGROUND INFORMATION*, below.) Prairie grasses and forbs offer effective erosion control but are far superior for wildlife habitat. The group also promotes less stringent mowing standards, in order to maintain a more natural roadside. Under the relaxed mowing standards that the group recommends, road edges continue to be mowed, but back slopes are protected from mowing to offer protection to ground nesting birds.

During the last legislative session, new roadside mowing standards were included in the boilerplate of the Department of Transportation budget bill for the 1998-99 fiscal year. Some have argued that those standards should be enacted into statute. To that end, legislation has been introduced to require mowing guidelines that will protect and extend wildlife habitat.

#### ***THE CONTENT OF THE BILL:***

House Bill 4632 would amend the Michigan Transportation Fund act to add standards that would govern mowing in the public right-of-way near highways. The bill specifies that the guidelines would not apply either within city or village limits, or within

designated federal aid urban boundaries, and the bill would allow property owners to mow immediately in front of their residences, schools, or businesses.

The mowing standards prescribed by the bill would apply to all medians 70 or more feet wide, and the bill specifies that it is the intent of the legislature that the standards would apply to all medians 50 or more feet wide beginning three years after the bill takes effect. The bill would allow a right-of-way to be mowed as necessary to maintain health and safety, and it would prohibit a road authority from compensating any mowing or spraying that does not comply with the standards set by the bill. Specifically, the bill would set the following mowing standards:

- Mowing would have to be 12 feet or to the leading edge of the ditch, whichever is less, adjacent to both shoulders of the roadway to any height at any time.

- The area between the ditch bottom and the back slopes of the rights-of-way generally would have to be protected from mowing between September 1 and the following July 15.

- Spraying would be limited to the control of noxious weeds and brush within the area.

- From July 16 through August 31, mowing could be through the entire right-of-way if needed, including through the ditch bottom, while maintaining not less than 12 inches of grass height from the back of the ditch to the back of the right-of-way and within the median.

- Between July 16 and the following March 1, mechanical brush and woody stem control could be completed to whatever height is needed to provide control and safety.

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-Up to 50 percent of all roads would have to be designated annually for brush control that includes mowing, and could include herbicide treatment during the next growing season.

-25 percent of the medians within a region would be annually designated for removal or spot spray treatment of unwanted brush and trees.

-All mowing of the back slope and wide median areas beyond the 12-foot width from the road edge would have to be performed so that a minimum of 12 inches of grass remains by September 1 of each year, except in those zones designated for brush control.

-Areas of brush control within the right-of-way would have to be mowed back to prevent brush from becoming established within the right-of-way.

-Brush or tree stumps would have to be spot treated with herbicide, as needed, for long-term control.

(Under current law, road authorities are required to mow the right-of-way located outside of cities and villages, as follows:

-On any highway the first eight feet away from the road surface may be mowed at anytime.

-An entire right-of-way may be moved after July 15.

-From July 15 to September 1, the entire right-of-way may only be mowed, if necessary, for safety and brush control reasons, and may not be mowed to a height of less than 12 inches.

-A right-of-way may be mowed as necessary to maintain health and safety.)

MCL 247.665b

### **BACKGROUND INFORMATION:**

Prairie Grasses and Forbs. According to the August 1997 newsletter of Northwest Michigan Pheasants Forever, native or prairie grasses (also called warm-season grasses such as switchgrass, Indian grass, big and little blue stem) at one time grew abundantly over much of the Midwest. The warm season prairie grass makes most of its growth after June 1 and does not mature until August. (In contrast, cold season grasses like quack grass and smooth brome grass make most of their growth prior to June 1.) Warm season grass requires a longer period of time to get established, and is very deep-rooted and drought resistant. During their first season, most of their growth is underground.

Generally, when warm-season prairie grasses are cut for hay, they are cut in July (rather than June, as are legume grass fields) so nesting birds are not disturbed.

There is a lot of interest in re-establishing the prairie or warm season grasses because they provide nesting, feeding, loafing habitat, and winter cover for wildlife species. The clumpy growth pattern produces a higher percentage of bare ground than legume hay fields, allowing freedom of movement and providing "dusting" spots for birds. Prairie grasses provide stiff-stemmed cover, two- to four-feet-high, that holds-up throughout winter, even during heavy snowfall and wind.

Forbs are wildflowers that are often added to native grass mixtures to provide a food source for wildlife. Insects attracted to them provide a protein source to growing chicks. They also add beauty and color to the planted areas.

Northwest Michigan Pheasants Forever publishes a home page. The website address is <http://www.lumanet.org/pheasant>.

### **FISCAL IMPLICATIONS:**

The House Fiscal Agency notes that the bill would prescribe for road agencies standards for mowing, brush control, and weed spraying within highway rights of way. The language of the bill duplicates the boilerplate section 326 of Public Act 309 of 1998, the Transportation Appropriations Act for fiscal year 1998-99. There are no apparent effects on state or local costs or revenues. (5-6-99)

### **ARGUMENTS:**

#### **For:**

The roadside mowing standards that are proposed in this bill will protect and increase the nesting and feeding habitat for wildlife species. More abundant habitat provides hunters with more game, and better ensures more successful hunting seasons.

#### **Against:**

Pheasants who live in roadside habitat sometimes interfere with passing vehicles to create a safety hazard for drivers.

***POSITIONS:***

Pheasants Forever, Inc. supports the bill. (5-24-99)

The Michigan United Conservation Clubs supports the bill. (5-24-99)

The Department of Transportation supports the bill. (5-21-99)

The County Road Association of Michigan supports the bill. (5-24-99)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.