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SFA**BILL ANALYSIS**

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House Bill 4632 (Substitute H-1 as passed by the House)
Sponsor: Representative Jim Howell
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 10-26-99

CONTENT

The bill would amend the Michigan Transportation Fund Act to do the following:

- **Prescribe standards that road authorities would have to follow when mowing the right-of-way of a public road, and would delete current mowing standards.**
- **Specify that the bill's standards would apply to all medians at least 70 feet wide, and state a legislative intent that three years after the bill took effect, these standards would apply to medians that were at least 50 feet wide.**
- **Specify that the bill would not apply within the limits of a city or village, and property owners could mow rights-of-way immediately in front of their residences, schools, or businesses.**
- **Prohibit a road authority from providing compensation for any mowing or spraying that did not comply with the bill.**

Currently, road authorities may not mow the right-of-way of a highway located outside of a city or village, except as allowed under the Act. On any highway, the first eight feet away from the road surface, or shoulder if applicable, may be mowed at any time. An entire right-of-way may be mowed 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 needed to maintain health and safety. The bill would delete these provisions.

Under the bill, road authorities would have to mow the right-of-way of a public road in accordance with the bill's requirements, subject to the following: The bill would not apply within the limits of a city or village; it would not be mandatory with respect to public road rights-of-way within designated Federal aid urban boundaries; and, property owners could mow public road rights-of-way immediately in front of their residences, schools, or businesses.

Mowing would have to be 12 feet or to the leading edge of a ditch, whichever was 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 would have to be protected from mowing between September 1 and the following July 15, except as permitted in the bill. Spraying would have to be limited to the control of noxious weeds and brush within this 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 at least 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 was needed to provide control and safety. Up to 50% of all roads would have to be designated annually for brush control that included mowing and could include herbicide treatment during the next growing season.

The bill's mowing standards would apply to all medians at least 70 feet wide, which would have to be maintained as brush-free as possible and with a grass height of at least 12 inches. Annually, 25% of the

medians within a region would have to be designated for removal or spot spray treatment of unwanted brush and trees. The bill specifies that it would be the intent of the Legislature that the bill's mowing standards would apply to medians that were at least 50 feet wide three years after the bill's effective date.

All mowing of the back slope and wide median areas beyond the 12-foot width from the road edge would have to be performed to ensure that a minimum of 12 inches of grass remained by September 1 of each year, except in those zones designated for brush control. Areas of brush 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. A right-of-way could be mowed as needed to maintain public health and safety.

MCL 247.665b

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill should have no new fiscal impact on the State or local units of government since it would duplicate Section 322 of Public Act 136 of 1999, the FY 1999-2000 appropriation act for the Michigan Department of Transportation.

However, there could be indeterminate, marginal road maintenance costs if the State or local units of government had to purchase new equipment, upgrade existing equipment, or alter mowing practices to comply permanently with the policies outlined in this bill.

Fiscal Analyst: P. Alderfer

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.