



HOUSE BILL No. 4051

January 11, 1995, Introduced by Reps. Crissman and Bullard and referred to the Committee on Transportation.

A bill to amend section 4 of Act No. 150 of the Public Acts of 1970, entitled as amended

"An act to designate certain roads and streets as natural beauty roads and natural beauty streets; to provide certain powers and duties; to provide for the development of guidelines and procedures; and to provide remedies,"

as amended by Act No. 101 of the Public Acts of 1993, being section 247.384 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 150 of the Public Acts of
2 1970, as amended by Act No. 101 of the Public Acts of 1993, being
3 section 247.384 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4. (1) The department shall develop uniform guidelines
6 and procedures that may be adopted by a board to preserve native
7 vegetation in a natural beauty road right-of-way from destruction

1 or substantial damage by cutting, spraying, dusting, mowing, or
2 other means. The department shall develop uniform guidelines
3 that may be adopted by the legislative body of a city or village
4 to preserve native vegetation in a natural beauty street
5 right-of-way from destruction or substantial damage by cutting,
6 spraying, dusting, mowing, or other means. Guidelines and proce-
7 dures developed pursuant to this subsection shall not prohibit
8 the application of accepted principles of sound forest management
9 in a natural beauty road or natural beauty street right-of-way,
10 nor shall they prevent a local road authority from taking actions
11 to modify specific road features to correct traffic hazards
12 ~~which~~ THAT pose a direct and ongoing threat to motorists.

13 (2) The department may advise and consult with a board or a
14 city or village legislative body on the application of the guide-
15 lines and procedures.

16 (3) The board or a city or village legislative body shall
17 provide for a public hearing before an act that would result in
18 substantial damage to native vegetation in the right-of-way of a
19 natural beauty road or natural beauty street, respectively, is
20 permitted.

21 (4) PRIOR TO APPROVAL OF ANY CONSTRUCTION PROJECT OR TREE
22 CUTTING ALONG A NATURAL BEAUTY ROAD OR A NATURAL BEAUTY STREET
23 WITHIN A TOWNSHIP, THE BOARD SHALL NOTIFY THE CLERK OF THAT TOWN-
24 SHIP OF THE PROPOSED ACTIVITY. IF THE TOWNSHIP DESIRES TO HOLD A
25 PUBLIC HEARING ON THE PROPOSED ACTIVITY, THE BOARD SHALL NOT
26 APPROVE THE ACTIVITY UNTIL AFTER THE PUBLIC HEARING HAS BEEN HELD

1 AND THE BOARD HAS CONSIDERED THE TESTIMONY TAKEN AT THE PUBLIC
2 HEARING.

3 (5) ~~(4)~~ This act does not affect the right of a public
4 utility to control vegetation in connection with the maintenance,
5 repair, or replacement of public utility facilities constructed
6 in a road or street before its designation as a natural beauty
7 road or natural beauty street, or in connection with the con-
8 struction, maintenance, repair, or replacement of public utility
9 facilities crossing a natural beauty road or natural beauty
10 street.