

**A SUMMARY OF HOUSE BILL 5966 AS INTRODUCED 6-24-98**

House Bill 5966 would amend the Michigan Transportation Fund act to add guidelines 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.
- Twenty-five percent of all roads would have to be designated annually for brush control that includes mowing with follow-up herbicide treatment during the next growing season.
- Twenty-five 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 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 necessary to maintain health and safety.

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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.