



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

HIGHWAY TREE RESTORATION PROGRAM

House Bill 4942

Sponsor: Rep. Michael Switalski

Committee: Transportation

Complete to 2-22-00

A SUMMARY OF HOUSE BILL 4942 AS INTRODUCED 10-5-99

House Bill 4942 would amend Public Act 51 of 1951, the Michigan Transportation Fund Act, to create and fund a tree restoration program.

Under the bill, money from the state trunk line fund could not be expended unless each tree that was removed or destroyed in the opening, widening, improving, construction, and reconstruction of state highways and bridges were replaced with a sapling of the same or a similar variety of tree. The tree replacement requirement would apply only to projects conducted under contracts executed after the bill's effective date. After that date, the bill specifies that every agreement entered into would have to include a requirement that each tree removed or destroyed be replaced with a sapling of the same or a similar variety, and that the county road commission provide matching funds for this purpose not to exceed 25 percent of the cost. However, the bill specifies that not more than one-half of one percent of the total project construction costs would be for tree replacement.

To accomplish this end, the bill would expand the definition of "opening, widening, and improving, including construction and reconstruction, of state trunk line highways" to include the cost of removal and replacement of trees if trees are removed as part of a project. Currently that definition includes but is not limited to the cost of right-of-way; the cost of removal and replacement of sidewalks, street lighting, curbing, where removal and replacement is made necessary by construction or reconstruction of a trunk line highway; and, the cost of bridges and structures, including that part of the cost of grade separation structures not paid by the railroad companies.

The bill would also define "restoration" as including, but not limited to, the replacement of each tree that was removed or destroyed with a sapling of the same or a similar variety of tree as was removed or destroyed.

In addition to authorizing expenditures from the state trunk line fund for tree restoration, House Bill 4942 would add similar provisions to the section of the Michigan Transportation Fund Act that governs the contractual agreements entered into by county road commissions. The bill specifies that beginning on the effective date, every agreement entered into would have to include a requirement that each tree removed or destroyed be replaced with a sapling of the same or a similar variety, and that the contracting party or parties would have to agree to provide matching funds for this purpose not to exceed 25 percent of the cost, although not more than one-half of one percent of the total project construction costs could be for tree replacement. The tree replacement requirement would apply only to projects conducted under contracts that were executed after the effective date of the bill. In this section of the act, the bill also would add the definition of "restoration".

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Finally, House Bill 4942 would add similar provisions to the section of the act that governs the distribution of transportation funds to cities and villages. The bill specifies that beginning on its effective date, every agreement entered into would have to include a requirement that each tree removed or destroyed be replaced with a sapling of the same or a similar variety, and that the contracting party or parties would have to agree to provide matching funds for this purpose not to exceed 25 percent of the cost, although not more than one-half of one percent of the total project construction costs could be for tree replacement. The tree replacement requirement would apply only to projects conducted under contracts that were executed after the bill's effective date.

MCL 247.651c et al.

Analyst: J. Hunault

■ 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.