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SFA**BILL ANALYSIS**

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House Bill 4632 (Substitute H-1 as reported without amendment)
Sponsor: Representative Jim Howell
House Committee: Transportation
Senate Committee: Transportation and Tourism

CONTENT

The bill would amend the Michigan Transportation Fund Act to replace the standards that road authorities must follow when mowing the right-of-way of a public road. The bill's standards would apply to all medians at least 70 feet wide, and the bill states a legislative intent that three years after it took effect, these standards would apply to medians that were at least 50 feet wide. The bill would allow property owners to mow rights-of-way immediately in front of their residences, schools, or businesses; and would prohibit a road authority from providing compensation for any mowing or spraying that did not comply with the bill. The bill would not apply within the limits of a city or village.

Currently, 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 shorter 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, 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 right-of-way would have to be protected from mowing between September 1 and July 15, except as permitted in the bill. From July 16 to August 31, mowing could be through the entire right-of-way, if needed, while maintaining at least 12 inches of grass from the back of the ditch to the back of the right-of-way and within the median. All mowing of the back slope and wide median area beyond the 12-foot width from the road would have to ensure that at least 12 inches of grass remained by September 1, except in zones designated for brush control. Mechanical brush and woody stem control could be completed between July 16 and March 1.

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.

Date Completed: 10-27-99

Fiscal Analyst: P. Alderfer