

HOUSE BILL No. 4632

May 4, 1999, Introduced by Reps. Howell, Julian, Richardville, Patterson, Mortimer, Caul, Rivet, Byl, LaSata, Toy, DeVuyst, Ehardt, Scranton and Tabor and referred to the Committee on Transportation.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive

transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending section 15b (MCL 247.665b), as added by 1997 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 15b. ~~—(1) Road authorities may not mow the~~
- 2 ~~right-of-way of a highway located outside of a city or village~~
- 3 ~~except as allowed in this section.~~
- 4 ~~(2) On any highway, the first 8 feet away from the road sur-~~
- 5 ~~face, or shoulder if applicable, may be mowed at any time.~~
- 6 ~~(3) An entire right-of-way may be mowed after July 15. From~~
- 7 ~~July 15 to September 1, the entire right-of-way may only be~~
- 8 ~~mowed, if necessary, for safety and brush control reasons, and~~
- 9 ~~may not be mowed to a height of less than 12 inches.~~
- 10 ~~(4) A right-of-way may be mowed as necessary to maintain~~
- 11 ~~health and safety.~~
- 12 (1) ROAD AUTHORITIES SHALL MOW THE RIGHT-OF-WAY OF A PUBLIC
- 13 ROAD IN ACCORDANCE WITH THE REQUIREMENTS PRESCRIBED IN THIS SEC-
- 14 TION, SUBJECT TO THE FOLLOWING:
- 15 (A) THIS SECTION DOES NOT APPLY WITHIN THE LIMITS OF A CITY
- 16 OR VILLAGE.

1 (B) THIS SECTION IS NOT MANDATORY WITH RESPECT TO PUBLIC
2 ROAD RIGHTS-OF-WAY WITHIN DESIGNATED FEDERAL AID URBAN
3 BOUNDARIES.

4 (C) PROPERTY OWNERS MAY MOW PUBLIC ROAD RIGHTS-OF-WAY IMME-
5 DIATELY IN FRONT OF THEIR RESIDENCES, SCHOOLS, OR BUSINESSES.

6 (2) MOWING SHALL BE 12 FEET OR TO THE LEADING EDGE OF THE
7 DITCH, WHICHEVER IS LESS, ADJACENT TO BOTH SHOULDERS OF THE ROAD-
8 WAY TO ANY HEIGHT AT ANY TIME. THE AREA BETWEEN THE DITCH BOTTOM
9 AND THE BACK SLOPES OF THE RIGHTS-OF-WAY SHALL BE PROTECTED FROM
10 MOWING BETWEEN SEPTEMBER 1 AND THE FOLLOWING JULY 15 EXCEPT AS
11 PERMITTED IN THIS SUBSECTION. SPRAYING SHALL BE LIMITED TO THE
12 CONTROL OF NOXIOUS WEEDS AND BRUSH WITHIN THIS AREA. FROM JULY
13 16 THROUGH AUGUST 31, MOWING MAY BE THROUGH THE ENTIRE
14 RIGHT-OF-WAY IF NEEDED, INCLUDING THROUGH THE DITCH BOTTOM, WHILE
15 MAINTAINING NOT LESS THAN 12 INCHES OF GRASS HEIGHT FROM THE BACK
16 OF THE DITCH TO THE BACK OF THE RIGHT-OF-WAY AND WITHIN THE
17 MEDIAN. BETWEEN JULY 16 AND THE FOLLOWING MARCH 1, MECHANICAL
18 BRUSH AND WOODY STEM CONTROL MAY BE COMPLETED TO WHATEVER HEIGHT
19 IS NEEDED TO PROVIDE CONTROL AND SAFETY. TWENTY-FIVE PERCENT OF
20 ALL ROADS SHALL BE DESIGNATED ANNUALLY FOR BRUSH CONTROL THAT
21 INCLUDES MOWING WITH FOLLOW-UP HERBICIDE TREATMENT DURING THE
22 NEXT GROWING SEASON.

23 (3) THE MOWING STANDARDS PRESCRIBED IN THIS SECTION SHALL
24 APPLY TO ALL MEDIANS 70 FEET WIDE OR MORE. MEDIANS 70 FEET WIDE
25 OR MORE SHALL BE MAINTAINED AS BRUSH-FREE AS POSSIBLE AND WITH A
26 GRASS HEIGHT OF AT LEAST 12 INCHES. TWENTY-FIVE PERCENT OF THE
27 MEDIANS WITHIN A REGION SHALL BE ANNUALLY DESIGNATED FOR REMOVAL

1 OR SPOT SPRAY TREATMENT OF UNWANTED BRUSH AND TREES. IT IS THE
2 INTENT OF THE LEGISLATURE THAT THE MOWING STANDARDS PRESCRIBED IN
3 THIS SECTION APPLY TO MEDIANS 50 OR MORE FEET WIDE 3 YEARS AFTER
4 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
5 SUBSECTION.

6 (4) ALL MOWING OF THE BACK SLOPE AND WIDE MEDIAN AREAS
7 BEYOND THE 12-FOOT WIDTH FROM THE ROAD EDGE SHALL BE PERFORMED SO
8 AS TO ENSURE A MINIMUM OF 12 INCHES OF GRASS REMAINS BY SEPTEMBER
9 1 EACH YEAR, EXCEPT IN THOSE ZONES DESIGNATED FOR BRUSH CONTROL.
10 AREAS OF BRUSH WITHIN THE RIGHT-OF-WAY SHALL BE MOWED BACK TO
11 PREVENT BRUSH FROM BECOMING ESTABLISHED WITHIN THE RIGHT-OF-WAY.
12 BRUSH OR TREE STUMPS SHALL BE SPOT TREATED WITH HERBICIDE, AS
13 NEEDED, FOR LONG-TERM CONTROL.

14 (5) A RIGHT-OF-WAY MAY BE MOWED AS NECESSARY TO MAINTAIN
15 PUBLIC HEALTH AND SAFETY.

16 (6) THE ROAD AUTHORITY SHALL NOT PROVIDE COMPENSATION FOR
17 ANY MOWING OR SPRAYING THAT DOES NOT COMPLY WITH THIS SECTION.