

# Maintenance Memorandum

**Date:** June 18, 2003

**Subject:** **Roadside Mowing**

As most of you are aware, MDOT's roadside mowing practices were significantly impacted by the passage of Act No. 174 in November 1999, which amended PA 51 (copy attached). It has come to my attention that some areas are not complying with the new mowing regulations, particularly on the limited access highways in rural areas.

Per the mowing regulations, effective November 2002, medians less than 50 feet wide can be mowed entirely. Medians more than 50 feet in width, and located outside of the Federal Aid Urban Boundaries, will have one, twelve (12) foot swath mowed adjacent to the inside shoulder. The entire median can no longer be entirely mowed, on a routine basis, if it is greater than 50 feet in width. Twenty-five percent of all medians greater than 50 feet within a region shall be mowed annually for brush control (once every four years).

Mowing beyond the designated 12-foot limit on any road (except medians less than 50 feet wide and any mowing performed within the Federal Aid Urban Boundaries), may only be done to maintain designated clear vision areas, for brush control or to address a specific health and safety problem.

Brush mowing may only be performed between July 16 and the following March 1, and shall not exceed 50% of all roads annually. Brush mowing may only be done on roads where brush is a problem.

Please review the attached mowing regulations and make sure that all MDOT, county personnel and contractors performing roadside mowing, are aware of the requirements.

If you have any questions regarding the mowing regulations, please contact Scott Wheeler, Maintenance Support Area, (517) 322-3314.

Larry Tibbits  
Chief Operations Officer  
(Signature on file)

**Attachment**

"Enrolled House Bill No. 4632," 2 pgs.

Act No. 174  
Public Acts of 1999  
Approved by the Governor  
November 15, 1999  
Filed with the Secretary of State  
November 16, 1999  
EFFECTIVE DATE: November 16, 1999

**STATE OF MICHIGAN**  
**90TH LEGISLATURE**  
**REGULAR SESSION OF 1999**

Introduced by Reps. Howell, Julian, Richardville, Patterson, Mortimer, Caul, Rivet, Byl, LaSata, Toy, DeVuyst, Ehardt, Scranton and Tabor

# **ENROLLED HOUSE BILL No. 4632**

AN ACT 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:*

Sec. 15b.

(1) Road authorities shall mow the right-of-way of a public road in accordance with the requirements prescribed in this section, subject to the following:

(a) This section does not apply within the limits of a city or village.

(b) This section is not mandatory with respect to public road rights-of-way within designated federal aid urban boundaries.

(c) Property owners may mow public road rights-of-way immediately in front of their residences, schools, or businesses.

(2) Mowing shall 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 shall be protected from mowing between September 1 and the following July 15 except as permitted in this subsection. Spraying shall be limited to the control of noxious weeds and brush within this area. From July 16 through August 31, mowing may 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 may be completed to whatever height is needed to provide control and safety. Up to 50% of all roads shall be designated annually for brush control that includes mowing and may include herbicide treatment during the next growing season.

(3) The mowing standards prescribed in this section shall apply to all medians 70 feet wide or more. Medians 70 feet wide or more shall be maintained as brush-free as possible and with a grass height of at least 12 inches. Twenty-five percent of the medians within a region shall be annually designated for removal or spot spray treatment of unwanted brush and trees. It is the intent of the legislature that the mowing standards prescribed in this section apply to medians 50 or more feet wide 3 years after the effective date of the amendatory act that added this subsection.

(4) All mowing of the back slope and wide median areas beyond the 12-foot width from the road edge shall be performed so as to ensure a minimum of 12 inches of grass remains by September 1 each year, except in those zones designated for brush control. Areas of brush within the right-of-way shall be mowed back to prevent brush from becoming established within the right-of-way. Brush or tree stumps shall be spot treated with herbicide, as needed, for long-term control.

(5) A right-of-way may be mowed as necessary to maintain public health and safety.

(6) The road authority shall not provide compensation for any mowing or spraying that does not comply with this section.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.