



**House  
Legislative  
Analysis  
Section**

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## **NATURAL BEAUTY STREETS**

**House Bill 4390 as enrolled  
Second Analysis (8-9-93)**

**Sponsor: Rep. Dale Shugars  
House Committee: Transportation  
Senate Committee: Transportation &  
Tourism**

### ***THE APPARENT PROBLEM:***

Public Act 150 of 1970 allows a county road commission board, by resolution, to declare certain roads as natural beauty roads, after the commission holds a hearing on the subject as provided in the act. When a county road commission designates a natural beauty road, it can adopt uniform guidelines and procedures developed by the Department of Natural Resources (DNR) designed to "preserve native vegetation in a natural beauty road right-of-way from destruction or substantial damage by cutting, spraying, dusting, salting, mowing, or by other means." The act provides a process for a majority of landowners along a road to petition the county road commission board to have a road designated a natural beauty road, or permits the board to vote to make the designation. The act, however, pertains only to roads under the jurisdiction of counties. Apparently, at least one city would like to be able to designate streets under its jurisdiction as natural beauty streets, and some people believe that this authority should be granted to villages, too.

### ***THE CONTENT OF THE BILL:***

The bill would amend Public Act 150 of 1970, which provides for the designation of natural beauty roads, to allow the governing body of a city or village to declare certain city or village streets as natural beauty streets, in the same manner that the act prescribes for natural beauty roads.

The bill provides that 25 or more property owners of a city or village could petition the legislative body of the city or village to designate a street, or a portion of one, as a natural beauty street. Within six months after it received the petition, the legislative body would have to give notice of a hearing and hold a public hearing to consider making the designation. Persons could express their support or objections to the proposal at the hearing.

Within 30 days after the hearing, if the legislative body decided in favor of the designation, it would have to file a copy of the resolution with the city or village clerk. Within 45 days after a street was designated, the designation would have to be withdrawn if the property owners of 51 percent of the lineal footage along the natural beauty street submitted a petition to the legislative body requesting that the designation be withdrawn. A legislative body could revoke the designation of a natural beauty street by following the same notification and hearing process it used to make the designation.

Currently, the Department of Natural Resources is required to develop uniform guidelines and procedures that can be adopted by a county board to preserve native vegetation in a natural beauty road right-of-way from destruction or substantial damage by cutting, spraying, dusting, mowing, salting or by other means. The guidelines cannot prohibit the application of accepted principles of sound forest management in a natural beauty road right-of-way. The bill provides that these provisions also would apply to natural beauty streets; however, regarding both natural beauty roads and natural beauty streets, the bill would remove "salting" from the list of procedures that can be regulated. The bill further provides that the guidelines and procedures could not prevent a local road authority from taking actions to modify specific road features to correct traffic hazards that posed a direct and ongoing threat to motorists.

A legislative body would have to hold a public hearing before an action was permitted that would result in substantial damage to native vegetation in a natural beauty street right-of-way. Also, the bill would not affect the right of a public utility to control vegetation in connection with the maintenance, repair or replacement of public utility

House Bill 4390 (8-9-93)

facilities that crossed a natural beauty street or a street that was to be designated as one.

The bill provides that if there were a violation of a guideline or procedure adopted by the legislative body of a village or city, a complaint, signed by five or more property owners representing 10 percent or more of the lineal frontage of a natural beauty street, could be filed with the city or village attorney or the attorney general, who could commence a civil action.

MCL 247.381 et al.

### ***FISCAL IMPLICATIONS:***

The Department of Transportation says the bill would not affect state budget expenditures. Local governments that chose to designate a natural beauty street could have increased costs for work related to maintaining a street so designated, but probably would save money that otherwise might be spent on upgrading the street. (5-14-93)

### ***ARGUMENTS:***

#### ***For:***

The bill simply would extend to the legislative bodies of cities and villages the same authority to designate a street a "natural beauty street" as county road commission boards currently have to designate roads under their jurisdiction as "natural beauty roads." The bill is permissive--a city or village would not have to designate any of its streets as natural beauty streets--and would provide for public discussion of the issue through a hearings process. Once a street was designated as a natural beauty street, a city or village legislative body could adopt guidelines developed by the DNR to preserve native vegetation along the street from certain potentially harmful human activities. The City of Portage apparently would like to designate some streets under its jurisdiction that have unique natural settings as natural beauty streets to ensure that native vegetation flourishing along them was protected.

#### ***Against:***

The bill would delete "salting" from the list of activities that could be regulated by a local governmental unit to help preserve a natural beauty road or street. Salting done to de-ice roads or streets can be harmful to the vegetation that lies along them.

#### ***Response:***

The list of activities that may be regulated along natural beauty roads and streets is merely a guideline for local governments to follow. As specified in the act, the DNR "shall develop uniform guidelines and procedures that may be adopted" [emphasis added] by a county road commission board (or, under the bill, by a city's or village's legislative body) to protect native vegetation from certain human activities. A local governmental unit with jurisdiction over a natural beauty road or street could still choose not to use salt along either one; removing the "salting" provision simply would clarify that protecting vegetation along a natural beauty road or street from the potentially harmful effects of salt would not take precedence over keeping the road or street clear of snow and ice for traffic.