

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5962 (Substitute H-2 as passed by the House)
Sponsor: Representative Michael Bishop
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 9-12-02

CONTENT

The bill would amend Public Act 296 of 1969, which provides for the transfer of highway jurisdiction, to allow a county board of commissioners to initiate a process transferring a city or village road, previously under the jurisdiction of the county, back to the county. The road being transferred would have to serve more than one city or village and have been blocked or closed for more than six months.

Request for Transfer

Under the bill, a county board of commissioners serving a county with a population over 1 million could request that the governing body of a city or village within that county transfer jurisdiction of a road back to the county board of road commissioners, if the board of commissioners made all of the following findings:

- The road had been blocked or closed for more than six months and the city or village could not demonstrate a compelling need for blocking or closing the road. The bill specifies that the fact that a city or village had jurisdiction over the road at the time of the request for transfer would not demonstrate a compelling need.
- For purposes of health, safety, and welfare, the road should not be blocked.
- The road served more than one city or village within the county.

The county's request for transfer would have to be made in writing and addressed to the governing body of the city or village with jurisdiction over the road. If, within 30 days after receiving the request, the city or village did not consent to a transfer or did not demonstrate a compelling need for blocking the road, the county board of commissioners could initiate proceedings to transfer jurisdiction of the road back to the county board of road commissioners.

Determination of Jurisdiction

The Act provides for a "highway jurisdiction determination board" to make a decision about the proposed transfer of a highway from the State to a county, city, or village, or from a county to a city or village, when both parties do not agree to the transfer. The highway authority (the State Highway Commission, a board of county road commissioners, or the governing body of a city or village) proposing the transfer, and the nonconsenting highway authority, each must appoint one member to the determination board. The two appointees then select a third board member from names submitted by the American Arbitration Association. The determination board must conduct a public hearing regarding the proposed transfer.

In a proceeding initiated under the bill, if the party requesting transfer demonstrated to the highway jurisdiction determination board's satisfaction that there was not a compelling need

for the road closure, then the party opposing transfer could rebut that demonstration, as well as demonstrate that the remaining two findings required for transfer had not been satisfied. The determination board would be required to render a decision in favor of the party requesting the transfer, if the opposing party had been unable to rebut the requesting party's demonstration or to demonstrate that the two other required findings had not been satisfied.

MCL 247.855 et al.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill could result in the transfer of Michigan Transportation Fund revenue between local units of government. The transfer of highway jurisdiction would have no net State or local fiscal impact. The amount of revenue transferred from one unit to another would be contingent on the Public Act 51 of 1951 formula governing the distribution of Michigan Transportation Fund among local units of government.

Fiscal Analyst: Craig Thiel