

HOUSE BILL No. 5747

February 14, 2008, Introduced by Rep. Lahti and referred to the Committee on Agriculture.

A bill to amend 1941 PA 205, entitled

"An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities,"

by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The state transportation department, a board of
2 county road commissioners, or a city or village, acting alone or in
3 cooperation with each other or with a federal, state, or local
4 agency having authority to participate in the construction and
5 maintenance of highways, may establish, open, discontinue, vacate,
6 close, alter, improve, maintain, and provide for the public use of

1 limited access highways, subject to section 1(i) of 1925 PA 352,
2 MCL 213.171.

3 (2) The state transportation department shall allow only the
4 installation of vending machines at selected sites on the limited
5 access highway system to dispense food, drink, and other articles
6 that the state transportation department determines appropriate.

7 The state transportation department shall allow only the
8 installation of vending machines at selected travel information
9 centers. Following a 2-year trial period the state transportation
10 department shall use its discretion with the advice of the
11 commission for the blind to allow only vending machines at other
12 locations on the limited access highway system. The vending
13 machines shall be operated solely by the commission for the blind,
14 which is designated as the state licensing agency under ~~section~~
15 ~~2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. USC 107a.~~ Except
16 as otherwise provided in this section, no other commercial
17 enterprise shall be authorized or conducted within or on property
18 acquired for or designated as a limited access highway. The
19 commission for the blind shall require evidence of liability
20 insurance and monitor compliance as it pertains to only vending
21 machines in the designated areas, holding harmless the state
22 transportation department.

23 (3) In conjunction with the exemption granted by federal law
24 from the restrictions contained in ~~section 111 of title 23 of the~~
25 ~~United States Code, 23 U.S.C. USC 111,~~ and described in the "manual
26 on uniform traffic control devices for streets and highways", U.S.
27 department of transportation and federal highway administration,

1 part 2g (LOGOS), this section does not prohibit the use of
2 facilities located in part on the right-of-way of I-94 in the
3 vicinity of the interchange of I-94 and I-69 business loop/I-94
4 business loop for the sale of only those articles which are for
5 export and consumption outside the United States.

6 (4) This section does not prohibit the use of facilities
7 located in the vicinity of the international bridge in the city of
8 Sault Ste. Marie for the sale of only those articles which are for
9 export and consumption outside the United States to the extent that
10 the use is not restricted by federal law.

11 (5) This section does not prohibit the operation of customs
12 brokering facilities on state owned property available for that use
13 at the sites of the blue water bridge in Port Huron and the
14 international bridge in Sault Ste. Marie.

15 (6) The state transportation department may enter into a lease
16 for facilities described in subsection (3), (4), or (5), the
17 revenue from which shall be deposited in the state trunk line fund
18 if attributable to the blue water bridge site or in the fund
19 created under section 7 of 1954 PA 99, MCL 254.227, if attributable
20 to the international bridge site.

21 (7) This section does not prohibit the use of facilities
22 located at rest areas or welcome centers to distribute, either
23 directly or through electronic technologies, free travel related
24 information or assistance, or both, to the traveling public if the
25 distribution is approved by the state transportation department.

26 (8) The state transportation department may enter into
27 agreements for the activities described in subsection (7), the

1 revenue from which shall be deposited in the state trunk line fund.

2 (9) The state transportation department may enter into
3 agreements to authorize the use of property acquired for or
4 designated as a limited access highway or acquired for or
5 designated for ancillary purposes for the installation, operation,
6 and maintenance of commercial or noncommercial electronic devices
7 and related structures so long as the electronic devices and
8 related structures are intended to assist in providing travel
9 related information to motorists who subscribe to travel related
10 information services, the public, or the state transportation
11 department. All revenue generated by the agreements shall be
12 deposited in the state trunk line fund. The state transportation
13 department may accept facilities or in-kind services to be used for
14 public purposes in lieu of, or in addition to, monetary
15 compensation.

16 (10) This section does not prohibit the use of logo signage
17 within the right-of-way of limited access highways. For purposes of
18 this subsection, "logo signage" means a sign containing the
19 trademark or other symbol that identifies a business in a manner
20 and at locations approved by the state transportation department.
21 **THE STATE TRANSPORTATION DEPARTMENT SHALL ALLOW AND APPROVE LOGO**
22 **SIGNAGE THAT IDENTIFIES A BUSINESS THAT SELLS ALTERNATIVE FUELS AT**
23 **RETAIL. THE SIGNAGE SHALL CONTAIN INFORMATION CONCERNING THE TYPE**
24 **OR TYPES OF ALTERNATIVE FUELS SOLD. AS USED IN THIS SUBSECTION,**
25 **"ALTERNATIVE FUELS" MEANS BIODIESEL, BIODIESEL BLEND, OR E85 FUEL**
26 **AS THOSE TERMS ARE DEFINED IN SECTION 78 OF THE MICHIGAN STRATEGIC**
27 **FUND ACT, 1984 PA 270, MCL 125.2078.** The state transportation

1 department may enter into agreements to allow logo signage, and any
2 revenue received by the state transportation department under this
3 subsection shall be deposited into the state trunk line fund
4 established under section 11 of 1951 PA 51, MCL 247.661.

5 (11) At the request of a hospital that provides 24-hour
6 emergency care, the state transportation department shall place and
7 maintain signs on all limited access highways that indicate exits
8 that are within 2 miles of that hospital. The signs shall indicate
9 the name of the hospital or the name of the nonprofit corporation
10 that owns or operates the hospital and the exit number of the exit
11 that is within the 2 miles of the hospital. At least 1 sign shall
12 be placed for each exit that is within 2 miles of a requesting
13 hospital that provides 24-hour emergency care. The cost of placing
14 and maintaining the sign shall be paid by the hospital requesting
15 the signs. The state transportation department shall adopt
16 guidelines specifying the size, shape, design, number, and
17 placement of the signs authorized under this subsection. The state
18 transportation department shall not remove signs on limited access
19 highways that exist on the effective date of the amendatory act
20 that added this subsection and that indicate exits within 10 miles
21 of a hospital that provides 24-hour emergency care but that do not
22 otherwise satisfy the requirements of this subsection. As used in
23 this subsection, "hospital" means a health facility that is
24 licensed under part 215 of the public health code, 1978 PA 368, MCL
25 333.21501 to ~~333.21568~~ **333.21571**.