

## AUTOMATED VEHICLE ROADWAY SYSTEM

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<http://www.house.mi.gov/hfa>

**Senate Bill 706 (S-2) as passed by the Senate**

**Sponsor: Sen. Kenneth Horn**

**House Committee: Transportation**

**Senate Committee: Economic and Small Business Development**

**Complete to 3-21-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Senate Bill 703 would amend the Michigan Vehicle Code to authorize the Michigan Department of Transportation (MDOT) to do all of the following:

- Designate a segment of a roadway under its jurisdiction as an *automated vehicle roadway*.
- Designate a lane or ramp of an automated vehicle roadway as an *automated vehicle roadway lane*.
- Require a user fee for the use of an automated vehicle roadway or automated vehicle roadway lane.
- Enter into an agreement with an *automated vehicle roadway system provider* for the design, construction, manufacture, operation, maintenance, or management of an *automated vehicle roadway system* for a designated automated vehicle roadway or automated vehicle roadway lane. As part of an agreement entered under these provisions, MDOT could include provisions authorizing the automated vehicle roadway system provider to establish and collect user fees for the use of the automated vehicle roadway or automated vehicle roadway lane. An automated vehicle roadway system provider could use the fees collected to properly design, construct, manage, operate, or maintain its automated vehicle road system.

*Automated vehicle roadway* would mean a segment of a roadway that has been designated by MDOT for an automated vehicle roadway system.

*Automated vehicle roadway lane* would mean any lane or ramp on an automated vehicle roadway designated for the exclusive use of motor vehicles by MDOT as described in the bill.

*Automated vehicle roadway system provider* would mean an entity that designs, installs, constructs, operates, or maintains an automated vehicle roadway system.

*Automated vehicle roadway system* would mean a hardware and software system that is capable of facilitating the deployment and operation of an automated motor vehicle or a vehicle equipped with varying levels of automated technology while traveling through a segment of roadway that has been designated for such a system by MDOT.

An automated vehicle roadway or automated vehicle roadway lane designated by MDOT as described above could be subject to requirements established by MDOT as a condition for use and could be reserved for the exclusive use of motor vehicles as determined by MDOT.

The above provisions would supersede all local ordinances that regulate automated vehicle roadway systems, automated vehicle roadways, automated vehicle roadway lanes, or automated vehicle roadway system providers, except that a local unit of government could adopt an ordinance or enforce an existing ordinance that does not conflict with the above.

#### Required conduct for operators

A person could not operate a motor vehicle or automated motor vehicle on an automated vehicle roadway or automated vehicle roadway lane without paying an required user fee and complying with any requirements established by MDOT for the use of the roadway or lane. These provisions would apply in addition to any other existing rules or regulations governing the use of the roadway or lane that are not inconsistent with these provisions. A person violating these provisions would be responsible for a civil infraction under the code.

MDOT could promulgate rules to implement the mechanisms to monitor a segment of roadway that has been designated as an automated vehicle roadway or lane and to enforce violations of the above provision.

#### Study contracted by Michigan Council on Future Mobility and Electrification

The bill would authorize the Michigan Council on Future Mobility and Electrification created under Executive Reorganization Order No. 2020-1 to conduct or contract with a third-party vendor to conduct a study that analyzes the impact that the development, construction, or implementation of an automated vehicle roadway, automated vehicle roadway system, or related infrastructure would have on labor and employment in relevant areas of Michigan.

#### Other provisions

Currently the code requires that an automated motor vehicle or any automated technology or automated driving system installed in a motor vehicle must be capable of achieving a ***minimal risk condition*** if the individual monitoring the vehicle's performance does not or cannot take control of the vehicle. The bill would add the following definition of minimal risk condition:

***Minimal risk condition*** would mean the ability of an automated motor vehicle, upon experiencing a failure of its automated driving system that renders the automated motor vehicle unable to perform the dynamic driving task, to bring the vehicle to a stop in a reasonably safe location for the vehicle and any human operator.

In addition, the code now provides that an automated driving system is considered the driver or operator of a vehicle for traffic law purposes. The bill would amend this provision to stipulate that an automated system provider is not an operator of a vehicle.

MCL 257.2b, 257.642, and 257.665

### **FISCAL IMPACT:**

The Michigan Department of Transportation indicates that the bill would allow MDOT to designate highway lanes as "automated vehicle roadways" for use by automated vehicles communicating with the roadway. The bill also would authorize fees for lane use and allow MDOT to promulgate rules for enforcement. In general, the bill would help facilitate the development of automated vehicle lanes in Michigan.

MDOT has contracted with Cavnue, LLC<sup>1</sup> to offer experimental vehicle-to-infrastructure services in the corridor connecting Detroit, Dearborn, Ypsilanti, and Ann Arbor.<sup>2</sup> This project may involve dedicated lanes (that is, lanes dedicated to automated cars, buses, or other vehicles) on US-12 (Michigan Avenue) or I-94.<sup>3</sup> However, the nature of the services and designs have not yet been determined.

The bill is permissive. It would authorize, but not require, MDOT to establish automated vehicle roadways as defined in the bill. There would be costs associated with the establishment of automated vehicle roadways. However, the bill also authorizes MDOT to establish fees for use of the automated vehicle roadways (user fees) that could offset those costs. The organization, powers, and duties of the state transportation commission and the state transportation department (MDOT) are established in 1964 PA 286. That authority does not include the imposition of “user fees” or tolling. As a result, the bill’s provisions, in the Michigan Vehicle Code, do not appear to be sufficient to allow MDOT to establish user fees on state trunkline highways.

Section 642 of the Michigan Vehicle Code currently makes certain traffic violations civil infractions. The bill would add violations of the new automated vehicle roadway requirements to this existing sanction. Civil fine revenue from traffic violations is currently earmarked in statute.<sup>4</sup> The department anticipates that fines for violations will be insignificant.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>1</sup> <https://www.cavnue.com/>

<sup>2</sup> See <https://www.michiganbusiness.org/press-releases/2020/08/michigan-cavnue-creating-road-of-future-between-ann-arbor-and-detroit/>

<sup>3</sup> See [https://www.michigan.gov/mdot/0,4616,7-151-9621\\_101547---,00.html](https://www.michigan.gov/mdot/0,4616,7-151-9621_101547---,00.html)

<sup>4</sup> As described in the House Fiscal Agency publication “Fiscal Brief: Traffic Citation Revenue” (February 1, 2022): [https://www.house.mi.gov/hfa/PDF/Alpha/Fiscal\\_Brief\\_Traffic\\_Citation\\_Revenue\\_Feb2022.pdf](https://www.house.mi.gov/hfa/PDF/Alpha/Fiscal_Brief_Traffic_Citation_Revenue_Feb2022.pdf)