

# HOUSE BILL No. 5254

November 1, 1989, Introduced by Reps. Hertel and Stupak and referred to the Committee on Transportation.

A bill to provide for the acquisition, management, and disposal of property by the state transportation department; to encourage and facilitate economic development; to prescribe certain powers and duties of the state transportation department; and to provide for the disposition of revenue received under this act for transportation purposes.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Commission" means the state transportation commission.

3       (b) "Department" means the state transportation department.

4       (c) "Person" means an individual, partnership, corporation,  
5 or other private or public legal entity.

6       (d) "Transportation purposes" means those purposes described  
7 in section 9 of article IX of the state constitution of 1963.

1       Sec. 2. (1) It is hereby declared to be the policy of this  
2 state to encourage and facilitate economic development while  
3 carrying out transportation purposes. In the furtherance of that  
4 policy and those purposes the department may acquire property,  
5 make expenditures and grants from available appropriated funds,  
6 and may convey property rights in property acquired or held to  
7 any person. Such undertakings are hereby declared to be valid  
8 public purposes.

9       (2) It is hereby declared to be the policy of this state to  
10 authorize commercial or other activity on property owned or man-  
11 aged by the department in furtherance of the economic development  
12 of this state and, where appropriate to generate revenue for  
13 transportation purposes. This commercial or other activity shall  
14 not interfere with the transportation needs for that property or  
15 be contrary to the policies of the commission.

16       Sec. 3. (1) The department may enter into contracts in fur-  
17 therance of authorized transportation purposes.

18       (2) The department may acquire property for transportation  
19 purposes.

20       (3) The department may exercise its power under this act for  
21 the purpose of having food, lodging, motor vehicle, and other  
22 incidental goods and services provided to the traveling public.

23       (4) The department may issue permits and may enter into  
24 leases and other contracts with any person for the use of prop-  
25 erty under its management or jurisdiction so long as any trans-  
26 portation purposes of the property are reasonably safeguarded.  
27 The department may require that bonds or insurance be posted or

1 impose other measures to provide for any injury which may be  
2 suffered by the department or other persons as a result of activ-  
3 ity on that property.

4 (5) Property originally acquired but no longer needed for  
5 transportation purposes may be conveyed by the department to any  
6 person or may be retained and managed by the department in  
7 accordance with the powers conferred by this act.

8 Sec. 4. (1) The department may, where appropriate, require  
9 payment for the use of its properties based upon the revenue gen-  
10 erated by the authorized activity, the market value of the prop-  
11 erty, or such other measure as may be warranted by the  
12 circumstances. The department may take into account the value of  
13 the authorized activity toward the fulfillment of transportation  
14 purposes.

15 (2) This act authorizes the department to receive revenue  
16 incidental to its management of properties acquired for transpor-  
17 tation purposes. Such property management is not undertaken pri-  
18 marily for purposes of profit and all revenue received is to be  
19 used for transportation purposes.

20 (3) Revenue received under this act shall be credited to the  
21 state trunk line fund created pursuant to section 11 of Act  
22 No. 51 of the Public Acts of 1951, being section 247.661 of the  
23 Michigan Compiled Laws.

24 Sec. 5. The department shall exercise its powers under this  
25 act in conformity with policies adopted by the commission pursu-  
26 ant to the requirements of section 28 of article V of the state

1 constitution of 1963 and in conformity with all applicable  
2 federal laws and regulations.