

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Transportation

**Bureau name:**

Bureau of Highway Development

**Name of person filling out RIS:**

Greg Losch

**Phone number of person filling out RIS:**

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**Rule Set Information:**

**ARD assigned rule set number:**

2025-30 TP

**Title of proposed rule set:**

Administrative Rules for Highway Motorist Services Areas and other MDOT Facilities.

**Comparison of Rule(s) to Federal/State/Association Standard**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

MDOT is not aware of parallel federal rules or rules set by a state or national licensing agency or accreditation association that address the scope of use of MDOT-owned facilities.

**A. Are these rules required by state law or federal mandate?**

No, these rules are not required by state law or federal mandate.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

There is no relevant federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

Other states share common prohibited activities with MDOT's proposed rules. Among the states that have stay-length restrictions, Michigan's proposed 48-hour limit would be the most lenient. No other state with restrictions allows more than 24 hours.

1. California – 8 Hour limit in any 24-hour period
2. Colorado – 4 Hour time limit
3. Florida – 3 Hour time limit
4. Idaho – 8-16 Hour time limit
5. Illinois – 3 Hour time limit
6. Kansas – 24 Hour time limit
7. Kentucky – 4 Hour time limit
8. Maryland – 3 Hours
9. Minnesota – 6 Hour time limit
10. Nebraska – 10 Hour time limit

- 11.Ohio – 3 Hour time limit
- 12.Oregon – 12 Hour time limit
- 13.South Dakota – 3 Hour time limit
- 14.Texas – 24 Hour time limit
- 15.Washington – 8 Hour time limit
- 16.Wisconsin – 24 Hour time limit

The following demonstrates a direct comparison of prohibited activities MDOT's proposed rule are intended to address.

Overnight Parking is allowed in the following states:

- 1.California
- 2.Idaho
- 3.Kansas
- 4.Minnesota
- 5.Oregon
- 6.Texas
- 7.Washington
- 8.Wisconsin

Overnight parking is NOT allowed in the following states:

- 1.Colorado
- 2.Florida
- 3.Illinois
- 4.Kentucky
- 5.Maryland
- 6.Ohio
- 7.South Dakota
- 8.Nebraska

Further analysis of the rules for Florida, Idaho, Kansas, Kentucky, Nebraska, Ohio, and Oregon is provided below.

Camping:

- Michigan Proposed Rules – Banned
- Florida - Banned
- Idaho – Banned
- Kansas – One night only
- Kentucky – Implied Ban
- Nebraska - Banned
- Ohio – Banned
- Oregon – Banned

Trash:

- Michigan Proposed Rules – Bins only
- Florida – Dumping prohibited
- Idaho – Bins only, no outside waste
- Kansas – Not explicitly addressed
- Kentucky – Not explicitly addressed
- Nebraska – Bins only
- Ohio – travel-related waste only; must use designated containers in all cases.
- Oregon – Bins only

Alcohol:

- Michigan Proposed Rules – Banned
- Florida - Prohibited
- Idaho – Not allowed
- Kansas – Not explicitly addressed

- Kentucky – Not explicitly addressed
- Nebraska – Banned
- Ohio – Prohibited
- Oregon – Banned

Fires

- Michigan Proposed Rules – Designated areas only
- Florida - Prohibited
- Idaho – Grills/Stoves only
- Kansas – Not explicitly addressed
- Kentucky – Not explicitly addressed
- Nebraska – Grills only
- Ohio – Only in provided containers
- Oregon – Only propane or gas stoves allowed

Animals

- Michigan Proposed Rules – Leash, dog runs
- Florida – Must be restrained. Service animals only in buildings.
- Idaho – Leash, service animals only in buildings
- Kansas – Not explicitly addressed
- Kentucky – Not in buildings
- Nebraska –Leash, dog areas only
- Ohio – Pets must be leashed
- Oregon – 6 ft leash, must be under control

Parking:

- Michigan Proposed Rules – Only in marked areas
- Florida – Vehicles must be parked in a proper manner
- Idaho – Only in marked places, not on ramps or grass
- Kansas – shall not be parked in a manner which obstructs the roadside facility
- Kentucky – Not explicitly addressed
- Nebraska – Not on ramps or grass
- Ohio – No parking on grass
- Oregon – In marked areas only

Group use:

- Michigan Proposed Rules – Permitting process
- Florida - Prohibited
- Idaho – Permitting process
- Kansas – Permitting process
- Kentucky – Not explicitly addressed
- Nebraska – Not allowed
- Ohio – Not explicitly addressed
- Oregon – Not permitted

Disruptive behavior:

- Michigan Proposed Rules – No solicitation, unruly gatherings, property damage, unauthorized business, or signs.
- Florida – No explicitly addressed
- Idaho – No boisterous or abusive conduct; no destruction, defacement, soliciting/commercial selling, disturbing noise, fireworks.
- Kansas – Not explicitly addressed
- Kentucky – General decorum and “for travel only.”
- Nebraska – No loafing, suspicious activity, property defacement, commercial activity.
- Ohio – Lewd acts and indecent exposure banned.
- Oregon – Public disturbances and harassment banned.

Commercial activities/soliciting:

- Michigan Proposed Rules – Permitted for charitable organizations with prior approval; restricted to entrance/lobby areas

- Florida – By permit only
- Idaho – Emergency services & vending only
- Kansas – No solicitation, only service organizations may be allowed to serve refreshments on holidays but may not solicit or sell items
- Kentucky – Not explicitly addressed
- Nebraska – Not allowed
- Ohio – Only vending machines allowed by law.
- Oregon – Only permitted coffee service and vending allowed.

Blocking access or loitering:

- Michigan Proposed Rules – No blocking movement or entrances
- Florida – Not explicitly addressed
- Idaho – Not explicitly addressed
- Kansas – Obstruction of access or activities that hinder public use are prohibited
- Kentucky – Not explicitly addressed
- Nebraska – No loafing
- Ohio – No loitering around facilities.
- Oregon – No blocking restrooms or traffic.

Smoking:

- Michigan Proposed Rules – Not mentioned
- Florida – not mentioned
- Idaho – Not specifically stated
- Kansas – Not mentioned
- Kentucky – Not mentioned
- Nebraska – Not in buildings or within 10 ft of entrance
- Ohio – Not mentioned
- Oregon – Smoking banned within 20 feet of restrooms.

Penalties for Violators:

- Michigan Proposed Rules – Misdemeanor
- Florida – Florida code Section 337.406 cited, penalties for violations carries a second-degree misdemeanor.
- Idaho – First offense, infraction punishable by fine up to \$75; second offense, misdemeanor carrying a fine not exceeding \$1000, imprisonment in county jail for up to six months, or both.
- Kansas – Any vehicle parked in violation of these regulations may be considered a common nuisance and removed and impounded at the direction of the Secretary of Transportation. Parking violations in areas with parking meters (like some visitor parking areas) could result in fines, such as \$3.00 for a first violation and \$10.00 for subsequent violations within the same day (at least two hours after the previous violation). Violations related to driving or parking within the rest area could result in fines for specific traffic infractions, such as a \$45 fine for improper stopping, standing, or parking in a prohibited area.
- Kentucky – Penalties per KRS 177.990(1), which would charge the person with a misdemeanor and is punishable by fine of not less than \$5.00 nor more than \$100.00.
- Nebraska – Violations for overnight parking and camping can result in a Class V misdemeanor charge and may be ordered to pay for damages. Other violations and penalties may be based on local ordinances or state laws.
- Ohio – Towing and enforcement by highway patrol.
- Oregon – Enforced by DOT and TIC with formal exclusion process. Non-compliance with health and safety regulations may result in a Class B violation under ORS 366.991. Immediate departure: Individuals cited for a violation must leave the rest area at once. Graduated exclusions: The duration of the exclusion depends on the nature and frequency of the violation:
  - oOne month for violating posted rules or not complying with requests.
  - oSix months for repeated violations, citations for other laws, or property damage up to \$2,000.
  - oOne year for physical assault, criminal activity citations, intentional property damage, or damage exceeding \$2,000.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The proposed rules are similar to other states and do not exceed.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

Other laws, rules, and other legal requirements are not known to duplicate, overlap, or conflict with the proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

Discussions with federal and state agencies have resulted in highlighting the need for MDOT to develop the proposed rules. There are no known duplicate or overlapping rules.

**Purpose and Objectives of the Rule(s)**

**4. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

Problem intended to address: MDOT does not currently have administrative rules in place to address improper use of the buildings and lands dedicated and appropriate to the public use over which the department has jurisdiction or control, including buildings or parts of buildings, and other real estate occupied by the State as lessee. Frequency statewide: range from daily to several times a week.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

Without the proposed rules MDOT has no way to address the behavior and no way to respond to public complaints.

With the proposed rules, there will be a mechanism to post expectations for use and address as the need arises.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

Current behavior includes, but is not limited to, parking/storing vehicles, RVs, commercial vehicles and/or camping at facilities for longer than what the facilities are intended to support, dumping and or disposing of debris and other items, and occupying facilities in a way that deters or prevents others from use. Desired behavior and intended outcome of these rules: Individuals will utilize the MDOT facilities as intended, a short-term, refuge related to long distance travel. Accumulation of trash and other items will not occur as these rules would prevent long-term, unapproved use of the facilities.

**C. What is the desired outcome?**

The desired outcome is to establish and post base-line level of expectations for use of MDOT facilities with a mechanism for enforcement.

**5. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

Missed opportunity to improve public safety, damage to facilities, additional resources for cleaning and maintenance, poor public perception due to MDOT's current inability to address related complaints, reduced use of facilities resulting from the behavior the proposed rules are intended to address.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

There are no existing rules.

**6. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

The proposed rules will provide MDOT with the tools to address behavior that negatively impacts health, safety, and welfare of Michigan citizens. Nothing will change for those who are not demonstrating the behavior the proposed rules are intended to address. Signs posted at facilities will also include information for contacting crisis support services (988, 211, National Human Trafficking Hotline).

**7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

The proposed rules are new; there are no obsolete or unnecessary rules that should be rescinded.

**Fiscal Impact on the Agency**

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

**8. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The fiscal impact would be negligible. An immaterial cost of printing and displaying the new rules and no potential savings to recognize. The estimated cost for the signing is approximately: \$220,000.00

**9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation will be needed. Costs of printing materials will be absorbed by existing resources.

**10. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

The proposed rules will not place a fiscal or administrative burden on anyone and will not duplicate existing acts.

The costs associated with printing and displaying the rules are insignificant in terms of the anticipated safety benefits provided by these rules to the motoring public.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

The proposed rules will not place a fiscal or administrative burden on anyone and will not duplicate existing acts.

## **Impact on Other State or Local Governmental Units**

**11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

The proposed rules are intended to address improper use of MDOT controlled facilities; there should not be an impact on revenue to other state or local governmental units. There should not be an impact on costs to other state or local governmental units.

**12. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

No additional program, service, duty, or responsibility will be required. Signs displaying the rules will also include information on how to contact crisis support services (988, 211, National Human Trafficking Hotline)

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

No actions that governmental units must take.

**13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

There is no appropriation to state or local governmental units that has been made or a funding source provided for any additional expenditures associated with the proposed rules.

## **Rural Impact**

**14. In general, what impact will the rules have on rural areas?**

The impacts to rural areas will be the same as all areas. The proposed rules will give MDOT the ability to address behavior that reduces the quality of controlled facilities for the public.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

Commuters and traveling public will benefit from an improved safety and quality in experience

## Environmental Impact

### **15. Do the proposed rules have any impact on the environment? If yes, please explain.**

Yes, the rules have a positive impact on the environment, the proposed rules give MDOT the tools to regulate behaviors such as disposal of debris, hazardous material, medical/drug waste, dumping of automotive related materials, and establishes the expectations of Short-Term use.

## Small Business Impact Statement

### **16. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

No exemption needed. Proposed rules are intended to impact individuals' behavior and will not have an impact on small businesses.

### **17. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

No impact, proposed rules do not apply to small businesses. Proposed rules are intended to impact individuals' behavior and are not intended to have an impact on small businesses.

### **A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

No impact. Small businesses adjacent to MDOT controlled facilities will benefit from improved conditions and MDOT's ability to respond to complaints due to promulgated rules.

### **B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

No reporting requirements for small businesses. MDOT does not have reporting requirements for small businesses associated with the behaviors the proposed rules are intended to prevent.

### **C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

No reporting requirements for small businesses. MDOT does not have reporting requirements for small businesses associated with the behaviors the proposed rules are intended to prevent.

### **D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The rules do not regulate small businesses, so the agency did not establish performance standards to replace design or operation standards required by the proposed rules.

### **18. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules will have no disproportionate impact on small businesses because of their size or geographic location.

### **19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

No reporting requirements for small businesses. MDOT does not have reporting requirements for small businesses associated with the behaviors the proposed rules are intended to prevent.

### **20. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There will be no costs of compliance for small businesses.

### **21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

No cost impacts. Small businesses are not intended to be impacted by legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules. The proposed rules do not impose costs for legal, consulting, or accounting services on small businesses.

**22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There will be no new costs for small businesses to absorb.

**23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

Small businesses are not impacted by this rule. There would be no additional costs to the agency if small businesses had a lesser standard of compliance.

**24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

If small businesses were exempted from complying with the proposed rules, the public would still receive the same benefits, and there would be no negative impacts, as small businesses are not affected by the proposed rules.

**25. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

MDOT has received informal input from businesses of all sizes adjacent to MDOT controlled facilities regarding the behavior associated with improper use of those facilities.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No specific small businesses were formally involved.

**Cost-Benefit Analysis of Rules (independent of statutory impact)**

**26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There will be no compliance costs on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

Businesses adjacent to MDOT controlled facilities will not bear any costs but will benefit from an increased level of safety at the MDOT facilities.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

There will be no imposed costs on businesses or groups.

**27. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

There will be no estimated statewide compliance cost on individuals.

**A. How many and what category of individuals will be affected by the rules?**

The exact number of individuals impacted by the rules is unknown. The category of affected individuals includes anyone currently demonstrating the behaviors the proposed rules address.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

Qualitative Impact to Individuals: Approved rules could impact individuals who are attempting to utilize MDOT facilities longer than the intended purpose. Unintended use has been observed in the past and is creating a safety concern. These individuals may be seeking refuge and sense of place in a location that is not safe for them. With the approval of these rules, clear expectations can be relayed to the impacted community and safe, reliable resources can be conveyed.

Quantitative Impacts to Individuals: Approved rules will not affect the financial situation of an individual user of MDOT facilities UNLESS they refuse to relocate to a safer, appropriate facility. If refusal happens, legal fees may impact an individual if their relocation becomes a law enforcement situation.

**28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

There will be no cost reductions resulting from the proposed rules.

**29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**



Benefits include promoting order and structure. People will understand expectations. Enhances public safety and security while protecting facility users. Encourages responsibility and accountability. Clear rules allow for people to take ownership of their actions. Fosters fairness and equity as everyone is held to the same standards and promotes justice by stating what is acceptable and unacceptable behavior. Improves efficiency with facility maintenance and operations.

**30. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The proposed rules will not have an impact on business growth and job creation. There will be no resulting job elimination.

**31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

No individuals or businesses will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or location. The rules apply to everyone.

**32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

Multiple sources were used to gather this information. One key source summarized all 50 states' rules for maximum length of stay, overnight parking, camping, and exceptions. This source is:

<https://www.boondockersbible.com/knowledgebase/how-long-can-you-stay-at-a-rest-area/>

This information was then verified through official state websites (when available) or other credible sources for the most current data.

Official State Sources Used:

1. California - <https://www.law.cornell.edu/regulations/california/21-CCR-2205>
2. Colorado - <https://www.dot.state.mn.us/restareas/policy.html>
3. Florida - <https://www.fdot.gov/docs/default-source/maintenance/cont/ra/Chapter1428002.pdf>
4. Idaho - <https://adminrules.idaho.gov/rules/current/39/390350.pdf>
5. Illinois - <https://www.ilga.gov/agencies/JCAR/EntirePart?titlepart=09200533>
6. Kansas - [https://sos.ks.gov/publications/pubs\\_kar\\_Regs.aspx?KAR=36-32-2](https://sos.ks.gov/publications/pubs_kar_Regs.aspx?KAR=36-32-2)
7. Kentucky - <https://apps.legislature.ky.gov/law/kar/titles/603/005/040/>
8. Maryland - <https://www.law.cornell.edu/regulations/maryland/title-11/subtitle-04/chapter-11.04.07>
9. Minnesota - <https://www.dot.state.mn.us/restareas/policy.html>
10. Ohio - <https://codes.ohio.gov/ohio-administrative-code/rule-5501:2-4-01>
11. Oregon - <https://records.sos.state.or.us/ORSOSWebDrawer/Record/8135059/File/document>
12. South Dakota - <https://sdlegislature.gov/Statutes/31-7-17>
13. Texas - [https://texas.public.law/statutes/tex.\\_transp.\\_code\\_section\\_545.411](https://texas.public.law/statutes/tex._transp._code_section_545.411)
14. Washington - <https://app.leg.wa.gov/RCW/default.aspx?cite=47.38.020&pdf=true>
15. Wisconsin - <https://wisconsin.gov/Pages/travel/road/rest-areas/guidelines.aspx>
16. Nebraska - <https://dot.nebraska.gov/media/kh2ps1hi/attachment-b-rest-area-rules-and-regulations.pdf>

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.**

No cost-benefit analysis was needed for these proposed rules changes. Consultation with the Department's Director of the Bureau of Finance, as well as System Operations Leadership, was relied upon.

## Alternative to Regulation

**33. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

No known alternatives, MDOT has had internal rules for many years that have not addressed behavior negatively impacting controlled facilities. Law enforcement has been hesitant to enforce MDOT's internal rules/policies due to the lack of promulgated rules.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

No statutory amendments needed.

**34. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

A private based mechanism to regulate is not feasible for MDOT controlled facilities. MDOT has explored private-public partnerships alternatives before in the past to alleviate some of the concerns at rest areas as other states have done. Michigan Act 205 of 1941 and 23 USC 111 limits the commercial activities that can occur at rest area facilities; that limit on commercialization removes the ability for private entities to capture revenue streams to offset their investment to address these issues.

Overview of Private Service Use by States for Roadside Facilities

Results from a July 2025 survey distributed through the American Association of State Highway and Transportation Officials Research Advisory Committee

Executive Summary:

State Departments of Transportation (DOTs) are grappling with prolonged public camping in rest areas and carpool lots, which can strain facility resources and compromise safety and sanitation standards. The lack of consistent enforcement and clear statewide policies makes it difficult to manage long-term stays, especially when signs prohibiting camping are absent or ignored. These extended occupations can deter travelers, disrupt intended rest area functions, and create challenges for law enforcement and maintenance crews. To better discuss the feasibility of establishing a regulatory program like that proposed in the rules that would operate through private market-based mechanisms, a survey was conducted in July of 2025 to understand how private services could be used to address this issue in other states. This report summarizes responses from 18 state transportation agencies regarding their use of private services for enforcement and maintenance at roadside rest areas and carpool lots.

Importantly, the scope of services that private entities could provide is inherently tied to the content and clarity of the governing administrative rules, code, or law. Without a defined regulatory framework in place, it is difficult to assess the potential roles and limitations of private sector involvement. The absence of such a code creates uncertainty around enforcement authority, operational boundaries, and service expectations, making it challenging to design or implement a viable private enforcement model.

Key take aways from the survey include the following:

- Mixed Adoption Across States: Half of the responding states (9 of 18) actively contract private services for activities such as cleaning, security, monitoring, and enforcement. The remaining states either rely solely on state employees or have no formal private involvement.
- Limited Use in Enforcement: Private services are more commonly contracted for general maintenance than enforcement; MDOT also contracts for general maintenance. Only a handful of states employ private firms to monitor issues like camping restrictions or parking duration violations.
- Service Providers & Scope: Most of the handful of participating states work with local private firms or caretakers for maintenance and in some cases enforcement. Services range from janitorial duties to full-time security. Wisconsin stands out for using nonprofit providers that offer workforce opportunities for people with disabilities.
- Satisfaction Varies: Agencies report a range of satisfaction levels—some are very satisfied, others neutral or even dissatisfied. Idaho cited very low satisfaction, while Louisiana reported high approval.
- Cost Implications: The annual cost of using private services for maintenance and enforcement per site generally exceeds \$50,000, with many states spending over \$100,000. Despite higher costs than in-house staffing, private services are sometimes favored due to staffing limitations, efficiency goals, or inability to recruit full-time employees.
- Performance Evaluation: Common metrics include facility cleanliness, incident resolution, and monthly inspections. About half of the states conduct regular reviews or audits to track service quality.
- Drivers for Privatization: The top reasons for outsourcing include:
  - oStaffing shortages or lack of in-house capacity
  - oDesire for flexibility and scalability
  - oLong-term cost management (e.g., no pension/benefits)
  - oSpecialized skillsets or pilot program initiatives (e.g., Arizona's P3 trial)

A full summary of the data collected in the survey is as follows:

Survey participation included the following states.

- Total Respondents: 18 states
  - States actively contracting private services for enforcement or maintenance: 9
  - States with no private service use reported: 9
  - States responding include: Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Carolina, South Dakota, Texas, Vermont, Wisconsin and Wyoming
- When asked about enforcement services the following states reported using private services for the following types of enforcement:

- Camping restrictions enforcement (e.g., public use rules):
  - oUsed in: Delaware, Mississippi, Florida
  - oNot used in: Majority of respondents
- Monitoring corridor obstruction violations:
  - oUsed in: Delaware, Kentucky, Mississippi, Florida, Colorado (some sites)
- Parking/storage limit enforcement:
  - oMost states do not use private services for this
  - oExceptions: Florida, Mississippi

When asked to list the types of contracted services each state noted the following:

Type of Service	Examples
Maintenance crews	Wyoming, South Dakota, Wisconsin
Security personnel	Delaware, Florida, Mississippi
Janitorial staff	Arkansas
Operations & monitoring	Arizona, Colorado
Nonprofit workforce	Wisconsin
Mixed services	Florida (security + maintenance)

States reported the following service frequency and structure:

- Full-time monitoring: Common across most participating states
- Night-time security (7 PM–7 AM): Delaware
- Split shifts (e.g., 6 AM–6 PM maintenance, 6 PM–6 AM security): Louisiana
- Contract intervals: Arizona uses 5-year cycles
- Daily services (~8–12 hours/day): Wisconsin

The agency satisfaction levels with private services varied as follows:

Satisfaction Level	States Reporting
Very satisfied	Louisiana
Somewhat satisfied	Arkansas, Mississippi
Neutral	Wyoming, Delaware, Colorado, Florida
Very dissatisfied	Idaho

While public feedback was not received by most states, Louisiana, Kentucky, Wisconsin, Mississippi, and South Dakota did receive feedback.

States reported using the following performance metrics:

- Facility cleanliness (South Dakota, Arkansas, Wisconsin, Kentucky, Florida)
- Incident resolution (Delaware, Mississippi, Florida)
- Monthly site inspections (Louisiana)
- Public satisfaction polls (Florida)
- Regular reviews or audits: Conducted by most participating states

The private service firm per site costs of roadside enforcement and maintenance were reported as follows:

Cost Per Site	States Reporting
Less than \$10,000	Arkansas
\$50,000–\$100,000	Wyoming, South Dakota, Mississippi, Delaware
Over \$100,000	Arizona, Colorado, Florida, Kentucky, Missouri, Idaho, Wisconsin
Unknown	Several respondents

When compared to state employees service costs, most states report private services as more expensive. The exceptions include Wisconsin and Arkansas where private services reported as cheaper.

The key decision factors for using private services include:

- Staff shortages: Reported in Colorado, Florida, Idaho, South Dakota, Arkansas
- Efficiency and flexibility: South Dakota, Mississippi
- No pension/benefits obligations: Delaware
- Specialized skillset or scalable workforce: Mississippi
- Pilot or P3 program interest: Arizona
- Employment opportunities for people with disabilities: Wisconsin

**35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.**

MDOT has struggled for years to respond to public complaints regarding the improper use of MDOT controlled facilities. Complaints generally involve the behaviors of others somehow negatively impacting safety, health, or obstruction to others wishing to use the facility as the facility was intended to be used. MDOT has had internal rules for many years that have not addressed behaviors negatively impacting controlled facilities. Law enforcement has been hesitant to enforce MDOT's internal rules/policies due to the lack of promulgated rules. Alternatives considered: Close facilities with high frequency of behavior the proposed rules are intended to address.

**Additional Information**

**36. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

MDOT will post signage at facilities with rules referenced.