

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Transportation

**2. Bureau:**

Bureau of Highway Development

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

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

**5. Rule numbers or rule set range of numbers:**

R 247.601 - R 247.633

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

Greg Losch

**E-mail of person filling out RFR:**

LoschG@michigan.gov

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

517-719-2037

**Address of person filling out RFR:**

4701 W. Michigan Avenue  
Jackson, Michigan 49201

**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

General purpose: Establish baseline set of expectations for public use of Highway Motorist Services Areas and other MDOT Facilities. 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.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

Michigan Department of Transportation.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

Act No. 286 of the Public Acts of 1964, as amended, being §247.801 et seq. of the Michigan Compiled Laws.

MCL 257.79

Americans with Disabilities Act (ADA)

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

MCL 247.809

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

No known conflicts.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

Related policy posted on MDOT's website, but MDOT does not currently have administrative rules in place or enforcement mechanism.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

No. They will be in the regulatory plan for 2025-2026.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

No, the rules do not exceed similar regulations. These rules are similar to rules promulgated by other state agencies to regulate the use of property or buildings under their jurisdiction:

- oConduct on State Property Administrative Rules for "State grounds" and "State buildings" under Michigan Department of Technology, Management and Budget (DTMB) jurisdiction or control. (R 18.201 to R 18.208)
- oPark and Recreation Areas – State Land Rules for lands administered by the Michigan Department of Natural Resources (DNR). (R 299.922, R 299.927, R 299.930) MCL 324.504
- oThese rules regulate MDOT's Highway Service Areas and other MDOT facilities under MDOT's jurisdiction.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

MDOT has not yet received formal public comment regarding these rules, however MDOT has received informal comments/complaints regarding the improper use of Highway Motorist Service Areas and other MDOT Facilities for years.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

N/A new rules.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

N/A new rules.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**