

Legislative Analysis



RIGHT OF WAY PERMITS

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Senate Bill 234

Sponsor: Sen. Jud Gilbert, II

House Committee: Transportation

Senate Committee: Transportation

Complete to 3-7-05

A SUMMARY OF SENATE BILL 234 AS PASSED BY THE SENATE 3-1-05

The bill would amend the Michigan Vehicle Code to allow the Michigan Department of Transportation (MDOT) to issue a permit to a person, firm, or corporation to sell or display goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a state trunk line highway, if the permitted activities did not create an unsafe situation or interfere with transportation along the highway.

(Currently under the code a person who sells or displays merchandise within a state trunk line right-of-way is, with some exceptions, responsible for a civil infraction.)

As a condition of issuing a permit, MDOT could require that the municipality with jurisdiction over the site of the permitted activities agree to enforce compliance with the permit. The issuance of a permit would not confer any property right, and MDOT could charge a fee in an amount not greater than the administrative cost of issuing the permit.

A permit holder who conducted activities in violation of the permit would be responsible for a civil infraction and subject to a maximum fine of \$10. Each day that the permit holder violated the permit would be a separate violation. The department could limit or revoke a permit if the permit holder conducted activities that created an unsafe situation or interfered with transportation along the highway, or violated permit conditions.

MCL 257.676a and 257.907

FISCAL IMPACT:

Additional state administrative costs associated with the proposed permitting process would be covered by the fees that the Michigan Department of Transportation would collect for issuing the permits. The new proposed civil fine could result in additional revenue.

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