

HOUSE BILL No. 4974

May 20, 2009, Introduced by Reps. Sheltroun, Moore, Polidori and Meadows and referred to the Committee on Transportation.

A bill to amend 1941 PA 205, entitled

"An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities,"

by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The state transportation department, a board of
2 county road commissioners, or a city or village, acting alone or in
3 cooperation with each other or with a federal, state, or local

1 agency having authority to participate in the construction and
2 maintenance of highways, may establish, open, discontinue, vacate,
3 close, alter, improve, maintain, and provide for the public use of
4 limited access highways, subject to section 1(i) of 1925 PA 352,
5 MCL 213.171.

6 (2) The state transportation department shall allow only the
7 installation of vending machines at selected sites on the limited
8 access highway system to dispense food, drink, and other articles
9 that the state transportation department determines appropriate.
10 The state transportation department shall allow only the
11 installation of vending machines at selected travel information
12 centers. Following a 2-year trial period the state transportation
13 department shall use its discretion with the advice of the
14 commission for the blind to allow only vending machines at other
15 locations on the limited access highway system. The vending
16 machines shall be operated solely by the commission for the blind,
17 which is designated as the state licensing agency under ~~section~~
18 ~~2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. USC 107a.~~ Except
19 as otherwise provided in this section, no other commercial
20 enterprise shall be authorized or conducted within or on property
21 acquired for or designated as a limited access highway. The
22 commission for the blind shall require evidence of liability
23 insurance and monitor compliance as it pertains to only vending
24 machines in the designated areas, holding harmless the state
25 transportation department.

26 (3) In conjunction with the exemption granted by federal law
27 from the restrictions contained in ~~section 111 of title 23 of the~~

1 ~~United States Code, 23 U.S.C. USC~~ 111, and described in the "manual
2 on uniform traffic control devices for streets and highways", U.S.
3 department of transportation and federal highway administration,
4 part 2g (LOGOS), this section does not prohibit the use of
5 facilities located in part on the right-of-way of I-94 in the
6 vicinity of the interchange of I-94 and I-69 business loop/I-94
7 business loop for the sale of only those articles which are for
8 export and consumption outside the United States.

9 (4) This section does not prohibit the use of facilities
10 located in the vicinity of the international bridge in the city of
11 Sault Ste. Marie for the sale of only those articles which are for
12 export and consumption outside the United States to the extent that
13 the use is not restricted by federal law.

14 (5) This section does not prohibit the operation of customs
15 brokering facilities on state owned property available for that use
16 at the sites of the blue water bridge in Port Huron and the
17 international bridge in Sault Ste. Marie.

18 (6) The state transportation department may enter into a lease
19 for facilities described in subsection (3), (4), or (5), the
20 revenue from which shall be deposited in the state trunk line fund
21 if attributable to the blue water bridge site or in the fund
22 created under section 7 of 1954 PA 99, MCL 254.227, if attributable
23 to the international bridge site.

24 (7) This section does not prohibit the use of facilities
25 located at rest areas or welcome centers to distribute, either
26 directly or through electronic technologies, free travel related
27 information or assistance, or both, to the traveling public if the

1 distribution is approved by the state transportation department.

2 (8) The state transportation department may enter into
3 agreements for the activities described in subsection (7), the
4 revenue from which shall be deposited in the state trunk line fund.

5 (9) The state transportation department may enter into
6 agreements to authorize the use of property acquired for or
7 designated as a limited access highway or acquired for or
8 designated for ancillary purposes for the installation, operation,
9 and maintenance of commercial or noncommercial electronic devices
10 and related structures so long as the electronic devices and
11 related structures are intended to assist in providing travel
12 related information to motorists who subscribe to travel related
13 information services, the public, or the state transportation
14 department. All revenue generated by the agreements shall be
15 deposited in the state trunk line fund. The state transportation
16 department may accept facilities or in-kind services to be used for
17 public purposes in lieu of, or in addition to, monetary
18 compensation.

19 (10) This section does not prohibit the use of logo signage
20 within the right-of-way of limited access highways. For purposes of
21 this subsection, "logo signage" means a sign containing the
22 trademark or other symbol that identifies a business in a manner
23 and at locations approved by the state transportation department.
24 **THE STATE TRANSPORTATION DEPARTMENT SHALL NOT DISAPPROVE THE USE OF**
25 **LOGO SIGNAGE WITHIN THE RIGHT-OF-WAY OF LIMITED ACCESS HIGHWAYS**
26 **BECAUSE THE LOGO SIGNAGE IS ATTRACTION LOGO SIGNAGE. FOR PURPOSES**
27 **OF THIS SUBSECTION, "ATTRACTION LOGO SIGNAGE" MEANS SIGNAGE**

1 INDICATING SERVICES THAT HAVE REGIONAL SIGNIFICANCE AND ADEQUATE
2 PARKING ACCOMMODATIONS AND THAT HAVE THE PRIMARY PURPOSE OF
3 PROVIDING AMUSEMENT, HISTORICAL, CULTURAL, OR LEISURE ACTIVITIES TO
4 THE PUBLIC. The state transportation department may enter into
5 agreements to allow logo signage, and any revenue received by the
6 state transportation department under this subsection shall be
7 deposited into the state trunk line fund established under section
8 11 of 1951 PA 51, MCL 247.661.

9 (11) At the request of a hospital that provides 24-hour
10 emergency care, the state transportation department shall place and
11 maintain signs on all limited access highways that indicate exits
12 that are within 2 miles of that hospital. The signs shall indicate
13 the name of the hospital or the name of the nonprofit corporation
14 that owns or operates the hospital and the exit number of the exit
15 that is within the 2 miles of the hospital. At least 1 sign shall
16 be placed for each exit that is within 2 miles of a requesting
17 hospital that provides 24-hour emergency care. The cost of placing
18 and maintaining the sign shall be paid by the hospital requesting
19 the signs. The state transportation department shall adopt
20 guidelines specifying the size, shape, design, number, and
21 placement of the signs authorized under this subsection. The state
22 transportation department shall not remove signs on limited access
23 highways that exist on the effective date of the amendatory act
24 that added this subsection and that indicate exits within 10 miles
25 of a hospital that provides 24-hour emergency care but that do not
26 otherwise satisfy the requirements of this subsection. As used in
27 this subsection, "hospital" means a health facility that is

- 1 licensed under part 215 of the public health code, 1978 PA 368, MCL
- 2 333.21501 to ~~333.21568~~ 333.21571.