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House Bill 4352 (as passed by the House)  
House Bill 4353 (Substitute H-3 as passed by the House)  
Sponsor: Representative Nate Shannon  
Representative Sharon MacDonell  
House Committee: Transportation, Mobility, and Infrastructure  
Senate Committee: Transportation and Infrastructure

Date Completed: 9-18-23

## **CONTENT**

**House Bill 4353 (H-3) would amend Public Act (PA) 51 of 1951, the Michigan Transportation Fund law, to allow the Michigan Department of Transportation (MDOT) to designate a newly constructed highway lane built using Federal funds as a high-occupancy vehicle (HOV) lane by following specified procedures.**

**House Bill 4352 would amend the Michigan Vehicle Code to exempt from HOV lane restrictions motorcycles and any other class of vehicle as determined by the agency with jurisdiction over the roadway.**

### **House Bill 4353 (H-3)**

Among other things, PA 51 provides for the classification of the State trunk line highway system, comprised of all the Interstate, US, and State highways in Michigan. Under the bill, MDOT could designate a lane on a highway for the exclusive use of HOVs or other classes of vehicles determined by MDOT, during a period determined by the Department, by filing a traffic control order and installing appropriate traffic control devices. This provision would apply only to lanes that were newly constructed using Federal funds.

The bill would define "high-occupancy vehicle" as that term is defined in the Michigan Vehicle Code: any motor vehicle carrying no fewer than two occupants, including the driver of the vehicle.

The bill would define "traffic control devices" as that term is defined in the Code: all signs, signals, markings, and devices not inconsistent with PA 51 placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

The bill would define "traffic control order" as that term is defined in the Code: an order officially establishing the location of traffic control devices and traffic control signals on the highways of the State by the authority having jurisdiction over such highway and filed with the county clerk of the county traversed by such highway.

### **House Bill 4352**

The Michigan Vehicle Code defines "high-occupancy vehicle lane" or "HOV lane" as any designated lane or ramp on a highway reserved for the exclusive or preferential use of a public transportation vehicle or private motor vehicles carrying no fewer than a specified number of occupants, including the driver of the vehicle. Under the Code, a vehicle is classified as an

HOV if it carries at least two occupants. Currently, an HOV lane must be marked with signs and pavement markings. Instead, under the bill, an HOV lane would have to be marked with traffic control devices.

The Code also specifies that any lane that has been designated as an HOV lane and appropriately marked must be reserved during the periods indicated for the exclusive use of buses and HOVs. Currently, the restrictions imposed on HOV lanes do not apply to authorized emergency vehicles, law enforcement vehicles, and transit buses. Under the bill, HOV lane restrictions also would not apply to a motorcycle and any other class of vehicle as determined by the agency with jurisdiction over the roadway.

MCL 257.642 (H.B. 4352)  
247.651 (H.B. 4353)

### **PREVIOUS LEGISLATION**

*(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)*

House Bills 4352 and 4353 are reintroductions of Senate Bills 139 and 140, as well as House Bills 4179 and 4178, of the 2021-2022 Legislative Session.

### **BACKGROUND**

Many states use HOV lanes to reduce traffic by adding capacity and encouraging carpooling. Currently, Michigan has no active HOV lanes, instead using Flex Routes that are open during peak times; however, as part of the Modernize I-75 project, MDOT proposed the usage of HOV lanes. Interstate-75 is a major freeway that begins in Miami, Florida, passes through Detroit, and terminates in Sault Ste. Marie. The Department reports that the 18 miles of freeway between M-102 and M-59 have a daily traffic volume of 103,000 to 174,000 cars.<sup>1</sup> The Department launched the Modernize I-75 project, using funds granted by the Federal Highway Administration, to update the freeway and relieve congestion. Part of this project includes the construction of a northbound and a southbound HOV lane from north of 12 Mile Road to South Boulevard. During peak times, from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. Monday through Friday, the lane will be restricted for use by HOVs and public transport vehicles, such as buses. During non-peak times, the lane will be available for general usage.

According to testimony before the House Committee on Transportation, Mobility, and Infrastructure, MDOT currently does not have the authority to close a lane to any class of legal user, which would prevent the opening of the HOV lane on I-75 as intended. If not given the ability to do this, the Department may have to reimburse Federal funds that were used to construct the lane.

Legislative Analyst: Abby Schneider

### **FISCAL IMPACT**

The bills would not have any fiscal impact on the State or local units of government. According to MDOT, the costs of traffic devices are included in the original funding of the I-75 project, so this bill would not introduce any new costs.

Fiscal Analyst: Bobby Canell

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<sup>1</sup> "I-75 Modernization Project - Oakland County", Projects and Studies, Michigan Department of Transportation. Retrieved on 9-5-23.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.