

SENATE BILL NO. 1105

November 13, 2024, Introduced by Senator KLINEFELT and referred to the Committee on Local Government.

A bill to allow the state transportation department and local governments to evaluate and use certain government-owned land for the development or installation of renewable energy facilities; and to provide for the powers and duties of certain state and local governmental entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "roadside renewable

1 energy act".

2 Sec. 2. As used in this act:

3 (a) "Department" means the state transportation department.

4 (b) "Local government" means a county road commission, city,
5 or village.

6 (c) "Renewable energy facility" means a facility for
7 generating electricity using a renewable energy source and
8 includes, but is not limited to, solar photovoltaic panels and wind
9 energy conversion systems.

10 (d) "Roadside property" means land alongside a highway, and
11 includes, but is not limited to, interstate highway frontage, rest
12 areas, park & ride lots, and interchanges.

13 (e) "Utility facility" means that term as defined in 23 CFR
14 645.207.

15 Sec. 3. (1) The department, in coordination with the
16 department of environment, Great Lakes, and energy, the Michigan
17 public service commission, and any other state governmental agency
18 the department considers necessary, may evaluate the suitability of
19 department-owned roadside property and rights-of-way for the use of
20 renewable energy facilities, energy storage facilities, and
21 electrical transmission and distribution facilities and implement
22 the results of that evaluation.

23 (2) The department may, in coordination with the department of
24 environment, Great Lakes, and energy, the Michigan public service
25 commission, and any other state governmental agency the department
26 considers necessary, use department-owned roadside property and
27 rights-of-way for the development or installation of renewable
28 energy facilities, energy storage facilities, and electrical
29 transmission and distribution facilities in compliance with state

1 and federal law. For projects described in this subsection within
2 the right-of-way of a federal aid highway, the department may do
3 either of the following:

4 (a) Update the department utility accommodation policy to
5 accommodate the project as a utility facility under 23 CFR part
6 645.

7 (b) Seek approval from the Federal Highway Administration to
8 allow the project as an alternative use of the right-of-way under
9 23 CFR 710.

10 (3) The department may, subject to federal law, use federal
11 aid highway funds for the acquisition, management, and leasing of
12 real property for the uses described in this section.

13 (4) A contract allowing a private entity to use department-
14 owned roadside property or rights-of-way for renewable energy
15 facilities, energy storage facilities, or electrical transmission
16 and distribution facilities must include a provision that the
17 facilities must be relocated or removed at the private entity's
18 expense if the department determines that the facilities must be
19 relocated or removed due to a transportation need.

20 Sec. 4. (1) A local government may evaluate the use of local
21 government-owned roadside property and rights-of-way for renewable
22 energy facilities, energy storage facilities, and electrical
23 transmission and distribution facilities and implement the results
24 of that evaluation.

25 (2) A local government may use local government-owned roadside
26 property or rights-of-way for the development or installation of
27 renewable energy facilities, energy storage facilities, and
28 electrical transmission and distribution facilities in compliance
29 with state and federal law.