

HOUSE BILL No. 5962

April 25, 2002, Introduced by Reps. Bishop and Gosselin and referred to the Committee on Transportation.

A bill to amend 1969 PA 296, entitled

"An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and parts of acts,"

by amending section 5 (MCL 247.855), as amended by 1980 PA 12, and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3A. (1) IN A COUNTY WITH A POPULATION OVER 1,000,000,
2 THE BOARD OF COUNTY ROAD COMMISSIONERS MAY REQUEST THAT THE GOV-
3 ERNING BODY OF A CITY OR VILLAGE WITHIN THAT COUNTY TRANSFER
4 JURISDICTION OF A ROAD THAT WAS ONCE UNDER THE JURISDICTION OF
5 THE BOARD OF COUNTY ROAD COMMISSIONERS BACK TO THE BOARD OF
6 COUNTY ROAD COMMISSIONERS IF THE BOARD OF COUNTY ROAD COMMISSION-
7 ERS MAKES ALL OF THE FOLLOWING FINDINGS:

1 (A) THE ROAD HAS BEEN BLOCKED OR CLOSED FOR MORE THAN 6
2 MONTHS WITHOUT A LEGITIMATE REASON. THE FACT THAT A CITY OR
3 VILLAGE HAS JURISDICTION OVER THE ROAD AT THE TIME OF THE REQUEST
4 OF THE BOARD OF COUNTY ROAD COMMISSIONERS IS NOT A LEGITIMATE
5 REASON FOR BLOCKING THE ROAD.

6 (B) FOR PURPOSES OF HEALTH, SAFETY, AND WELFARE, THE ROAD
7 SHOULD NOT BE BLOCKED.

8 (C) THE ROAD IS USED TO SERVE MORE THAN 1 CITY OR VILLAGE
9 WITHIN THE COUNTY.

10 (2) THE REQUEST OF THE BOARD OF COUNTY ROAD COMMISSIONERS
11 FOR A TRANSFER OF JURISDICTION UNDER SUBSECTION (1) SHALL BE MADE
12 IN WRITING AND ADDRESSED TO THE GOVERNING BODY OF THE CITY OR
13 VILLAGE THAT HAS JURISDICTION OVER THE ROAD.

14 (3) IF WITHIN 30 DAYS AFTER A WRITTEN REQUEST IS RECEIVED BY
15 A GOVERNING BODY OF THE CITY OR VILLAGE UNDER SUBSECTION (1) THE
16 GOVERNING BODY OF A CITY OR VILLAGE DOES NOT CONSENT TO TRANSFER
17 JURISDICTION OF THE ROAD OR DOES NOT ARTICULATE A LEGITIMATE
18 REASON FOR BLOCKING THE ROAD, THE BOARD OF COUNTY ROAD COMMIS-
19 SIONERS MAY INITIATE PROCEEDINGS TO TRANSFER JURISDICTION OF THE
20 ROAD BACK TO THE COUNTY BOARD OF ROAD COMMISSIONERS UNDER THIS
21 ACT.

22 Sec. 5. (1) The business ~~which~~ THAT the board may perform
23 shall be conducted at a public meeting of the board held in com-
24 pliance with ~~Act No. 267 of the Public Acts of 1976, as amended,~~
25 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws~~
26 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. Public
27 notice of the time, date, and place of the meeting shall be given

1 in the manner required by ~~Act No. 267 of the Public Acts of~~
2 ~~1976, as amended~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261
3 TO 15.275. The chairperson of the board shall immediately fix a
4 date and place for convening the board to hear the testimony of
5 the parties to the proposed transfer of highway jurisdiction and
6 shall notify the parties. The date selected shall be not more
7 than 30 days after selection of the chairperson.

8 (2) The board shall convene on the date and at the place
9 fixed by the chairperson and shall hear testimony and receive
10 evidence from the parties to the proposed transfer of highway
11 jurisdiction, from local and regional planning bodies if appro-
12 priate and from other sources who desire to appear or present
13 testimony. The board may reconvene at times and places as deter-
14 mined by the chairperson, in compliance with ~~Act No. 267 of the~~
15 ~~Public Acts of 1976, as amended~~ THE OPEN MEETINGS ACT, 1976
16 PA 267, MCL 15.261 TO 15.275. IN A PROCEEDING INITIATED UNDER
17 SECTION 3A, IF THE PARTY REQUESTING TRANSFER DEMONSTRATES TO THE
18 BOARD'S SATISFACTION THE FINDING REQUIRED UNDER SECTION 3A(1)(A),
19 THEN THE PARTY OPPOSING TRANSFER MAY REBUT THE DEMONSTRATION BY
20 REBUTTING THE DEMONSTRATION OF THE PARTY REQUESTING TRANSFER CON-
21 CERNING THE FINDING REQUIRED UNDER SECTION 3A(1)(A) AND BY DEMON-
22 STRATING TO THE BOARD'S SATISFACTION THAT THE FINDINGS REQUIRED
23 UNDER SECTION 3A(1)(B) AND (C) HAVE NOT BEEN SATISFIED. THE
24 BOARD SHALL RENDER A DECISION IN FAVOR OF THE PARTY REQUESTING
25 TRANSFER IF THE PARTY OPPOSING TRANSFER IS UNABLE TO REBUT THE
26 DEMONSTRATION OF THE PARTY REQUESTING TRANSFER UNDER SECTION
27 3A(1)(A) OR IS UNABLE TO DEMONSTRATE THAT THE FINDINGS REQUIRED

1 UNDER SECTION 3A(1)(B) AND (C) HAVE NOT BEEN SATISFIED. Two
2 members ~~shall~~ constitute a quorum and the affirmative vote of 2
3 members is necessary for a final determination of the dispute.
4 If a member of the board becomes unable to perform the member's
5 duties as a board member, a new member shall be selected as pre-
6 scribed in this act.