



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 145 (as introduced 2-4-03)
Sponsor: Senator Michael D. Bishop
Committee: Transportation

Date Completed: 4-15-04

CONTENT

The bill would amend Public Act 296 of 1969, which governs the transfer of jurisdiction over highways, to allow a county board of commissioners to initiate a process transferring a city or village road, previously under the jurisdiction of the county, back to the county. The road being transferred would have to serve more than one city or village and have been blocked or closed for more than six months.

Under the bill, in a county with a population over 1 million, the county board of commissioners could request that the governing body of a city or village within the county transfer to the board of county road commissioners jurisdiction of a road that was once under the jurisdiction of that board, if the county board of commissioners made all of the following findings:

- The road had been blocked or closed for more than six months and the city or village could not demonstrate a compelling need for blocking or closing the road. (The bill specifies that the fact that a city or village had jurisdiction over the road at the time of the request would not demonstrate a compelling need.)
- For purposes of health, safety, and welfare, the road should not be blocked.
- The road was used to serve more than one city or village within the county.

The request of the county board of commissioners would have to be made in writing and addressed to the governing body of the city or village that had jurisdiction over the road.

If, within 30 days after receiving the request, the city or village governing body did not consent to transfer jurisdiction of the road or did not demonstrate a compelling need for blocking the road, the county board of commissioners could initiate proceedings under the Act to transfer jurisdiction of the road back to the county board of road commissioners.

Under the Act, if a party does not consent to a transfer of jurisdiction, the Highway Jurisdiction Determination Board must convene and hear testimony and receive evidence from the parties to the proposed transfer, from local and regional planning bodies, if appropriate, and from other sources who desire to appear or present testimony. Under the bill, in a proceeding initiated by a county board of commissioners as described above, if the county demonstrated to the Board's satisfaction that the city or village had no compelling need to close or block the road, the city or village could rebut that demonstration, and demonstrate to the Board's satisfaction that the other two findings had not been satisfied. The Board would have to render a decision in favor of the county if the city or village could not rebut the demonstration that there was no compelling need to block the road, or could not demonstrate that the other required findings had not been satisfied.

MCL 247.855 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill could result in the transfer of Michigan Transportation Fund revenue between local units of government. The transfer of highway jurisdiction would have no net State or local fiscal impact. The amount of revenue transferred from one unit to another would be contingent on the Public Act 51 of 1951 formula governing the distribution of Michigan Transportation Fund among local units of government.

Fiscal Analyst: Craig Thiel

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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.