

SENATE BILL No. 606

May 21, 2009, Introduced by Senators GEORGE, BIRKHOLZ, VAN WOERKOM, JELINEK, JANSEN, GARCIA, ALLEN and RICHARDVILLE 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
4 agency having authority to participate in the construction and
5 maintenance of highways, may establish, open, discontinue, vacate,

1 close, alter, improve, maintain, and provide for the public use of
2 limited access highways, subject to section 1(i) of 1925 PA 352,
3 MCL 213.171.

4 (2) The state transportation department shall allow only the
5 installation of vending machines at selected sites on the limited
6 access highway system to dispense food, drink, and other articles
7 that the state transportation department determines appropriate.

8 The state transportation department shall allow only the
9 installation of vending machines at selected travel information
10 centers. Following a 2-year trial period the state transportation
11 department shall use its discretion with the advice of the
12 commission for the blind to allow only vending machines at other
13 locations on the limited access highway system. The vending
14 machines shall be operated solely by the commission for the blind,
15 which is designated as the state licensing agency under ~~section~~
16 ~~2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. 107a~~ **20 USC 107A**.

17 Except as otherwise provided in this section, no other commercial
18 enterprise shall be authorized or conducted within or on property
19 acquired for or designated as a limited access highway. The
20 commission for the blind shall require evidence of liability
21 insurance and monitor compliance as it pertains to only vending
22 machines in the designated areas, holding harmless the state
23 transportation department.

24 (3) In conjunction with the exemption granted by federal law
25 from the restrictions contained in ~~section 111 of title 23 of the~~
26 ~~United States Code, 23 U.S.C. 111~~ **23 USC 111**, and described in the
27 "manual on uniform traffic control devices for streets and

1 highways", U.S. department of transportation and federal highway
2 administration, part 2g (LOGOS), this section does not prohibit the
3 use of facilities located in part on the right-of-way of I-94 in
4 the vicinity of the interchange of I-94 and I-69 business loop/I-94
5 business loop for the sale of only those articles which are for
6 export and consumption outside the United States.

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

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

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

22 (7) This section does not prohibit the use of facilities
23 located at rest areas or welcome centers to distribute, either
24 directly or through electronic technologies, free travel related
25 information or assistance, or both, to the traveling public if the
26 distribution is approved by the state transportation department.

27 (8) The state transportation department may enter into

1 agreements for the activities described in subsection (7), the
2 revenue from which shall be deposited in the state trunk line fund.

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

17 (10) This section does not prohibit the use of logo signage
18 within the right-of-way of limited access highways. For purposes of
19 this subsection, "logo signage" means a sign containing the
20 trademark or other symbol that identifies a business in a manner
21 and at locations approved by the state transportation department.
22 The state transportation department may enter into agreements to
23 allow logo signage, and any revenue received by the state
24 transportation department under this subsection shall be deposited
25 into the state trunk line fund established under section 11 of 1951
26 PA 51, MCL 247.661.

27 (11) **THE STATE TRANSPORTATION DEPARTMENT SHALL APPLY TO THE**

FEDERAL HIGHWAY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF
TRANSPORTATION TO RECEIVE PERMISSION TO ALLOW THE CATEGORY OF
TOURIST ATTRACTION IN THE LOGO SIGNAGE PROGRAM. WITHIN 30 DAYS
AFTER THE FEDERAL HIGHWAY ADMINISTRATION HAS APPROVED THE STATE
TRANSPORTATION DEPARTMENT'S REQUEST, THE STATE TRANSPORTATION
DEPARTMENT SHALL ADD THE CATEGORY OF TOURIST ATTRACTION TO THE LOGO
SIGNAGE PROGRAM. THE DEPARTMENT SHALL ESTABLISH QUALIFICATION
CRITERIA FOR FACILITIES, ACTIVITIES, AND LOCATIONS DESIGNATED AS
TOURIST SITES, INCLUDING, BUT NOT LIMITED TO, PARKING, RESTROOM
FACILITIES, AND PUBLIC TELEPHONE ACCESS. FOR PURPOSES OF THIS
SECTION, "TOURIST ATTRACTION" MEANS A FACILITY, ACTIVITY, OR
LOCATION THAT IS 1 OR MORE OF THE FOLLOWING:

(A) A SITE WITH NATURAL PHENOMENA.

(B) A HISTORIC SITE.

(C) A CULTURAL SITE.

(D) A SCIENTIFIC SITE.

(E) AN EDUCATIONAL SITE.

(F) A RELIGIOUS SITE.

(G) AN AREA OF NATURAL BEAUTY.

(H) AN AREA NATURALLY SUITED FOR OUTDOOR OR INDOOR RECREATION.

(I) A SHOPPING MALL OR SHOPPING AREA.

(J) AN AGRICULTURAL SITE.

(12) ~~(11)~~—At the request of a hospital that provides 24-hour
emergency care, the state transportation department shall place and
maintain signs on all limited access highways that indicate exits
that are within 2 miles of that hospital. The signs shall indicate
the name of the hospital or the name of the nonprofit corporation

1 that owns or operates the hospital and the exit number of the exit
2 that is within the 2 miles of the hospital. At least 1 sign shall
3 be placed for each exit that is within 2 miles of a requesting
4 hospital that provides 24-hour emergency care. The cost of placing
5 and maintaining the sign shall be paid by the hospital requesting
6 the signs. The state transportation department shall adopt
7 guidelines specifying the size, shape, design, number, and
8 placement of the signs authorized under this subsection. The state
9 transportation department shall not remove signs on limited access
10 highways that exist on the effective date of the amendatory act
11 that added this subsection and that indicate exits within 10 miles
12 of a hospital that provides 24-hour emergency care but that do not
13 otherwise satisfy the requirements of this subsection. As used in
14 this subsection, "hospital" means a health facility that is
15 licensed under part 215 of the public health code, 1978 PA 368, MCL
16 333.21501 to 333.21568.