

AUTOMATED VEHICLE ROADWAY SYSTEMS

Phone: (517) 373-8080
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Senate Bill 706 as enacted

Public Act 179 of 2022

Sponsor: Sen. Kenneth Horn

House Committee: Transportation

Senate Committee: Transportation and Infrastructure

Complete to 8-24-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 706 amends the Michigan Vehicle Code to authorize the Michigan Department of Transportation (MDOT) to do all of the following:

- Designate a segment of a roadway under its jurisdiction as an ***automated vehicle roadway***.
- Designate a lane or ramp of an automated vehicle roadway as an ***automated vehicle roadway lane***.
- Require a user fee for the use of an automated vehicle roadway or roadway lane.
- Enter into an agreement with an ***automated vehicle roadway system provider*** to design, construct, manufacture, operate, maintain, or manage an ***automated vehicle roadway system*** for a designated automated vehicle roadway or roadway lane. As part of an agreement, MDOT may authorize the automated vehicle roadway system provider to establish and collect user fees for the use of the automated vehicle roadway or roadway lane. The provider may use the fees to properly design, construct, manage, operate, or maintain its automated vehicle road system.

Automated vehicle roadway means a segment of a roadway that has been designated by MDOT for an automated vehicle roadway system.

Automated vehicle roadway lane means any lane or ramp on an automated vehicle roadway designated for the exclusive use of motor vehicles by MDOT as described in the bill.

Automated vehicle roadway system provider means an entity that designs, installs, constructs, operates, or maintains an automated vehicle roadway system.

Automated vehicle roadway system means a hardware and software system that is capable of facilitating the deployment and operation of an automated motor vehicle or a vehicle equipped with varying levels of automated technology while traveling through a segment of roadway that has been designated for such a system by MDOT.

An automated vehicle roadway or roadway lane designated by MDOT as described above may be subject to requirements established by MDOT as a condition for use and may be reserved for the exclusive use of motor vehicles as determined by MDOT. In addition, the above provisions supersede all local ordinances that regulate automated vehicle roadway systems, roadways, roadway lanes, or roadway system providers, except that a local unit of government may adopt an ordinance or enforce an existing ordinance that does not conflict with the above.

Prohibited conduct and violations

The bill prohibits a person from operating a motor vehicle or automated motor vehicle on an automated vehicle roadway or automated vehicle roadway lane without paying any required user fee and complying with any requirements established by MDOT for the use of the roadway or lane. These provisions apply in addition to any other existing rules or regulations governing the use of the roadway or lane that are not inconsistent with these provisions. A person violating these provisions is responsible for a civil infraction under the code.

A sworn statement of an authorized agent of MDOT or a police officer from the Department of State Police, based on the inspection of data produced by the automated vehicle roadway system, is prima facie evidence of the facts in the sworn statement. Data indicating a violation must be available for inspection in any proceeding for a violation. Data containing personal identification information must be destroyed within 90 days after final disposition of the matter. Any data that does not indicate a violation must be destroyed within 10 days of collection. The automated vehicle roadway system may not produce data for any purpose other than operation of automated roadway system or noncompliance with the above provisions.

Evidence that an operator was in violation, together with proof that the operator was the registered owner of the motor vehicle or automated motor vehicle at the time of the violation, creates a rebuttable presumption that the owner is the person in violation. (The owner of a leased or rented motor vehicle or automated motor vehicle must provide the name and address of the person the vehicle was leased or rented to at the time of the violation.) This presumption may be rebutted in either of the following circumstances:

- The registered owner files with the court an affidavit, accompanied with reasonable proof, stating that they were not the operator at the time of the violation.
- Before the appearance date on the violation, a certified copy of the police report showing the motor vehicle or automated motor vehicle was stolen before the time of the violation is presented.

Notwithstanding section 742 of the code (which generally requires a law enforcement officer to witness a violation of the traffic laws to issue a citation for a civil infraction violation), a citation for a violation described above may be executed by mailing a copy by first-class mail to the address of the owner of the motor vehicle or automated motor vehicle as shown on the records of the secretary of state. If the summoned individual fails to appear on the date set on that citation, a copy of the citation may be sent by certified mail, with return receipt requested. If the summoned individual fails to appear on either of the dates set in the copies mailed, the citation must be executed as provided by law for personal service.

Report

Within one year after the bill's effective date, MDOT must submit a report to the House and Senate standing committees on transportation that includes an update on the progress of developing automated vehicle roadways or automated vehicle roadway lanes, including discussions on the exclusive and mixed uses of the automated vehicle roadway or automated vehicle roadway lane. The report must be submitted annually for two years after submission of the initial report.

Study

The bill authorizes the Michigan Council on Future Mobility and Electrification created under Executive Reorganization Order No. 2020-1 to conduct (or contract with a third-party vendor to conduct) a study that analyzes the impact that the development, construction, or implementation of an automated vehicle roadway, automated vehicle roadway system, or related infrastructure may have on labor and employment in relevant areas of Michigan.

Other provisions

The code provides that an automated driving system is considered the driver or operator of a vehicle for traffic law purposes. The bill further stipulates that an automated system provider is not an operator of a vehicle.

MCL 257.2b, 257.642, and 257.665

FISCAL IMPACT:

The Michigan Department of Transportation indicates that Senate Bill 706 would allow MDOT to designate highway lanes as “automated vehicle roadways” for use by automated vehicles communicating with the roadway. The bill also would authorize fees for lane use and allow MDOT to promulgate rules for enforcement. In general, the bill would help facilitate the development of automated vehicle lanes in Michigan.

MDOT has contracted with Cavnue, LLC¹ to offer experimental vehicle-to-infrastructure services in the corridor connecting Detroit, Dearborn, Ypsilanti, and Ann Arbor.² This project may involve dedicated lanes (that is, lanes dedicated to automated cars, buses, or other vehicles) on US-12 (Michigan Avenue) or I-94.³ However, the nature of the services and designs have not yet been determined.

The bill is permissive. It would authorize, but not require, MDOT to establish automated vehicle roadways as defined in the bill. There would costs associated with the establishment of automated vehicle roadways. However, the bill also authorizes MDOT to establish fees for use of the automated vehicle roadways (user fees) that could offset those costs. The organization, powers, and duties of the state transportation commission and the state transportation department (MDOT) are established in 1964 PA 286. That authority does not include the imposition of “user fees” or tolling. As a result, the bill’s provisions, in the Michigan Vehicle Code, do not appear to be sufficient to allow MDOT to establish user fees on state trunkline highways.

Senate Bill 706 also would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals that would be responsible for a civil infraction under provisions of the bill is not known, although the department anticipates that fines for violations will be insignificant. Under section 909(1) of the Michigan Vehicle Code, revenue from civil fines ordered under section 907 for a violation of the Michigan Vehicle Code would be applied exclusively to the support of public and county law libraries. In addition, under section 907(12)

¹ <https://www.cavnue.com/>

² See <https://www.michiganbusiness.org/press-releases/2020/08/michigan-cavnue-creating-road-of-future-betweenann-arbor-and-detroit/>

³ See https://www.michigan.gov/mdot/0,4616,7-151-9621_101547---,00.html

of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. There is not a practical way to determine the number of violations that will occur under provisions of the bill, so there is not a way to estimate the amount of additional revenue that would be collected. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

Legislative Analyst: E. Best
Fiscal Analysts: Robin Risko
William E. Hamilton

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.