

HOUSE BILL No. 4883

June 24, 2003, Introduced by Reps. Amos, Stakoe, Nofs, Pastor, Ward, Moolenaar, Shaffer, Casperson, Brandenburg, DeRossett, Kooiman, Stewart, Hune, Vander Veen, Taub, Garfield, Stahl, Voorhees, Steil, Ehardt, Caul, Farhat, Bieda, Robertson, Ruth Johnson and Palmer 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
3 in 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,
6 vacate, close, alter, improve, maintain, and provide for the
7 public use of limited access highways, subject to section 1(i) of

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1 1925 PA 352, MCL 213.171.

2 (2) The state transportation department shall allow ~~only~~
3 the installation of vending machines at selected sites on the
4 limited access highway system to dispense food, drink, and other
5 articles that the state transportation department determines
6 appropriate. The state transportation department shall allow
7 ~~only~~ the installation of vending machines at selected travel
8 information centers. ~~Following a 2-year trial period the~~ **The**
9 state transportation department shall use its discretion with the
10 advice of the commission for the blind to allow ~~only~~ vending
11 machines at other locations on the limited access highway
12 system. The vending machines shall be operated solely by the
13 commission for the blind, which is designated as the state
14 licensing agency under section 2(a)(5) of chapter 638, 49
15 Stat. 1559, 20 U.S.C. 107a. ~~Except as otherwise provided in~~
16 ~~this section, no other~~ **The state transportation department may**
17 **allow a** commercial enterprise ~~shall be authorized or conducted~~
18 **to conduct business** within or on property acquired for or
19 designated as a limited access highway. **Commercial enterprises**
20 **authorized to conduct business shall only conduct business under**
21 **a lease authorized by the state transportation department.** The
22 commission for the blind shall require evidence of liability
23 insurance and monitor compliance as it pertains to ~~only~~ vending
24 machines in the designated areas, holding harmless the state
25 transportation department.

26 (3) In conjunction with the exemption granted by federal law
27 from the restrictions contained in section 111 of title 23 of the

1 United States Code, 23 U.S.C. 111, and described in the "manual
2 on uniform traffic control devices for streets and highways",
3 U.S. department of transportation and federal highway
4 administration, part 2g (LOGOS), this section does not prohibit
5 the use of facilities located in part on the right-of-way of I-94
6 in the vicinity of the interchange of I-94 and I-69 business
7 loop/I-94 business loop for the sale of only those articles which
8 are for export and consumption outside the United States.

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

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

18 (6) The state transportation department may enter into a
19 lease for facilities described in subsection **(2)**, (3), (4), or
20 (5), the revenue from which shall be deposited in the state trunk
21 line fund **established under section 11 of 1951 PA 51, MCL**
22 **247.601**, if attributable to the blue water bridge site or **to**
23 **leases described in subsection (2) and** in the fund created under
24 section 7 of 1954 PA 99, MCL 254.227, if attributable to the
25 international bridge site.

26 (7) This section does not prohibit the use of facilities
27 located at rest areas or welcome centers to distribute, either

1 directly or through electronic technologies, free travel related
2 information or assistance, or both, to the traveling public if
3 the distribution is approved by the state transportation
4 department.

5 (8) The state transportation department may enter into
6 agreements for the activities described in subsection (7), the
7 revenue from which shall be deposited in the state trunk line
8 fund.

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

23 (10) This section does not prohibit the use of logo signage
24 within the right-of-way of limited access highways. For purposes
25 of this subsection, "logo signage" means a sign containing the
26 trademark or other symbol that identifies a business in a manner
27 and at locations approved by the state transportation

1 department. The state transportation department may enter into
2 agreements to allow logo signage, and any revenue received by the
3 state transportation department under this subsection shall be
4 deposited into the state trunk line fund established under
5 section 11 of 1951 PA 51, MCL 247.661.

6 (11) At the request of a hospital that provides 24-hour
7 emergency care, the state transportation department shall place
8 and maintain signs on all limited access highways that indicate
9 exits that are within 2 miles of that hospital. The signs shall
10 indicate the name of the hospital or the name of the nonprofit
11 corporation that owns or operates the hospital and the exit
12 number of the exit that is within the 2 miles of the hospital.
13 At least 1 sign shall be placed for each exit that is within 2
14 miles of a requesting hospital that provides 24-hour emergency
15 care. The cost of placing and maintaining the sign shall be paid
16 by the hospital requesting the signs. The state transportation
17 department shall adopt guidelines specifying the size, shape,
18 design, number, and placement of the signs authorized under this
19 subsection. The state transportation department shall not remove
20 signs on limited access highways that exist on ~~the effective~~
21 ~~date of the amendatory act that added this subsection~~ **July 23,**
22 **2001** and that indicate exits within 10 miles of a hospital that
23 provides 24-hour emergency care but that do not otherwise satisfy
24 the requirements of this subsection. As used in this subsection,
25 "hospital" means a health facility that is licensed under part
26 215 of the public health code, 1978 PA 368, MCL 333.21501 to
27 333.21568.

1 (12) As used in this section, "commercial enterprise" means
2 an enterprise that operates a restaurant, a retail sales
3 establishment, or an outlet store.