

A SUMMARY OF HOUSE BILL 5962 AS INTRODUCED 4-25-02

House Bill 5962 would amend Public Act 296 of 1969, which concerns the transfer of highways between jurisdictions, to allow for a public hearing when a road is closed that serves more than one city or village within a highly populated county.

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

- the road had been blocked or closed for more than six months without a legitimate reason (under the bill the fact that a city or village had jurisdiction over the road at the time of the request would not be a legitimate reason for blocking the road);
- the road should not be blocked for purposes of health, safety, and welfare; and,
- the road is used to serve more than one city or village within the county.

Under the bill, the request of the board of county road commissioners for a transfer of jurisdiction would have to be in writing and addressed to the governing body of the city or village that had jurisdiction over the road. If, within 30 days after a written request had been received, the governing body did not consent to the transfer, or did not articulate a legitimate reason for blocking the road, then the board of county road commissioners could initiate proceedings to transfer jurisdiction back to the county road commission.

House Bill 5962 also specifies that if the party requesting transfer demonstrated to the board's satisfaction that the road had not been closed for a legitimate reason, then the party opposing transfer could rebut that argument. After hearing the rebuttal, the board would be required to render a decision in favor of the party requesting the transfer, if the opposing party had been unable to rebut successfully.

MCL 247.855

Analyst: J. Hunault

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