

Legislative Analysis



ALLOW ORV USE ON STATE TRUNK LINE HIGHWAYS

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House Bill 4284 (Substitute H-2)

Sponsor: Rep. Joel Johnson

Committee: Tourism

Complete to 5-21-13

A SUMMARY OF HOUSE BILL 4284 (H-2) AS REPORTED FROM COMMITTEE

The bill would allow authorized local units of government to adopt ordinances allowing for the operation of ORVs on the shoulders of state trunk line highways. It is an amendment to Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act.

Currently, Part 811 allows the county board of commissioners of an eligible county, the township board of a township located within an eligible county, and the legislative body of a city or village located within an eligible county, to adopt an ordinance authorizing the use of ORVs on the maintained portion of one or more roads located within their respective jurisdictions. All county primary and local roads, or city major and local streets, are eligible for such a designation.

House Bill 4284 would allow any authorized local unit of government (county, city, village, or township) to adopt an ordinance allowing for the operation of ORVs on the shoulders of state trunk line highways located within their jurisdiction. To be eligible, a local unit of government would have to submit, and have granted, a request for authorization to the Michigan Department of Transportation (MDOT). MDOT would only be able to authorize an ordinance (1) where necessary to connect the shoulders of roads or other authorized routes that are permissible for ORV travel, or (2) to complement local ORV ordinances and transportation networks.

In making a determination, MDOT would have to consider ease of use and the current ORV ordinances of the county where the local unit of government is located. A determination would have to be issued within 60 days of receiving an authorization request. Under the bill, a county could submit an authorization request to MDOT on behalf of one or more townships, cities, or villages within the county.

Prior to adopting an ordinance allowing ORV use of the maintained portion of one or more roads, a public hearing must be held. The bill would require notice of the public hearing be sent to the legislative bodies of each township and municipality located within the county, in addition to the parties already included in the act.

Under the bill, local units of government could adopt ordinances closing certain roads within their jurisdiction to the operation of ORVs.

FISCAL IMPACT:

A fiscal analysis is in process.

BACKGROUND INFORMATION AND DISCUSSION:

Currently, jurisdictions in eligible counties are able to adopt ordinances authorizing the operation of ORV on the maintained portions of one or more county primary or local roads, and city major or local streets within their respective jurisdictions. [House Bill 4299 would expand that ability to all counties in the state.]

House Bill 4284 would allow local units of government to adopt ordinances allowing for the operation of ORVs on the shoulders of state trunk line highways located within their jurisdiction. To be eligible, a local unit of government would have to submit, and have granted, a request for authorization to the Michigan Department of Transportation (MDOT). MDOT would only be able to authorize an ordinance (1) where necessary to connect the shoulders of roads or other authorized routes that are permissible for ORV travel, or (2) to complement local ORV ordinances and transportation networks.

According to testimony, the bill is intended to allow for limited ORV use on state trunk line highways in order to connect recreational ORV trails. In some areas of Michigan, the trail system is fragmented and, in order to travel from one trail to another, ORV users would need to travel for limited distances on the shoulders of state trunk line highways.

POSITIONS:

Michigan Association of Counties supports the bill. (5-9-13)

Michigan Townships Association supports the bill. (5-9-13)

Michigan Department of Transportation is neutral on the bill. (4-25-13)

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■ 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.