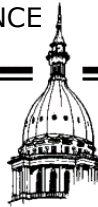




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4284 (Substitute H-2 as passed by the House)
Sponsor: Representative Joel Johnson
House Committee: Tourism
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 6-5-13

CONTENT

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to do the following:

- **Allow a county, township, or municipality to request authorization from the Michigan Department of Transportation (MDOT) to adopt an ordinance authorizing the operation of off-road vehicles (ORVs) on the shoulders of State trunkline highways located within that local unit.**
- **Prescribe criteria that MDOT would have to consider in making its decision regarding a local unit's request.**
- **Require the clerk of an "eligible county" to notify each township and municipality (a city or village) in the county of a proposed ordinance to allow the operation of ORVs on the maintained portion of a road in the county.**
- **Include a municipality in provisions that allow a township to adopt a similar ordinance and to close roads to ORV operation otherwise allowed by a county ordinance.**
- **Authorize a village to adopt an ordinance to close roads to ORV operation otherwise allowed by a township ordinance.**

ORVs on State Trunkline Highways

Under the bill, a local unit of government (i.e., a county, township, or municipality) that received an authorization from MDOT could adopt an ordinance authorizing the operation of ORVs on the shoulders of State trunkline highways located within that local unit. When a local unit submitted a request for authorization, MDOT could authorize the operation of ORVs on the shoulders of State trunkline highways where it was necessary to connect the shoulders of roads or other authorized routes upon which ORVs are permitted to travel, or to otherwise complement local ORV ordinances and transportation networks.

The Department would have to consider ease of use and the ORV ordinances of the county within which the local unit was located in making its determination, and issue its decision within 60 days after receiving a local unit's request. A county could submit a request to MDOT on behalf of one or more townships or municipalities located within that county.

The bill would include references to an ORV operated on a State trunkline highway in provisions that govern the operation of an ORV on a road or street, such as provisions that set speed limits and require operation with the flow of traffic.

ORVs on County Roads

Part 811 allows the county board of commissioners of an eligible county to adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more roads located within the county.

("Eligible county" means any of the following:

- Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, or Sanilac County, or a county lying north of those counties, including all of the counties of the Upper Peninsula.
- St. Clair County.

"Road" means a county primary road or county local road.)

At least 45 days before a public hearing on a county ORV ordinance, the county clerk must send notice of the hearing to the county road commission and, if State forestland is located within the county, to the Department of Natural Resources (DNR). Under the bill, the notice also would have to be sent to the legislative body of each township and municipality (i.e., a city or village) located within the county.

The bill would retain a provision allowing the board of county commissioners to close a road to the operation of ORVs to protect the environment or if ORV operation poses a particular and demonstrable threat to public safety.

ORVs on Township & Municipal Roads

Part 811 allows the township board of a township located in an eligible county to adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more roads within the township. At least 28 days before a public hearing on a proposed ORV ordinance, the township clerk must send notice to the county road commission and, if State forestland is located within the township, to the DNR.

The bill would extend the authorization to adopt such an ordinance to the legislative body of a municipality, and would require the township, city, or village clerk to send the required notice to the legislative body of every other township and municipality located within the county.

Part 811 allows the board of a township located in an eligible county to adopt an ordinance to close a road to the operation of ORVs. The bill would extend this provision to the legislative body of a municipality. Also, the bill would allow the legislative body of a village to adopt an ordinance to close a road located in the village to the operation of ORVs otherwise authorized by a township ordinance.

MCL 324.81131 & 324.81133

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill could have an indeterminate fiscal impact on both the Department of Transportation and local road agencies. The Department could incur costs to repair highways and/or shoulders of highways damaged by ORVs. However, it is uncertain whether the Department could spend any funds for damage caused by ORVs as currently State funds may be used only for transportation-related repairs. Repairs necessitated by ORVs could be considered a recreational use and thus would require a specific appropriation. The potential costs to MDOT depend on the extent to which MDOT authorized the operation of ORVs on the shoulders of State highways, and the number of local units of government

that ultimately adopted an ordinance allowing the operation of ORVs on the shoulders of highways.

The bill also could place additional costs on local road agencies or units of government associated with environmental and incidental road damage caused by the use of ORVs on highways or highway shoulders. Although local agencies are reimbursed by MDOT for particular maintenance and road repair costs they incur, the Department reimburses only a certain percentage of those costs, depending on the amount appropriated for those reimbursements in the Department's annual budget. If the costs to local agencies exceed the amount reimbursed by MDOT, the local agencies must absorb that cost. The potential cost to local road agencies depends on the number of county boards of commissioners or local units of government that ultimately adopted an ordinance allowing the operation of ORVs on highways or roads.

Additionally, the Department of Transportation could incur administrative costs associated with authorizing local units of government to allow the operation of ORVs on the shoulders of state trunkline highways. The cost is indeterminate and dependent on the number of local units of government that requested authorization.

Fiscal Analyst: Joe Carrasco