

# HOUSE BILL No. 5072

October 10, 2013, Introduced by Reps. Pettalia, Shirkey, Farrington, Foster, Lori, Poleski, MacMaster, Kelly, Franz and Schmidt and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1993 PA 69, entitled

"An act to designate certain highways within this state as Michigan heritage routes; to provide procedures for additions, deletions, or changes to these routes; and to prescribe the powers and duties of certain state agencies,"

by amending the title and sections 1, 2, 4, 6, 7, and 8 (MCL 247.951, 247.952, 247.954, 247.956, 247.957, and 247.958) and by adding section 7a; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to designate certain highways within this state as **PURE** Michigan ~~heritage routes~~; **BYWAYS**; to provide procedures for additions, deletions, or changes to ~~these routes~~; **PURE MICHIGAN BYWAYS**; and to prescribe the powers and duties of certain state agencies.

Sec. 1. As used in this act:

1 (a) "Commission" means the state transportation commission.

2 (b) "Department" means the state transportation department.

3 ~~(c) "Heritage route" means a state highway that is designated~~  
4 ~~in the manner provided in this act as a scenic, recreational, or~~  
5 ~~historic route that is representative of Michigan's natural and~~  
6 ~~cultural heritage.~~

7 (C) ~~(d)~~"Historic" means buildings, structures, interpreted  
8 sites, objects, or historic districts that are significant to the  
9 history, archaeology, architecture, engineering, or culture of this  
10 state.

11 (D) "PURE MICHIGAN BYWAY" MEANS A STATE HIGHWAY THAT IS  
12 DESIGNATED IN THE MANNER PROVIDED IN THIS ACT AS A SCENIC,  
13 RECREATIONAL, OR HISTORIC ROUTE THAT IS REPRESENTATIVE OF  
14 MICHIGAN'S NATURAL AND CULTURAL HERITAGE.

15 (e) "Recreational" means facilities normally associated with  
16 leisure-time activities, including, but not limited to, parks,  
17 public access sites, wildlife refuges, forest areas, marinas,  
18 swimming areas, hiking trails, and sightseeing areas.

19 (f) "Scenic" means an area of outstanding natural beauty whose  
20 features include, but are not limited to, significant natural  
21 features such as vegetation, land form, water, and open areas with  
22 exceptional vistas and views, that singly or in combination make  
23 that area unique and distinct in character.

24 (g) "State ~~trunkline~~**TRUNK LINE** highway system" means the  
25 system described in section 1 of ~~Act No. 51 of the Public Acts of~~  
26 ~~1951, being section 247.651 of the Michigan Compiled Laws.~~**1951 PA**  
27 **51, MCL 247.651.**

1           Sec. 2. It is the intent of the legislature to establish ~~the~~  
2 **THIS** state's responsibility for the enhancement and enjoyment of  
3 Michigan's scenic, recreational, and historic resources along its  
4 roadside by identifying and designating certain portions of the  
5 state ~~trunkline~~**TRUNK LINE** highway system as **PURE** Michigan ~~heritage~~  
6 ~~routes~~**BYWAYS**. It is further the intent of the legislature in  
7 designating ~~these heritage routes~~**PURE MICHIGAN BYWAYS** to assign  
8 responsibility for the development of the ~~routes~~**BYWAYS** and for the  
9 establishment and application of specific planning and design  
10 criteria and procedures appropriate to ~~these routes~~**THE BYWAYS**.  
11 The legislature further intends to provide criteria for the  
12 location and length of ~~routes~~**PURE MICHIGAN BYWAYS** and adjacent  
13 areas requiring continuing and careful coordination of planning,  
14 design, construction, maintenance, land use, and development, by  
15 state and local agencies as appropriate, to encourage adjacent land  
16 use consistent with the intent of the designation.

17           Sec. 4. ~~(1) Not more than 60 days after the effective date of~~  
18 ~~this act, the department shall submit recommendations to the~~  
19 ~~commission regarding uniform criteria and procedures for the~~  
20 ~~identification of heritage routes. The commission shall hold a~~  
21 ~~public hearing to receive input on the criteria and procedures for~~  
22 ~~the identification of heritage routes forwarded by the department.~~  
23 ~~These criteria shall include, but not be limited to, route~~  
24 ~~selection, maintenance, resurfacing, restoration, and~~  
25 ~~rehabilitation of existing roads, and the design of new roads.~~  
26 ~~Criteria shall not include requirements pertaining to private or~~  
27 ~~commercial signs. Requirements regarding those signs shall be as~~

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1 ~~otherwise provided by law. Routes shall not be designated as~~  
 2 ~~heritage routes under this act until the commission submits the~~  
 3 ~~proposed criteria and procedures to the legislature for review and~~  
 4 ~~comment. The commission shall submit the proposed criteria and~~  
 5 ~~procedures to the standing committees of the senate and house of~~  
 6 ~~representatives that consider transportation matters for review and~~  
 7 ~~comment. If the committees do not hold hearings within 30 days~~  
 8 ~~after the date of submission, the criteria and procedures shall be~~  
 9 ~~considered approved.~~

10 ~~——(2) In establishing heritage routes, PURE MICHIGAN BYWAYS, the~~  
 11 ~~department shall take into consideration CONSIDER the concept of~~  
 12 ~~the complete highway, which is a highway incorporating not only~~  
 13 ~~safety, utility, and economy but also beauty. The department shall~~  
 14 ~~also take into consideration CONSIDER that in a complete highway~~  
 15 ~~pleasing appearance is a consideration in the planning and design~~  
 16 ~~process. The department may designate portions of a road as a~~  
 17 ~~heritage route. PURE MICHIGAN BYWAY [, IF THE DEPARTMENT OBTAINS A~~  
 18 ~~TRADEMARK LICENSE FROM THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION FOR~~  
 19 ~~THE USE OF THE WORDS "PURE MICHIGAN"] . Designation of a heritage~~  
 20 ~~route shall also require that local LOCAL governmental agencies~~  
 21 ~~have taken such SHALL TAKE ANY action as may be necessary to~~  
 22 ~~protect the integrity of the A designated route as stipulated in~~  
 23 ~~the UNIFORM criteria DEVELOPED FOR THE IDENTIFICATION OF PURE~~  
 24 ~~MICHIGAN BYWAYS BY THE DEPARTMENT.~~

25 Sec. 6. Planning, design, reconstruction, and maintenance of  
 26 all designated heritage routes shall be PURE MICHIGAN BYWAYS IS  
 27 governed by the criteria established by this act to ensure that  
 these routes are reasonably safe and fit for travel, while  
 preserving the unique characteristics that qualify them as heritage

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1 ~~routes.~~ **PURE MICHIGAN BYWAYS.**

2       Sec. 7. After a 30-day comment period and an opportunity for a  
3 public hearing, the department may make additions, deletions, or  
4 changes ~~or not make additions~~ in the **PURE** Michigan heritage route  
5 **BYWAY** system for 1 or more of the following reasons:

6       (a) By resolution, the governing body of a county or city  
7 requests that a particular named route lying within its  
8 jurisdictional boundaries be added to or deleted from the **PURE**  
9 Michigan heritage route **BYWAY** system. The department shall not add  
10 a route to the system if the governing body of a county or city  
11 adopts a resolution requesting that a route not be added. The  
12 department shall remove a route from the system within 1 year after  
13 a resolution is adopted by a county or city requesting removal.

14       (b) The department proposes to add or delete any named route  
15 or portion of a route to the **PURE** Michigan heritage route **BYWAY**  
16 system.

17       (c) The department proposes any action ~~which~~ **THAT** would result  
18 in a change in the scenic, historical, or recreational character of  
19 any route on the **PURE** Michigan heritage route **BYWAY** system that is  
20 determined to be substantial by the department.

21       **SEC. 7A. NO LATER THAN 1 YEAR AFTER THE DATE THE AMENDATORY**  
22 **ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW, THE DEPARTMENT**  
23 **SHALL DESIGNATE AS PURE MICHIGAN BYWAYS ALL ROUTES THAT ARE**  
24 **DESIGNATED AS MICHIGAN HERITAGE ROUTES ON THE DATE THE AMENDATORY**  
25 **ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW[, IF THE DEPARTMENT**  
**OBTAINS A TRADEMARK LICENSE FROM THE MICHIGAN ECONOMIC DEVELOPMENT**  
**CORPORATION FOR THE USE OF THE WORDS "PURE MICHIGAN"].**

26       Sec. 8. By December 31 each year, the department shall report  
27 to the commission, the governor, and the legislature the following

1 information regarding this act:

2 (a) Routes designated **AS PURE MICHIGAN BYWAYS** during the  
3 previous year.

4 (b) Deletions or other changes made in the ~~heritage route~~ **PURE**  
5 **MICHIGAN BYWAY** system during the previous year.

6 Enacting section 1. Section 5 of 1993 PA 69, MCL 247.955, is  
7 repealed.