

HOUSE BILL No. 5760

September 9, 2014, Introduced by Rep. Crawford and referred to the Committee on Local Government.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and

security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending section 5a (MCL 247.655a), as added by 1981 PA 184.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) The board of county road commissioners of each
2 county may establish a system of seasonal county roads, which may
3 be part of either the county primary road system, the county local
4 road system, or both systems. ~~A board of county road commissioners~~
5 ~~in~~-IN establishing a system of seasonal county roads, **A BOARD OF**
6 **COUNTY ROAD COMMISSIONERS** may declare a road under ~~the~~-ITS
7 jurisdiction ~~of the board~~ to not be open to public travel during
8 the months of November through April, ~~which~~-**AND THAT** road shall
9 then not be open to public travel.

10 (2) The seasonal county road system ~~shall include~~-**INCLUDES** any
11 road under the jurisdiction of the board of county road
12 commissioners ~~which~~-that **THE** board determines ~~shall~~-**IS** not ~~be~~-open
13 to public travel each year for a period of less than 12 months. The
14 system of seasonal county roads shall be selected on the basis of

1 seasonal use of the roads and in accordance with rules promulgated
 2 by the ~~state transportation~~ department. A board of county road
 3 commissioners may include or exclude roads in the seasonal county
 4 road system upon adoption of a proper resolution but only after
 5 holding a public hearing. ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of
 6 the public hearing shall be given to the clerk of the county and of
 7 each city, village, or township in which the roads are situated and
 8 published at least twice in a newspaper of general circulation in
 9 that county, **WITH** the first notice ~~to be~~ **GIVEN** not less than 30
 10 days before the hearing and the second notice **GIVEN** not less than 7
 11 days before the hearing. The notice shall contain the date, time,
 12 and place of the hearing and shall describe in general terms the
 13 action proposed to be taken by the board, the roads to be affected,
 14 and the period of time that the roads shall not be open to public
 15 travel. **BEGINNING JANUARY 1, 2015, NO LESS THAN 7 DAYS AND NO MORE**
 16 **THAN 14 DAYS BEFORE THE HEARING, NOTICE SHALL BE GIVEN TO THE CLERK**
 17 **OF THE COUNTY AND OF EACH CITY, VILLAGE, OR TOWNSHIP IN WHICH THE**
 18 **ROADS ARE SITUATED AND TO THE PUBLIC USING TIER C PUBLIC NOTICE AS**
 19 **PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The business
 20 ~~which the board may perform~~ **PERFORMS** at the public hearing shall be
 21 conducted at a hearing held in compliance with ~~Act No. 267 of the~~
 22 ~~Public Acts of 1976, as amended, being sections 15.261 to 15.275 of~~
 23 ~~the Michigan Compiled Laws. In addition to the other notices~~
 24 ~~required by this subsection, public~~ **THE OPEN MEETINGS ACT, 1976 PA**
 25 **267, MCL 15.261 TO 15.275. PUBLIC** notice of the time, date, and
 26 place of the hearing shall be ~~given~~ **PROVIDED** in the **SAME** manner
 27 required by ~~Act No. 267 of the Public Acts of 1976, as amended.~~

SECTION 5 OF THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.265. If at the hearing an objection is made to the designation of a road as a part of the seasonal county road system by a person occupying a structure located upon or along the road as the person's principal residence, the commissioners shall not designate that road as a part of the seasonal county road system unless the commissioners provide that person with immediate access to a road ~~which~~ **THAT** is not a part of the seasonal county road ~~system~~ **SYSTEM**.

(3) Within 30 days after final adoption of a resolution establishing a seasonal county road system, the board of county road commissioners shall file with the ~~state transportation~~ department and each city, village, or township in which the roads are situated a full record of its determination.

(4) The designation of a road as part of the seasonal county road system ~~shall~~ **DOES** not affect the certification of the road under this act, but if the road is not open to public travel during the months of December to April, the road ~~shall be~~ **IS** excluded for purposes of the distribution of snow removal ~~funds~~ **MONEY** under section 12a.

(5) A road included as part of the seasonal county road system ~~shall be~~ **IS** excluded for the purposes of determining the distribution of ~~funds~~ **MONEY** under sections 12(4) and 12b for each year in which the road is part of the seasonal county road system.

(6) A map shall be maintained and on display in the office of each board of county road commissioners ~~which~~ **THAT** has established a seasonal county ~~roads~~ **ROAD** system. ~~which~~ **A MAP MAINTAINED AND DISPLAYED UNDER THIS SUBSECTION** shall also inform the public of the

1 dates the road or ~~road shall~~ **ROADS ARE** not open to public travel.

2 (7) The board shall place and maintain signs on all roads
3 designated as seasonal county roads, which ~~signs~~ shall describe the
4 roads as seasonal county roads.

5 Enacting section 1. This amendatory act does not take effect
6 unless House Bill No. 5560 of the 97th Legislature is enacted into
7 law.