



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 239 (as enrolled)  
Sponsor: Senator Tom Casperson  
Senate Committee: Transportation  
House Committee: Transportation and Infrastructure

Date Completed: 6-15-17

### **RATIONALE**

Public Act 12 of 1925 directed the State highway commissioner--now the Michigan Department of Transportation--to establish up to 500 miles of additional trunk line highways on routes best adapted to serve the demands of public travel in various sections of the State. The Department is authorized to change, alter, or abandon the location of any portion of a trunk line highway when doing so will best serve the public interest and will not increase the trunk line mileage. Before a portion of a State trunk line highway is abandoned, the county road commission or the governing body of the city, village, or township to whose jurisdiction that portion will return must be given an opportunity to object. In addition, when a board of county road commissioners or the governing body of the city or village to whose jurisdiction any trunk line highway would return upon relinquishment indicates by resolution that it does not wish to accept jurisdiction of the entire width of the right-of-way of the trunk line highway, the Department is authorized to absolutely discontinue and abandon the part of the width that is not accepted.

This law is relevant to a situation in Alger County, where discussions about the abandonment of a portion of a highway evidently began in the 1960s. Reportedly, an agreement was reached and the county believed that the Department had abandoned that segment of the roadway and the right-of-way. Since that time, the Alger County Road Commission reduced the right-of-way to accommodate new homes, expansions of existing structures for residents, or the general sale of affected property. However, the Department believes that it still holds title to the right-of-way. This has created concerns regarding who owns the property that was conveyed to residents when the right-of-way was reduced. It has been suggested that legislation be enacted to resolve this issue.

### **CONTENT**

The bill would amend Public Act 12 of 1925 to specify that the title to a portion of a State trunk line highway that is located in a county with a population of more than 9,000 but less than 9,700 and that was approved for abandonment by a county road commission on January 15, 1968, and approved for abandonment by the State Administrative Board on May 7, 1968, would vest in the county that had jurisdiction over that portion as of the date of abandonment.

The bill would take effect 90 days after it was enacted.

Proposed MCL 250.113

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

The bill would address the uncertainty regarding ownership of the property surrounding the roadway described above. People living along the roadway have built new homes, garages, or barns, or expanded existing structures using the area where the right-of-way was reduced, relying on the authority of the county road commission when doing so. With the county's jurisdiction over the roadway or the right-of-way in question, there are concerns over who currently owns the affected property. This has created a burden on residents who developed property along the altered roadway, or who have undeveloped property that may or may not be under the Department's jurisdiction, and could affect their ability to sell the property. Furthermore, the county cannot act in the best interest of its residents if it does not have a clear understanding of its authority. The bill would resolve this situation in a reasonable manner.

Legislative Analyst: Drew Krogulecki

**FISCAL IMPACT**

The bill would not have an impact on State revenue or appropriations. The bill would shorten the trunkline mileage count in one county by a negligible amount. This change would not significantly affect that county's apportionment of the Michigan Transportation Fund.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.