

TRANSFER OF JURISDICTION OVER HIGHWAYS (EXCERPT)
Act 296 of 1969

247.858 Determination of board; contents; transferor's duties; renovation, costs.

Sec. 8. (1) If the board's decision is to transfer jurisdiction of a highway, the board shall include in its determination a description of the renovation, repair or reconstruction work and the estimated cost necessary to bring the highway up to reasonable acceptable standards as determined in accordance with subsection (2).

(2) The highway authority from whose jurisdiction a highway is to be transferred shall be responsible for the renovation, repair or reconstruction of the transferred highway, where necessary, subject to the following conditions:

(a) If the transfer is not related to the opening of a new relocated highway, reasonable acceptable standards based upon existing traffic shall govern, except that a maximum of 5 lanes shall be provided unless the existing width is greater and if right-of-way is available. Lanes used exclusively for parking shall not be considered eligible as part of the renovation, repair or reconstruction.

(b) If the transfer is related to the opening of a new relocated highway, the renovation, repair or reconstruction, if necessary, shall provide a facility that will be relatively free of extraordinary maintenance for 5 years. Reasonable acceptable standards based upon traffic volumes estimated to exist at the time of the transfer shall be used to the extent practical and feasible. Lanes used exclusively for parking shall not be considered eligible as part of the rehabilitation work.

(c) The board shall determine the reasonable acceptable standards for the renovation, repair and reconstruction of the highway on the basis of the functional classification of the highway after transfer, the level of service and the rating of physical features applied to highways of similar classification retained by the transferring agency, or on the basis of other recognized functional classification rating methods.

(3) In lieu of undertaking the renovation, repair or reconstruction of a highway to be transferred pursuant to this act, the transferring highway authority may do 1 of the following, with the concurrence of the receiving highway authority:

(a) Pay the estimated cost of such work to the receiving highway authority in order that the work may be undertaken by it.

(b) Enter into a contract with the receiving highway authority for the receiving highway authority to perform the work and be reimbursed by the transferring highway authority. The contracts shall include such terms and conditions as agreed to and shall be subject to such approvals as may be required for other contracts of the highway authorities.

(4) The cost of renovation, repair or reconstruction of the highway shall be paid by the highway authority relinquishing jurisdiction except to the extent that the highway authority gaining jurisdiction is required to participate in such cost in accordance with the provisions of Act No. 51 of the Public Acts of 1951, as amended, being sections 247.651 to 247.673 of the Compiled Laws of 1948.

History: 1969, Act 296, Eff. Mar. 20, 1970.