

HOUSE BILL No. 5124

December 8, 2015, Introduced by Reps. Johnson, Cole, Franz, Potvin, Chatfield and Rendon
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 establishing a system of seasonal county roads, may declare a
6 road under the jurisdiction of the board to not be open to public
7 travel during the months of November through April, ~~which~~**AND THAT**
8 road shall then not be open to public travel.

9 (2) The seasonal county road system shall include any road
10 under the jurisdiction of the board of county road commissioners
11 ~~which~~that **THE** board determines shall not be open to public travel
12 each year for a period of less than 12 months. The system of
13 seasonal county roads shall be selected on the basis of seasonal
14 use of the roads and in accordance with rules promulgated by the

1 ~~state transportation~~ department. A board of county road
2 commissioners may include or exclude roads in the seasonal county
3 road system upon adoption of a proper resolution but only after
4 holding a public hearing. Notice of the public hearing shall be
5 given to the clerk of the county and of each city, village, or
6 township in which the roads are situated and published at least
7 twice in a newspaper of general circulation in that county. ~~the~~
8 **THE** first notice ~~to~~ **SHALL** be not less than 30 days before the
9 hearing and the second notice **SHALL BE** not less than 7 days before
10 the hearing. The notice shall contain the date, time, and place of
11 the hearing and shall describe in general terms the action proposed
12 to be taken by the board, the roads to be affected, and the period
13 of time that the roads shall not be open to public travel. The
14 business ~~which~~ **THAT** the board may perform at the public hearing
15 shall be conducted at a hearing held in compliance with ~~Act No. 267~~
16 ~~of the Public Acts of 1976, as amended, being sections 15.261 to~~
17 ~~15.275 of the Michigan Compiled Laws.~~ **THE OPEN MEETINGS ACT, 1976**
18 **PA 267, MCL 15.261 TO 15.275.** In addition to the other notices
19 required by this subsection, public notice of the time, date, and
20 place of the hearing shall be given in the manner required by ~~Act~~
21 ~~No. 267 of the Public Acts of 1976, as amended.~~ **THE OPEN MEETINGS**
22 **ACT, 1976 PA 267, MCL 15.261 TO 15.275.** If at the hearing an
23 objection is made to the designation of a road as a part of the
24 seasonal county road system by a person occupying a structure
25 located upon or along the road as the person's principal residence,
26 the commissioners shall not designate that road as a part of the
27 seasonal county road system unless the commissioners provide that

1 person with immediate access to a road ~~which~~ **THAT** is not a part of
2 the seasonal county road ~~system~~ **SYSTEM**.

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

8 (4) The designation of a road as part of the seasonal county
9 road system ~~shall~~ **DOES** not affect the certification of the road
10 under this act, but if the road is not open to public travel during
11 the months of December to April, **EXCEPT AS PROVIDED IN SUBSECTION**
12 **(6)**, the road shall be excluded for purposes of the distribution of
13 snow removal funds under section 12a.

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

18 **(6) UPON ADOPTION OF A RESOLUTION BY THE BOARD OF COUNTY ROAD**
19 **COMMISSIONERS, A ROAD INCLUDED AS PART OF THE SEASONAL COUNTY ROAD**
20 **SYSTEM UNDER THIS SECTION SHALL NOT BE EXCLUDED FOR PURPOSES OF THE**
21 **DISTRIBUTION OF SNOW REMOVAL FUNDS UNDER SECTION 12A IF THERE IS A**
22 **PERSON OCCUPYING A STRUCTURE UPON OR ALONG THE ROAD AS THAT**
23 **PERSON'S PRINCIPAL RESIDENCE. AS USED IN THIS SUBSECTION,**
24 **"PRINCIPAL RESIDENCE" MEANS THAT TERM AS DEFINED IN SECTION 7DD OF**
25 **THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7DD.**

26 (7) ~~(6)~~ A map shall be maintained and on display in the office
27 of each board of county road commissioners ~~which~~ **THAT** has

1 established a seasonal county ~~roads~~**ROAD** system ~~which~~**THAT** shall
2 also inform the public of the dates the road or ~~road~~**shall**~~ROADS~~
3 **ARE** not open to public travel.

4 (8) ~~(7)~~The board shall place and maintain signs on all roads
5 designated as seasonal county roads, which ~~signs~~shall describe the
6 roads as seasonal county roads.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.