LIMITED ACCESS HIGHWAYS

Act 205 of 1941

An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities.

History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- Am. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950 ;-- Am. 1992, Act 243, Imd. Eff. Nov. 18, 1992

The People of the State of Michigan enact:

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252.51 Limited access highways; definition.

Sec. 1.

For the purposes of this act, limited access highways are defined as highways specially designed for through traffic, and over, from or to which owners or occupants of abutting land have no easement or right of light, air or access by reason of such abuttal. Such highways may be parkways, with or without landscaped roadsides, from which trucks, buses and other commercial vehicles are excluded; or they may be motorways open to use by all common forms of highway traffic.

History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- CL 1948, 252.51

252.52 Limited access highways; establishing, opening, discontinuing, vacating, closing, altering, improving, maintaining, and providing for public use; vending machines; other commercial enterprises prohibited; liability insurance; monitoring compliance; use of facilities for sale of articles for export; operation of customs brokering facilities; lease; distribution of travel-related information; disposition of revenue; electronic devices; logo signage; exit signs indicating hospital.

Sec. 2.

(1) The state transportation department, a board of county road commissioners, or a city or village, acting alone or in cooperation with each other or with a federal, state, or local agency having authority to participate in the construction and maintenance of highways, may establish, open, discontinue, vacate, close, alter, improve, maintain, and provide for the public use of limited access highways, subject to section 1(i) of 1925 PA 352, MCL 213.171.

(2) The state transportation department shall allow only the installation of vending machines at selected sites on the limited access highway system to dispense food, drink, and other articles that the state transportation department determines appropriate. The state transportation department shall allow only the installation of vending machines at selected travel information centers. Following a 2-year trial period the state transportation department shall use its discretion with the advice of the commission for the blind to allow only vending machines at other locations on the limited access highway system. The vending machines shall be operated solely by the commission for the blind, which is designated as the state licensing agency under section 2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. 107a. Except as otherwise provided in this section, no other commercial enterprise shall be authorized or conducted within or on property acquired for or designated as a limited access highway. The commission for the blind shall require evidence of liability insurance and monitor compliance as it pertains to only vending machines in the designated areas, holding harmless the state transportation department.

(3) In conjunction with the exemption granted by federal law from the restrictions contained in section 111 of title 23 of the United States Code, 23 U.S.C. 111, and described in the “manual on uniform traffic control devices

for streets and highways", U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of facilities located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States.

(4) This section does not prohibit the use of facilities located in the vicinity of the international bridge in the city of Sault Ste. Marie for the sale of only those articles which are for export and consumption outside the United States to the extent that the use is not restricted by federal law.

(5) This section does not prohibit the operation of customs brokering facilities on state owned property available for that use at the sites of the blue water bridge in Port Huron and the international bridge in Sault Ste. Marie.

(6) The state transportation department may enter into a lease for facilities described in subsection (3), (4), or (5), the revenue from which shall be deposited in the state trunk line fund if attributable to the blue water bridge site or in the fund created under section 7 of 1954 PA 99, MCL 254.227, if attributable to the international bridge site.

(7) This section does not prohibit the use of facilities located at rest areas or welcome centers to distribute, either directly or through electronic technologies, free travel related information or assistance, or both, to the traveling public if the distribution is approved by the state transportation department.

(8) The state transportation department may enter into agreements for the activities described in subsection (7), the revenue from which shall be deposited in the state trunk line fund.

(9) The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a limited access highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures so long as the electronic devices and related structures are intended to assist in providing travel related information to motorists who subscribe to travel related information services, the public, or the state transportation department. All revenue generated by the agreements shall be deposited in the state trunk line fund. The state transportation department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

(10) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661.

(11) At the request of a hospital that provides 24-hour emergency care, the state transportation department shall place and maintain signs on all limited access highways that indicate exits that are within 2 miles of that hospital. The signs shall indicate the name of the hospital or the name of the nonprofit corporation that owns or operates the hospital and the exit number of the exit that is within the 2 miles of the hospital. At least 1 sign shall be placed for each exit that is within 2 miles of a requesting hospital that provides 24-hour emergency care. The cost of placing and maintaining the sign shall be paid by the hospital requesting the signs. The state transportation department shall adopt guidelines specifying the size, shape, design, number, and placement of the signs authorized under this subsection. The state transportation department shall not remove signs on limited access highways that exist on the effective date of the amendatory act that added this subsection and that indicate exits within 10 miles of a hospital that provides 24-hour emergency care but that do not otherwise satisfy the requirements of this subsection. As used in this subsection, "hospital" means a health facility that is licensed under part 215 of the public health code, 1978 PA 368, MCL 333.21501 to 333.21568.

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History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- CL 1948, 252.52 ;-- Am. 1952, Act 147, Eff. Sept. 18, 1952 ;-- Am. 1957, Act 174, Eff. Sept. 27, 1957 ;-- Am. 1984, Act 160, Imd. Eff. June 27, 1984 ;-- Am. 1990, Act 97, Imd. Eff. June 6, 1990 ;-- Am. 1992, Act 243, Imd. Eff. Nov. 18, 1992 ;-- Am. 1994, Act 45, Imd. Eff. Mar. 23, 1994 ;-- Am. 1995, Act 93, Imd. Eff. June 20, 1995 ;-- Am. 1998, Act 223, Imd. Eff. July 1, 1998 ;-- Am. 1999, Act 47, Imd. Eff. June 15, 1999 ;-- Am. 2001, Act 47, Imd. Eff. July 23, 2001 ;-- Am. 2002, Act 150, Imd. Eff. Apr. 8, 2002

Compiler's Notes: For transfer of powers and duties of the commission for the blind from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

252.53 Authority to acquire property; purchase, gift, devise or condemnation.

Sec. 3.

For the purposes of this act, the aforesaid agencies may acquire private property and property rights by

purchase, gift, devise, or condemnation, and the provisions of any existing laws of this state shall apply. All property rights acquired under the provisions of this act shall be in fee simple or other appropriate estate.

History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- CL 1948, 252.53 ;-- Am. 1952, Act 147, Eff. Sept. 18, 1952

252.54 Limited access highways; authority to acquire entire lot, block or plat of land.

Sec. 4.

Whenever it becomes necessary to acquire any real property for use in connection with the location, construction, reconstruction, improvement and maintenance of any limited access highway or section thereof, said agencies may in their discretion acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though said entire tract is not needed for right-of-way proper.

History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- CL 1948, 252.54

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252.55 Limited access highways; intersections; elimination; establishment in future prohibited.

Sec. 5.

Any such agency shall have authority to provide for the elimination of intersections of limited access highways with existing state and county roads, city and village streets and private driveways, by grade separation, access or service road, or by closing off such roads, streets and driveways at the boundary line of such limited access highway, but only with the consent of the county, city or village; and after the establishment of any limited access highway, no road which is not part of said limited access highway system shall run into or intersect the same at grade.

History: 1941, Act 205, Eff. Jan. 10, 1942 ;-- CL 1948, 252.55 ;-- Am. 1952, Act 147, Eff. Sept. 18, 1952

252.56 Limited access highways; plans for construction or improvement; estimate of cost, approval.

Sec. 6.

Whenever the state highway commissioner and any county, city or village shall agree to acquire, construct, or improve any limited access highway or highways as defined by this act, the state highway commissioner shall procure plans and specifications for such project and an estimate of the cost thereof. The board of county road commissioners and the board of supervisors of the county and the legislative body of such city or village shall, by resolution, approve such plans, specifications and estimate of cost.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950
Former Law: See section 6 of Act 205 of 1941, which was repealed by Act 267 of 1945.

252.57 Limited access highways; contracts for construction or improvement; allocation of cost, approval.

Sec. 7.

The state highway commissioner and any county, city or village, after approval of the plans and specifications and estimate of cost as aforesaid, may enter into a contract or contracts providing for the acquisition, construction or improvement of the limited access highways proposed, which contract or contracts shall provide for the allocation of the share of the cost thereof to be borne by each of said governmental units and provide for the payment of the share of the cost thereof to be borne by each such governmental unit in annual installments for a period of not exceeding 30 years. Such contract or contracts shall be executed by the state highway commissioner, after approval thereof by resolution of the state administrative board, and by the board of county road commissioners of each contracting county, subject to the approval of the board of supervisors, and by each city or village, pursuant to resolution of their respective legislative bodies.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950

252.58 Limited access highways; contributions and pledges of funds; payment.

Sec. 8.

For the purpose of carrying out the provisions of this act, and to enable limited access highways to be constructed, the state transportation commission is authorized to make annual contributions to the cost of construction of limited access highways as provided in this act, and to make an irrevocable pledge of funds of the state transportation department derived from taxes imposed upon gasoline or other motor fuels, and on motor vehicles registered in this state for the purpose of meeting its annual obligations under the contract or contracts. The annual contributions of the state transportation department for any such project shall be payable in manner designated by the contract or contracts over a fixed period of not exceeding 30 years.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950 ;-- Am. 1952, Act 147, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 93, Eff. Oct. 2, 1953 ;-- Am. 1955, Act 197, Eff. Oct. 14, 1955 ;-- Am. 2002, Act 331, Imd. Eff. May 23, 2002

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252.59 Limited access highways; county, city, or village contributions, payment procedure.

Sec. 9.

For the purpose of carrying out the provisions of this act, each county, city or village which is a party to a contract or contracts as herein authorized, for the construction of such limited access highways is authorized to make annual contributions to the cost thereof as hereinbefore provided, and to make an irrevocable pledge of funds received, and to be received, by each of said units from the state of Michigan derived from taxes imposed upon gasoline or other motor fuels, and on motor vehicles registered in the state for the purpose of meeting its annual obligations pursuant to said contract or contracts. The annual contributions of each county, city or village for any such project shall be payable in manner designated by the contract or contracts over a fixed period of not exceeding 30 years.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950

252.60 Limited access highways; federal aid.

Sec. 10.

Each governmental unit that is a party to any such contract or contracts for the construction of limited access highways is also authorized to make an additional irrevocable pledge for a fixed period of not exceeding 30 years, of any contributions or funds received, or to be received, from the federal government or any of its agencies, or from any other source for or in aid of the project or combined projects provided for in said contract or contracts.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950

252.61-252.63 Repealed. 2002, Act 331, Imd. Eff. May 23, 2002.

Compiler's Notes: The repealed sections pertained to issuance and registration of bonds for limited access highways and highway projects.

252.64 Scope of act.

Sec. 14.

(1) This act, without reference to any other statute or to any charter, shall be considered full authority for the purposes provided in this act and shall be construed as an additional and alternative method for the financing of limited access highways, any provisions of the general laws of this state or of any charter to the contrary notwithstanding.

(2) A contract entered into under this act is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950 ;-- Am. 1952, Act 147, Eff. Sept. 18, 1952 ;-- Am. 2002, Act 331, Imd. Eff. May 23, 2002

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