ARBITRATION OF DISPUTES INVOLVING INTERSTATE HIGHWAY ROUTES

Act 12 of 1967 (Ex. Sess.)

AN ACT to provide for arbitration of disputes involving the determination of routes for interstate highways through municipalities and to authorize the acquisition of property therefor.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

The People of the State of Michigan enact:

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252.151 Arbitration of interstate highway route locations; definitions.

Sec. 1.

As used in this act:

(a) "Board" means the highway location arbitration board.

(b) "Department" means the department of state highways.

(c) "Commission" means the state highway commission or its designated representative.

(d) "Interstate highway" means a highway route on the interstate system as defined in and designated pursuant to Title 23 of the United States Code, prior to the effective date of this act.

(e) "Affected municipality" means a city or village in which a proposed interstate highway route or alternate route would wholly or partly lie.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.152 Review of highway location; arbitration; procedure; notice; voluntary arbitration.

Sec. 2.

After review of proposed interstate highway routes, and following preliminary negotiations, when it shall be deemed necessary by the department to resolve disputes concerning the routes through 1 or more municipalities, to resort to final arbitration measures provided by this act, the commission shall send by registered mail to the clerk of each affected municipality notice of the interstate highway route location proposed by the department in the disputed matter and a notice that arbitration proceedings are initiated. Within 30 days thereafter, if the governing body of each affected municipality does not consent by resolution either to the approval of the location or to voluntary binding arbitration as provided in this section, the commission shall request in writing that a highway location arbitration board be authorized to make a final determination of the route. The governing body of any affected municipality which does not consent to the route location by resolution may agree with 1 or more other affected municipalities to voluntary binding arbitration on the issue of route location according to terms approved by the commission; in which case such municipalities shall no longer be considered affected municipalities within the terms of this act. The governor, on the date of the request, shall send notice of the request by registered mail to the clerk of each affected municipality as determined by the commission. The commission's request shall name all the affected municipalities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.153 Highway location arbitration board; members, qualification, appointment.

Sec. 3.

A highway location arbitration board shall consist of 3 members to be appointed by agreement of all affected municipalities from a list of members of the national panel of arbitrators to be submitted to the governor by the American arbitration association. The governor shall include a copy of the list of such members with the notice of the request he sends to the clerk of each affected municipality. If the affected municipalities do not agree on the arbitrators within 30 days of the date of the request, the governor shall choose the arbitrators. It shall function in the executive office and by majority vote shall make the determinations authorized by this act.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.154 Highway location arbitration board; convening time; notice to affected municipalities.

Sec. 4.

The governor shall forthwith set a time and place for convening the board not less than 25 nor more than 35 days from the date of the commission's request. The governor shall send notice by registered mail to the clerk of each affected municipality at least 14 days before the date set for convening the board.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.155 Highway location arbitration board; submission of maps by municipality, time; content; copies.

Sec. 5.

Within 25 days of the date of the commission's request an affected municipality may submit maps of 1 or more proposed locations showing the approximate right of way limits and any other information to the commission. The commission shall provide each member of the board a copy of such maps and information, as well as maps and information relative to all locations proposed by the department.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.156 Highway location arbitration board; duties; additional maps and information; approval of location, time; notice.

Sec. 6.

The board shall convene at the time and place set by the governor and shall consider the submitted maps and information and shall hear representatives of the department and the affected municipalities and shall hear such other persons as are parties in interest. The department and the affected municipalities, may, and when so requested by the board shall, submit additional maps and information relative to any proposed location for consideration by the board. Within 60 days of the date it convenes, the board shall approve 1 of the locations.

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The approval is final and binding upon the department and the affected municipalities. The commission shall send notice of the approval by registered mail to the clerks of the affected municipalities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.157 Approval of board; consent to designation of route; acquisition of property.

Sec. 7.

Approval by the board is deemed to be consent to designating the route as an interstate highway and, notwithstanding any provision to the contrary in any law, the department may forthwith proceed to acquire property, by condemnation or otherwise, deemed by the department to be necessary to provide for the completion and successful operation of the interstate highway and appurtenant facilities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968

252.158 Repealed. 1980, Act 180, Imd. Eff. July 2, 1980.

Compiler's Notes: The repealed section pertained to an appropriation for expenses of highway arbitration boards.

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