



STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
LANSING

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**REPORT ON POLICY CHANGES IN RESPONSE TO  
LEGISLATION ENACTED IN CALENDAR 2013  
UNDER SEC. 263(1) OF P.A. 59 OF 2013**

Section 263(1) of the Fiscal 2014 appropriations bill for the Michigan Department of Transportation (Public Act No. 59 of 2013, HB 4328) requires an annual report on specific policy changes made to implement new legislation. The exact language is:

The department shall report no later than April 1, 2014 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the House and Senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the Senate and House fiscal agencies.

Two packages of bills were enacted in Calendar 2013 that required policy changes on the part of the Michigan Department of Transportation.

**Off Road Vehicle (ORV) Trail Connectors on State Trunkline Highways**

In response to the package of the three bills below, the department instated policies and procedures governing use of state highway rights-of-way by ORVs. After consultation with off-road-vehicle user groups and the department of Natural Resources, the department is signing twelve segments of state trunkline highways in northern Michigan open to off-road-vehicle use as “trunkline connectors” between segments of designated ORV trails and other destinations. In 2014, the department will announce procedures by which local units of government or the Michigan Department of Natural Resources may request additional trunkline connectors to further address gaps in ORV trail routes statewide.

P.A. 117 of 2013 (HB 4284) OFF-ROAD VEHICLES on TRUNKLINES (Rep. Johnson): Amend law allowing ORVs to be operated on county roads and city streets. Extend notices and local option on county ORV ordinances to Department, cities and villages (as well as townships). Allow townships and villages to close county roads otherwise open to ORVs.

Allow local units or counties on behalf of local units to request opening trunklines to ORVs; Department to “authorize” a local ordinance allowing ORV use of trunklines other than Interstates. Until Jan. 1, 2015, the department may open trunklines at its initiative. Trunklines shall be opened to ORVs where needed to cross watercourses, connect ORV trails, or to reach any other destination. Department may close trunklines to ORVs upon 30 days’ written notice of cause to local clerks and the legislature.

ORVs may be operated “on the far right of the maintained portion” of a county road or city street.

ORVs may be operated on the right shoulder of a trunkline. If the shoulder is inadequate, ORVs may be operated on the right “unmaintained portion” that is, anywhere else on the right-hand right-of-way. ORVs may be operated at the far right of the traveled lane of a trunkline only to cross a bridge or culvert. (It does not seem to be legal to operate an ORV in the traveled lane of a trunkline with no shoulders, as in a curb-and-gutter section.)

Relieve state from duty to maintain trunklines for ORVs; state and road agencies are immune from liability for road use of ORVs.

### **Repeal definition of *eligible county***

P.A. 118 of 2013 (HB 4299) ORVs on ROADS STATEWIDE (Rep. Bumstead): Delete references to “eligible” counties (extend ORV use of roads at local option statewide). Allow municipalities and townships to open or close county roads to ORVs. Provide \$500 fine for violating rules, with 50% to road agencies for repair of damage.

Incorporate language from HB 4284 opening trunklines to ORVs at local request (MDOT “shall authorize” local ordinances opening trunklines to ORVs, but may deny authorization for specific reasons). Allow ORV operation on right-hand trunkline shoulders, or elsewhere on the right-hand right-of-way if there is no shoulder, or on the traveled lane to cross a bridge or culvert (on county roads, ORVs may use the “maintained portion”). Exempt state and road agencies from duty to maintain highways for ORV use.

P.A. 119 of 2013 (SB 50) ORVs STATEWIDE and ON TRUNKLINES (Sen. Casperson): Define *designated road* as one posted open to ORV’s by DNR. Define *forest road* as other than a county road, city street, or trunkline. Define *highway* as state trunkline. Define *maintained portion* as “the roadway and any shoulder.” Define *unmaintained portion* as other than the maintained portion. Define *roadway* as the portion improved for vehicle travel. Define *traffic lane* as a clearly-marked lane. Define *shoulder* as the portion extending the contour of the roadway and maintained for use by stopped vehicles. Define *southern county* as Muskegon, Kent, Lapeer, Macomb or points south (not previously open to ORV use of roads).

### **Repeal NREPA Secs. 81102 and 81128**

### **Angle Parking**

The department will consider requests for installation of back-in angle parking spaces on state trunkline highways in business districts, consistent with the Transportation Commission’s complete-streets policy, where it may be done safely within the context of the surrounding land use and traffic speeds and volumes. Designs are subject to the approval of the department’s Engineering Operations Committee.

P.A. 247 of 2013-HB 5073 ANGLE PARKING (Rep. Pettalia): Allow angle parking on state trunklines if authorized by the department.

### **Update handicapped-placard language**