

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 811 and 812 (as passed by the Senate)
Sponsor: Senator Bill Bullard, Jr.
Committee: Transportation and Tourism

Date Completed: 11-28-01

RATIONALE

According to the Michigan Department of Transportation (MDOT), approximately 75% of traffic congestion is a result of unexpected events, such as accidents or poor weather. Some motorists try to plan their trips around traffic snarls by first checking reports on television, the radio, or the Internet, but this news can quickly become outdated once a traveler is on the road. In addition, many of these reports are supplied by aircraft, which are grounded during inclement weather—a time when traffic news is most appreciated. Therefore, it is useful for motorists en route to have access to real-time, accurate traffic updates provided by “Intelligent Transportation Systems” (ITS).

In recent years, MDOT has installed ITS in the Detroit metropolitan area. First, in order to locate and assist those involved in accidents, the Department installed pavement sensors on 180 miles of Metro Detroit area freeways to collect data on traffic speed. When the average speed unexpectedly decreases, someone at a control station can contact the police, fire station, or ambulance service so the accident can be cleared quickly and any injured people tended to. 156 closed-circuit cameras were later installed to enable the control station to see the nature of the accident and send the appropriate emergency vehicle. Thus, the “ears and eyes” of an intelligent system were in place. To communicate traffic information to motorists, the Department installed 59 large changeable message signs, which are posted on overpasses and scroll messages to drivers about traffic problems ahead. The Department also reports that similar equipment has been installed in Grand Rapids.

Other innovations that provide more specific or more relevant real-time traffic updates are on the horizon. For example, some private companies now sell traffic information to subscribers, who can be contacted via pager or e-mail about congestion ahead. At present, however, the installation of these services is restricted by State law. Under Public Act 368 of 1925, only public utility companies are explicitly granted permission to build on limited access highway rights-of-way. Under Public Act 205 of 1941, commercial activity along limited access highways is confined to vending machines. Some people feel that private companies should be allowed to place devices on and along limited access highways so that additional traffic information can be provided to the public, to subscribers, or to the Department.

CONTENT

Senate Bills 811 and 812 would amend Public Acts 205 of 1941 and 368 of 1925, respectively, to allow the Michigan Department of Transportation to enter into agreements authorizing the use of limited access highway property for devices providing electronic travel-related information services to subscribers, motorists, or MDOT. Both bills would require all revenue generated by these agreements to be deposited in the State Trunk Line Fund, and would allow MDOT to accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

Senate Bill 811

Public Act 205 of 1941 provides for the construction, improvement, and maintenance of limited access highways. (Under the Act, "limited access highway" means a highway 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.)

Currently, MDOT may provide, at selected sites on limited access highways, only vending machines that dispense food, drink, and other appropriate articles. The Act specifies exceptions to this restriction, including permitting electronic technologies that dispense free travel-related information to assist the traveling public. The bill also would allow MDOT to enter into agreements authorizing property acquired for or designated as a limited access highway, or for ancillary purposes, to be used for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures as long as they were intended to assist in providing travel-related information to motorists who subscribed to travel-related information services, the public, or MDOT.

Senate Bill 812

Public Act 368 of 1925 prescribes the conditions under which public utility companies may construct lines across public roads. The bill states that Public Act 368 would not prohibit the use of rights-of-way, bridges, towers, welcome centers, and rest stops to provide, through the use of electronic technologies, including electronic kiosks, travel-related information and assistance and advance traffic information systems.

Under the bill, a person engaged in the collection of traffic data or the provision of travel-related information or assistance could enter upon, construct, and maintain electronic devices and related structures within limited access and other highway rights-of-way according to standards that were approved by the State Transportation Commission and conformed to governing Federal laws and regulations. The standards would have to require that the devices and structures be placed in a manner that would not impede traffic or increase maintenance costs for MDOT.

The bill also contains the same language proposed by Senate Bill 811 to allow MDOT to enter into agreements authorizing the use of limited access highway property for devices providing electronic travel-related information.

MCL 252.52 (S.B. 811)
247.183 et al. (S.B. 812)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Michigan Department of Transportation has its own Intelligent Transportation Systems Center, and has projects in place to expand its current system in Detroit as well as include the Lansing, Ann Arbor, and Flint regions in this technology. The State is limited, however, in the number of signs, cameras, and sensors it can afford, and MDOT continually seeks innovative solutions to transportation problems. Therefore, it would be reasonable to allow access to highway rights-of-way to commercial companies also involved in Intelligent Transportation Systems.

Allowing private companies to pay for and supply traffic data collection and communication devices would benefit all involved. First, motorists who commute along congested freeways would appreciate the service. More drivers would benefit, too, from the additional cameras, sensors, and signs that would be installed by these private companies. Next, the Department would have access to any data collected on its property under the bills and in any future contracts. Thus, MDOT still could communicate to the general public traffic information collected by private companies. Furthermore, private industry would be able to test and improve its systems in a state so long-devoted to the automobile. After all, building more freeways is only a short-term solution to solving the transit problems that plaque 21st Century cities. What is needed is intelligent technology that can respond to problems and communicate to motorists. The expansion of ITS not only would make driving less inconvenient but, more importantly, could save lives by improving traffic safety.

Legislative Analyst: C. Layman

FISCAL IMPACT

The bills would result in an increase of State revenue deposited in the State Trunkline Fund associated with the provision that would allow MDOT to enter into agreements for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures for the provision of travel-related information to motorists. The bill also would allow MDOT to receive in-kind contributions in addition to monetary compensation. There are no data currently available to indicate how much revenue would be generated from these agreements.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.