

Legislative Analysis



HIGH-OCCUPANCY VEHICLE LANES

House Bill 4352 as introduced
Sponsor: Rep. Nate Shannon

House Bill 4353 as introduced
Sponsor: Rep. Sharon MacDonell

Committee: Transportation, Mobility and Infrastructure
Complete to 5-9-23

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4353 would amend 1951 PA 51 (“Act 51”) to allow the Michigan Department of Transportation (MDOT) to designate a lane on a highway for the exclusive use of *high-occupancy vehicles* (HOVs) or other classes of vehicles determined by the department, during a period determined by the department, by filing a *traffic control order* and installing appropriate *traffic control devices*.

High-occupancy vehicle would mean any motor vehicle carrying at least two occupants, including the vehicle’s driver.

Traffic control devices would mean all signs, signals, markings, and devices not inconsistent with the Michigan Vehicle Code that are placed or erected by authority of a public body or official with jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control order would mean an order officially establishing the location of traffic control devices and traffic control signals on the highways of Michigan by the authority with jurisdiction over the highway that is filed with the county clerk of the county traversed by the highway. A certified copy of the order would be *prima facie* evidence in all courts of the issuance of the order.

[The above are the current Michigan Vehicle Code definitions for these terms.]

MCL 247.651

House Bill 4352 would amend the Michigan Vehicle Code to amend a provision that now provides that a lane designated under Act 51 as an HOV lane and that is appropriately marked must be reserved for the exclusive use of buses and HOVs during the indicated times, except that the restrictions do not apply to emergency or law enforcement vehicles or transit buses operated by a regional transit authority.

The bill would instead provide that if a lane is designated as an HOV lane by an agency with jurisdiction over the roadway and is appropriately marked with traffic control devices, the lane must be reserved during the periods indicated for exclusive use by buses and HOVs. However, the restrictions imposed on an HOV lane would not apply to the following:

- An authorized emergency vehicle.

- A law enforcement vehicle.
- A bus.
- A motorcycle.
- Any other class of vehicle as determined by the agency with jurisdiction over the roadway.

MCL 257.642

BACKGROUND:

The bills are understood as authorizing the creation of HOV lanes on I-75 as part of the ongoing I-75 Modernization project.¹ According to the project website,² HOV lanes “are planned from 12 Mile Road to South Boulevard and an additional travel lane is being built from M-102 (8 Mile Road) to 12 Mile Road.” The lanes will be restricted during rush hour (weekdays from 6 a.m. to 9 a.m. and again from 3 p.m. to 6 p.m.) and will otherwise be available for use by all vehicles.³

Legislation enacted in 2008 amended Act 51 to allow MDOT to designate one or more lanes of Michigan Avenue (US-12) in Detroit as HOV lanes, but that authorization was time-limited and ended December 31, 2010. The Michigan Vehicle Code was amended at the same time to provide for the use of HOV lanes designated under Act 51.⁴

In 2012, the same sections of Act 51 and the Michigan Vehicle Code were amended as part of a package of bills related to the newly created Regional Transit Authority Act, which provided for the creation of a regional transit authority in southeast Michigan.⁵

The 2012 amendments to Act 51 removed the expired provisions authorizing MDOT to create HOV lanes on Michigan Avenue and added provisions allowing MDOT or a local road agency to enter into an agreement with a regional transit authority to operate a public transit system and to designate one or more lanes of a street or highway as a dedicated public transit lane. These provisions (which are still law) add that lanes designated and marked as dedicated public transit lanes by MDOT or a local road agency are subject to the same provisions as HOV lanes under the Michigan Vehicle Code.

The 2012 amendments to the Michigan Vehicle Code added transit buses operated by a regional transit authority to the list of vehicles exempted from restrictions imposed on HOV lanes, and removed vehicles such as taxicabs and bicycles that had been exempted when the HOV lanes were contemplated for Michigan Avenue in 2008. However, the Michigan Vehicle Code provisions regarding the use of these lanes still specifically applied to lanes designated as HOV lanes under section 1 of Act 51, while the Act 51 language allowing MDOT to designate those

¹ See <https://www.freep.com/story/news/local/michigan/2023/03/03/i-75-carpool-lanes-oakland-county-detroit/69967410007/>

² <https://www.modernize75.com/Project-Highlights-HOV>

³ An FAQ page from the Federal Highway Administration concerning HOV facilities under federal law is available here: <https://ops.fhwa.dot.gov/freewaymgmt/faq.htm>

⁴ <https://www.legislature.mi.gov/documents/2007-2008/billanalysis/Senate/pdf/2007-SFA-1461-N.pdf>

⁵ <https://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-0445-N.pdf>

lanes had expired and been removed. In addition, unlike HOV lanes under those old provisions, public transit lanes under Act 51 can be designated by a local road agency as well as MDOT.

House Bill 4352 would amend the Michigan Vehicle Code so that the relevant provisions apply to “a lane... designated as an HOV lane by an agency with jurisdiction over the roadway” instead of “a lane... designated as an HOV lane under section 1” of Act 51.

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.