

DEPARTMENT OF TRANSPORTATION  
BUREAU OF HIGHWAY TECHNICAL SERVICES  
HEARINGS ON TRAFFIC CONTROL ORDERS

(By authority conferred on the state highway commissioner by Act No. 197 of the Public Acts of 1952, as amended, and Act No. 88 of the Public Acts of 1943, as amended, being S24.101 et seq. and S24.71 et seq. of the Michigan Compiled Laws)

R 225.1 Referral of hearing to highway department staff member.

Rule 1. The hearings required to be conducted under S257.675 of the Michigan Compiled Laws may be referred by the state highway commissioner to a member of the staff of the state highway department, who shall hear the evidence, prepare such record as is required by SS24.101 to 24.110 of the Michigan Compiled Laws, and file a report with the state highway commissioner.

History: 1979 AC.

R 225.2 "City" defined.

Rule 2. The term "city" shall be deemed to mean a home rule city duly incorporated pursuant to the laws of the state of Michigan.

History: 1979 AC.

R 225.3 Appearance.

Rule 3. When an appearance is made at such hearing, it shall be made by legal counsel for and on behalf of the city or by some other person duly authorized by the legislative body of the city.

History: 1979 AC.

R 225.4 Notice of intention to file traffic control order.

Rule 4. Whenever the state highway commissioner and the commissioner of the Michigan state police shall deem it necessary to issue a traffic control order as set forth in S257.675(d) of the Michigan Compiled Laws, the state highway commissioner, individually, or by his duly authorized representative, shall notify the city involved by registered mail of his intention to file a traffic control order with the county clerk and the effective date thereof. Such notice shall set forth the nature of the order, the reasons therefor, and shall be mailed to the city clerk or city manager, or mayor of said home rule city.

History: 1979 AC.

R 225.5 Notice of objections to proposed order; service.

Rule 5. The city, if it shall desire a hearing, shall, within 20 days after receiving notice as set forth in R 225.4, notify and serve upon the state highway commissioner, by registered mail, specifications of its objections to the proposed traffic control order.

History: 1979 AC.

R 225.6 Notice of hearing.

Rule 6. Upon receipt of demand for a hearing and objections by the city, the state highway commissioner shall, within 10 days, notify the city by registered mail of the date, time, and place for holding said hearing.

History: 1979 AC.

R 225.7 Adjournment or continuance of hearing.

Rule 7. No hearing shall be adjourned or continued, except upon order of the state highway commissioner or his agent designated to conduct the hearing. All motions and requests for an adjournment or continuance shall be accompanied by a statement of the reasons therefor. No motion or request for an adjournment or continuance will be considered unless same is filed with the state highway commissioner at least 5 days prior to the date assigned for the hearing, except that the state highway commissioner or his agent may accept such request during a hearing or may waive the 5-day notification if proper showing is made that, for reasons not within the control of the city making the motion or request, the motion or request could not be filed within the said 5-day period.

History: 1979 AC.

R 225.8 Stipulations.

Rule 8. The parties to any hearing before the state highway commissioner, may, by stipulation in writing, filed with the state highway commissioner, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

History: 1979 AC.

R 225.9 Depositions.

Rule 9. Depositions may be taken upon written authority of the state highway commissioner if it appears to the state highway commissioner that it is impracticable or impossible to obtain the evidence otherwise. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan as provided by S617.6 et seq. of the Michigan Compiled Laws.

History: 1979 AC.

R 225.10 Parties in interest.

Rule 10. The state highway commissioner and the city shall be deemed the sole parties in interest in the hearing, and they alone are permitted to present evidence, to cross-examine, and to exercise other legal rights afforded an interested party in a contested case.

History: 1979 AC.