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CITIES: Snowmobiles.

SNOWMOBILES: Use on city streets.

1968 PA 74, § 12, prohibits the operation of snowmobiles on city streets except (1) in cases of emergencies when authorized by duly constituted law enforcement officer or (2) for special events of limited duration.

Opinion No. 4858

January 9, 1975.

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You have requested my opinion as to whether there is any permissible use of snowmobiles upon the traveled portions of city streets.

1968 PA 74, § 12, MCLA 257.1512; MSA 9.3200(12) reads as follows:

“A person shall not operate a snowmobile upon a public highway, land used as an airport or street, *or on a public or private parking lot not specifically designated for the use of snowmobiles* except under the following conditions and circumstances:

“(a) A snowmobile may be operated on the right of way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right of way and with the flow of traffic on the highway.

“(b) A snowmobile may be operated on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right of way to any approaching vehicle on the highway.

“(c) In any court action in this state where competent evidence demonstrates that a vehicle which is permitted to be operated on a highway pursuant to Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, is in a collision with a snowmobile on a roadway, the driver of the snowmobile involved in the collision shall be considered prima facie negligent.

“(d) A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his snowmobile to a complete stop before proceeding across any public highway and shall yield the right of way to all oncoming traffic.

“(e) Snowmobiles may be operated on a highway in a county road system, which is not normally snowplowed for vehicular traffic and on the right of way or shoulder when no right of way exists on any snowplowed highway in the county road system, outside the

corporate limits of a city or village, which is designated and marked for snowmobile use by the county road commission having jurisdiction. *Upon the request of a county road commission which has designated all county roads outside the corporate limits of a city or village for snowmobile use, the department of state highways shall erect at county road commission expense and maintain, in accordance with the Michigan manual of uniform traffic control devices standards, the basic snowmobile sign unit together with a supplemental panel stating 'permitted on right-of-way or shoulder of all (county name) roads—Act 74 of P.A. 1968' at the county line on all state trunk line highways and county roads.*

“(f) A duly constituted law enforcement officer of a city, village, township, county, or the state may authorize use of a snowmobile on a public highway or street within his jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

“(g) A snowmobile may be operated on a street or highway for a special event of limited duration conducted according to a pre-arranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department of natural resources.” (emphasis added)

To be noted from the aforesaid statutory language, “the following conditions and circumstances” refer to subparagraphs (a) through (g) of 1968 PA 74, Section 12, *supra*. Subparagraph (e) is the only provision within the act which provides for the designation and marking of roads upon which snowmobiles may be operated, and are specifically the roads and highways in a county road system outside the corporate limits of a city or village.

Snowmobiles may be operated upon streets if the conditions enumerated in subparagraphs (f) and (g) are met, but these subparagraphs make no mention of designating or marking the streets for snowmobile use.

Thus, since 1968 PA 74, § 12, *supra*, only permits the designation and marking of highways pursuant to subparagraph (e) of the aforesaid statute, it is my opinion that the wording, “not specifically designated for the use of snowmobiles,” applies only to public or private parking lots.

FRANK J. KELLEY,
Attorney General.
