

PENINSULA TOWNSHIP

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DAVID K. SANGER
TRUSTEE

WARREN WAHL
TRUSTEE

ISALAH WUNSCH
TRUSTEE

May 5, 2020

The Honorable Gretchen Whitmer
Governor of Michigan
P.O. Box 10013
Lansing, MI 48909

Dear Governor Whitmer:

The officers of Peninsula Township, Grand Traverse County, Michigan, respectfully ask you to consider an issue we feel is important to Michigan agriculture and tourism: the Michigan Department of Transportation's decision to remove M-37 from the Pure Michigan Scenic Byway route in Peninsula Township and transfer jurisdiction to the Grand Traverse County Road Commission (Exhibit 1, Notice of Public Hearing, released April 27, 2020).

Requested action: please ask the Michigan Department of Transportation (MDOT) to put a moratorium on the scheduled public hearing pending further investigation into the reason for the proposed action by the MDOT North Region Traverse City Service Center, including consideration of the issues raised by Peninsula Township in its resolution dated November 19, 2019 (Exhibit 2, Resolution 2019-11-19).

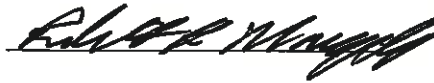
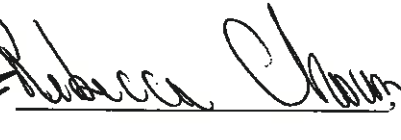
Concerns: removing M-37 from the Pure Michigan Scenic Byway system is not in the best interests of Michigan or Peninsula Township's agriculture and tourism industry, which has benefitted from its partnership with multiple entities including MDOT and the Michigan Natural Resources Trust Fund to protect and preserve its incomparable scenic views and which has been permanently preserved by its landmark Purchase of Development Rights program leveraging substantial state and federal grants. Specifically:

- To our knowledge, this would be the first Pure Michigan Scenic Byway route to be removed from the system;
- The arbitrary actions by the MDOT North Region Traverse City Service Center on August 19, 2019, to offer transfer of jurisdiction of M-37 and the Grand Traverse County Road Commission's acceptance of the offer on October 20, 2019, without either party informing Peninsula Township officials or considering the Pure Michigan Scenic Byway designation;


- The Notice of Public Hearing referenced above does not:
 - mention the resolution adopted by the Peninsula Township Board of Trustees objecting to the transfer of M-37 to the county road commission;
 - include the participation of Peninsula Township in the “WHO” presentation section of the notice;
 - include the basis for removing the Pure Michigan Scenic Byway designation;
- M-37 currently serves the Old Mission State Park (managed by Peninsula Township under a temporary lease) and two DNR Lake Michigan launch sites along with a proposed third launch site on state property, contrary to the stated reasons for the transfer of jurisdiction in the Liptak letter dated January 21, 2020 (Exhibit 3, the Liptak letter);
- The proposed public hearing is of high local interest and is scheduled during the Covid-19 emergency when Peninsula Township residents likely cannot attend in person;
- The decision does not require immediate action by the Michigan Department of Transportation.

We earnestly request your support and assistance.

Very sincerely,

Robert K. Manigold, Supervisor Rebecca Chown, Clerk



Brad Bickle, Treasurer

Cc: Senator Debbie Stabenow; Senator Gary Peters; Representative Jack Bergman; Senator Wayne Schmidt; Representative Larry Inman; Region Director of MDOT North Region Scott Thayer; Manager of MDOT Traverse City Transportation Service Center Richard Liptak; MDOT Public Involvement Specialist Monica Monsma, Grand Traverse County Commissioners Betsy Coffia, Rob Hentschel, Ron Clous, Sonny Wheelock, Bryce Hundley, Brad Jewett, and Gordie LaPointe; Grand Traverse County Road Commissioners Carl Brown, Jason Gillman, Andrew Marek, Marc McKellar, and William Mouser; Grand Traverse County Administrator Nate Alger; and Traverse City Mayor Jim Carruthers

SOM

Public hearing May 21 to review removal of Pure Michigan Byway designation on M-37 north of US-31

Contact: James Lake, MDOT Office of Communications, 906-250-0993

Agency: Transportation

WHAT:

The Michigan Department of Transportation (MDOT) will have a public hearing regarding the planned removal of the Pure Michigan Byway designation on M-37 on Old Mission Peninsula. The removal is necessitated by the anticipated jurisdictional transfer of M-37 to the Grand Traverse County Road Commission (GTCRC) of the portion of the highway within Peninsula Township and the portion of M-37 north of US-31 within the Traverse City city limits.

A live Microsoft Teams broadcast of the hearing will also be available [here](#). For more information regarding online participation, e-mail MDOT Public Involvement Specialist Monica Monsma at MonsmaM@Michigan.gov.

The hearing and a 30-day public comment period are required due to the transfer resulting in the roadway becoming a city street and county road; only state highways can be designated under the program.

WHO:

MDOT Traverse City Transportation Service Center (TSC) staff

GTCRC representatives

City of Traverse City representatives

Interested residents, commuters and business owners

WHEN:

Thursday, May 21, 2020

5 - 7 p.m.

WHERE:

MDOT Traverse City TSC
2084 US-31 South, Suite B
Traverse City, MI 49685

Accommodations can be made for persons with disabilities and limited English-speaking ability. Large print materials, auxiliary aids or the services of interpreters, signers, or readers are available upon request. Please call 517-335-4381 to request at least seven days before meeting date.

BACKGROUND:

Both the GTCRC and the City of Traverse City have passed resolutions supporting the transfer of responsibility for M-37 to their jurisdiction, which will make them responsible for ongoing maintenance and operation of the road. When the transfer is complete, each will receive funding under Michigan's Act 51 transportation funding formula to provide for that maintenance, as well as funding from MDOT equivalent to anticipated construction projects on the route.

Michigan Act 69 247.957 allows MDOT to add or delete any Pure Michigan Byway routes or portions of routes after a 30-day comment period and an opportunity for a public hearing. Comments on the plan to remove the Pure Michigan Byway designation can be sent to MonismaM@Michigan.gov or mailed to MDOT Bureau of Development, Attn: Monica Monsma, 425 West Ottawa St., P.O. Box 30050, Lansing, MI 48909.

RELATED CONTENT

US-31 resurfacing in Antrim County starts May 11

I-75 resurfacing in Crawford County starts May 11

Pavement crack sealing on state routes in five northern Michigan counties starts May 11

M-51 resurfacing in Niles starts Monday

Michigan National Guard to aid Michigan Department of Corrections with COVID-19 testing

MDARD, MI Pork and Beef Producers adjusting for COVID-19 to ensure continuity of meat supply; Consumers urged to shop as they normally would

Michiganders can now text "RESTORE" to Crisis Text Line to get mental health support; MDHHS wants residents to Stay Home, Stay Well

Voting access temporarily expanded for blind citizens

Bridge beam setting to close Big Beaver Road under I-75 early next week in Oakland County

Deck patching on southbound I-75 bridge over CSX Railroad in Saginaw May 4-5

AG Nessel Scores Win in Michigan Supreme Court Case

MDHHS continues Flint mobile food pantries during May; Department and Food Bank to take extra precautions due to COVID-19

M-13 resurfacing in city of Saginaw starts May 4

Nessel Continues Fight to Protect Michiganders' Credit During Coronavirus Pandemic

Michigan Launches Automated Online Assistant to Answer Common COVID-19 Questions

Free Problem Gambling Help Available by Phone or Virtually

Leaders urge Michiganders struggling financially to be proactive, seek help with utility bills as state, energy providers offer assistance

New Dates Announced for DIFS Virtual Town Halls to Help Michigan Drivers Learn About the New Auto No-Fault Insurance Choices

LARA Director and State Fire Marshal Urge Michiganders to Take a Proactive Approach Towards Fire Safety

DNR updates opening dates and modifications for public outdoor recreation sites



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POLICIES**

Exhibit 2

RESOLUTION

At a meeting of the township board, of the municipality of Peninsula Township, Grand Traverse County, state of Michigan, on the 19th day of November, 2019, at the Peninsula Township Hall, 7:00 p.m.

PRESENT:

Marrigold, Biedka, Wahl, Singer, Wrench, Adam, Chown

ABSENT:

The following resolution was offered by member Marrigold and supported by member Wahl:

WHEREAS, analysis of erosion along Bluff Road, East Shore Road, and Peninsula Drive shows that storm damage from wind action along with near all-time high water has accelerated erosion along the entire shoreline; and

WHEREAS, in 1986, the all-time-high water levels caused a substantial loss of beach and the tow of the banks was eroded, creating a steep bank that was unstable; and

WHEREAS, a number of bank stabilization efforts attempted to address the erosion problems but no major programs were implemented to restore the banks to a more stable slope ; and

WHEREAS, the township master plan and zoning ordinance were revised to address new construction and the zoning board of appeals was able to address existing structure problems; and

WHEREAS, during the long period of low water, shoreline vegetation reestablished itself along the shore, but the steep banks remained; and

WHEREAS, in 2019, high water levels, which are projected to remain over the winter and into next summer, have exposed the shoreline to vegetation loss and accelerated erosion, including slumping of the slopes to within two feet of the driving lane on Bluff Road; and

WHEREAS, bank stabilization is necessary for the protection of roads where the steep bank has slumped due to erosion; and

WHEREAS, responsibility for bank stabilization rests with a number of agencies and persons both within and beyond the road rights-of-way; and

WHEREAS, the township zoning administrator and Grand Traverse County Road Commission (GTCRC) staff toured Bluff Road and Peninsula Drive on October 31, 2019, to look at erosion problems and discovered that many sites have current or future bank failures as evidenced by slumping and "alligator cracking of the pavement"; and

WHEREAS, the staff person told the zoning administrator that the road commission does not have responsibility for fixing the problems; and

WHEREAS, the GTCRC cut a number of trees in the Bluff Road right-of-way to ... remove trees that are shading the road and causing asphalt to deteriorate due to moisture retention...; and

WHEREAS, the road commission staff discussed the placement of guard rails in places where the top of the bank was within the shoulder of the road with township staff but no action was taken; and

WHEREAS, the Michigan Department of Transportation (MDOT) made a proposal on August 19, 2019, to the GTCRC to turn jurisdiction over M-37 to the road commission; and

WHEREAS, the road commission accepted the concept on October 20, 2019, according to the *Record Eagle*; and

WHEREAS, transferring jurisdiction of M-37 to the Grand Traverse County Road Commission is not in the best interests of Peninsula Township for the following reasons:

- The transfer is inconsistent with the township master plan's goal of keeping M-37 as a free-flowing road with improvements in the future so that agricultural products have access to markets;
- M-37 is a Pure Michigan Scenic Byway, which provides for special maintenance and improvement programs as required by Act 69 of 1993, as amended, specifically sections 2, 3, and 4;
- M-37 serves Old Mission Peninsula State Park and Lighthouse Park;
- Maintenance and operating funds will be diverted to other primary roads in the county as proposed by MDOT in a letter to the GTCRC manager dated August 19, 2019;
- The transfer would eliminate the opportunity for transportation enhancement or other grants that are only given to state trunk line highways; and

WHEREAS, Act 69 of 1993, as amended, effective Dec. 30, 2014, requires a 30-day comment period and an opportunity for a public hearing before the department may make additions, deletions, or changes in the Pure Michigan byway system;

NOW, THEREFORE, BE IT RESOLVED:

1. The Peninsula Township Board of Trustees requests the Grand Traverse County Board of Commissioners to oppose any deletion of M-37 from the Pure Michigan byway system; and
2. The Peninsula Township Board of Trustees requests the Michigan Department of Transportation to withdraw the offer to transfer jurisdiction of M-37 to the GTCRC; and
3. The Peninsula Township Board of Trustees requests the GTCRC to withdraw its acceptance of the offer to transfer jurisdiction of M-37; and
4. The Peninsula Township Board of Trustees requests that the Michigan Department of Transportation publish for a 30-day comment period followed by a public hearing in Peninsula Township as required by Section 7 of Act 69 of 1993, as amended, effective Dec. 30, 2014; and
5. The Peninsula Township Board of Trustees requests the Grand Traverse County Road Commission to stop all tree cutting on all Peninsula Township shoreline roads until the above requests are honored.

AYES:

Manigold, Biddle, Wahl, Sanger, Wunsch, Achorn, Chown

NAYES:

X

RESOLUTION DECLARED ADOPTED

Rob Manigold

Signature

Rob Manigold

Name

Supervisor

Title

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the township board of trustees of the municipality of Peninsula Township, county of Grand Traverse, state of Michigan, at a meeting held on Nov. 19, 2019 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said statute.

Rebecca Chown

Signature

Rebecca Chown

Name

clerk

Title

Exhibit 3



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
TRAVERSE CITY TRANSPORTATION SERVICE CENTER

PAUL AJEGBA
DIRECTOR

January 21, 2020

Robert Manigold, Supervisor
Peninsula Township
13235 Center Road
Traverse City, Michigan 49686

Re: Jurisdictional transfer of M-37

Dear Mr. Manigold,

We received the letter from Peninsula Township and understand the concern with regards to the jurisdictional transfer of M-37 from the Michigan Department of Transport (MDOT) to the Grand Traverse County Road Commission (GTCRC). This transfer has been an ongoing point of discussion between MDOT and GTCRC for many years. Before public discussions could occur, a formal commitment by MDOT and GTCRC had to be entered into. Now with that commitment on both sides, we are looking at all the issues relative to this transfer, one of them being the Pure Michigan Scenic Byway designation. We understand the provisions of the Act that created the designation and are working to honor the guidelines of the Act.

While we understand the Old Mission Point Lighthouse is located at the north end of M-37, the Michigan Department of Natural Resources does not have a state park or campground facility, as is the case for some of our other shorter state highway routes.

MDOT's focus is to provide the best transportation system between cities and villages, such as between Traverse City and Kalkaska, Traverse City and Northport, Traverse City and Manistee, etc. With this focus, routes such as M-37 in Peninsula Township are candidates for jurisdictional transfer to the next local road agency such as the Grand Traverse County Road Commission.

We look forward to working with Peninsula Township and GTCRC. I can set up a meeting with Peninsula Township, GTCRC, and MDOT to discuss the issues in more detail. Fee free to contact me at 231-941-1986 or liptakr@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Liptak Jr.", written over a light blue circular stamp.

Richard E. Liptak Jr., PE
Manager, Traverse City TSC

cc: Brad Kluczynski, Manager, GTCRC