

HOUSE BILL No. 5207

October 16, 2001, Introduced by Reps. Neumann, Bovin, Rich Brown, Sheltroun, Rivet, Switalski, Schauer, Plakas, Lockwood, Frank, Adamini, Bernero, Pestka, Murphy, Anderson, George and Meyer and referred to the Committee on Transportation.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive

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transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending sections 10o and 11b (MCL 247.660o and 247.661b), section 10o as amended by 2000 PA 188 and section 11b as amended by 1992 PA 223.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10o. (1) ~~Twenty-three to twenty-seven percent~~ NOT
2 LESS THAN 25% of the ~~DOT-FHWA~~ FEDERAL highway research, plan-
3 ning, and construction ~~federal~~ funds appropriated to this state
4 from the federal government for road ~~and bridge~~ construction
5 shall be allocated to programs administered by local jurisdic-
6 tions after deduction of the following:

7 (a) Funds that are specifically allocated at the federal
8 level to the state or local jurisdictions.

9 (b) Funds allocated by the department to the state and to
10 local jurisdictions through a competitive process.

11 (2) Federal aid excluded from the calculation of funding
12 allocated to programs administered by local jurisdictions in sub-
13 section (1) includes, but is not limited to, congestion
14 mitigation and air quality funds, ~~federal bridge funds,~~
15 transportation enhancement funds, funds distributed at the

1 discretion of the United States secretary of transportation, and
2 congressionally designated funds.

3 (3) NOT LESS THAN 25% OF THE FEDERAL HIGHWAY RESEARCH, PLAN-
4 NING, AND CONSTRUCTION FUNDS APPROPRIATED TO THIS STATE FROM THE
5 FEDERAL GOVERNMENT FOR BRIDGE PROGRAMS SHALL BE DEPOSITED IN THE
6 CRITICAL BRIDGE FUND.

7 (4) ~~-(3)-~~ The funds shall be distributed to eligible local
8 agencies for transportation purposes in a manner consistent with
9 state and federal law.

10 (5) ~~-(4)-~~ It is the intent of the legislature that federal
11 aid to highways allocated to local jurisdictions in subsection
12 (1) be distributed in a manner that produces a MINIMUM OF 25%
13 ~~average allocation~~ of applicable funds to programs for local
14 jurisdictions in each fiscal year through the fiscal year ending
15 September 30, ~~2000~~ 2005. Beginning in the fiscal year ending
16 September 30, ~~1999~~ 2001, the average allocation of applicable
17 federal aid to highway funds to programs for local jurisdictions
18 shall be the average of the amount distributed to local jurisdic-
19 tions under subsection (1) and similarly calculated distributions
20 in each succeeding fiscal year. The ~~average allocation~~ percen-
21 tage described in this subsection shall be adjusted to reflect
22 any voluntary agreements made by the department with local juris-
23 dictions regarding the state buyout of local federal aid.

24 Sec. 11b. (1) During each ~~April~~ DECEMBER, there is appro-
25 priated to a critical bridge fund from the Michigan transporta-
26 tion fund, \$5,000,000.00. The money appropriated to a critical
27 bridge fund and the interest accruing to that fund shall be

1 expended for a critical bridge program to be administered by the
2 department to provide financial assistance to ~~highway~~
3 ~~authorities~~ COUNTY ROAD COMMISSIONS, CITIES, AND VILLAGES for
4 the improvement or reconstruction of existing bridges or for the
5 construction of bridges to replace existing bridges in whole or
6 in part. This section is not subject to section 12(15) or sec-
7 tion 13(5).

8 (2) The state transportation commission shall borrow money
9 and issue notes or bonds in an amount of not less than
10 \$30,000,000.00 to supplement the funding provided for the local
11 bridge program under subsection (1). The bonds or notes issued
12 pursuant to this subsection may be issued by the commission for
13 any purpose for which other critical bridge funds may be used
14 under this section. The bonds or notes authorized by this sub-
15 section shall be issued by resolution of the state transportation
16 commission consistent with the requirements of section 18b.

17 (3) The state transportation department shall promulgate
18 rules pursuant to ~~Act No. 306 of the Public Acts of 1969, as~~
19 ~~amended, being sections 24.201 to 24.328 of the Michigan Compiled~~
20 ~~Laws~~ THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
21 24.201 TO 24.328, governing the administration of the critical
22 bridge program. The rules shall set forth the eligibility cri-
23 teria for financial assistance under the program and other mat-
24 ters related to the program as the department considers necessary
25 and desirable. The department shall take into consideration the
26 availability of federal aid and other financial resources of the
27 highway authority responsible for the bridge, the importance of

1 the bridge to the highway, road, or street network, and the
2 condition of the existing bridge. ~~The department shall not~~
3 ~~receive more than 38.4% of the critical bridge funds available~~
4 ~~during a 5-year period for expenditures on the state trunk line~~
5 ~~system.~~ THE CRITICAL BRIDGE FUND SHALL BE DISTRIBUTED EXCLU-
6 SIVELY TO COUNTY ROAD COMMISSIONS, CITIES, AND VILLAGES OF THE
7 STATE.