

HOUSE BILL No. 5396

November 1, 2001, Introduced by Rep. Julian 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 section 9a (MCL 247.659a), as amended by 1998 PA 308.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9a. ~~-(1) By October 1, 1998, the governor shall~~
 2 ~~appoint not more than 5 persons who shall serve as a study com-~~
 3 ~~mittee to review transportation funding options, transportation~~
 4 ~~investment priorities, and potential strategies for maximizing~~
 5 ~~returns on transportation investments. The appointments shall be~~
 6 ~~subject to the advice and consent of the senate. The committee~~
 7 ~~shall include at least 1 representative of the following~~
 8 ~~interests:~~

9 ~~(a) Manufacturing.~~

10 ~~(b) Commerce.~~

11 ~~(c) Agriculture.~~

12 ~~(d) Tourism.~~

13 ~~(e) Labor.~~

14 ~~(2) Beginning October 1, 1998, the committee shall also~~
 15 ~~include the majority and minority leaders of the senate or a~~
 16 ~~member of the senate designated by each leader and the speaker~~

~~1 and minority leader of the house of representatives or a member
2 of the house of representatives designated by each leader.~~

~~3 (3) By January 1, 1999, the legislative auditor general
4 shall review and comment on the data developed by the department
5 under subsection (5) in order to assist the citizens advisory
6 committee.~~

~~7 (4) A citizens advisory committee shall be created to
8 receive and comment upon all reports, studies, and recommenda=
9 tions prepared by the various designated technical subcommittees
10 of the citizens advisory committee before but not later than the
11 submission of the reports, studies, and recommendations to the
12 study committee. The members of the citizens advisory committee
13 shall be given sufficient time and opportunity to provide members
14 of the study committee their majority, minority, or individual
15 views of the reports, studies, and recommendations of the various
16 designated technical subcommittees. The governor shall appoint
17 not more than 24 persons, who shall serve as a citizens advisory
18 committee and shall include at least 1 representative from a list
19 of 3 recommendations supplied by each organization of the follow=
20 ing organizations:~~

~~21 (a) Michigan farm bureau.~~

~~22 (b) Michigan trucking association.~~

~~23 (c) Michigan association of counties.~~

~~24 (d) Michigan townships association.~~

~~25 (e) Michigan state chamber of commerce.~~

~~26 (f) Michigan tourist association.~~

~~(g) County road association of Michigan.~~

~~(h) Michigan public transit association.~~

~~(i) Michigan association of railroads.~~

~~(j) Michigan municipal league.~~

~~(k) Michigan motor bus association.~~

~~(l) Area agency for aging.~~

~~(m) Michigan association of railroad passengers.~~

~~(n) Nonmotorized advisory commission.~~

~~(o) Michigan association of airport executives.~~

~~(p) American association of aviation businesses.~~

~~(q) American association of retired persons.~~

~~(r) Michigan council for independent living.~~

~~(s) Associated underground contractors of Michigan.~~

~~(t) Asphalt pavers association of Michigan.~~

~~(u) Michigan concrete pavers association.~~

~~(5) The state transportation department shall provide qualified staff, needs, technical oversight, and fiscal analysis subcommittees, and provide by September 30, 1998, a recommended work program to the study committee to enable the committee to carry out its functions.~~

~~(6) By a majority vote of the study committee, the committee shall report to the governor, the state transportation commission, and the legislature on the identified capital and maintenance needs, transportation investment and maintenance priorities, relative use of transportation systems, responsibilities for the identified needs including economic development needs, transportation funding options, historical transportation~~

~~1 financing patterns as they relate to total statewide fiscal
2 resources, and strategies for maximizing the returns on transpor-
3 tation investments. All studies and reports relating to highways
4 shall be reported according to functional and legal
5 classification. The committee shall publish a preliminary report
6 of the data and findings by January 1, 2000. The committee,
7 after holding appropriate public hearings, shall recommend, if it
8 considers it necessary, alterations of formulas for transporta=
9 tion funding and alterations to the distributions of transporta-
10 tion responsibilities by July 1, 2000. The report and recommen-
11 dations shall also include any positions which a minority of the
12 study committee support.~~

13 (1) AS USED IN THIS SECTION:

14 (A) "ASSET MANAGEMENT" MEANS AN ONGOING PROCESS OF MAINTAIN-
15 ING, UPGRADING, AND OPERATING PHYSICAL ASSETS COST-EFFECTIVELY,
16 BASED ON A CONTINUOUS PHYSICAL INVENTORY AND CONDITION
17 ASSESSMENT.

18 (B) "BRIDGE" MEANS A STRUCTURE INCLUDING SUPPORTS ERECTED
19 OVER A DEPRESSION OR AN OBSTRUCTION, SUCH AS WATER, A HIGHWAY, OR
20 A RAILWAY, FOR THE PURPOSES OF CARRYING TRAFFIC OR OTHER MOVING
21 LOADS, AND HAVING AN OPENING MEASURING ALONG THE CENTER OF THE
22 ROADWAY OF MORE THAN 20 FEET BETWEEN UNDERCOPINGS OF ABUTMENTS OR
23 SPRING LINES OF ARCHES, OR EXTREME ENDS OF OPENINGS FOR MULTIPLE
24 BOXES WHERE THE CLEAR DISTANCE BETWEEN OPENINGS IS LESS THAN 1/2
25 OF THE SMALLER CONTIGUOUS OPENING.

1 (C) "CENTRAL STORAGE DATA AGENCY" MEANS THAT AGENCY OR
2 OFFICE CHOSEN BY THE COUNCIL WHERE THE DATA COLLECTED IS STORED
3 AND MAINTAINED.

4 (D) "COUNCIL" MEANS THE TRANSPORTATION ASSET MANAGEMENT
5 COUNCIL CREATED BY THIS SECTION.

6 (E) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

7 (F) "FEDERAL-AID ELIGIBLE" MEANS ANY PUBLIC ROAD OR BRIDGE
8 THAT IS ELIGIBLE FOR FEDERAL AID TO BE SPENT FOR THE CONSTRUC-
9 TION, REPAIR, OR MAINTENANCE OF THAT ROAD OR BRIDGE.

10 (G) "LOCAL ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION OR
11 DESIGNATED COUNTY ROAD AGENCY OR CITY OR VILLAGE THAT IS RESPON-
12 SIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF PUBLIC ROADS WITHIN
13 THE STATE UNDER THIS ACT.

14 (H) "MULTI-YEAR PROGRAM" MEANS A COMPILATION OF ROAD AND
15 BRIDGE PROJECTS ANTICIPATED TO BE CONTRACTED FOR BY THE DEPART-
16 MENT OR A LOCAL ROAD AGENCY DURING A 3-YEAR PERIOD.

17 (2) IN ORDER TO PROVIDE A COORDINATED, UNIFIED EFFORT BY THE
18 VARIOUS ROADWAY AGENCIES WITHIN THE STATE, THE TRANSPORTATION
19 ASSET MANAGEMENT COUNCIL IS HEREBY CREATED WITHIN THE STATE
20 TRANSPORTATION COMMISSION AND IS CHARGED WITH ADVISING THE COM-
21 MISSION ON A STATEWIDE ASSET MANAGEMENT STRATEGY AND THE PRO-
22 CESSES AND NECESSARY TOOLS NEEDED TO IMPLEMENT SUCH A STRATEGY ON
23 THE FEDERAL-AID ELIGIBLE HIGHWAY SYSTEM, IN A COST-EFFECTIVE,
24 EFFICIENT MANNER. NOTHING IN THIS SECTION SHALL PROHIBIT A LOCAL
25 ROAD AGENCY FROM USING AN ASSET MANAGEMENT PROCESS ON ITS
26 NON-FEDERAL-AID ELIGIBLE SYSTEM. THE COUNCIL SHALL CONSIST OF 8
27 VOTING MEMBERS APPOINTED BY THE STATE TRANSPORTATION COMMISSION.

1 THE COUNCIL SHALL INCLUDE 2 MEMBERS FROM THE COUNTY ROAD
2 ASSOCIATION OF MICHIGAN, 2 MEMBERS FROM THE MICHIGAN MUNICIPAL
3 LEAGUE, 2 MEMBERS FROM THE STATE PLANNING AND DEVELOPMENT
4 REGIONS, AND 2 MEMBERS FROM THE DEPARTMENT. EX OFFICIO MEMBERS
5 SHALL INCLUDE 1 PERSON FROM THE MICHIGAN TOWNSHIPS ASSOCIATION
6 AND 1 PERSON FROM THE AGENCY OR OFFICE SELECTED AS THE LOCATION
7 FOR CENTRAL DATA STORAGE. EACH AGENCY WITH VOTING RIGHTS SHALL
8 SUBMIT A LIST OF 6 NOMINEES TO THE STATE TRANSPORTATION COMMIS-
9 SION FROM WHICH THE APPOINTMENTS SHALL BE MADE. THE MICHIGAN
10 TOWNSHIPS ASSOCIATION SHALL SUBMIT A LIST OF 3 NAMES. NAMES
11 SHALL BE SUBMITTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
12 2001 AMENDATORY ACT THAT AMENDED THIS SECTION. THE STATE TRANS-
13 PORTATION COMMISSION SHALL MAKE THE APPOINTMENTS WITHIN 30 DAYS
14 AFTER RECEIPT OF THE LISTS.

15 (3) THE POSITIONS FOR THE DEPARTMENT SHALL BE PERMANENT.
16 THE POSITION OF THE CENTRAL DATA STORAGE AGENCY SHALL BE EX OFFI-
17 CIO AND SHALL BE FOR AS LONG AS THE AGENCY CONTINUES TO SERVE AS
18 THE DATA STORAGE REPOSITORY. THE MEMBER FROM THE MICHIGAN TOWN-
19 SHIPS ASSOCIATION SHALL BE INITIALLY APPOINTED FOR 3 YEARS. OF
20 THE MEMBERS FIRST APPOINTED FROM THE COUNTY ROAD ASSOCIATION OF
21 MICHIGAN, THE MICHIGAN MUNICIPAL LEAGUE, AND THE STATE PLANNING
22 AND DEVELOPMENT REGIONS, 1 MEMBER OF EACH GROUP SHALL BE
23 APPOINTED FOR 2 YEARS AND 1 MEMBER OF EACH GROUP SHALL BE
24 APPOINTED FOR 3 YEARS. AT THE END OF THE INITIAL APPOINTMENT,
25 ALL TERMS SHALL BE FOR 3 YEARS. HOWEVER, AN INDIVIDUAL SHALL NOT
26 BE ELIGIBLE TO SERVE MORE THAN 6 YEARS. THE CHAIRPERSON SHALL BE
27 SELECTED FROM AMONG THE VOTING MEMBERS OF THE COUNCIL, BUT THE

1 DEPARTMENT REPRESENTATIVES SHALL NOT BE ELIGIBLE FOR ELECTION TO
2 THAT POSITION.

3 (4) THE DEPARTMENT SHALL PROVIDE QUALIFIED STAFF AND TECHNI-
4 CAL ASSISTANCE TO THE COUNCIL.

5 (5) THE COUNCIL SHALL DEVELOP AND PRESENT TO THE STATE
6 TRANSPORTATION COMMISSION FOR APPROVAL WITHIN 90 DAYS AFTER THE
7 DATE OF THE FIRST MEETING SUCH PROCEDURES AND REQUIREMENTS AS ARE
8 NECESSARY FOR THE ADMINISTRATION OF THE ASSET MANAGEMENT
9 PROCESS. THIS SHALL, AT A MINIMUM, INCLUDE THE AREAS OF TRAIN-
10 ING, DATA STORAGE AND COLLECTION, REPORTING, DEVELOPMENT OF A
11 3-YEAR PROGRAM, BUDGETING AND FUNDING, AND OTHER ISSUES RELATED
12 TO ASSET MANAGEMENT THAT MAY ARISE FROM TIME TO TIME. ALL QUAL-
13 ITY CONTROL STANDARDS AND PROTOCOLS SHALL, AT A MINIMUM, BE CON-
14 SISTENT WITH ANY EXISTING FEDERAL REQUIREMENTS AND REGULATIONS
15 AND EXISTING GOVERNMENT ACCOUNTING STANDARDS.

16 (6) FUNDING NECESSARY TO SUPPORT THE ACTIVITIES DESCRIBED IN
17 THIS SECTION SHALL BE PROVIDED BY AN ANNUAL APPROPRIATION FROM
18 THE MICHIGAN TRANSPORTATION FUND TO THE STATE TRANSPORTATION
19 COMMISSION.

20 (7) THE DEPARTMENT AND EACH LOCAL ROAD AGENCY SHALL KEEP
21 ACCURATE AND UNIFORM RECORDS ON ALL ROAD AND BRIDGE WORK PER-
22 FORMED AND FUNDS EXPENDED FOR THE PURPOSES OF THIS SECTION,
23 ACCORDING TO THE PROCEDURES DEVELOPED BY THE COUNCIL. EACH ROAD
24 AGENCY SHALL ANNUALLY REPORT TO THE COUNCIL THE MILEAGE AND CON-
25 DITION OF THE ROAD AND BRIDGE SYSTEM UNDER THEIR JURISDICTION AND
26 THE RECEIPTS AND DISBURSEMENTS OF ROAD AND STREET FUNDS IN THE
27 MANNER PRESCRIBED BY THE COUNCIL, WHICH SHALL BE CONSISTENT WITH

1 ANY CURRENT ACCOUNTING PROCEDURES. AN ANNUAL REPORT SHALL BE
2 PREPARED BY THE STAFF ASSIGNED TO THE COUNCIL REGARDING THE
3 RESULTS OF ACTIVITIES CONDUCTED DURING THE PRECEDING YEAR AND THE
4 EXPENDITURE OF FUNDS RELATED TO THE PROCESSES AND ACTIVITIES
5 IDENTIFIED BY THE COUNCIL. THE REPORT SHALL ALSO INCLUDE AN
6 OVERVIEW OF THE ACTIVITIES IDENTIFIED FOR THE SUCCEEDING YEAR.
7 THE COUNCIL SHALL SUBMIT THIS REPORT TO THE STATE TRANSPORTATION
8 COMMISSION BY DECEMBER 30 OF EACH YEAR.