

HOUSE BILL No. 5231

November 4, 2003, Introduced by Reps. LaJoy, Brandenburg, Stahl, Casperson, Gaffney, Ward, Wenke, DeRoche, Taub, Acciavatti, Sheen and 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 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 2002 PA 499.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9a. (1) As used in this section:

2 (a) "Asset management" means an ongoing process of
3 maintaining, upgrading, and operating physical assets
4 cost-effectively, based on a continuous physical inventory and
5 condition assessment.

6 (b) "Bridge" means a structure including supports erected
7 over a depression or an obstruction, such as water, a highway, or
8 a railway, for the purposes of carrying traffic or other moving
9 loads, and having an opening measuring along the center of the
10 roadway of more than 20 feet between undercopings of abutments or
11 spring lines of arches, or extreme ends of openings for multiple
12 boxes where the clear distance between openings is less than 1/2
13 of the smaller contiguous opening.

14 (c) "Central storage data agency" means that agency or
15 office chosen by the council where the data collected is stored

1 and maintained.

2 (d) "Council" means the transportation asset management
3 council created by this section.

4 (e) "County road commission" means the board of county road
5 commissioners elected or appointed pursuant to section 6 of
6 chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a
7 charter county with a population of 2,000,000 or more with an
8 elected county executive that does not have a board of county
9 road commissioners, the county executive for ministerial
10 functions and the county commission provided for in
11 section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative
12 functions.

13 (f) "Department" means the state transportation department.

14 (g) "Federal-aid eligible" means any public road or bridge
15 that is eligible for federal aid to be spent for the
16 construction, repair, or maintenance of that road or bridge.

17 (h) "Local road agency" means a county road commission or
18 designated county road agency or city or village that is
19 responsible for the construction or maintenance of public roads
20 within the state under this act.

21 (i) "Multiyear program" means a compilation of road and
22 bridge projects anticipated to be contracted for by the
23 department or a local road agency during a 3-year period.

24 (j) "State planning and development regions" means those
25 agencies required by ~~section 134(b) of title 23 of the United~~
26 ~~States Code, 23 U.S.C. 134~~ **23 USC 134**, and those agencies
27 established by Executive Directive 1968-1.

1 (2) In order to provide a coordinated, unified effort by the
2 various roadway agencies within the state, the transportation
3 asset management council is hereby created within the state
4 transportation commission and is charged with advising the
5 commission on a statewide asset management strategy and the
6 processes and necessary tools needed to implement such a strategy
7 beginning with the federal-aid eligible highway system, and once
8 completed, continuing on with the county road and municipal
9 systems, in a cost-effective, efficient manner. Nothing in this
10 section shall prohibit a local road agency from using an asset
11 management process on its non-federal-aid eligible system. The
12 council shall consist of 10 voting members appointed by the state
13 transportation commission. The council shall include 2 members
14 from the county road association of Michigan, 2 members from the
15 Michigan municipal league, 2 members from the state planning and
16 development regions, 1 member from the Michigan townships
17 association, 1 member from the Michigan association of counties,
18 and 2 members from the department. Nonvoting members shall
19 include 1 person from the agency or office selected as the
20 location for central data storage. Each agency with voting
21 rights shall submit a list of 2 nominees to the state
22 transportation commission from which the appointments shall be
23 made. The Michigan townships association shall submit 1 name,
24 and the Michigan association of counties shall submit 1 name.
25 ~~Names shall be submitted within 30 days after the effective date~~
26 ~~of the 2002 amendatory act that amended this section.~~ The state
27 transportation commission shall make the appointments within 30

1 days after receipt of the lists.

2 (3) The positions for the department shall be permanent.
3 The position of the central data storage agency shall be
4 nonvoting and shall be for as long as the agency continues to
5 serve as the data storage repository. The member from the
6 Michigan association of counties shall be initially appointed for
7 2 years. The member from the Michigan townships association
8 shall be initially appointed for 3 years. Of the members first
9 appointed from the county road association of Michigan, the
10 Michigan municipal league, and the state planning and development
11 regions, 1 member of each group shall be appointed for 2 years
12 and 1 member of each group shall be appointed for 3 years. At
13 the end of the initial appointment, all terms shall be for 3
14 years. The chairperson shall be selected from among the voting
15 members of the council.

16 (4) The department shall provide qualified administrative
17 staff and the state planning and development regions shall
18 provide qualified technical assistance to the council.

19 (5) The council shall develop and present to the state
20 transportation commission for approval within 90 days after the
21 date of the first meeting such procedures and requirements as are
22 necessary for the administration of the asset management
23 process. This shall, at a minimum, include the areas of
24 training, data storage and collection, reporting, development of
25 a multiyear program, budgeting and funding, and other issues
26 related to asset management that may arise from time to time.
27 All quality control standards and protocols shall, at a minimum,

1 be consistent with any existing federal requirements and
2 regulations and existing government accounting standards.

3 (6) The council may appoint a technical advisory panel whose
4 members shall be representatives from the transportation
5 construction associations and related transportation road
6 interests. The asset management council shall select members to
7 the technical advisory panel from names submitted by the
8 transportation construction associations and related
9 transportation road interests. The technical advisory panel
10 members shall be appointed for 3 years. The asset management
11 council shall determine the research issues and assign projects
12 to the technical advisory panel to assist in the development of
13 statewide policies. The technical advisory panel's
14 recommendations shall be advisory only and not binding on the
15 asset management council.

16 (7) Beginning October 1, 2003, the department, each county
17 road commission, and each city and village of this state shall
18 annually prepare and publish a multiyear program, based on
19 long-range plans, and developed through the use of the asset
20 management process described in this section. Projects contained
21 in each local road agency's annual multiyear program shall be
22 consistent with the goals and objectives of the local road
23 agency's long-range plan. A project, funded in whole or part,
24 with state or federal funds, shall be included in any local road
25 agency's multiyear plan. **Beginning October 1, 2004, a county**
26 **road commission shall not publish a multiyear program under this**
27 **section unless the county road commission has notified the**

1 townships within the county of the intent to publish a multiyear
2 program, given the townships within the county at least 60 days
3 to review the proposed multiyear program, and the proposed
4 multiyear program has received the approval of at least 2/3 of
5 the townships within the county. A township that fails to
6 respond to the proposed multiyear program within the 60-day
7 review period provided under this section shall be considered to
8 have given its approval to the proposed multiyear plan.

9 (8) Funding necessary to support the activities described in
10 this section shall be provided by an annual appropriation from
11 the Michigan transportation fund to the state transportation
12 commission.

13 (9) The department and each local road agency shall keep
14 accurate and uniform records on all road and bridge work
15 performed and funds expended for the purposes of this section,
16 according to the procedures developed by the council. Each local
17 road agency and the department shall annually report to the
18 council the mileage and condition of the road and bridge system
19 under their jurisdiction and the receipts and disbursements of
20 road and street funds in the manner prescribed by the council,
21 which shall be consistent with any current accounting
22 procedures. An annual report shall be prepared by the staff
23 assigned to the council regarding the results of activities
24 conducted during the preceding year and the expenditure of funds
25 related to the processes and activities identified by the
26 council. The report shall also include an overview of the
27 activities identified for the succeeding year. The council shall

1 submit this report to the state transportation commission, the
2 legislature, and the transportation committees of the house and
3 senate by May 2 of each year.