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BILL ANALYSIS

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Senate Bill 338 (Substitute S-1)
Sponsor: Senator Jason E. Allen
Committee: Commerce and Labor

Date Completed: 5-3-05

CONTENT

The bill would amend the Michigan Transportation Fund (MTF) law to do all of the following:

- Include pedestrian facilities among the transportation purposes provided for in the law.**
- Specify that the funds required to be spent for nonmotorized transportation services and facilities would have to be used for improvement or preservation of those services and facilities.**
- Specify that the addition or improvement of sidewalks would be considered a qualified nonmotorized facility, and remove the paving of unpaved roads from improvements that are considered qualified nonmotorized facilities.**
- Require that a five-year program for the improvement of qualified nonmotorized facilities also address the preservation of those facilities; that the program be included with the Asset Management Plan required under the law; and that it include planned expenditures.**
- Define "nonmotorized", "facility", and "service" for the purpose of these provisions.**

The MTF law specifies that transportation purposes provided for in the statute include provisions for facilities and services for nonmotorized transportation, including bicycling. The bill also would include pedestrian facilities.

The law requires at least 1% of the funds allocated from the Michigan Transportation Fund to be used for nonmotorized transportation services and facilities. The bill specifies that those funds would have to be used for "improvement or preservation of" nonmotorized transportation services and facilities.

Under the law, an improvement in a road, street, or highway that facilitates nonmotorized transportation by the paving of unpaved road surfaces and shoulders, widening of lanes, or any other appropriate measure, is considered to be a qualified nonmotorized facility. The bill would delete the reference to road "surfaces", and would include the addition or improvement of sidewalks.

The MTF law requires the Department of Transportation, or a county, city, or village receiving money from the MTF, annually to prepare and submit a five-year program for the improvement of qualified nonmotorized facilities. Under the bill, the program would have to be for the improvement and preservation of those facilities. In addition, the bill would require the five-year program to be included in the Asset Management Plan submittal

required under Section 9a(7) of the law, and that the five-year program include a specific description of planned expenditures.

(Section 9a(7) requires the Department, each county road commission, and each city and village annually to prepare and publish a multiyear program, based on long-range plans and developed through the use of an asset management process described in the MTF law. Projects contained in each local road agency's annual multiyear program must be consistent with the goals and objectives of the agency's long-range plan. A project funded entirely or partly with State or Federal funds must be included in any local road agency's multiyear plan.)

The bill would define "nonmotorized" as a transportation activity that does not use a motor, including walking, bicycling, and horseback riding, or the use of a motorized cart or chair by a person unable to walk.

"Facility" would mean a structure that facilitates nonmotorized transportation, including a shared use path separate from a roadway, a sidewalk, a bike lane, paved road shoulders, a widened outside roadway lane, a sign, a traffic signal, a locker, and a bike rack.

"Service" would mean assistance for nonmotorized transportation, including a directional kiosk, a sign, planning and engineering for a nonmotorized facility, maps and guides, educational programs and materials related to nonmotorized transportation, and training and provision of specialized staff.

MCL 247.660k

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would require that a portion of the MTF funds allocated to the State Trunkline Fund and local road agencies be used for improvement or preservation of nonmotorized transportation services and facilities. This requirement would add specificity to the use of MTF funds for nonmotorized transportation. According to the Department, for fiscal year 2002-03, counties spent about \$54.0 million and cities and villages spent about \$158.0 million for this purpose. The Department spent about \$6.5 million in fiscal year 2003-04.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.