

SENATE BILL No. 338

March 23, 2005, Introduced by Senators ALLEN, BIRKHOLZ, OLSHOVE, BERNERO, GILBERT, GEORGE, GOSCHKA and STAMAS and referred to the Committee on Commerce and Labor.

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, local 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 10k (MCL 247.660k), as amended by 1982 PA 438.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10k. (1) Transportation purposes as provided in this act
2 include provisions for facilities and services for nonmotorized
3 transportation including bicycling.

4 (2) Of the funds allocated from the Michigan transportation
5 fund to the state trunk line fund and to the counties, cities, and
6 villages, a reasonable amount, but not less than 1% of those funds
7 shall be expended for nonmotorized transportation services and
8 facilities. **ONE-HALF OF 1% OF THE FUNDS EXPENDED FOR NONMOTORIZED**
9 **TRANSPORTATION SERVICES AND FACILITIES SHALL BE USED FOR THE**
10 **DEVELOPMENT OF SIDEWALKS WITHIN A CITY OR VILLAGE. A CITY OR**
11 **VILLAGE MAY APPLY FOR AND RECEIVE MATCHING FUNDS FROM THE STATE**
12 **TRANSPORTATION DEPARTMENT ON A FORM DEVELOPED BY THE STATE**
13 **TRANSPORTATION DEPARTMENT THAT PROVIDE NO MORE THAN 25% OF THE COST**
14 **OF THE PARTICULAR SIDEWALK DEVELOPMENT PROJECT.**

15 (3) An improvement in a road, street, or highway which
16 facilitates nonmotorized transportation by the paving of unpaved
17 road surfaces and shoulders, widening of lanes, or any other

1 appropriate measure shall be considered to be a qualified
2 nonmotorized facility for the purposes of this section.

3 (4) Units of government need not meet the provisions of this
4 section annually, provided the requirements are met as an average
5 over a reasonable period of years, beginning with 1978, not to
6 exceed 10.

7 (5) The state transportation department or a county, city, or
8 village receiving money from the Michigan transportation fund
9 annually shall prepare and submit a 5-year program for the
10 improvement of qualified nonmotorized facilities which when
11 implemented would result in the expenditure of an amount equal to
12 at least 1% of the amount distributed to the state transportation
13 department or the county, city, or village, whichever is
14 appropriate, from the Michigan transportation fund in the previous
15 calendar year multiplied by 10, less the accumulated total
16 expenditures by the state transportation department or the county,
17 city, or village for qualified nonmotorized facilities in the
18 immediately preceding 5 calendar years.

19 (6) Facilities for nonmotorized transportation may be
20 established in conjunction with or separate from already existing
21 highways, roads, and streets and shall be established when a
22 highway, road, or street is being constructed, reconstructed, or
23 relocated, unless:

24 (a) The cost of establishing the facilities would be
25 disproportionate to the need or probable use.

26 (b) The establishment of the facilities would be contrary to
27 public safety.

1 (c) Adequate facilities for nonmotorized transportation
2 already exist in the area.

3 (d) Matching funds are not available through the department of
4 natural resources or other state, local, or federal government
5 sources.

6 (e) The previous expenditures and projected expenditures for
7 nonmotorized transportation facilities for the fiscal year exceed
8 1% of that unit's share of the Michigan transportation fund, in
9 which case additional expenditures shall be discretionary.

10 (7) The state transportation department may provide
11 information and assistance to county road commissions, cities, and
12 villages on the planning, design, and construction of nonmotorized
13 transportation facilities and services.