

Act No. 73
Public Acts of 2008
Approved by the Governor
April 7, 2008
Filed with the Secretary of State
April 7, 2008
EFFECTIVE DATE: April 7, 2008

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. Valentine

ENROLLED HOUSE BILL No. 5861

AN ACT 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 sections 11e and 11f (MCL 247.661e and 247.661f), section 11e as amended by 2007 PA 26 and section 11f as amended by 2007 PA 27.

The People of the State of Michigan enact:

Sec. 11e. (1) There is created within the state trunk line fund a local program fund for the purpose of receiving funds allocated from the Michigan transportation fund and from the state trunk line fund. Funds received shall be distributed 64.2% to the county road commissions of the state to be administered according to section 12 and 35.8% to the cities and villages of the state to be administered according to section 13.

(2) There is created within the state trunk line fund a local federal match program for the purpose of receiving the proceeds of bonds issued under section 18b that are to be repaid under section 11(1)(a)(iii). Funds deposited into the local federal match program shall not exceed \$80,000,000.00.

(3) The legislature intends that funds in the local federal match program be used for 1 or more of the following:

(a) Except for those projects described in section 11f(d)(iv), projects that are the subject of a federal appropriation in the safe, accountable, flexible, efficient transportation equity act, a legacy for users (SAFETEA-LU), Public Law 109-59, or the transportation equity act for the 21st century, Public Law 105-178, and have been designated as high priority road and bridge projects that have received earmarks in the federal budget, so long as those projects are under construction or let for bid on or before September 5, 2008.

(b) Projects scheduled to be under construction or let for bid during the fiscal year that begins on October 1, 2006 and that can be advanced to the fiscal year that began on October 1, 2005.

(c) Any project scheduled for any fiscal year after the fiscal year that begins on October 1, 2006 that can be advanced and under construction or let for bid during the fiscal year that begins on October 1, 2005, October 1, 2006, or October 1, 2007.

Sec. 11f. (1) Funds received under the local federal match program created in section 11e shall be granted to local municipalities and other local road agencies to match federal aid projects as provided in this subsection. Projects shall be submitted to the state transportation department by the local municipality or other local road agency. The department shall review the submittals and apply criteria that take into account the needs of highway, road, and street systems and an equitable allocation of available funds considering the geographic location of the proposed project. If the projects meet the criteria, the state transportation department shall award grants to the extent of available funds. An individual grant shall not exceed 25% of the amount of federal funds available for the project. Projects selected for funding shall meet all of the following criteria:

(a) Except for projects described in subdivision (d)(iv), the project shall be under construction or let for bid no later than September 5, 2008.

(b) The applicant shall have identified all of the necessary funding to complete the project.

(c) The project shall be for the opening, widening, improving, construction, or reconstruction of a federal aid eligible road or street, including the work incidental to that opening, widening, improving, construction, or reconstruction.

(d) The project shall be 1 or more of the following:

(i) Projects that are the subject of a federal appropriation in the safe, accountable, flexible, efficient transportation equity act, a legacy for users (SAFETEA-LU), Public Law 109-59, or the transportation equity act for the 21st century, Public Law 105-178, and have been designated as high priority road and bridge projects and that can be let for bid no later than April 4, 2008.

(ii) Projects that are not the subject of a federal appropriation in the safe, accountable, flexible, efficient transportation equity act, a legacy for users (SAFETEA-LU), Public Law 109-59, or the transportation equity act for the 21st century, Public Law 105-178, that have received earmarks in the federal budget and that can be let for bid no later than April 4, 2008.

(iii) Projects that are for federal aid eligible roads and that are scheduled to be under construction or let for bid during the fiscal year that begins October 1, 2008 or a later fiscal year and that can be advanced to the fiscal year that begins October 1, 2007 and can be let for bid no later than September 5, 2008.

(iv) Projects that are the subject of a federal appropriation in the safe, accountable, flexible, efficient transportation equity act, a legacy for users (SAFETEA-LU), Public Law 109-59, or the transportation equity act for the 21st century, Public Law 105-178, and have been designated as high priority road and bridge projects from the following list as determined by the department:

(A) Romeo Plank, construction of 5 lane concrete pavement with curb, gutter, and sewer on Romeo Plank Road from M-59 to 23 Mile Road in Macomb Township.

(B) Finkbeiner Road, construct improvements to Crane & Finkbeiner Road from Patterson Road to Whitneyville Road in Barry County, and new bridge over Thornapple River.

(C) CR 492, Marquette County, realignment of 3200 feet of County Road 492 from U.S. 41 north to County Road HD.

(D) H-58, Alger County, reconstruct, pave, and some realignment of H-58 from 2600 feet south of Little Beaver Lake Road to 4600 feet east of Hurricane River.

(E) Westland, Ann Arbor Trail between Farmington and Inkster, Warren/Newburgh intersection, reconstruction.

(F) Port Huron, NAFTA corridor congestion mitigation project, grade separation, integrated highway realignment at Port Huron, Michigan to eliminate road blockages from NAFTA rail traffic.

(G) Muskegon County, City of Muskegon: study and implement transportation system alternatives in the vicinity of U.S. 31/M 46. Quarterline Rd, Laketon to McArthur, US-31/M-46 vicinity. Transportation system improvements on

Quarterline Road from Laketon Avenue to Stebbins Road. Project description; right-of-way acquisition, road relocation, road reconstruction/resurfacing and signal improvements.

(2) Except for projects described in subsection (1)(d)(iv), all bond proceeds not used to fund grants awarded by September 5, 2008 are appropriated for the purposes described in section 11(1)(f).

(3) Beginning February 1, 2007, the department shall submit a written report to the legislature by each February 1 containing all of the following information:

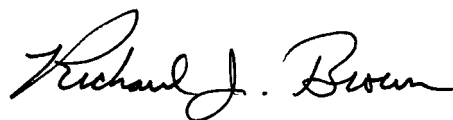
- (a) The balance contained in the program.
- (b) A list of all projects currently funded under the program.
- (c) A list of all federal high priority projects eligible for funding under the program.
- (d) A list of pending requests for funding under the program, if any.

(4) The department shall submit a written report to the legislature no later than 30 days after the program has expended \$40,000,000.00. The report shall contain all of the following:

- (a) A list of all projects currently funded under the program.
- (b) A list of federal high priority projects eligible to receive funding from the program.
- (c) A list of pending requests for funding under the program, if any.

(5) The department shall provide additional criteria if necessary for selecting the remaining projects to be funded in a fiscal year no later than 30 days after the report required under subsection (4) is issued. In determining the additional criteria to apply to the remaining funds, the department shall consult with interested local road agencies, the Michigan municipal league, and the county road association of Michigan and shall utilize any recommendations made on additional criteria by these entities unless the department determines that the additional criteria are inequitable or impractical. If the additional criteria are deemed inequitable or impractical, the department is directed to work with the interested parties to develop equitable and practical criteria. The department shall apply those criteria that most equitably distribute the remaining funds considering the geographic location of the funded projects. In applying criteria, the department shall take into account the needs of highway, road, and street systems and an equitable allocation of available funds considering the geographic location of the funded project.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor