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House Bill 6151 (Substitute H-3 as passed by the House)
House Bill 6152 (Substitute H-2 as passed by the House)
Sponsor: Representative Jon Switalski (H.B. 6151)
Representative Pam Byrnes (H.B. 6152)
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 7-20-10

CONTENT

House Bill 6151 (H-3) would amend the Michigan Transportation Fund (MTF) law to do all of the following:

- Require the State Transportation Commission to adopt a "complete streets policy" for the Michigan Department of Transportation (MDOT) and one or more model policies for use by municipalities and counties.
- Specify conditions under which MDOT, counties, and municipalities would have to consult and reach agreement addressing respective complete streets policies.
- Authorize MDOT to provide assistance to local agencies in developing and implementing complete streets policies.
- Establish a Complete Streets Advisory Council within MDOT to provide education and advice to the State Transportation Commission and others, and advise the Commission on the adoption of model policies.
- Specify that certain improvements regarding nonmotorized transportation services and facilities would have to meet established best practices.
- Revise requirements pertaining to five-year programs for the improvement of qualified nonmotorized facilities.
- Revise requirements pertaining to the establishment of facilities for nonmotorized transportation.

House Bill 6152 (H-2) would amend the Michigan Planning Enabling Act to do all of the following:

- Require a local unit's master plan to provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users of streets.
- Require a master plan to include the general location, character, and extent of the interconnectivity of all components of transportation.
- Expand the definition of "street" to include public ways intended for use by bicycles, pedestrians, and other legal users, in addition to motor vehicles.

Under House Bill 6151 (H-3), "complete streets policy" would mean a document that provides guidance for the planning, design, and construction of roadways or an interconnected network of transportation facilities being constructed or reconstructed and designated for a transportation purpose that promotes complete streets and meets all of the following requirements:

- Is sensitive to the local context and recognizes that needs vary according to urban, suburban, and rural settings.
- Considers the functional class of the roadway and project costs and allows for appropriate exemptions.
- Considers the varying mobility needs of all legal users of the roadway, of all ages and abilities.

"Complete streets" would mean roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

House Bill 6151 (H-3)

Complete Streets Policies

Within two years after the bill's effective date, the State Transportation Commission would have to adopt a complete streets policy for MDOT and develop a model complete streets policy or policies to be made available for use by municipalities and counties.

Before a municipality approved its multiyear capital program that affected a roadway or transportation facility under MDOT's jurisdiction or within or under the jurisdiction of a county or another municipality, it would have to consult with the affected agency and reach an agreement addressing the respective complete streets policies, subject to each agency's powers and duties. Likewise, before MDOT or a county road agency approved its multiyear capital plan that affected a roadway or transportation facility within or under the jurisdiction of a municipality, it would have to consult with the municipality and reach an agreement addressing the respective complete streets policies, subject to each agency's powers and duties. These requirements would not apply to a county project affecting a roadway or transportation facility under the jurisdiction of or within a municipality if neither the county nor the municipality had a complete streets ordinance.

The Department could provide assistance to, and coordinate with, local agencies in developing and implementing complete streets policies. The Department would have to share expertise in nonmotorized and multimodal transportation planning in the development of trunk line projects within municipal boundaries. The Department, local road agencies, and municipalities could enter into agreements with each other providing for maintenance of transportation facilities constructed to implement a complete streets policy.

Advisory Council

The bill would create a Complete Streets Advisory Council within MDOT. Members would have to be appointed by the Governor. The council would consist of the Directors of MDOT, the Department of Community Health, and the Department of State Police, or their designees; one licensed professional engineer or traffic engineer; and one individual representing each of the following:

- The State Transportation Commission.
- Environmental organizations.
- Planning organizations.
- Organizations of disabled people.
- Road commission organizations.
- Public transit users' organizations.
- The Michigan Municipal League.
- The AARP.
- The League of Michigan Bicyclists.
- A pedestrian organization.
- The Michigan Public Transit Association.

In addition, the council would include the following as nonvoting members:

- The Director of the Department of Natural Resources and Environment, or his or her designee.
- The Executive Director of the Michigan State Housing Development Authority, or his or her designee.
- The heads of other State departments and agencies, as the Governor considered appropriate, or their designees.

Initial members of the council would have to be appointed within 60 days after the bill's effective date. Members would serve three-year, staggered terms. The Governor would have to fill vacancies for unexpired terms in the same manner as original appointments, and could remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

The MDOT Director would have to call the first meeting of the council, at which the council would have to elect a chairperson, vice-chairperson, secretary, and other officers it considered necessary or appropriate. After the first meeting and before 2018, the council would have to meet at least quarterly, or more frequently at the

call of the chairperson or if requested by at least three members.

The council would be subject to the Open Meetings Act and the Freedom of Information Act.

Advisory council members would serve without compensation, but could be reimbursed for their actual and necessary expenses.

The advisory council would have to do all of the following:

- Provide education and advice to the State Transportation Commission, county road commissions, municipalities, interest groups, and the public on the development, implementation, and coordination of complete streets policies.
- By December 30, 2011, and each succeeding calendar year, report to the Governor, the Commission, and the Legislature on the status of complete streets policies in Michigan.
- Advise the Commission on the adoption of model policies.

The annual report would have to contain a summary of the advisory council's proceedings and any other necessary or useful information and any additional information requested by the Governor.

Qualified Nonmotorized Facility

The MTF law provides that at least 1% of the money allocated from the MTF to the State Trunkline Fund and to counties, cities, and villages must be spent for the construction or improvement of nonmotorized transportation services and facilities. An improvement in a road, street, or highway that facilitates nonmotorized transportation by the paving of unpaved road shoulders, the widening of lanes, the addition or improvement of a sidewalk in a city or village, or any other appropriate measure is considered to be a qualified nonmotorized facility. Under the bill, such an improvement would have to meet established best practices.

Five-Year Program

The MTF law requires MDOT or a county, city, or village receiving money from the MTF to prepare, annually, a five-year

program for the improvement of qualified nonmotorized facilities that, when implemented, would meet the law's requirements for spending on nonmotorized facilities. Currently, a county, city, or village receiving money from the MTF must consult with the State transportation development region where the county, city, or village is located in its preparation and submittal of the five year program.

Under the bill, instead, a county would have to notify MDOT and each municipality in the county when it completed preparation of its five-year program. A city or village would have to notify MDOT and the county where it was located when it completed preparation of its five-year program. The Department would have to notify each affected county, city, or village when it completed preparation of its five-year program.

A city or village receiving money from the MTF would have to consult with MDOT or the county in the city's or village's preparation of the five year program when planning a nonmotorized project affecting a facility under the jurisdiction of MDOT or the county. A county receiving money from the MTF would have to consult with MDOT or a city or village when planning a nonmotorized project affecting a transportation facility under the jurisdiction of MDOT or the city or village. The Department would have to consult with a county, city, or village when planning a nonmotorized project affecting a transportation within the county, city, or village.

Establishment of Facilities for Nonmotorized Transportation

Currently, facilities for nonmotorized transportation may be established in conjunction with or separate from already existing highways, roads, and streets and must be established when a highway, road, or street is being constructed, reconstructed, or relocated unless certain conditions apply. Under the bill, that provision would apply to facilities for nonmotorized transportation contributing to complete streets.

One of the exceptions to the provision described above is if establishment of the facilities would be contrary to public safety. Under the bill, that exception also would

apply if establishment of the facilities would be contrary to State or Federal law.

The bill also would delete an exception that applies if matching funds are not available through the Department of Natural Resources or other State, local, or Federal government sources.

House Bill 6152 (H-2)

Under the Michigan Planning Enabling Act, a local unit of government may adopt, amend, and implement a master plan. The general purpose of a master plan is to guide and accomplish development that satisfies certain criteria. Among those criteria is that the plan include promotion of or adequate provision for a system of transportation to lessen congestion on streets. Under the bill, that criterion would include providing for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.

A master plan also must include certain subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction, including the general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures. Under the bill, instead, a master plan would have to include the general location, character, and extent of all of the following:

- All components of a transportation system and their interconnectivity including streets and bridges, public transit, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner appropriate to the context of the community and considered all legal users of the public right-of-way.
- Waterways and waterfront developments.
- Sanitary sewers and water supply systems.
- Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.
- Public utilities and structures.

The bill also would expand the Act's definition of "street". Currently, "street" mean a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles. Under the bill, it would mean any of those facilities or other public way intended for use by motor vehicles, bicycles, pedestrians, and other legal users.

MCL 247.660k et al. (H.B. 6151)

125.3803 et al. (H.B. 6152)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would increase Michigan Department of Transportation internal costs by an unknown amount. Absent increased appropriations to handle the demands, the costs would be funded by reducing activity through other Department activities. The bills could also increase local unit expenses by an unknown amount, depending on the costs associated with developing and implementing complete streets policies.

Some costs imposed by bills potentially would be minimal, to the extent that the State and local units already develop long-range plans. However, the bills would also create a new State council and would potentially affect the types and nature of transportation projects implemented at the State and local levels. To the extent the changes made projects more expensive, the bills also would increase costs.

Fiscal Analyst: David Zin

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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.