

HOUSE BILL No. 6462

September 21, 2010, Introduced by Rep. Miller 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 promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; 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 9a, 10c, and 20a (MCL 247.659a, 247.660c, and 247.670a), section 9a as amended by 2007 PA 199, section 10c as amended by 2008 PA 485, and section 20a as amended by 2005 PA 5.

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 cost-
4 effectively, based on a continuous physical inventory and condition
5 assessment.

6 (b) "Bridge" means a structure including supports erected over
7 a depression or an obstruction, such as water, a highway, or a
8 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 of
13 the smaller contiguous opening.

1 (c) "Central storage data agency" means that agency or office
2 chosen by the council where the data collected is stored and
3 maintained.

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

6 (e) "County road commission" means the board of county road
7 commissioners elected or appointed pursuant to section 6 of chapter
8 IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county
9 with a population of ~~2,000,000~~ 750,000 or more with an elected
10 county executive that does not have a board of county road
11 commissioners, the county executive for ministerial functions and
12 the county commission provided for in section 14(1)(d) of 1966 PA
13 293, MCL 45.514, for legislative functions.

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

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

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

22 (i) "Multiyear program" means a compilation of road and bridge
23 projects anticipated to be contracted for by the department or a
24 local road agency during a 3-year period. The multiyear program
25 shall include a listing of each project to be funded in whole or in
26 part with state or federal funds.

27 (j) "State planning and development regions" means those

1 agencies required by section 134(b) of title 23 of the United
2 States Code, 23 USC 134, and those agencies established by
3 Executive Directive 1968-1.

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

1 days after ~~the effective date of the 2002 amendatory act that~~
2 ~~amended this section.~~ **JULY 3, 2002.** The state transportation
3 commission shall make the appointments within 30 days after receipt
4 of the lists.

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

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

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

1 management that may arise from time to time. All quality control
2 standards and protocols shall, at a minimum, be consistent with any
3 existing federal requirements and regulations and existing
4 government accounting standards.

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

17 (7) The department, each county road commission, and each city
18 and village of this state shall annually submit a report to the
19 transportation asset management council. This report shall include
20 a multiyear program developed through the asset management process
21 described in this section. Projects contained in the department's
22 annual multiyear program shall be consistent with the department's
23 asset management process and shall be reported consistent with
24 categories established by the transportation asset management
25 council. Projects contained in the annual multiyear program of each
26 local road agency shall be consistent with the asset management
27 process of each local road agency and shall be reported consistent

1 with categories established by the transportation asset management
2 council.

3 (8) Funding necessary to support the activities described in
4 this section shall be provided by an annual appropriation from the
5 Michigan transportation fund to the state transportation
6 commission.

7 (9) The department and each local road agency shall keep
8 accurate and uniform records on all road and bridge work performed
9 and funds expended for the purposes of this section, according to
10 the procedures developed by the council. Each local road agency and
11 the department shall annually report to the council the mileage and
12 condition of the road and bridge system under their jurisdiction
13 and the receipts and disbursements of road and street funds in the
14 manner prescribed by the council, which shall be consistent with
15 any current accounting procedures. An annual report shall be
16 prepared by the staff assigned to the council regarding the results
17 of activities conducted during the preceding year and the
18 expenditure of funds related to the processes and activities
19 identified by the council. The report shall also include an
20 overview of the activities identified for the succeeding year. The
21 council shall submit this report to the state transportation
22 commission, the legislature, and the transportation committees of
23 the house and senate by May 2 of each year.

24 Sec. 10c. As used in this act:

25 (a) "Urban or rural area" means a contiguous developed area,
26 including the immediate surrounding area, where transportation
27 services should reasonably be provided presently or in the future;

1 the area within the jurisdiction of an eligible authority; or for
2 the purpose of receiving funds for public transportation, a
3 contiguous developed area having a population of less than 50,000
4 that has an urban public transportation program approved by the
5 state transportation department and for which the state
6 transportation commission determines that public transportation
7 services should reasonably be provided presently or in the future.

8 (b) "Eligible authority" means an authority organized under
9 the metropolitan transportation authorities act of 1967, 1967 PA
10 204, MCL 124.401 to 124.426.

11 (c) "Eligible governmental agency" means a county, city, or
12 village or an authority created under 1963 PA 55, MCL 124.351 to
13 124.359; the urban cooperation act of 1967, 1967 (Ex Sess) PA 7,
14 MCL 124.501 to 124.512; 1967 (Ex Sess) PA 8, MCL 124.531 to
15 124.536; 1951 PA 35, MCL 124.1 to 124.13; the public transportation
16 authority act, 1986 PA 196, MCL 124.451 to 124.479; or the revenue
17 bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

18 (d) "Transit vehicle" means a bus, rapid transit vehicle,
19 railroad car, street railway car, water vehicle, taxicab, or other
20 type of public transportation vehicle or individual unit, whether
21 operated singly or in a group which provides public transportation.

22 (e) "Transit vehicle mile" means a transit vehicle operated
23 for 1 mile in public transportation service including demand
24 actuated and line-haul vehicle miles.

25 (f) "Demand actuated vehicle" means a bus or smaller transit
26 vehicle operated for providing group rides to members of the
27 general public paying fares individually, and on demand rather than

1 in regularly scheduled route service.

2 (g) "Demand actuated vehicle mile" means a demand actuated
3 vehicle operated for 1 mile in service to the general public.

4 (h) "Public transportation", "comprehensive transportation",
5 "public transportation service", "comprehensive transportation
6 service", "public transportation purpose", or "comprehensive
7 transportation purpose" means the movement of people and goods by
8 publicly or privately owned water vehicle, bus, railroad car,
9 street railway, aircraft, rapid transit vehicle, taxicab, or other
10 conveyance which provides general or special service to the public,
11 but not including charter or sightseeing service or transportation
12 which is exclusively for school purposes. Public transportation,
13 public transportation services, or public transportation purposes;
14 and comprehensive transportation, comprehensive transportation
15 services, or comprehensive transportation purposes as defined in
16 this subdivision are declared by law to be transportation purposes
17 within the meaning of section 9 of article IX of the state
18 constitution of 1963.

19 (i) "State transportation commission" means the state
20 transportation commission established in section 28 of article V of
21 the state constitution of 1963.

22 (j) "Governmental unit" means the state transportation
23 department, the state transportation commission, a county road
24 commission, a city, or a village.

25 (k) "Department" or "department of transportation" means the
26 state transportation department, the principal department of state
27 government created under section 350 of the executive organization

1 act of 1965, 1965 PA 380, MCL 16.450.

2 (l) "Preservation" means an activity undertaken to preserve the
3 integrity of the existing roadway system. Preservation does not
4 include new construction of highways, roads, streets, or bridges, a
5 project that increases the capacity of a highway facility to
6 accommodate that part of traffic having neither an origin nor
7 destination within the local area, widening of a lane width or
8 more, or adding turn lanes of more than 1/2 mile in length.
9 Preservation includes, but is not limited to, 1 or more of the
10 following:

11 (i) Maintenance.

12 (ii) Capital preventive treatments.

13 (iii) Safety projects.

14 (iv) Reconstruction.

15 (v) Resurfacing.

16 (vi) Restoration.

17 (vii) Rehabilitation.

18 (viii) Widening of less than the width of 1 lane.

19 (ix) Adding auxiliary weaving, climbing, or speed change lanes.

20 (x) Modernizing intersections.

21 (xi) Adding auxiliary turning lanes of 1/2 mile or less.

22 (xii) Installing traffic signs in new locations, installing
23 signal devices in new locations, and replacing existing signal
24 devices.

25 (m) "Maintenance" means routine maintenance or preventive
26 maintenance, or both. Maintenance does not include capital
27 preventive treatments, resurfacing, reconstruction, restoration,

1 rehabilitation, safety projects, widening of less than 1 lane
2 width, adding auxiliary turn lanes of 1/2 mile or less, adding
3 auxiliary weaving, climbing, or speed-change lanes, modernizing
4 intersections, or the upgrading of aggregate surface roads to hard
5 surface roads. Maintenance of state trunk line highways does not
6 include streetlighting except for freeway lighting for traffic
7 safety purposes.

8 (n) "Routine maintenance" means actions performed on a regular
9 or controllable basis or in response to uncontrollable events upon
10 a highway, road, street, or bridge. Routine maintenance includes,
11 but is not limited to, 1 or more of the following:

12 (i) Snow and ice removal.

13 (ii) Pothole patching.

14 (iii) Unplugging drain facilities.

15 (iv) Replacing damaged sign and pavement markings.

16 (v) Replacing damaged guardrails.

17 (vi) Repairing storm damage.

18 (vii) Repair or operation of traffic signs and signal systems.

19 (viii) Emergency environmental cleanup.

20 (ix) Emergency repairs.

21 (x) Emergency management of road closures that result from
22 uncontrollable events.

23 (xi) Cleaning streets and associated drainage.

24 (xii) Mowing roadside.

25 (xiii) Control of roadside brush and vegetation.

26 (xiv) Cleaning roadside.

27 (xv) Repairing lighting.

1 (xvi) Grading.

2 (o) "Preventive maintenance" means a planned strategy of cost-
3 effective treatments to an existing roadway system and its
4 appurtenances that preserve assets by retarding deterioration and
5 maintaining functional condition without significantly increasing
6 structural capacity. Preventive maintenance includes, but is not
7 limited to, 1 or more of the following:

8 (i) Pavement crack sealing.

9 (ii) Micro surfacing.

10 (iii) Chip sealing.

11 (iv) Concrete joint resealing.

12 (v) Concrete joint repair.

13 (vi) Filling shallow pavement cracks.

14 (vii) Patching concrete.

15 (viii) Shoulder resurfacing.

16 (ix) Concrete diamond grinding.

17 (x) Dowel bar retrofit.

18 (xi) Bituminous overlays of 1-1/2 inches or less in thickness.

19 (xii) Restoration of drainage.

20 (xiii) Bridge crack sealing.

21 (xiv) Bridge joint repair.

22 (xv) Bridge seismic retrofit.

23 (xvi) Bridge scour countermeasures.

24 (xvii) Bridge painting.

25 (xviii) Pollution prevention.

26 (xix) New treatments as they may be developed.

27 (p) "County road commission" means the board of county road

1 commissioners elected or appointed pursuant to section 6 of chapter
2 IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county
3 with a population of ~~2,000,000~~ 750,000 or more with an elected
4 county executive that does not have a board of county road
5 commissioners, the county executive for ministerial functions and
6 the county commission provided for in section 14(1)(d) of 1966 PA
7 293, MCL 45.514, for legislative functions.

8 (q) "Capital preventive treatments" means any preventive
9 maintenance category project on state trunk line highways that
10 qualifies under the department's capital preventive maintenance
11 program.

12 Sec. 20a. A board of county road commissioners in a county and
13 the township board of a township having a population of not less
14 than 15,000, as determined by the most recent statewide federal
15 census, and which in the prior year and the contract year will have
16 levied a property tax of not less than 1 mill on each dollar of
17 assessed valuation of the township for the improvement or
18 preservation of county roads within the township, may exercise the
19 provisions of this section only by entering into a written contract
20 of not more than 1 year providing for the preservation by the
21 township of all or any part of the county local road system within
22 that township, subject to, but not limited to, the following
23 conditions:

24 (a) The contract shall specify the total amount of money that
25 shall be annually expended by the contracting township for the
26 preservation of the local road system or part thereof. The
27 contracting road commission may pay not more than 90% of the amount

1 specified in the contract to the contracting township annually. The
2 contracting road commission shall not pay more than 66% of an
3 amount equal to the average annual amount of funds expended by the
4 county road commission on the local road system located within the
5 contracting township for construction and preservation purposes
6 over the previous 5-year period from local road funds received by
7 the county under this act. Any funds expended by the contracting
8 road commission on the local road system located within the
9 contracting township in excess of 66% shall be matched by the
10 contracting township. The amount paid the contracting township
11 shall not directly or indirectly include money transferred from the
12 primary fund allocation to the county as set forth in section
13 12(8).

14 (b) The contracting township shall keep separate accounts and
15 accurate and uniform records on all road preservation work and
16 funds, and shall file with the state transportation commission and
17 the contracting county road commission on or before April 1 of each
18 year, on forms to be provided by the state transportation
19 commission, a report showing the disposition of funds received and
20 expended for road purposes.

21 (c) The contract shall require the contracting township to
22 provide insurance covering the contracting road commission's
23 liability for failure to preserve the local roads specified in the
24 contract.

25 (d) The contracting road commission shall determine and
26 specify the equipment and personnel necessary to provide the
27 preservation as set forth in the contract, and the contract shall

1 not take effect until the contracting township has acquired the
2 necessary equipment and personnel specified in the contract.

3 (e) As used in this section:

4 (i) "County road commission" means the board of county road
5 commissioners elected or appointed pursuant to section 6 of chapter
6 IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county
7 with a population of ~~2,000,000~~ **750,000** or more with an elected
8 county executive that does not have a board of county road
9 commissioners, the county executive for ministerial functions and
10 the county commission provided for in section 14(1)(d) of 1966 PA
11 293, MCL 45.514, for legislative functions.

12 (ii) "Preservation" means that term as defined in section 10c
13 unless the contracting parties specify a different meaning in the
14 contract.