

HOUSE BILL No. 4962

May 19, 2009, Introduced by Reps. Ball, Donigan, Bauer, Kandrevas, Gonzales, Polidori, LeBlanc, Geiss, Lahti, Melton, Byrnes and Dean 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 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 1g and 9a (MCL 247.651g and 247.659a), as amended by 2007 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1g. ~~The transportation asset management council, in~~
 2 ~~conjunction with the department, counties, and municipalities,~~
 3 ~~shall develop and implement a pavement management system for each~~
 4 ~~mile of roadway on the federal aid eligible highway system in~~
 5 ~~Michigan. This pavement management system shall attempt to ensure~~
 6 ~~that a disproportionate share of pavement shall not become due for~~
 7 ~~replacement or major repair at the same time. The transportation~~
 8 ~~asset management council shall provide local road agencies with the~~
 9 ~~training needed to utilize the pavement management system in~~
 10 ~~accordance with this section.~~ **THE TRANSPORTATION ASSET MANAGEMENT**
 11 **COUNCIL, IN CONJUNCTION WITH THE DEPARTMENT, COUNTY ROAD**
 12 **COMMISSIONS, AND MUNICIPALITIES, SHALL, ON A COST-EFFECTIVE AND**
 13 **EFFICIENT SCHEDULE, DEVELOP AND IMPLEMENT AN ASSET MANAGEMENT**
 14 **PROGRAM FOR MAJOR CLASSES OF TRANSPORTATION ASSETS. THE ASSET**
 15 **MANAGEMENT PROGRAM SHALL BE DESIGNED TO ENSURE THAT FEDERAL ASSET-**

1 REPORTING REQUIREMENTS ARE MET AND THAT A DISPROPORTIONATE FRACTION
2 OF ASSETS DO NOT BECOME DUE FOR REPLACEMENT OR MAJOR REPAIR AT THE
3 SAME TIME. THE ASSET MANAGEMENT SHALL BE DESIGNED TO COLLECT AND
4 ANALYZE DATA IN SUFFICIENT DETAIL TO ENABLE EACH ROAD AGENCY TO
5 KNOW THE STATE OF REPAIR AND REMAINING SERVICE LIFE OF EACH MAJOR
6 CLASS OF ASSET FOR WHICH IT IS RESPONSIBLE. DATA MAY BE COLLECTED
7 AT INTERVALS OR FROM SAMPLES THAT ARE DETERMINED TO BE COST-
8 EFFECTIVE, AS DETERMINED UNDER THE PRIORITIES OF FEDERAL REPORTING.
9 THE TRANSPORTATION ASSET MANAGEMENT COUNCIL SHALL PROVIDE LOCAL
10 ROAD AGENCIES WITH THE TRAINING NEEDED TO CONDUCT ASSET MANAGEMENT
11 IN ACCORDANCE WITH THIS SECTION.

12 Sec. 9a. (1) As used in this section:

13 (a) "Asset management" means an ongoing process of
14 maintaining, upgrading, and operating physical assets cost-
15 effectively, based on a continuous physical inventory and condition
16 assessment.

17 (b) "Bridge" means a structure including supports erected over
18 a depression or an obstruction, such as water, a highway, or a
19 railway, for the purposes of carrying traffic or other moving
20 loads, and having an opening measuring along the center of the
21 roadway of more than 20 feet between undercopings of abutments or
22 spring lines of arches, or extreme ends of openings for multiple
23 boxes where the clear distance between openings is less than 1/2 of
24 the smaller contiguous opening.

25 (c) "Central storage data agency" means that agency or office
26 chosen by the council where the data collected is stored and
27 maintained.

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

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

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

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

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

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

24 (j) "State planning and development regions" means those
25 agencies required by section 134(b) of title 23 of the United
26 States Code, 23 USC 134, and those agencies established by
27 Executive Directive 1968-1.

1 (2) In order to provide a coordinated, unified effort by the
2 various roadway agencies within the state, the transportation asset
3 management council is hereby created within the state
4 transportation commission and is charged with advising the
5 commission on a statewide asset management strategy and the
6 processes and necessary tools needed to implement such a strategy
7 beginning with the federal-aid eligible highway system, and once
8 completed, continuing on with the county ~~road~~ and municipal **ROAD**
9 systems, **BRIDGES, AND OTHER MAJOR CLASSES OF ASSETS**, in a cost-
10 effective, efficient manner. Nothing in this section shall prohibit
11 a local road agency from using an asset management process on its
12 non-federal-aid eligible system. The council shall consist of 10
13 voting members appointed by the state transportation commission.
14 The council shall include 2 members from the county road
15 association of Michigan, 2 members from the Michigan municipal
16 league, 2 members from the state planning and development regions,
17 1 member from the Michigan townships association, 1 member from the
18 Michigan association of counties, and 2 members from the
19 department. Nonvoting members shall include 1 person from the
20 agency or office selected as the location for central data storage.
21 ~~Each agency with voting rights shall submit a list of 2 nominees to~~
22 ~~the state transportation commission from which the appointments~~
23 ~~shall be made. The Michigan townships association shall submit 1~~
24 ~~name, and the Michigan association of counties shall submit 1 name.~~
25 ~~Names shall be submitted within 30 days after the effective date of~~
26 ~~the 2002 amendatory act that amended this section. The state~~
27 ~~transportation commission shall make the appointments within 30~~

1 ~~days after receipt of the lists.~~

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

15 (4) The department shall provide qualified administrative
16 staff and the state planning and development regions shall provide
17 qualified technical assistance to the council.

18 (5) The council shall develop and present to the state
19 transportation commission for approval within 90 days after the
20 date of the first meeting such procedures and requirements as are
21 necessary for the administration of the asset management process.
22 This shall, at a minimum, include the areas of training, data
23 storage and collection, reporting, development of a multiyear
24 program, budgeting and funding, and other issues related to asset
25 management that may arise from time to time. All quality control
26 standards and protocols shall, at a minimum, be consistent with any
27 existing federal requirements and regulations and existing

1 government accounting standards.

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

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

27 (8) Funding necessary to support the activities described in

1 this section shall be provided by an annual appropriation from the
2 Michigan transportation fund to the state transportation
3 commission.

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