

# HOUSE BILL No. 5172

July 14, 2009, Introduced by Reps. Donigan, Polidori, Lipton, Byrnes, Robert Jones and Tlaib and referred to the Committee on Intergovernmental and Regional Affairs.

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,"

(MCL 247.651 to 247.675) by adding section 10p.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 10P. (1) THERE IS CREATED AND ESTABLISHED IN THE STATE**  
 2           **TRANSPORTATION DEPARTMENT A PUBLIC TRANSIT COMMISSION. THE**  
 3           **COMMISSION WILL BE CHARGED WITH THE COORDINATION, INTEGRATION, AND**  
 4           **PROMOTION OF AN EFFICIENT AND THOROUGH PUBLIC TRANSIT SYSTEM THAT**  
 5           **LINKS RESIDENTS THROUGHOUT THE STATE, PROMOTING TRANSPORTATION**  
 6           **OPTIONS AND ECONOMIC DEVELOPMENT.**

7           **(2) THE COMMISSION SHALL CONSIST OF THE DIRECTOR OF THE STATE**  
 8           **TRANSPORTATION DEPARTMENT, THE CHIEF EXECUTIVE OFFICER OF THE**  
 9           **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION, 1 MEMBER OF THE STATE**  
 10           **TRANSPORTATION COMMISSION, AND 4 OTHER MEMBERS APPOINTED BY THE**  
 11           **GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE AND WHO SHALL**  
 12           **CONTINUE IN OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED. MEMBERS OF**  
 13           **THE COMMISSION SHALL BE APPOINTED FOR TERMS OF 4 YEARS.**

14           **(3) THOSE MEMBERS OF THE COMMISSION APPOINTED BY THE GOVERNOR**  
 15           **SHALL BE SELECTED WITH REGARD TO THEIR FITNESS AND BY REASON OF**  
 16           **THEIR KNOWLEDGE AND PRACTICAL EXPERIENCE IN THE FIELD OF PUBLIC**

1 TRANSIT AND RELATED TRANSPORTATION SUBJECTS. THE GOVERNOR SHALL  
2 MAKE A REASONABLE EFFORT TO NOMINATE INDIVIDUALS FROM FIELDS THAT  
3 INCLUDE, BUT ARE NOT LIMITED TO, COMMERCE, PUBLIC TRANSIT USERS,  
4 PLANNERS, AND LABOR.

5 (4) NO MEMBER OF THE COMMISSION SHALL RECEIVE A SALARY FOR HIS  
6 OR HER SERVICES AS A COMMISSIONER, AND EACH MAY BE REIMBURSED FOR  
7 ACTUAL AND NECESSARY EXPENSES INCURRED BY HIM OR HER IN THE  
8 PERFORMANCE OF HIS OR HER DUTIES AS A COMMISSIONER.

9 (5) THE MEMBERS OF THE COMMISSION MAY BE REMOVED BY THE  
10 GOVERNOR FOR INEFFICIENCY, NEGLIGENCE OF DUTY, MISUSE OF OFFICE, OR  
11 MALFEASANCE IN OFFICE, IN THE MANNER PROVIDED BY LAW FOR THE  
12 REMOVAL OF OTHER PUBLIC OFFICERS FOR LIKE CAUSES.

13 (6) THE COMMISSION SHALL, IMMEDIATELY UPON ITS APPOINTMENT,  
14 ORGANIZE, AND MAKE, AMEND, AND REVISE RULES AND REGULATIONS FOR ITS  
15 ADMINISTRATION AS IT MAY DEEM EXPEDIENT. AT THE ORGANIZATION  
16 MEETING, THE COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A  
17 CHAIRPERSON AND A VICE-CHAIRPERSON TO SERVE FOR 1 YEAR AND SHALL  
18 ANNUALLY ELECT OFFICERS AFTER THE FIRST ELECTION. AN OFFICER SHALL  
19 SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIED. NO  
20 ACTION SHALL BE TAKEN BY THE COMMISSION BY LESS THAN A MAJORITY OF  
21 ITS MEMBERS.

22 (7) THE STATE TRANSPORTATION DEPARTMENT SHALL PROVIDE  
23 QUALIFIED TECHNICAL STAFF AND ADMINISTRATIVE SUPPORT TO THE  
24 COMMISSION.

25 (8) NO LATER THAN DECEMBER 30, 2010, THE COMMISSION SHALL  
26 REPORT TO THE GOVERNOR, THE STATE TRANSPORTATION COMMISSION, AND  
27 THE LEGISLATURE ON THE STATUS OF PUBLIC TRANSIT IN MICHIGAN. THE

1 COMMISSION'S REPORT SHALL ADDRESS AND MAKE RECOMMENDATIONS ON ALL  
2 OF THE FOLLOWING:

3 (A) PUBLIC TRANSIT SERVICES CURRENTLY PROVIDED TO THE  
4 RESIDENTS OF THIS STATE.

5 (B) THE NEEDS OF PUBLIC TRANSIT AGENCIES IN ORDER TO CONTINUE  
6 TO PROVIDE SERVICES.

7 (C) THE STATUS OF ALL TRANSIT FUNDING IN THIS STATE.

8 (D) THE AVAILABILITY OF ALTERNATIVE FUNDING MECHANISMS FOR  
9 TRANSIT.

10 (E) BEST PRACTICES FOR LOCAL TRANSIT AGENCIES.

11 (F) METHODS FOR USING PUBLIC TRANSIT TO PROMOTE ECONOMIC  
12 DEVELOPMENT.

13 (G) LAND USE AND ITS RELATIONSHIP WITH PUBLIC TRANSIT.

14 (H) PROGRESS TOWARD LINKING HEALTH CARE AND PUBLIC TRANSIT.

15 (I) CURRENT STATE POLICIES TOWARD THE DEVELOPMENT OF ENERGY-  
16 EFFICIENT TECHNOLOGIES IN RELATION TO PUBLIC TRANSIT.

17 (J) THE RELATIONSHIP BETWEEN PUBLIC TRANSIT AND STATE-  
18 SUPPORTED AND LOW-INCOME HOUSING.

19 (9) BEGINNING NO LATER THAN DECEMBER 30, 2010, THE COMMISSION  
20 SHALL REPORT TO THE STATE TRANSPORTATION COMMISSION EVERY 4 MONTHS  
21 ON THE CURRENT STATUS OF PUBLIC TRANSPORTATION AND RECOMMENDATIONS,  
22 INCLUDING, BUT NOT LIMITED TO, LEGISLATIVE AND DEPARTMENTAL POLICY  
23 REFORMS, FOR IMPROVED SERVICE AND THE DEVELOPMENT OF A SEAMLESS  
24 STATEWIDE TRANSIT SYSTEM.

25 (10) ON OR BEFORE JANUARY 15 OF EACH ODD-NUMBERED YEAR, THE  
26 COMMISSION SHALL MAKE A REPORT TO THE GOVERNOR COVERING THE  
27 OPERATION OF THE DEPARTMENT FOR THE 2 FISCAL YEARS ENDING THE

1 PRECEDING JUNE 30. THE REPORT SHALL CONTAIN A SUMMARY OF THE  
2 COMMISSION'S PROCEEDINGS DURING THE 2 FISCAL YEARS, A STATEMENT OF  
3 ALL REVENUES AND EXPENDITURES MADE BY OR ON BEHALF OF THE  
4 COMMISSION, ANY OTHER INFORMATION AS IT MAY DEEM NECESSARY OR  
5 USEFUL, AND ANY ADDITIONAL INFORMATION THAT MAY BE REQUESTED BY THE  
6 GOVERNOR.