

# HOUSE BILL No. 5699

June 12, 2014, Introduced by Rep. Townsend and referred to the Committee on  
Transportation and Infrastructure.

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,"

(MCL 247.651 to 247.675) by adding section 9d.

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

1           **SEC. 9D. (1) BEGINNING ON JANUARY 1, 2015, AN ALLOCATION OF**  
 2           **MONEY APPROPRIATED FOR A TRANSPORTATION INFRASTRUCTURE PROJECT**  
 3           **SHALL BE BASED ON A PLAN SUBMITTED BY A LOCAL ROAD AGENCY, A**  
 4           **REGIONAL TRANSIT AUTHORITY, AN ELIGIBLE AUTHORITY, OR AN ELIGIBLE**  
 5           **GOVERNMENTAL AGENCY FOR ITS AREA OF JURISDICTION, THE STATE**  
 6           **TRANSPORTATION IMPROVEMENT PLAN PREPARED BY THE DEPARTMENT, AND**  
 7           **OTHER FACTORS CONSIDERED APPROPRIATE BY THE STATE TRANSPORTATION**  
 8           **COMMISSION OR THE DEPARTMENT.**

9           **(2) THE STATE TRANSPORTATION ADVISORY COMMISSION IS CREATED**  
 10          **WITHIN THE DEPARTMENT. THE COMMISSION SHALL ESTABLISH PERFORMANCE**  
 11          **MEASURES FOR TRANSPORTATION INFRASTRUCTURE PROJECTS AND ESTABLISH A**  
 12          **METHODOLOGY TO MEASURE FUNDING DECISIONS FOR TRANSPORTATION**  
 13          **INFRASTRUCTURE PROJECTS AGAINST THE PERFORMANCE MEASURES**  
 14          **ESTABLISHED UNDER THIS SECTION. THE COMMISSION SHALL INCLUDE**

1 REPRESENTATIVES OF ALL OF THE FOLLOWING:

2 (A) THE DEPARTMENT.

3 (B) TRANSPORTATION PLANNING ORGANIZATIONS.

4 (C) LOCAL UNITS OF GOVERNMENT.

5 (D) TRANSPORTATION ADVOCACY GROUPS.

6 (E) ENVIRONMENTAL ORGANIZATIONS.

7 (F) ORGANIZATIONS REPRESENTING THE INTERESTS OF DISABLED  
8 INDIVIDUALS.

9 (G) ORGANIZATIONS REPRESENTING THE NONMOTORIZED TRANSPORTATION  
10 COMMUNITY.

11 (H) SOCIAL EQUITY ORGANIZATIONS.

12 (I) OTHER ORGANIZATIONS AS DETERMINED BY THE DEPARTMENT.

13 (3) IN DEVELOPING THE PERFORMANCE MEASURES REQUIRED UNDER  
14 SUBSECTION (2), THE STATE TRANSPORTATION ADVISORY COMMISSION SHALL  
15 CONSIDER THE DEPARTMENT'S NEED TO PRESERVE EXISTING ASSETS AND THE  
16 DEPARTMENT'S ASSET MANAGEMENT PROCESS AND USE OF LIFE CYCLE COSTS.

17 (4) NO LATER THAN AUGUST 1, 2014, THE STATE TRANSPORTATION  
18 ADVISORY COMMISSION SHALL PREPARE AND PROVIDE TO THE STATE  
19 TRANSPORTATION COMMISSION AN INITIAL REPORT THAT INCLUDES, BUT IS  
20 NOT LIMITED TO, RECOMMENDATIONS THAT DO ALL OF THE FOLLOWING:

21 (A) ESTABLISH AND CLEARLY IDENTIFY THE PERFORMANCE STANDARDS  
22 DEVELOPED UNDER SUBSECTION (2).

23 (B) ESTABLISH A PROTOCOL AND A PROJECT IMPACT ANALYSIS FOR HOW  
24 THE PERFORMANCE STANDARDS WILL BE USED TO EVALUATE, MEASURE, AND  
25 PRIORITIZE TRANSPORTATION INFRASTRUCTURE PROJECTS.

26 (C) ESTABLISH A PROCESS TO ENSURE THAT MEMBERS OF THE STATE  
27 TRANSPORTATION ADVISORY COMMISSION AND OTHER INTERESTED PERSONS

1 HAVE QUALITATIVE INPUT ON THE EVALUATION AND PRIORITIZATION OF  
2 TRANSPORTATION INFRASTRUCTURE PROJECTS.

3 (5) THE DEPARTMENT SHALL REPORT THE RECOMMENDATIONS OF THE  
4 STATE TRANSPORTATION ADVISORY COMMISSION REQUIRED UNDER SUBSECTION  
5 (4) TO THE LEGISLATURE NO LATER THAN SEPTEMBER 30, 2014. IF THE  
6 STATE TRANSPORTATION ADVISORY COMMISSION'S RECOMMENDATIONS ARE  
7 APPROVED BY CONCURRENT RESOLUTION PASSED BY BOTH HOUSES OF THE  
8 LEGISLATURE, THE DEPARTMENT SHALL DEVELOP AND UTILIZE THE SCORING  
9 PROCESS UNDER SUBSECTION (6).

10 (6) NO LATER THAN OCTOBER 1, 2014, THE DEPARTMENT SHALL  
11 DEVELOP AND UTILIZE A RATING SYSTEM FOR SCORING TRANSPORTATION  
12 INFRASTRUCTURE PROJECTS THAT IS BASED ON THE PERFORMANCE STANDARDS  
13 ESTABLISHED BY THE STATE TRANSPORTATION ADVISORY COMMISSION UNDER  
14 SUBSECTION (4) AND APPROVED BY THE LEGISLATURE UNDER SUBSECTION  
15 (6). THE RATING SYSTEM DEVELOPED AND UTILIZED BY THE DEPARTMENT  
16 UNDER THIS SUBSECTION SHALL BE SYSTEMATIC AND DATA-DRIVEN AND SHALL  
17 BE APPLIED TO ALL TRANSPORTATION INFRASTRUCTURE PROJECTS THAT ARE  
18 NOT UNDER CONSTRUCTION AT THE TIME THE RATING SYSTEM IS DEVELOPED  
19 BY THE DEPARTMENT. THE DEPARTMENT SHALL ASSIGN A SCORE TO EACH  
20 PROPOSED TRANSPORTATION INFRASTRUCTURE PROJECT. THE DEPARTMENT  
21 SHALL PROVIDE THAT SCORE TO THE COMMISSION FOR ITS CONSIDERATION IN  
22 SELECTING TRANSPORTATION INFRASTRUCTURE PROJECTS FOR FUNDING.

23 (7) NO LATER THAN SEPTEMBER 30, 2014 AND SEPTEMBER 30 OF EACH  
24 YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE IN ITS STATE  
25 TRANSPORTATION IMPROVEMENT PROGRAM AN ANALYSIS AND RELATED  
26 DOCUMENTATION DETAILING HOW THE DEPARTMENT APPLIED THE PERFORMANCE  
27 MEASURES PROVIDED FOR IN THIS SECTION IN THE DEVELOPMENT OF THE

1 STATE TRANSPORTATION IMPROVEMENT PROGRAM AND HOW THE DEPARTMENT  
2 APPLIED THE PERFORMANCE MEASURES TO PRIORITIZATION AND FUNDING  
3 DECISIONS. THE DOCUMENTATION REQUIRED UNDER THIS SUBSECTION SHALL  
4 INCLUDE ALL OF THE FOLLOWING:

5 (A) A LIST OF THE PERFORMANCE MEASURES USED BY THE DEPARTMENT.

6 (B) A DESCRIPTION OF HOW EACH PERFORMANCE MEASURE IS WEIGHTED.

7 (C) A COPY OF EACH PLAN RECEIVED FROM LOCAL ROAD AGENCIES THAT  
8 HAVE JURISDICTION OVER TRANSPORTATION INFRASTRUCTURE PROJECTS.

9 (8) ANY DOCUMENT OR RECORD PREPARED, OWNED, USED, IN THE  
10 POSSESSION OF, OR RETAINED BY THE STATE TRANSPORTATION ADVISORY  
11 COMMISSION IN THE DEVELOPMENT OF THE PERFORMANCE MEASURES DESCRIBED  
12 IN SUBSECTION (2) SHALL BE MADE AVAILABLE TO THE PUBLIC AS PROVIDED  
13 IN THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
14 15.246.

15 (9) AS USED IN THIS SECTION, "TRANSPORTATION INFRASTRUCTURE  
16 PROJECT" INCLUDES, BUT IS NOT LIMITED TO, A PROJECT FOR HIGHWAY  
17 MAINTENANCE, HIGHWAY MODERNIZATION, HIGHWAY EXPANSION, NEW HIGHWAY  
18 CONSTRUCTION, PUBLIC TRANSPORTATION, INTERCITY PASSENGER RAIL,  
19 HIGH-SPEED RAIL, OR ANY OTHER PROJECT ELIGIBLE FOR FUNDING UNDER 23  
20 USC 133.