

HOUSE BILL No. 4458

April 15, 2015, Introduced by Rep. Runestad 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,"

by amending section 10p (MCL 247.660p), as added by 2010 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10p. (1) As used in this section:

2 (a) "Complete streets" means roadways planned, designed, and
3 constructed to provide appropriate access to all legal users in a
4 manner that promotes safe and efficient movement of people and
5 goods whether by car, truck, transit, assistive device, foot, or
6 bicycle.

7 (b) "Complete streets policy" means a document that provides
8 guidance for the planning, design, and construction of roadways or
9 an interconnected network of transportation facilities being
10 constructed or reconstructed and designated for a transportation
11 purpose that promotes complete streets and meets all of the
12 following requirements:

13 (i) Is sensitive to the local context and recognizes that needs
14 vary according to urban, suburban, and rural settings.

15 (ii) Considers the functional class of the roadway and project
16 costs and allows for appropriate exemptions.

1 (iii) Considers the varying mobility needs of all legal users of
2 the roadway, of all ages and abilities.

3 (c) "Department" means the state transportation department.

4 (d) "Local road agency" means that term as defined in section
5 9a.

6 (e) "Municipality" means a city, village, or township.

7 (2) The state transportation commission shall do both of the
8 following by not later than 2 years after the effective date of the
9 amendatory act that added this section:

10 (a) Adopt a complete streets policy for the department.

11 (b) Develop a model complete streets policy or policies to be
12 made available for use by municipalities and counties.

13 (3) Before a municipality approves any project in its
14 multiyear capital program that affects a roadway or transportation
15 facility under the jurisdiction of the state transportation
16 department or within or under the jurisdiction of a county or
17 another municipality, it shall consult with the affected agency and
18 agree on how to address the respective complete streets policies,
19 subject to each agency's powers and duties. Before the department
20 submits its multiyear capital plan to the commission or a county
21 road agency approves its multiyear capital plan, for any project
22 that affects a roadway or transportation facility within or under
23 the jurisdiction of a municipality, the department or county road
24 agency shall consult with the municipality and agree on how to
25 address the respective complete streets policies, subject to each
26 agency's powers and duties. Failure to come to an agreement shall
27 not prevent the department from submitting its multiyear capital

1 plan to the commission. This subsection does not apply under any of
2 the following circumstances:

3 (a) If neither the agency proposing the project nor the
4 affected agency has a complete streets policy.

5 (b) If the project was included in a municipality's multiyear
6 capital program or the department's or a county's multiyear capital
7 plan on July 1, 2010.

8 (4) The department may provide assistance to and coordinate
9 with local agencies in developing and implementing complete streets
10 policies. The department shall share expertise in nonmotorized and
11 multimodal transportation planning in the development of trunk line
12 projects within municipal boundaries.

13 (5) The department, local road agencies, and municipalities
14 may enter into agreements with each other providing for maintenance
15 of transportation facilities constructed to implement a complete
16 streets policy.

17 ~~—— (6) A complete streets advisory council is created within the~~
18 ~~department. The advisory council shall consist of the following~~
19 ~~members appointed by the governor:~~

20 ~~—— (a) The director of the state transportation department or his~~
21 ~~or her designee.~~

22 ~~—— (b) The director of the department of community health or his~~
23 ~~or her designee.~~

24 ~~—— (c) The director of the department of state police or his or~~
25 ~~her designee.~~

26 ~~—— (d) One individual representing the state transportation~~
27 ~~commission.~~

- 1 ~~—— (e) One individual representing environmental organizations.~~
2 ~~—— (f) One individual representing planning organizations.~~
3 ~~—— (g) One individual representing organizations of disabled~~
4 ~~persons.~~
5 ~~—— (h) One individual representing road commission organizations.~~
6 ~~—— (i) One individual representing public transit users~~
7 ~~organizations.~~
8 ~~—— (j) One licensed professional engineer or traffic engineer.~~
9 ~~—— (k) One individual representing the Michigan municipal league.~~
10 ~~—— (l) One individual representing the AARP.~~
11 ~~—— (m) One individual representing the league of Michigan~~
12 ~~bicyclists.~~
13 ~~—— (n) One individual representing a pedestrian organization.~~
14 ~~—— (o) One individual representing the Michigan public transit~~
15 ~~association.~~
16 ~~—— (p) One individual representing the Michigan townships~~
17 ~~association.~~
18 ~~—— (q) As nonvoting members, the director of the department of~~
19 ~~natural resources and environment or his or her designee, the~~
20 ~~executive director of the Michigan state housing development~~
21 ~~authority or his or her designee, and the heads of such other state~~
22 ~~departments and agencies, as the governor considers appropriate, or~~
23 ~~their designees.~~
24 ~~—— (7) The members first appointed to the advisory council shall~~
25 ~~be appointed within 60 days after the effective date of this~~
26 ~~section. Members of the advisory council shall serve for terms of 3~~
27 ~~years or until a successor is appointed, whichever is later, except~~

~~that of the members first appointed 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years. If a vacancy occurs on the advisory council, the governor shall make an appointment for the unexpired term in the same manner as the original appointment. The governor may remove a member of the advisory council for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.~~

~~—— (8) The first meeting of the advisory council shall be called by the director of the state transportation department. At the first meeting, the advisory council shall elect from among its members a chairperson, vice chairperson, secretary, and other officers as it considers necessary or appropriate. After the first meeting and before 2018, the advisory council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 3 or more members. A majority of the members of the advisory council constitute a quorum for the transaction of business at a meeting of the advisory council. The affirmative vote of a majority of the members are required for official action of the advisory council.~~

~~—— (9) The business that the advisory council may perform shall be conducted at a public meeting of the advisory council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the advisory council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.~~

~~1 (10) Members of the advisory council shall serve without
2 compensation. However, members of the advisory council may be
3 reimbursed for their actual and necessary expenses incurred in the
4 performance of their official duties as members of the advisory
5 council.~~

~~6 (11) The advisory council shall do all of the following:~~

~~7 (a) Provide education and advice to the state transportation
8 commission, county road commissions, municipalities, interest
9 groups, and the public on the development, implementation, and
10 coordination of complete streets policies.~~

~~11 (b) By December 30, 2011, and each calendar year thereafter,
12 report to the governor, the state transportation commission, and
13 the legislature on the status of complete streets policies in this
14 state. The report shall contain a summary of the advisory council's
15 proceedings, a statement of instances in which the department and a
16 municipality were unable to agree under subsection (3) on a
17 department project affecting a roadway or transportation facility
18 within or under the jurisdiction of the municipality, and any other
19 necessary or useful information and any additional information that
20 may be requested by the governor.~~

~~21 (c) Advise the state transportation commission on the adoption
22 of model policies under subsection (2).~~

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.