

Legislative Analysis



TRANSPORTATION: COMPLETE STREETS POLICIES

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House Bill 6151 (H-3)
Sponsor: Rep. Jon Switalski

House Bill 6152 (H-2)
Sponsor: Rep. Pam Byrnes
Committee: Transportation

Complete to 6-28-10

A SUMMARY OF HOUSE BILLS 6151 (H-3) AND 6152 (H-2) AS REPORTED FROM COMMITTEE

House Bill 6151, as reported from committee, would amend of 1951 PA 51, the act which governs the distribution of funding for most transportation programs in the state, by adding new Section 10p to require the State Transportation Commission to adopt a *Complete Streets* policy for the department, and a model *Complete Streets* policy for municipalities and counties, not later than two years from the effective date of the enacted bill.

The bill would also amend existing Section 10k which provides for non-motorized transportation programs.

A companion bill, House Bill 6152, would amend provisions of the Michigan Planning Enabling Act (2008 PA 33) regarding transportation as part of a master plan adopted or amended by a county, city, village, or township.

BACKGROUND INFORMATION:

Complete Streets is a design or planning principle. According to the National Complete Streets Coalition, *Complete Streets* are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. The Coalition's website indicates that "Instituting a complete streets policy ensures that transportation agencies routinely design and operate the entire right of way to enable safe access for all users. Places with complete streets policies are making sure that their streets and roads work for drivers, transit users, pedestrians, and bicyclists, as well as for older people, children, and people with disabilities."

Legislation to require *Complete Streets* policy on federally funded streets and highways was introduced in Congress as H.R. 1443 and S. 583.

The FY 2009-10 state transportation budget act, 2009 PA 116, includes boilerplate Section 399 indicating legislative intent that the Michigan Department of Transportation, and local road agencies that receive state appropriations, develop and adopt *Complete Streets* policies.

DETAILED ANALYSIS:

House Bill 6151 (H-3)

House Bill 6151, as reported from committee, would amend 1951 PA 51, the act which governs the distribution of funding for most transportation programs in the state, by adding new **Section 10p** regarding *Complete Streets* policies.

The bill would require the State Transportation Commission to adopt a *Complete Streets* policy for the department, and a model *Complete Streets* policy for municipalities and counties, not later than two years from the effective date of the enacted bill.

The bill also indicates that before a *municipality* approves its multiyear capital *program* that affects a roadway or transportation facility under the jurisdiction of the department or a county or other municipality, it shall consult with the affected agency and reach an agreement addressing the respective *Complete Streets* policies, subject to each agency's powers and duties. Similarly, the bill indicates that before the department or county road agency approves its multiyear capital *plan* that affects a roadway or transportation facility under the jurisdiction of a municipality, it shall consult with the affected municipality and reach an agreement addressing the respective *Complete Streets* policies, subject to each agency's powers and duties. The bill indicates that these requirements do not apply to a county project affecting a municipal roadway or transportation facility if neither the county nor municipality has a *Complete Streets ordinance*.

The bill would allow the department to provide assistance to and coordinate with *local agencies* in developing and implementing *Complete Streets* policies, and directs the department to share expertise in nonmotorized and multimodal transportation planning in the development of trunkline projects within municipal boundaries. The bill would allow the department, local road agencies, and municipalities to enter into agreements with each other providing for maintenance of facilities constructed to implement a *Complete Streets* policy.

The bill would establish a *Complete Streets Advisory Council* within the department to provide education and advice to the State Transportation Commission, county road commissions, municipalities, interest groups, and the public on the development and implementation of *Complete Streets* policies.

The bill would require the Council to report by December 30, 2011, and each year thereafter, to the Governor, State Transportation Commission, and the Legislature, on the status of *Complete Streets* policies in Michigan.

The *Advisory Council* would consist of the following members appointed by the Governor: the directors of the State Transportation Department, the Department of Community Health, and the Department of State Police (or their designees); and one individual each representing the State Transportation Commission, environmental organizations, planning organizations, organizations of disabled persons, road commissions, public transit users, licensed professional engineers or traffic engineers, the Michigan Municipal League, AARP, the League of Michigan Bicyclists, pedestrians, and the Public Transit Association. Also serving as nonvoting members would be the directors (or their designees) of the Department of Natural Resources and Environment and the Michigan State Housing Development Authority, and other department and agency heads as the Governor considers appropriate. The Council would be subject to both the Open Meetings Act and the Freedom of Information Act.

As defined in the bill, municipalities would mean cities, villages, and townships. The definition of *local road agencies* would be as defined in Section 9a of Act 51, i.e. county road commissions, designated county road agencies, cities, and villages.

The bill defines *Complete Streets* as roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

The bill defines a *Complete Streets Policy* as a document that provides guidance for the planning, design, and construction of roadways being constructed or reconstructed and designated for a transportation purpose that promotes complete streets and meets all of the following requirements:

- (1) Is sensitive to the local context and recognizes that needs vary according to urban, suburban, and rural settings.
- (2) Considers the functional class of the roadway and project costs and allows for appropriate exemptions.
- (3) Considers the varying mobility needs of all legal users of a roadway, of all ages and abilities.

[Note: On page 8, lines 1 and 2, the bill references a municipalities' multiyear capital *program*. On page 8, line 8, the bill references a state or county multiyear capital *plan*. On page 8, line 16, the bill refers to a Complete Streets *ordinance*. The bill generally uses the term Complete Streets *policy*. On page 8, line 18, the bill refers to local agency. Other parts of the bill use the defined terms "local road agency" or "municipality."

House Bill 6152 (H-2)

House Bill 6152, as reported from committee, would amend provisions of the Michigan Planning Enabling Act (2008 PA 33) regarding transportation as part of a master plan adopted or amended by a county, city, village, or township. Specifically, the bill would amend Section 7 of the act, which provides guidance in the development of master plans adopted or amended by local units of government. Section 7 currently requires consideration of "a system of transportation to lessen congestion on *streets*." The bill would add: "and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users."

The bill would also expand the current definition of "street" to include "other public way intended for use by *motor vehicles, bicycles, pedestrians, and other legal users*." The definition in current law was limited to use by *automobiles*.

The bill would also amend Section 33 of the act, which addresses the land use planning requirements of a master plan. The bill would require inclusion in a master plan "as components of a transportation system and their interconnectivity including streets and bridges, public transit, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of public right of way.

FISCAL IMPACT:

House Bill 6151, as reported from committee, would amend 1951 PA 51, the act which governs the distribution of funding for most transportation programs in the state, by adding new **Section 10p** regarding *Complete Streets* policies.

The bill would require the State Transportation Commission to adopt a *Complete Streets* policy for the department, and a model *Complete Streets* policy for municipalities and counties, not later than two years from the effective date of the enacted bill.

House Bill 6152, would amend the Michigan Planning Enabling Act (2008 PA 33) to redefine certain current transportation elements of local government master plans.

To the extent that the bills impose new planning requirements, the bills could result in additional costs to the department and to local units of government. The amount of additional cost cannot readily be determined.

Local road agencies are already required to develop long-range plans. Section 14 of 1951 PA 51 mandates that county road commissions, cities, and villages develop biennial street programs based on long-range plans. Under federal law, the state is required to do long-range and statewide planning. To the extent that *Complete Streets* planning requirements can be incorporated into current planning processes, the additional costs may be relatively minimal.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.