

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1049

A bill to amend 1987 PA 231, entitled

"An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,"

by amending sections 1, 3, 11, 12, 12a, and 13 (MCL 247.901, 247.903, 247.911, 247.912, 247.912a, and 247.913), section 1 as amended by 2010 PA 238, sections 3 and 12 as amended and section 12a as added by 1993 PA 149, and section 11 as amended by 2016 PA 273.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Administrator" means the person appointed by the

1 department, in accordance with the policies of the commission and
2 civil service rules, to serve as director of the office of economic
3 development.

4 (b) "Advanced traffic management systems" means the
5 application of new technology designed to monitor, control, and
6 manage the flow of traffic in real-time on a transportation network
7 through traffic detection, communications, traffic control, and
8 information processing technologies. Advanced traffic management
9 systems do not include on-board navigation systems or electronic
10 route guidance systems in a motor vehicle.

11 (c) "Commercial forest land" means land defined as commercial
12 forest in Michigan's fourth forest inventory completed in May 1981
13 and reported by the United States ~~department of agriculture~~
14 **DEPARTMENT OF AGRICULTURE** in the resource bulletin NC-68 available
15 from the United States ~~forest service's~~ **FOREST SERVICE'S** north
16 central experiment station.

17 (d) "Commission" means the state transportation commission.

18 (e) "County road agency" means the board of county road
19 commissioners, or if a board does not exist in a county, the agency
20 designated by county charter.

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

22 (g) "Fund" means the economic development fund created in
23 section 2.

24 (h) "National lakeshore" means land conveyed by this state to
25 the United States ~~and which~~ **THAT** the United States has designated
26 as national lakeshore.

27 (i) "National park" means land set aside and designated as a

1 national park by the United States.

2 (j) "Project" means a transportation road construction or
3 improvement. Project also includes a ~~transit-oriented development~~
4 ~~and a transit-oriented facility.~~

5 (k) "Qualified county" means a county in which a national
6 lakeshore or a national park is located, or a county in which 34%
7 or more of all the land is commercial forest land.

8 (l) "Rural county" means any county in this state with a
9 population of 400,000 or less.

10 ~~—— (m) "Transit-oriented development" means infrastructure~~
11 ~~improvements that are located within 1/2 mile of a transit station~~
12 ~~or transit-oriented facility that promotes transit ridership or~~
13 ~~passenger rail use.~~

14 (M) ~~(n)~~ "Transit-oriented facility" means a facility that
15 houses a transit station in a manner that promotes transit
16 ridership or passenger rail use **AND OTHER INFRASTRUCTURE**
17 **IMPROVEMENTS THAT FACILITATE TRANSIT RIDERSHIP OR PASSENGER RAIL**
18 **USE.**

19 (N) ~~(e)~~ "Urban county" means a county in this state with a
20 population greater than 400,000.

21 Sec. 3. (1) Money from the fund shall be allocated for
22 projects to be funded ~~pursuant to~~ **UNDER** section 11(3)(a) ~~and (b)~~ in
23 accordance with the adopted policies of the commission. No funds
24 shall be committed to any project, nor shall any project be
25 authorized for any funds under this act, until the commission
26 notifies the senate committee on transportation ~~and tourism~~ and the
27 house committee on transportation and the subcommittees on

1 transportation of the senate and house appropriations committees of
2 the proposed projects in the manner provided in section 18k of ~~Act~~
3 ~~No. 51 of the Public Acts of 1951, being section 247.668k of the~~
4 ~~Michigan Compiled Laws. 1951 PA 51, MCL 247.668K.~~ Hearings may be
5 conducted to afford interested parties the opportunity to address
6 aspects of the selection process, the final project list, proposed
7 funding, and related issues. If such hearings are not conducted by
8 the senate committee on transportation ~~and tourism~~ and the house
9 committee on transportation and the subcommittees on transportation
10 of the senate and house appropriations committees within 30 days,
11 if both the senate and house are in session, or 60 days, if either
12 the senate or the house or both are not in session of project
13 notification by the commission, the department may proceed with
14 project authorization for funding.

15 (2) The commission shall not commit funds to any project in a
16 new category for funding under section 7(3) or section 9(1)(a) ~~7~~
17 ~~added by this amendatory act, or future amendatory acts,~~ before the
18 commission notifies the legislative committees of the criteria for
19 approval of projects under these categories in the same manner
20 described in this section.

21 (3) Projects in section 11(3)(a) shall be coordinated with
22 projects in section 11(3)(c) through the designated representatives
23 on the urban task forces and regional rural task forces.
24 ~~respectively.~~

25 (4) The department may be the contracting agent for all
26 projects to be funded by this act. Contracts shall be awarded
27 consistent with the policies of the commission.

1 (5) The administrator or the person acting in that capacity
2 shall assist the commission in reviewing recommendations for
3 funding projects under this act.

4 (6) Of the money appropriated to the fund, not more than 1% as
5 annually appropriated by the legislature shall be appropriated for
6 administration of the fund.

7 (7) The commission shall do the following:

8 (a) Establish criteria for the awarding of projects.

9 (b) Exercise ~~such~~ oversight as it may consider appropriate to
10 facilitate its development of policy for administration of the
11 fund.

12 (c) Review all projects recommended for funding to assure that
13 they satisfy commission policies and criteria. Funds shall not be
14 allocated to projects unless they are in accord with commission
15 policy and criteria.

16 (8) The office of economic development shall review each
17 project application and recommend the award of funding to selected
18 projects in accordance with the adopted policies of the commission.

19 Sec. 11. (1) Bonds may be issued as authorized by the
20 commission for the purpose of funding projects under this act in
21 the manner provided in sections 18b and 18k of 1951 PA 51, MCL
22 247.668b and 247.668k, and in accordance with the adopted policies
23 of the commission. Bonds shall not be committed for any project
24 under this act until the requirements under section 3(1) have been
25 satisfied.

26 (2) After the payment of interest and principal on bonds
27 issued under this act and the appropriation for costs of

1 administration of the fund as provided under this act, fund revenue
2 shall be annually appropriated as follows:

3 (a) The first \$5,000,000.00 for a forest roads program. Forest
4 roads program funds shall be distributed each fiscal year to each
5 qualified county in a percentage amount equal to the same
6 percentage amount that the number of acres of commercial forest,
7 national park, and national lakeshore land in each qualified county
8 bears to the total number of acres of commercial forest, national
9 park, and national lakeshore land in all qualified counties in this
10 state. Revenue distributed under this subdivision shall be used for
11 the construction or reconstruction of roads.

12 (b) The next \$2,500,000.00 of the fund shall be distributed
13 each fiscal year for improvements **WITHIN RURAL COUNTIES** to roads
14 and streets that are eligible for federal aid ~~in cities and~~
15 ~~villages having a population of 5,000 or greater within rural~~
16 ~~counties.~~ **AND ARE LOCATED INSIDE THE BOUNDARIES OF AN URBAN AREA OR**
17 **AN URBANIZED AREA AS DETERMINED BY THE MOST RECENT FEDERAL**
18 **DECENNIAL CENSUS AND AS ADJUSTED BY THE DEPARTMENT.**

19 (3) Of the balance remaining after funding projects under
20 subsection (2), projects shall be funded in the categories
21 described in section 9 based on the following percentages:

22 (a) ~~Except as otherwise provided in subsection (4),~~ 50% for
23 economic development road projects in any of the targeted
24 industries. For the fiscal year ending September 30, 2017 only, the
25 allocation made under this subdivision shall be reduced by
26 \$9,423,700.00.

27 (b) 25% for projects to reduce congestion on county primary

1 and city major streets within urban counties including advanced
 2 traffic management systems. The funds shall be distributed to
 3 counties with populations in excess of 400,000 in accordance with
 4 the following formula:

| | <u>Population</u> | <u>Percentage of Funds</u> |
|---|------------------------|----------------------------|
| 5 | | |
| 6 | 1,750,000 or more | 16% |
| 7 | 1,000,000 to 1,749,999 | 40% |
| 8 | 650,001 to 999,999 | 20% |
| 9 | 400,000 to 650,000 | 24% |

10 When 2 or more counties occupy the same category, the funds
 11 shall be divided equally.

12 Projects funded under this category shall be used for the
 13 widening of county primary roads or city major streets or for
 14 advanced traffic management systems in eligible counties.

15 (c) 25% for ~~development~~ projects within rural counties. These
 16 revenues shall be distributed for the improvement of rural primary
 17 roads in rural counties and major streets in cities and villages
 18 with a population of 5,000 or less **THAT ARE LOCATED OUTSIDE THE**
 19 **BOUNDARIES OF AN URBAN AREA OR AN URBANIZED AREA AS DETERMINED BY**
 20 **THE MOST RECENT FEDERAL DECENNIAL CENSUS AND AS ADJUSTED BY THE**
 21 **DEPARTMENT**. Funds distributed under this subdivision shall be
 22 allocated by the commission to the regional rural task force areas
 23 defined in section 12a in the same proportion that the rural
 24 primary mileage of the regional rural task force area bears to the
 25 total rural primary mileage of all counties. Each rural county
 26 shall be credited with an allocation in the proportion that the

1 county's rural primary mileage is to the total rural primary
 2 mileage of those rural counties within the same regional rural task
 3 force area. Projects funded under this subdivision shall be limited
 4 to upgrading rural primary roads and major streets to create an
 5 all-season road network. For the fiscal year ending September 30,
 6 ~~2017-2016~~ only, the allocation made under this subdivision shall be
 7 reduced by \$2,000,000.00, **AND \$2,000,000.00 SHALL BE ALLOCATED TO**
 8 **THE APPROPRIATED PROJECT AS DESCRIBED IN SECTION 901 OF ARTICLE XX**
 9 **OF 2016 PA 268.**

10 ~~—— (4) For the fiscal years ending September 30, 2011, September~~
 11 ~~30, 2012, September 30, 2013, and September 30, 2014 only, there is~~
 12 ~~appropriated \$12,000,000.00 from the fund for credit to the state~~
 13 ~~trunk line fund established in section 11 of 1951 PA 51, MCL~~
 14 ~~247.661, for the purposes of matching available federal aid highway~~
 15 ~~funds, and the distribution to targeted industries under subsection~~
 16 ~~(3)(a) shall be reduced accordingly.~~

17 (4) ~~(5)~~ Beginning October 1, 2015, for the fiscal year ending
 18 September 30, 2016 only, the following amounts are appropriated
 19 from the fund and the distribution to targeted industries under
 20 subsection (3)(a) shall be reduced accordingly:

21 (a) \$2,000,000.00 for credit to the state trunk line fund
 22 established in section 11 of 1951 PA 51, MCL 247.661, for the
 23 purposes of matching available federal-aid highway funds.

24 (b) \$2,000,000.00 for credit to the state aeronautics fund
 25 established in section 34 of the aeronautics code of the state of
 26 Michigan, 1945 PA 327, MCL 259.34, for the purpose of a 1-time
 27 airport safety appropriation.

1 (5) ~~(6)~~ Beginning October 1, 2016, for the fiscal year ending
 2 September 30, 2017 only, \$10,400,000.00 is appropriated from the
 3 fund for credit to the state trunk line fund established in section
 4 11 of 1951 PA 51, MCL 247.661, for the purpose of road and bridge
 5 construction, and the distribution to targeted industries under
 6 subsection (3) (a) shall be reduced accordingly.

7 ~~(7) The obligation authority for any federal funds allocated~~
 8 ~~under section 10 of 1951 PA 51, MCL 247.660, shall be distributed~~
 9 ~~equally among urban task forces and regional rural task forces~~
 10 ~~according to the distribution formula outlined in subsection (3) (b)~~
 11 ~~and (c). An additional 1.5% of the obligation authority for federal~~
 12 ~~funds identified in section 10 of 1951 PA 51, MCL 247.660, shall be~~
 13 ~~distributed among the regional rural task forces according to the~~
 14 ~~distribution formula outlined in subsection (3) (c). These funds~~
 15 ~~shall be obligated and used consistent with section 10 of 1951 PA~~
 16 ~~51, MCL 247.660.~~

17 Sec. 12. (1) The urban task force ~~which~~ **THAT** represents the
 18 majority of the communities in the urban area of each county shall
 19 select and designate for eligibility projects for funding under
 20 section ~~11(3)(e)~~ **11(3)(B)** within their respective allocations. One
 21 nonvoting member of each task force shall be a designee of and
 22 represent the administrator. In the case of widening projects only,
 23 the task forces shall designate projects for eligibility as
 24 follows:

25 (a) Projects shall be eligible for federal aid.

26 (b) Projects shall ~~consist of adding~~ **ADD** travel lanes, left
 27 turn lanes, and intersectional improvements to roads with 2 travel

1 lanes carrying more than 10,000 vehicles per day or roads with more
 2 than 2 travel lanes carrying more than 25,000 vehicles per day ~~in~~
 3 ~~accordance with~~ **BASED ON THE MOST CURRENT TRAFFIC COUNT OR A**
 4 ~~traffic counts~~ **COUNT** done on or before April 1, 1993. **PROJECTS MAY**
 5 **ALSO BE FOR THE CONSTRUCTION OF NEW ROADS WITH 3 OR MORE TRAVEL**
 6 **LANES WHERE THE PROJECTED TRAFFIC COUNT EXCEEDS 10,000 VEHICLES PER**
 7 **DAY BASED ON AN ENGINEERING STUDY APPROVED BY THE DEPARTMENT.**

8 ~~—— (2) Projects funded under section 11(4) shall be consistent~~
 9 ~~with the provisions of section 10 of Act No. 51 of the Public Acts~~
 10 ~~of 1951, being section 247.660 of the Michigan Compiled Laws.~~

11 (2) ~~(3)~~—If any task force fails to submit sufficient qualified
 12 projects to obligate its allocation by July 1 of any fiscal year,
 13 those funds shall be made available to the remaining urban task
 14 forces in the same proportion as the original allocation.

15 (3) ~~(4)~~—The individual urban task forces shall propose project
 16 result evaluation criteria for all projects to the administrator
 17 and the commission for review and comment.

18 (4) ~~(5)~~—The urban task forces shall report to the
 19 administrator on an annual basis the status of all projects
 20 selected for funding.

21 (5) ~~(6)~~—The programs and projects authorized in section
 22 ~~11(3)(e)~~ **11(3)(B)** shall be administered in a similar manner as
 23 current federal aid projects and in accordance with the adopted
 24 policies of the commission.

25 Sec. 12a. (1) The regional rural task force shall make
 26 recommendations to the commission and the administrator for funding
 27 projects under section ~~11(3)(d)~~ **11(3)(C)** within their respective

1 regions. If any represented county fails to submit sufficient
2 qualified projects to obligate its allocation after 3 consecutive
3 years, those funds shall be reallocated to the remaining counties
4 in the same regional rural task force area. The regional rural task
5 force areas shall coincide with the boundaries of the 14 state
6 planning and development regions as configured on January 1, 1990.
7 In a regional rural task force area that is composed of 5 or more
8 counties, subtask forces of 2 or more of the counties may be formed
9 with the approval of the task force.

10 (2) The regional rural task force shall be composed of a
11 representative of each county road commission within the regional
12 area plus an equal number of representatives from incorporated
13 cities and villages with a population of 5,000 or less within the
14 regional area, and a representative selected by the administrator.
15 Projects submitted to the administrator for funding under section
16 ~~11(3)(d)~~ **11(3)(C)** shall be based on the following:

17 (a) Only projects eligible for federal aid shall be funded
18 unless otherwise approved by the regional rural task force.

19 (b) Projects shall be on existing hard surface roads unless
20 otherwise waived by the regional rural task force.

21 (c) Construction shall be to all-season standards.

22 (d) These funds shall be used for physical construction only
23 and shall not include costs of right-of-way acquisition and
24 engineering.

25 ~~—— (3) Projects funded under section 11(4) shall be consistent~~
26 ~~with the provisions of section 10 of Act No. 51 of the Public Acts~~
27 ~~of 1951, being section 247.660 of the Michigan Compiled Laws.~~

Senate Bill No. 1049 as amended December 14, 2016

1 (3) ~~(4)~~—The programs and projects authorized in section
 2 ~~11(3)(d)~~—**11(3)(C)** shall be administered in a similar manner as the
 3 current local federal aid projects and in accordance with the
 4 adopted policies of the commission.

5 Sec. 13. By December 31 each year the commission shall report
 6 to the governor, the house and senate appropriations committees,
 7 and the house and senate fiscal agencies the following information
 8 regarding this act:

9 (a) The projects funded during the previous fiscal year.

10 (b) The status of projects funded in the immediately preceding
 11 fiscal year.

12 (c) The number of jobs created and retained and any other
 13 economic benefits of the projects funded and listed under
 14 ~~subdivision (a)~~. **SECTION 11(3)(A)** .

15 (d) The degree to which the projects funded have achieved the
 16 objectives of this act.

17 (e) Any other information considered necessary by the
 18 commission for the legislature to evaluate the effectiveness of
 19 this act.

20 ~~[Enacting section 1. This amendatory act takes effect 90 days
 21 after the date it is enacted into law.]~~

22 Enacting section [1]. This amendatory act does not take effect
 23 unless Senate Bill No. 25 of the 98th Legislature is enacted into
 24 law.