

HOUSE BILL No. 4608

March 18, 2009, Introduced by Rep. LeBlanc and referred to the Committee on Transportation.

A bill to amend 1967 PA 204, entitled
"Metropolitan transportation authorities act of 1967,"
by amending sections 4a and 4b (MCL 124.404a and 124.404b), section
4a as amended by 1998 PA 75 and section 4b as added by 1988 PA 481.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) The chief executive officer of each city having a
2 population of 750,000 or more within a metropolitan area, of each
3 county in which such a city is located, and of all other counties
4 immediately contiguous to such a city shall form a corporation,
5 subject to the limitations of this act, to be known as the regional
6 transit coordinating council for the purpose of establishing and
7 directing public transportation policy within a metropolitan area.
8 The counties of Livingston, Monroe, St. Clair, and Washtenaw shall
9 be collectively represented on the council by 1 member, without
10 vote, from 1 of the counties and shall determine their

1 representative member on the council in a manner to be determined
2 by the counties. The county from which the representative member is
3 to be selected shall rotate among the counties at least every 2
4 years and the member shall be a resident of the county from which
5 the member is to be selected. If 1 or more of the counties of
6 Livingston, Monroe, St. Clair, and Washtenaw withdraw from the
7 authority, the member shall rotate between, and be selected from,
8 the remaining counties.

9 (2) A council formed under this section shall be considered an
10 authority organized pursuant to this act for the sole purpose of
11 receiving transportation operating and capital assistance grants. A
12 council may not exercise any rights, duties, or powers provided to
13 an authority organized pursuant to this act except as is necessary
14 to receive transportation operating and capital assistance grants.

15 (3) The council may adopt public transportation plans for its
16 metropolitan area. The council shall coordinate service overlap,
17 rates, routing, scheduling, and like functions between operators of
18 public transportation. The council shall not have power to employ
19 operating personnel, negotiate collective bargaining agreements
20 with operating personnel, or own operating assets of a public
21 transportation service within the metropolitan area.

22 (4) The articles of incorporation forming the council shall
23 provide for the conduct of the affairs of the council, including
24 provision for the appointment of a general secretary to the council
25 and the allocation between the city and any authority representing
26 the counties of any grants applied for by the council **SUBJECT TO**
27 **THE PROVISIONS OF THIS ACT.**

(5) The council shall be a "designated recipient" for purposes of the former federal urban mass transportation act of 1964, Public Law 88-365, and the regulations promulgated under that act, to apply for federal and state transportation operating and capital assistance grants, but the council may designate a city with a population of more than 750,000 and the authority representing the counties each as a subrecipient of federal and state transportation funds. To the extent required by the federal urban mass transportation act of 1964 and the regulations ~~thereunder~~ **UNDER THAT ACT**, the council and a city with a population over 750,000 and the authority representing the counties shall execute a supplemental agreement conferring on a city with a population over 750,000 and the authority representing the counties the right to receive and dispense grant funds and containing such other provisions as are required by federal law and regulation. The general secretary shall submit in a timely manner the council's application for such funds to the responsible federal and state agencies. The application shall designate the distribution of all capital and operating funds which shall be paid directly to a city with a population over 750,000 and the authority representing the counties. If the council is the recipient, the general secretary, as soon as possible, but not more than 10 business days after receipt of the funds by the general secretary, shall remit to a city with a population over 750,000 and the authority representing the counties their designated distribution of the funds.

NOTWITHSTANDING ANYTHING IN THE ARTICLES OF INCORPORATION OF THE COUNCIL TO THE CONTRARY, THE DESIGNATED DISTRIBUTION OF FEDERAL AND

1 STATE FORMULA FUNDS, REGARDLESS OF WHAT ENTITY IS THE SUBRECIPIENT
2 OR DIRECT RECIPIENT OF THE FUNDS, SHALL BE DETERMINED USING THE
3 FEDERAL AND STATE STATUTES AND REGULATIONS APPLICABLE AT THE TIME
4 OF DISTRIBUTION AS IF THE DESIGNATED SUBRECIPIENTS OR DIRECT
5 RECIPIENTS WERE ALLOWED TO AND DID APPLY FOR FEDERAL AND STATE
6 FORMULA FUNDS INDEPENDENTLY OF EACH OTHER AND THE COUNCIL.

7 (6) The council shall act by a unanimous vote of its
8 membership entitled to vote and shall meet regularly but not less
9 than quarterly. A council member shall not designate another
10 representative to serve in his or her place on the council.

11 (7) The business which the council may perform shall be
12 conducted at a public meeting of the council held in compliance
13 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
14 Public notice of the time, date, and place of the meeting shall be
15 given in the manner required by the open meetings act, 1976 PA 267,
16 MCL 15.261 to 15.275.

17 (8) An advisory committee comprised of riders who are senior
18 citizens or persons with disabilities, or both, and who live within
19 the southeastern Michigan transportation authority shall be
20 established and shall report their concerns to the council on a
21 regularly scheduled basis.

22 (9) Before any state or federal funds are distributed to any
23 of the eligible authorities or eligible governmental agencies
24 coordinated by the council, a financial audit of the transit
25 operations for the fiscal year immediately previous to the most
26 recently completed fiscal year shall be provided to the state
27 transportation department in accordance with section 10h(2) of 1951

1 PA 51, MCL 247.660h. The state transportation department may waive
2 this requirement on a temporary basis. Each audit shall be in
3 accordance with sections 6 to 13 of the uniform budgeting and
4 accounting act, 1968 PA 2, MCL 141.426 to 141.433. Each financial
5 audit shall also be in accordance with generally accepted
6 accounting standards as promulgated by the United States general
7 accounting office and shall satisfy federal regulations relating to
8 federal grant compliance audit requirements.

9 Sec. 4b. (1) Incorporation of a council shall be accomplished
10 by adoption of articles of incorporation by the incorporators
11 authorized to so act. Articles of incorporation so adopted shall be
12 published by the person or persons designated in the articles at
13 least once in a newspaper designated in the articles and circulated
14 within the area proposed to be served. One printed copy of the
15 articles of incorporation shall be filed with the secretary of
16 state, the clerk of each county within the area of the council, and
17 the director of the state transportation department by the person
18 designated to do so by the articles. The council shall become
19 operative and the articles of incorporation effective at the time
20 provided in the articles of incorporation. The validity of the
21 incorporation shall be conclusively presumed unless questioned in a
22 court of competent jurisdiction within 60 days after the
23 publication of the articles of incorporation.

24 (2) The articles of incorporation shall state the name of the
25 council; the purposes for which it is formed; the constituent units
26 of and the metropolitan area, or portions thereof, comprising the
27 council; the person or persons charged with the responsibility of

1 causing the articles of incorporation to be published and filed as
2 provided in subsection (1); the method of amending the articles of
3 incorporation; and any other matters which the incorporators
4 consider advisable.

5 (3) The council, in conjunction with the state transportation
6 department, shall develop a long-range plan to bring the
7 authorities coordinated by the council into conformity with the
8 state fiscal year.

9 (4) THE ARTICLES OF INCORPORATION ARE SUBJECT TO THE TERMS OF
10 THIS ACT.