

HOUSE BILL No. 5758

June 14, 2012, Introduced by Rep. Heise and referred to the Committee on Transportation.

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 10c (MCL 247.660c), as amended by 2010 PA 257, and by adding section 10q.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10c. As used in this act:

2 (a) "Urban or rural area" means a contiguous developed area,
3 including the immediate surrounding area, where transportation
4 services should reasonably be provided presently or in the future;
5 the area within the jurisdiction of an eligible authority; or for
6 the purpose of receiving funds for public transportation, a
7 contiguous developed area having a population of less than 50,000
8 that has an urban public transportation program approved by the
9 state transportation department and for which the state
10 transportation commission determines that public transportation
11 services should reasonably be provided presently or in the future.

12 (b) "Eligible authority" means an authority organized under
13 the metropolitan transportation authorities act of 1967, 1967 PA
14 204, MCL 124.401 to 124.426.

15 (c) "Eligible governmental agency" means a county, city, or

1 village or an authority created under 1963 PA 55, MCL 124.351 to
2 124.359; the urban cooperation act of 1967, 1967 (Ex Sess) PA 7,
3 MCL 124.501 to 124.512; 1967 (Ex Sess) PA 8, MCL 124.531 to
4 124.536; 1951 PA 35, MCL 124.1 to 124.13; the public transportation
5 authority act, 1986 PA 196, MCL 124.451 to 124.479; or the revenue
6 bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

7 (d) "Transit vehicle" means a bus, rapid transit vehicle,
8 railroad car, street railway car, water vehicle, taxicab, or other
9 type of public transportation vehicle or individual unit, whether
10 operated singly or in a group ~~which~~ **THAT** provides public
11 transportation.

12 (e) "Transit vehicle mile" means a transit vehicle operated
13 for 1 mile in public transportation service including demand
14 actuated and line-haul vehicle miles.

15 (f) "Demand actuated vehicle" means a bus or smaller transit
16 vehicle operated for providing group rides to members of the
17 general public paying fares individually, and on demand rather than
18 in regularly scheduled route service.

19 (g) "Demand actuated vehicle mile" means a demand actuated
20 vehicle operated for 1 mile in service to the general public.

21 (h) "Public transportation", "comprehensive transportation",
22 "public transportation service", "comprehensive transportation
23 service", "public transportation purpose", or "comprehensive
24 transportation purpose" means the movement of people and goods by
25 publicly or privately owned water vehicle, bus, railroad car,
26 street railway, aircraft, rapid transit vehicle, taxicab, or other
27 conveyance ~~which~~ **THAT** provides general or special service to the

1 public, but not including charter or sightseeing service or
2 transportation which is exclusively for school purposes. Public
3 transportation, public transportation services, or public
4 transportation purposes; and comprehensive transportation,
5 comprehensive transportation services, or comprehensive
6 transportation purposes as defined in this subdivision are declared
7 by law to be transportation purposes within the meaning of section
8 9 of article IX of the state constitution of 1963.

9 (i) "State transportation commission" means the state
10 transportation commission established in section 28 of article V of
11 the state constitution of 1963.

12 (j) "Governmental unit" means the state transportation
13 department, the state transportation commission, a county road
14 commission, a city, or a village.

15 (k) "Department" or "department of transportation" means the
16 state transportation department, the principal department of state
17 government created under section 350 of the executive organization
18 act of 1965, 1965 PA 380, MCL 16.450.

19 (l) "Preservation" means an activity undertaken to preserve the
20 integrity of the existing roadway system. Preservation does not
21 include new construction of highways, roads, streets, or bridges, a
22 project that increases the capacity of a highway facility to
23 accommodate that part of traffic having neither an origin nor
24 destination within the local area, widening of a lane width or
25 more, or adding turn lanes of more than 1/2 mile in length.
26 Preservation includes, but is not limited to, 1 or more of the
27 following:

- 1 (i) Maintenance.
- 2 (ii) Capital preventive treatments.
- 3 (iii) Safety projects.
- 4 (iv) Reconstruction.
- 5 (v) Resurfacing.
- 6 (vi) Restoration.
- 7 (vii) Rehabilitation.
- 8 (viii) Widening of less than the width of 1 lane.
- 9 (ix) Adding auxiliary weaving, climbing, or speed change lanes.
- 10 (x) Modernizing intersections.
- 11 (xi) Adding auxiliary turning lanes of 1/2 mile or less.
- 12 (xii) Installing traffic signs in new locations, installing
- 13 signal devices in new locations, and replacing existing signal
- 14 devices.
- 15 (m) "Maintenance" means routine maintenance or preventive
- 16 maintenance, or both. Maintenance does not include capital
- 17 preventive treatments, resurfacing, reconstruction, restoration,
- 18 rehabilitation, safety projects, widening of less than 1 lane
- 19 width, adding auxiliary turn lanes of 1/2 mile or less, adding
- 20 auxiliary weaving, climbing, or speed-change lanes, modernizing
- 21 intersections, or the upgrading of aggregate surface roads to hard
- 22 surface roads. Maintenance of state trunk line highways does not
- 23 include streetlighting except for freeway lighting for traffic
- 24 safety purposes.
- 25 (n) "Routine maintenance" means actions performed on a regular
- 26 or controllable basis or in response to uncontrollable events upon
- 27 a highway, road, street, or bridge. Routine maintenance includes,

1 but is not limited to, 1 or more of the following:

2 (i) Snow and ice removal.

3 (ii) Pothole patching.

4 (iii) Unplugging drain facilities.

5 (iv) Replacing damaged sign and pavement markings.

6 (v) Replacing damaged guardrails.

7 (vi) Repairing storm damage.

8 (vii) Repair or operation of traffic signs and signal systems.

9 (viii) Emergency environmental cleanup.

10 (ix) Emergency repairs.

11 (x) Emergency management of road closures that result from
12 uncontrollable events.

13 (xi) Cleaning streets and associated drainage.

14 (xii) Mowing roadside.

15 (xiii) Control of roadside brush and vegetation.

16 (xiv) Cleaning roadside.

17 (xv) Repairing lighting.

18 (xvi) Grading.

19 (o) "Preventive maintenance" means a planned strategy of cost-
20 effective treatments to an existing roadway system and its
21 appurtenances that preserve assets by retarding deterioration and
22 maintaining functional condition without significantly increasing
23 structural capacity. Preventive maintenance includes, but is not
24 limited to, 1 or more of the following:

25 (i) Pavement crack sealing.

26 (ii) Micro surfacing.

27 (iii) Chip sealing.

- 1 (iv) Concrete joint resealing.
2 (v) Concrete joint repair.
3 (vi) Filling shallow pavement cracks.
4 (vii) Patching concrete.
5 (viii) Shoulder resurfacing.
6 (ix) Concrete diamond grinding.
7 (x) Dowel bar retrofit.
8 (xi) Bituminous overlays of 1-1/2 inches or less in thickness.
9 (xii) Restoration of drainage.
10 (xiii) Bridge crack sealing.
11 (xiv) Bridge joint repair.
12 (xv) Bridge seismic retrofit.
13 (xvi) Bridge scour countermeasures.
14 (xvii) Bridge painting.
15 (xviii) Pollution prevention.
16 (xix) New treatments as they may be developed.
17 (p) "County road commission" means the board of county road
18 commissioners elected or appointed pursuant to section 6 of chapter
19 IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county
20 with a population of 750,000 or more with an elected county
21 executive that does not have a board of county road commissioners,
22 the county executive for ministerial functions and the county
23 commission provided for in section 14(1)(d) of 1966 PA 293, MCL
24 45.514, for legislative functions.
25 (q) "Capital preventive treatments" means any preventive
26 maintenance category project on state trunk line highways that
27 qualifies under the department's capital preventive maintenance

1 program.

2 (R) "LOCAL AUTHORITY" MEANS AN ENTITY THAT ELECTS TO RECEIVE
3 MONEY UNDER SECTION 10Q AND THAT CONSISTS OF 2 OR MORE TOWNSHIPS
4 WITHIN A COUNTY THAT HAVE ENTERED INTO EITHER OF THE FOLLOWING:

5 (i) A JOINT ENDEAVOR UNDER THE MUNICIPAL PARTNERSHIP ACT, 2011
6 PA 258, MCL 124.111 TO 124.123.

7 (ii) AN INTERLOCAL AGREEMENT UNDER THE URBAN COOPERATION ACT OF
8 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

9 SEC. 10Q. (1) A LOCAL AUTHORITY MAY RECEIVE MONEY UNDER THIS
10 ACT IN THE SAME MANNER AND FOR THE SAME PURPOSES AS A COUNTY ROAD
11 COMMISSION RECEIVES MONEY UNDER SECTIONS 12 TO 12B.

12 (2) A LOCAL AUTHORITY THAT RECEIVES MONEY UNDER SUBSECTION (1)
13 SHALL BE TREATED AS A COUNTY ROAD COMMISSION FOR PURPOSES OF
14 RECEIVING DISTRIBUTIONS UNDER SECTIONS 12 TO 12B.

15 (3) IF 2 OR MORE TOWNSHIPS FORM A LOCAL AUTHORITY AND RECEIVE
16 MONEY UNDER SUBSECTION (1), THE MONEY DISTRIBUTED TO THAT LOCAL
17 AUTHORITY UNDER SECTIONS 12 TO 12B SHALL BE SUBTRACTED FROM THE
18 AMOUNT DISTRIBUTED TO THE COUNTY ROAD COMMISSION OF THE COUNTY IN
19 WHICH THE TOWNSHIPS ARE LOCATED.