

Legislative Analysis



5-YEAR AND 20-YEAR TRANSPORTATION PLANS

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Senate Bill 516 (S-1) as passed by the Senate
Sponsor: Sen. Tom Barrett
House Committee: Transportation
Senate Committee: Transportation and Infrastructure
Complete to 6-3-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 516 would amend 1951 PA 51 (“Act 51”) to require the Michigan Department of Transportation (MDOT) to post on its website, and provide to the state budget director, each member of the legislature, and the House and Senate fiscal agencies, both of the following:

- Before March 1 of each year, its rolling 5-year plan.
- Beginning January 1, 2020, a 20-year plan that shows its road construction strategy every 10 years. (The bill states that this could be the same plan as required under 23 CFR subpart B.¹)

The 5-year plan required above would have to include at least all of the following:

- A listing by county or county road commission of all highway construction projects for the upcoming fiscal year and all expected projects for the ensuing fiscal years.
- The estimated cost of each project for the upcoming fiscal year.
- An explanation of how the projects in the 5-year plan would contribute toward the projects in the 20-year plan.

MCL 247.659a and proposed MCL 247.661i

FISCAL IMPACT:

Senate Bill 516 would require MDOT, before March 1 of each year, to provide to each member of the legislature, the state budget director, and the House and Senate fiscal agencies its rolling 5-year plan. Among other things, the bill would require the report to include a listing by county or by county road commission of all highway construction projects for the upcoming fiscal year and all expected projects for the ensuing fiscal years.

This requirement largely mirrors a boilerplate directive that has been included in transportation budget acts for approximately 20 years. The language in the FY 2019-20 transportation budget act, 2019 PA 66, is as follows:

Sec. 307. Before March 1 of each year, the department will provide to the legislature, the state budget director, and the house and senate fiscal agencies its rolling 5-year plan listing by county or by county road commission all highway construction projects for the fiscal year and all expected projects for the ensuing fiscal years.

¹ See 23 CFR 450 subpart B: <https://www.govinfo.gov/content/pkg/CFR-2011-title23-vol1/pdf/CFR-2011-title23-vol1-part450-subpartB.pdf>

The department describes its 5-year plan as a 5-Year Transportation Program² and includes in the document its proposed multi-modal (public transportation and aviation) programs as well as state trunkline road and bridge programs and projects. The most recent 5-Year Transportation Program was approved by the State Transportation Commission on October 17, 2019, and submitted to the Michigan Legislature on November 22, 2019.³

Senate Bill 516 includes new/additional requirements for the 5-year plan, beyond the current boilerplate requirements. Specifically, the bill would require that the plan include “the estimated cost of the project for the upcoming fiscal year.” We believe the intention of this language is to require the estimated cost of *each* project in the 5-year plan for the *first* fiscal year of the 5-year plan presentation. The current 5-year plan format includes the total estimated cost of the highway and multi-modal programs over the 5-year period, but not the estimated costs of specific projects.

Senate Bill 516 would also require MDOT, beginning January 1, 2020, to issue a 20-year plan showing the department's plan for road construction strategy every 10 years. We believe the intention of this language is to require the department to update the 20-year plan every 10 years.

The bill indicates that the 20-year plan may be the same plan as required under 23 CFR subpart B.⁴ The bill would also require that the 5-year plan include an explanation of how the projects contained in the 5-year plan would contribute toward the projects contained in the 20-year plan.

MDOT's current long-range plan, the State Long-Range Plan (SLRP),⁵ establishes transportation goals and guidance through 2040.⁶

Note that the SLRP is broad planning document and does not identify specific projects. Also, the 5-year plan does not currently directly tie projects listed in the plan to SLRP objectives. However, MDOT, in accordance with federal planning requirements, also develops an annual State Transportation Improvement Program (STIP). The STIP, which has a four-year planning horizon, does include specific projects (both trunkline and local federal aid projects) and does tie projects to SLRP objectives.⁷

The additional reporting requirements of Senate Bill 516 would increase the department's cost to develop the 5-year plan, although the additional cost cannot be readily estimated at this time. There would be no additional costs to local units of government.

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

² See https://www.michigan.gov/mdot/0,4616,7-151-9621_14807_14810_59639---,00.html

³ Available at https://www.michigan.gov/documents/mdot/MDOT_5_Year_Plan_2020-2024_662046_7.pdf

⁴ Although the bill as passed by the Senate references 23 CFR subpart B, we believe the intention is to reference the federal planning requirements of 23 CFR Part 450, Subpart B, and specifically Section 450.216 of that part, which establishes long-range planning requirements.

⁵ See https://www.michigan.gov/mdot/0,1607,7-151-9621_14807_14809---,00.html

⁶ Available at https://www.michigan.gov/documents/mdot/2016_SLRP_PRINT_530128_7.pdf

⁷ See https://www.michigan.gov/mdot/0,1607,7-151-9621_14807_14808---,00.html