

HOUSE BILL NO. 4328

February 24, 2021, Introduced by Reps. Eisen, Outman, Coleman, Cambensy, Garza, Paquette and Hornberger 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; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,"

by amending section 11c (MCL 247.661c), as amended by 2015 PA 182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11c. (1) ~~All~~ **Except as otherwise provided in this**
 2 **subsection, all** construction projects of the department concerning
 3 highways, streets, roads, and bridges, ~~whose~~ **when** cost exceeds
 4 \$100,000.00 for construction or preservation as **that term is**
 5 defined in section 10c, ~~shall~~ **must** be performed by contract awarded

1 by competitive bidding unless the department affirmatively finds
2 that under the circumstances relating to those projects, some other
3 method is in the public interest. The director of the department
4 shall report his or her findings to the state transportation
5 commission 90 days before work is commenced and promptly in writing
6 to the appropriations committees of the senate and house of
7 representatives. However, ~~in a case in which~~ **if** the department
8 determines emergency action is required, the reports need not be
9 filed before a contract is awarded but ~~shall~~ **must** be promptly
10 filed. **The installation or upgrading of advanced traffic operation**
11 **centers and traffic signal systems is exempt from this subsection.**

12 (2) All construction projects of a local road agency ~~whose~~
13 ~~costs exceed \$100,000.00~~ **where the individual project and any**
14 **contiguous project costs exceed \$300,000.00** for construction or
15 preservation, excluding **routine** maintenance, ~~shall~~ **must** be
16 performed by contract awarded by competitive bidding unless the
17 local road agency affirmatively finds that under the circumstances
18 relating to those projects, some other method is in the public
19 interest. Installation or upgrading of advanced traffic ~~management~~
20 **operation centers** and ~~signals~~ **is traffic signal systems and the**
21 **resurfacing of local roads are** exempt from this subsection. A
22 county road commission shall report its findings before work is
23 commenced in writing to the county board of commissioners of that
24 county. A city or village shall report its findings before work is
25 commenced in writing to the governing elected body of that city or
26 village. As used in this subsection, "local road agency" means that
27 term as defined in section 9a.