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BILL ANALYSIS



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House Bill 5211 (Substitute H-1 as passed by the House)
House Bill 5212 (Substitute H-1 as passed by the House)
Sponsor: Representative Marie Donigan
House Committee: Intergovernmental and Regional Affairs
Senate Committee: Local, Urban and State Affairs

Date Completed: 8-17-10

CONTENT

House Bill 5211 (H-1) would amend the Michigan Zoning Enabling Act to include consideration of public transportation in zoning plans. House Bill 5212 (H-1) would amend the Michigan Planning Enabling Act to include public transportation facilities and routes in the subjects covered by master plans, and include public transportation agencies in the planning process.

The bills are described below in further detail.

House Bill 5211 (H-1)

Under the Michigan Zoning Enabling Act, a zoning ordinance must be based on a plan designed to facilitate adequate provision for a system of transportation, among other goals. Under the bill, with regard to a plan adopted or substantively amended more than 90 days after the bill's effective date, provision for a transportation system would include public transportation.

House Bill 5212 (H-1)

Planning Process

Under the Michigan Planning Enabling Act, in the preparation of a master plan, a planning commission must cooperate with all departments of the State and Federal governments and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit's programs with these agencies. The bill would include public transportation agencies among the entities with which a planning commission must coordinate.

The bill also would include a public transportation agency owning a public transportation system among the entities that a planning commission must notify before preparing a master plan and to which the commission must send a copy of the proposed plan for review and comment.

"Public transportation agency" would mean a governmental entity that operates or is authorized to operate intercity or local commuter passenger rail service in Michigan or a public transit authority created under the Metropolitan Transportation Authorities Act, the

Public Transportation Authority Act, Public Act 55 of 1963 (which governs mass transportation system authorities), the Home Rule City Act, the Revenue Bond Act, the Charter Township Act, or the Urban Cooperation Act.

Master Plan

The Planning Enabling Act requires a master plan to include certain subjects that reasonably can be considered pertinent to the future development of the planning jurisdiction, including a land use plan for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. The bill would include public transportation facilities among these uses.

The Act also requires a master plan to include the general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments. The bill would require that the plan also include the general location, character, and extent of public transportation facilities and routes.

The bill specifies that those references to public transportation facilities would apply only to a master plan that was adopted or substantively amended more than 90 days after the bill took effect.

"Public transportation facility" would mean that term as defined in the Metropolitan Transportation Authorities Act. (Under that Act, the term means all property, real and personal, public or private, used or useful for general or special transportation service to the public, including street railways, motor bus, tramlines, subways, monorails, rail rapid transit, and the movement of people via those modes together with associated tunnel, bridge, and parking facilities. The term does not include taxis, limousines, highways, ports, airports, charter or sightseeing services, or transportation used for school purposes exclusively.)

MCL 125.3203 (H.B. 5211)
125.3803 et al. (H.B. 5212)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have no effect on State revenue or expenditure. The bills could potentially increase some administrative costs by an unknown and likely minimal amount in affected local units by requiring the consideration of additional factors and widening the array of entities included in the review of master plans.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.