

HOUSE BILL No. 5460

September 23, 2009, Introduced by Rep. Byrnes 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 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 10 (MCL 247.660), as amended by 2007 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) A fund to be known as the Michigan transportation
2 fund is established and shall be set up and maintained in the state
3 treasury as a separate fund. Money received and collected under the
4 motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, except a
5 license fee provided in that act, and a tax, fee, license, and
6 other money received and collected under sections 801 to 810 of the
7 Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810, except
8 a truck safety fund fee provided in section 801(1)(k) of the
9 Michigan vehicle code, 1949 PA 300, MCL 257.801, and money received
10 under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43,
11 shall be deposited in the state treasury to the credit of the
12 Michigan transportation fund. In addition, income or profit derived
13 from the investment of money in the Michigan transportation fund
14 shall be deposited in the Michigan transportation fund. ~~Except as~~
15 ~~provided in this act, no other money, whether appropriated from the~~
16 ~~general fund of this state or any other source, shall be deposited~~
17 ~~in the Michigan transportation fund. Except as otherwise provided~~

1 ~~in this section, the legislature shall appropriate funds for the~~
2 ~~necessary expenses incurred in the administration and enforcement~~
3 ~~of the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170,~~
4 ~~the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and~~
5 ~~sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL~~
6 ~~257.801 to 257.810. Funds appropriated for necessary expenses shall~~
7 ~~be based upon established cost allocation methodology that reflects~~
8 ~~actual costs. Appropriations for the necessary expenses incurred by~~
9 ~~the department of state in administration and enforcement of~~
10 ~~sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL~~
11 ~~257.801 to 257.810, shall be made from the Michigan transportation~~
12 ~~fund and from funds in the transportation administration collection~~
13 ~~fund created in section 810b of the Michigan vehicle code, 1949 PA~~
14 ~~300, MCL 257.810b. Appropriations from the Michigan transportation~~
15 ~~fund for the necessary expenses incurred by department of state in~~
16 ~~administration and enforcement of sections 801 to 810 of the~~
17 ~~Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810, shall~~
18 ~~not exceed \$20,000,000.00 per state fiscal year except for the~~
19 ~~fiscal year ending September 30, 2006. For the fiscal year ending~~
20 ~~September 30, 2006, the legislature may appropriate funds in excess~~
21 ~~of \$20,000,000.00 from the Michigan transportation fund for all~~
22 ~~incremental additional expenses incurred by the department of state~~
23 ~~in enforcing sections 801 to 810 of the Michigan vehicle code, 1949~~
24 ~~PA 300, MCL 257.801 to 257.810, that arise because of the~~
25 ~~replacement of standard design registration license plates as~~
26 ~~provided in section 224 of the Michigan vehicle code, 1949 PA 300,~~
27 ~~MCL 257.224. All money in the Michigan transportation fund is~~

1 apportioned and appropriated in the following manner:

2 (a) Not more than ~~\$3,000,000.00~~ **\$6,000,000.00** as may be
3 annually appropriated each fiscal year to the state trunk line fund
4 for subsequent deposit in the rail grade crossing account.

5 (b) Not less than \$3,000,000.00 each year to the local bridge
6 fund established in subsection ~~(5)~~ **(4)** for the purpose of payment
7 of the principal, interest, and redemption premium on any notes or
8 bonds issued by the state transportation commission under former
9 section 11b or subsection ~~(10)~~ **(9)**.

10 ~~—— (c) Revenue from 3 cents of the tax levied under section~~
11 ~~8(1)(a) of the motor fuel tax act, 2000 PA 403, MCL 207.1008, to~~
12 ~~the state trunk line fund, county road commissions, and cities and~~
13 ~~villages in the percentages provided in subdivision (i).~~

14 ~~—— (d) Until September 30, 2004, all of the revenue from 1 cent~~
15 ~~of the tax levied under section 8(1)(a) of the motor fuel tax act,~~
16 ~~2000 PA 403, MCL 207.1008, to the state trunk line fund for repair~~
17 ~~of state bridges under section 11. Beginning October 1, 2004 and~~
18 ~~continuing through September 30, 2005, 3/4 of the revenue from 1~~
19 ~~cent of the tax levied under section 8(1)(a) of the motor fuel tax~~
20 ~~act, 2000 PA 403, MCL 207.1008, shall be appropriated to the state~~
21 ~~trunk line fund for the repair of state bridges under section 11,~~
22 ~~and 1/4 of the revenue from 1 cent of the tax levied under section~~
23 ~~8(1)(a) of the motor fuel tax act, 2000 PA 403, MCL 207.1008, shall~~
24 ~~be appropriated to the local bridge fund created in subsection (5)~~
25 ~~for distribution only to cities, villages, and county road~~
26 ~~commissions. Beginning October 1, 2005, 1/2 of the revenue from 1~~
27 ~~cent of the tax levied under section 8(1)(a) of the motor fuel tax~~

1 ~~act, 2000 PA 403, MCL 207.1008, shall be appropriated to the state~~
2 ~~trunk line fund for the repair of state bridges under section 11,~~
3 ~~and 1/2 of the revenue from 1 cent of the tax levied under section~~
4 ~~8(1)(a) of the motor fuel tax act, 2000 PA 403, MCL 207.1008, shall~~
5 ~~be appropriated to the local bridge fund created in subsection (5)~~
6 ~~for distribution only to cities, villages, and county road~~
7 ~~commissions.~~

8 (C) \$22,000,000.00 TO THE LOCAL BRIDGE FUND ESTABLISHED IN
9 SUBSECTION (4) FOR DISTRIBUTION ONLY TO CITIES, VILLAGES, AND
10 COUNTY ROAD COMMISSIONS.

11 (D) \$22,000,000.00 TO THE STATE TRUNK LINE FUND FOR REPAIR OF
12 STATE BRIDGES UNDER SECTION 11.

13 (e) \$43,000,000.00 to the state trunk line fund for debt
14 service costs on state of Michigan projects.

15 (f) ~~Except as provided in subsection (4), 10% to the~~
16 comprehensive transportation fund for the purposes described in
17 section 10e.

18 (g) \$5,000,000.00 to the local bridge fund established in
19 subsection ~~(5)~~ (4) for distribution only to the local bridge
20 advisory board, the regional bridge councils, cities, villages, and
21 county road commissions.

22 (h) \$36,775,000.00 to the state trunk line fund for subsequent
23 deposit in the transportation economic development fund, and, as of
24 September 30, 1997, with first priority for allocation to debt
25 service on bonds issued to fund transportation economic development
26 fund projects. In addition, beginning October 1, 1997,
27 \$3,500,000.00 is appropriated from the Michigan transportation fund

1 to the state trunk line fund for subsequent deposit in the
2 transportation economic development fund to be used for economic
3 development road projects in any of the targeted industries
4 described in section 9(1)(a) of 1987 PA 231, MCL 247.909.

5 (i) Not less than \$33,000,000.00 as may be annually
6 appropriated each fiscal year to the local program fund created in
7 section 11e.

8 (j) The balance of the Michigan transportation fund as
9 follows, after deduction of the amounts appropriated in
10 subdivisions (a) through (i) and section 11b:

11 (i) 39.1% to the state trunk line fund for the purposes
12 described in section 11.

13 (ii) 39.1% to the county road commissions of the state.

14 (iii) 21.8% to the cities and villages of the state.

15 (2) The money appropriated pursuant to this section shall be
16 used for the purposes as provided in this act and any other
17 applicable act. Subject to the requirements of section 9b, the
18 department shall develop programs in conjunction with the Michigan
19 state chamber of commerce and the Michigan minority business
20 development council to assist small businesses, including those
21 located in enterprise zones and those located in empowerment zones
22 as determined under federal law, as defined by law in becoming
23 qualified to bid.

24 (3) Thirty-one and one-half percent of the funds appropriated
25 to this state from the federal government pursuant to 23 USC ~~157~~
26 105, commonly known as minimum guarantee funds, shall be allocated
27 to the transportation economic development fund, if such an

1 allocation is consistent with federal law. These funds shall be
2 distributed 16-1/2% for development projects for rural counties as
3 defined by law and 15% for capacity improvement or advanced traffic
4 management systems in urban counties as defined by law. Federal
5 funds allocated for distribution under this section shall be
6 eligible for obligation and use by all recipients as defined by the
7 transportation equity act for the 21st century, Public Law 105-178.

8 ~~—— (4) For the fiscal year beginning October 1, 2003 only, the~~
9 ~~apportionment of 10% of Michigan transportation fund money to the~~
10 ~~comprehensive transportation fund as provided in subsection (1)(f)~~
11 ~~shall be reduced by \$10,000,000.00 and the \$10,000,000.00 shall be~~
12 ~~transferred to the state trunk line fund for capacity improvements~~
13 ~~to state trunk line highways.~~

14 (4) ~~(5)~~ A fund to be known as the local bridge fund is
15 established and is set up and maintained in the state treasury as a
16 separate fund. The money appropriated to the local bridge fund and
17 the interest accruing to that fund shall be expended for the local
18 bridge program. The purpose of the fund is to provide financial
19 assistance to highway authorities for the preservation,
20 improvement, or reconstruction of existing bridges or for the
21 construction of bridges to replace existing bridges in whole or
22 part. The money in the local bridge fund is not subject to section
23 12(15) or 13(5). The local bridge advisory board is created and
24 shall consist of 6 voting members appointed by the state
25 transportation commission and 2 nonvoting members appointed by the
26 state transportation department. The board shall include 3 members
27 from the county road association of Michigan, 1 member who

1 represents counties with populations 65,000 or greater, 1 member
2 who represents counties with populations greater than 30,000 and
3 less than 65,000, and 1 member who represents counties with
4 populations of 30,000 or less. Three members shall be appointed
5 from the Michigan municipal league, 1 member who represents cities
6 with a population 75,000 or greater, 1 member who represents cities
7 with a population less than 75,000, and 1 member who represents
8 villages. Each organization with voting rights shall submit a list
9 of nominees in each population category to the state transportation
10 commission. The state transportation commission shall make the
11 appointments from the lists submitted under this subsection. Names
12 shall be submitted within 45 days after October 1, 2004. The state
13 transportation commission shall make the appointments by January
14 30, 2005. Voting members shall be appointed for 2 years. The
15 chairperson of the board shall be selected from among the voting
16 members of the board. In addition to the 2 nonvoting members, the
17 department shall provide qualified administrative staff and
18 qualified technical assistance to the board.

19 (5) ~~(6)~~ Beginning October 1, 2005, no less than 5% and no more
20 than 15% of the funds received in the local bridge fund may be used
21 for critical repair of large bridges and emergencies as determined
22 by the local bridge advisory board. Beginning October 1, 2005,
23 funds remaining after the funds allocated for critical large bridge
24 repair and emergencies are deducted shall be distributed by the
25 board to the regional bridge councils created under this section.
26 One regional council shall be formed for each department of
27 transportation region as those regions exist on October 1, 2004.

1 The regional councils shall consist of 2 members of the county road
2 association of Michigan from counties in the region, 2 members of
3 the Michigan municipal league from cities and villages in the
4 region, and 1 member of the state transportation department in each
5 region. The members of the state transportation department shall be
6 nonvoting members who shall provide qualified administrative staff
7 and qualified technical assistance to the regional councils.

8 (6) ~~(7)~~—Beginning October 1, 2005, funds in the local bridge
9 fund after deduction of the amounts set aside for critical repair
10 of large bridges and emergency repairs shall be distributed among
11 the regional bridge councils according to all of the following
12 ratios, which shall be assigned a weight expressed as a percentage
13 as determined by the board, with each ratio receiving no greater
14 than a 50% weight and no less than a 25% weight:

15 (a) A ratio with a numerator that is the total number of local
16 bridges in the region and a denominator that is the total number of
17 local bridges in this state.

18 (b) A ratio with a numerator that is the total local bridge
19 deck area in the region and a denominator that is the total local
20 bridge deck area in this state.

21 (c) A ratio with a numerator that is the total amount of
22 structurally deficient local bridge deck area in the region and a
23 denominator that is the total amount of structurally deficient
24 local bridge deck area in this state.

25 (7) ~~(8)~~—Beginning October 1, 2005, the regional bridge
26 councils shall allocate the funds received from the board for the
27 preservation, improvement, and reconstruction of existing bridges

1 or for the construction of bridges to replace existing bridges in
2 whole or in part in each region.

3 (8) ~~(9)~~—Beginning January 1, 2007 and each January after 2007,
4 the department shall submit a report to the chair and the minority
5 vice-chair of the appropriations committees of the senate and the
6 house of representatives, and to the standing committees on
7 transportation of the senate and the house of representatives, on
8 all of the following activities for the previous state fiscal year:

9 (a) A listing of how much money was dedicated for emergency
10 and large bridge repair.

11 (b) A listing of what emergency and large bridge repair
12 projects were funded.

13 (c) The actual weights used in the calculation required under
14 subsection ~~(7)~~—(6).

15 (d) A listing of the total money distributed to each region.

16 (e) A listing of what specific projects were funded pursuant
17 to subsection ~~(8)~~—(7).

18 (9) ~~(10)~~—The state transportation commission shall borrow
19 money and issue notes or bonds in an amount of not less than
20 \$30,000,000.00 to supplement the funding provided for the local
21 bridge program under subsection ~~(6)~~—(5). The bonds or notes issued
22 pursuant to this subsection may be issued by the commission for any
23 purpose for which other local bridge funds may be used under this
24 section. The bonds or notes authorized by this subsection shall be
25 issued by resolution of the state transportation commission
26 consistent with the requirements of section 18b.

27 (10) ~~(11)~~—The state transportation department shall promulgate

1 rules pursuant to the administrative procedures act of 1969, 1969
2 PA 306, MCL 24.201 to 24.328, governing the administration of the
3 local bridge program. The rules shall set forth the eligibility
4 criteria for financial assistance under the program and other
5 matters related to the program that the department considers
6 necessary and desirable. The department shall take into
7 consideration the availability of federal aid and other financial
8 resources of the highway authority responsible for the bridge, the
9 importance of the bridge to the highway, road, or street network,
10 and the condition of the existing bridge.

11 (11) ~~(12)~~—Beginning October 1, 2004, the revenue appropriated
12 to the local bridge fund pursuant to subsection (1)(d) shall be
13 distributed only to the local bridge advisory board, the regional
14 bridge councils, cities, villages, and county road commissions.

15 (12) ~~(13)~~—Beginning October 1, 2008, the regional bridge
16 councils shall determine what bridge projects are selected for
17 funding from the local bridge fund created in subsection ~~(5)~~—(4)
18 and shall make a list of selected projects available to interested
19 parties in the region. A determination that a bridge project is
20 selected for funding in a given fiscal year is not approval to
21 disburse the funds.

22 (13) ~~(14)~~—Beginning October 1, 2008, a county road commission,
23 city, or village may implement a bridge project if the bridge
24 project has been selected for funding and is included in the
25 appropriate regional bridge council's current multiyear bridge plan
26 for the local bridge program but the regional bridge council has
27 not allocated funds to the bridge project for the fiscal year that

1 the bridge project is on the current multiyear bridge plan. A
2 county road commission, city, or village may borrow funds to
3 implement a project that has been selected for funding and is
4 included in the appropriate regional bridge council's current
5 multiyear bridge plan but has not been allocated funds by the
6 regional bridge council. Based on available local bridge funds,
7 when a bridge project that was implemented with borrowed funds is
8 allocated funding in a subsequent fiscal year, the funding shall
9 only be used to repay the amount approved by the multiyear bridge
10 plan when the funds were borrowed. To be eligible for repayment of
11 the amount borrowed, a bridge project that has been implemented
12 with borrowed funds shall be administered through the department's
13 local bridge program.