

HOUSE BILL No. 6151

May 6, 2010, Introduced by Reps. Switalski, Byrnes, Leland, Liss, Bledsoe, Wayne Schmidt, Donigan, Lisa Brown, Tlaib, Gonzales, Young, Robert Jones and Roberts 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,"

(MCL 247.651 to 247.675) by adding section 10p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 10P. (1) AS USED IN THIS SECTION:**

2 **(A) "COMPLETE STREET" MEANS A ROADWAY OR AN INTERCONNECTED**
 3 **NETWORK OF TRANSPORTATION FACILITIES THAT ACCOMMODATES ALL USERS OF**
 4 **ALL AGES AND ABILITIES, AND THAT ENABLES ALL USERS TO USE THE**
 5 **ROADWAY SAFELY AND EFFICIENTLY.**

6 **(B) "COMPLETE STREETS POLICY" MEANS A STATE OR LOCAL LAW,**
 7 **ORDINANCE, OR POLICY THAT ENSURES BOTH OF THE FOLLOWING:**

8 **(i) THE ADEQUATE ACCOMMODATION, IN ALL PHASES OF PROJECT**
 9 **PLANNING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND OPERATION OF**
 10 **ALL USERS OF THE TRANSPORTATION SYSTEM, INCLUDING, BUT NOT LIMITED**
 11 **TO, PEDESTRIANS, BICYCLISTS, PUBLIC TRANSIT USERS, CHILDREN, OLDER**
 12 **INDIVIDUALS, MOTORISTS, AND INDIVIDUALS WITH DISABILITIES.**

13 **(ii) THE CONSIDERATION OF THE SAFETY AND CONVENIENCE OF ALL**
 14 **USERS IN ALL PHASES OF PROJECT PLANNING AND DEVELOPMENT. THE**
 15 **DEPARTMENT SHALL PROVIDE ASSISTANCE TO AND COORDINATE WITH LOCAL**
 16 **ROAD AGENCIES AND METROPOLITAN PLANNING ORGANIZATIONS IN DEVELOPING**
 17 **COMPLETE STREETS POLICIES.**

18 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**

1 DEPARTMENT, LOCAL ROAD AGENCIES, AND MUNICIPALITIES THAT RECEIVE
2 APPROPRIATIONS UNDER THIS ACT SHALL ADOPT COMPLETE STREETS
3 POLICIES. THE DEPARTMENT AND LOCAL ROAD AGENCIES SHALL ADOPT
4 COMPLETE STREETS POLICIES NO LATER THAN 2 YEARS AFTER THE EFFECTIVE
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THE DEPARTMENT
6 AND LOCAL ROAD AGENCIES AND MUNICIPALITIES SHALL ADHERE TO THE
7 ADOPTED COMPLETE STREETS POLICY OF THE POLITICAL JURISDICTION
8 WITHIN WHICH THE PROJECT IS LOCATED IN ALL PHASES OF PROJECT
9 PLANNING AND DEVELOPMENT.

10 (3) THE COMPLETE STREETS POLICY DESCRIBED IN SUBSECTION (2)
11 SHALL DO ALL OF THE FOLLOWING:

12 (A) EXCEPT AS PROVIDED IN SUBSECTION (4), APPLY TO NEW ROAD
13 CONSTRUCTION AND ROAD PRESERVATION PROJECTS.

14 (B) INDICATE THAT THE SAFE AND CONVENIENT TRAVEL BY ALL USERS
15 ON OR ACROSS STREETS SHALL BE FULLY ASSESSED, CONSIDERED, AND
16 DOCUMENTED AS A ROUTINE ELEMENT OF PAVEMENT RESURFACING PROJECTS
17 AND IMPROVEMENTS.

18 (C) COMPLY WITH APPLICABLE DESIGN STANDARDS OR GUIDANCE,
19 PARTICULARLY STANDARDS OR GUIDANCE RELATING TO PROVIDING ACCESS FOR
20 INDIVIDUALS WITH DISABILITIES AS PRESCRIBED UNDER APPLICABLE STATE
21 AND FEDERAL LAW.

22 (D) REQUIRE CONSIDERATION OF THE URBAN, SUBURBAN, OR RURAL
23 CONTEXT IN WHICH A PROJECT IS LOCATED, USING THE STATE
24 TRANSPORTATION DEPARTMENT'S CONTEXT SENSITIVE SOLUTIONS GUIDELINES.

25 (E) INCLUDE PROCEDURES FOR THE STATE AND LOCAL UNITS OF
26 GOVERNMENT TO COORDINATE ON PLANNING EFFORTS TO CONSIDER COMPLETE
27 STREET OPTIONS. THE GOALS OF THE DEPARTMENT'S OR LOCAL ROAD

1 AGENCY'S COMPLETE STREETS POLICY SHALL BE CONSISTENT WITH A LOCAL
2 GOVERNMENTAL UNIT'S MASTER PLAN OR LOCAL ORDINANCE. THE DEPARTMENT
3 SHALL INCLUDE STAFF WITH EXPERTISE IN NONMOTORIZED AND MULTI-MODAL
4 TRANSPORTATION PLANNING IN DEVELOPMENT OF PROJECTS ON NON-LIMITED-
5 ACCESS TRUNK LINE PROJECTS WITHIN MUNICIPAL BOUNDARIES.

6 (4) A COMPLETE STREETS POLICY SHALL ALLOW FOR A PROJECT-
7 SPECIFIC EXEMPTION FROM AN APPLICABLE COMPLETE STREETS POLICY ONLY
8 IF THE PROJECT-SPECIFIC EXEMPTION IS APPROVED BY EITHER THE
9 METROPOLITAN PLANNING ORGANIZATION THAT APPROVED THE TRANSPORTATION
10 IMPROVEMENT PROGRAM CONTAINING THE EXEMPTED PROJECT OR THE STATE
11 TRANSPORTATION DEPARTMENT. IF A PROJECT FOR WHICH NEITHER THE
12 METROPOLITAN PLANNING ORGANIZATION NOR THE STATE TRANSPORTATION
13 DEPARTMENT IS THE AGENCY WITH PRIMARY TRANSPORTATION PLANNING
14 AUTHORITY, THE REGIONAL, COUNTY, OR CITY AGENCY RESPONSIBLE FOR
15 PLANNING AND APPROVAL OF THE PROJECT MAY APPROVE THE PROJECT-
16 SPECIFIC EXEMPTION. THE EXEMPTION SHALL REQUIRE BOTH OF THE
17 FOLLOWING:

18 (A) DOCUMENTATION THAT INDICATES THE BASIS FOR THE EXEMPTION.

19 (B) ONE OR MORE OF THE FOLLOWING CRITERIA ARE MET:

20 (i) AN AFFECTED ROADWAY PROHIBITS BY STATE OR FEDERAL LAW THE
21 USE OF THE ROADWAY BY SPECIFIED USERS.

22 (ii) THE COST TO THE EXEMPTED PROJECT IN ACHIEVING COMPLIANCE
23 WITH THE APPLICABLE COMPLETE STREETS POLICY WOULD BE EXCESSIVELY
24 DISPROPORTIONATE, AS COMPARED TO THE NEED OR PROBABLE USE OF A
25 PARTICULAR COMPLETE STREET. A DEMONSTRATION THAT THE COST OF
26 COMPLIANCE WOULD BE GREATER THAN 20% OF THE TOTAL PROJECT COST IS A
27 DEMONSTRATION THAT THE COST WOULD BE EXCESSIVELY DISPROPORTIONATE.

1 (iii) THE EXTENT OF THE AREA TO WHICH POPULATION AND EMPLOYMENT
2 DENSITIES OR LEVEL OF TRANSIT SERVICE AROUND A PARTICULAR ROADWAY
3 OR FACILITY IS SO LOW, THAT THERE IS A DOCUMENTED ABSENCE OF A NEED
4 TO IMPLEMENT THE APPLICABLE COMPLETE STREETS POLICY.

5 (5) THE DEPARTMENT SHALL CREATE A COMPLETE STREETS ADVISORY
6 COUNCIL TO ASSIST LOCAL ROAD AGENCIES AND MUNICIPALITIES WITH
7 IMPLEMENTATION OF COMPLETE STREETS POLICIES. THE DUTIES OF THE
8 ADVISORY COUNCIL SHALL INCLUDE, BUT ARE NOT LIMITED TO, ADVISING
9 APPROPRIATE AGENCIES OF THE STATE ON COMPLETE STREETS POLICIES,
10 PROGRAMS, AND FACILITIES AND PROMOTING COMPLETE STREETS PROGRAMS
11 AND FACILITIES IN THE STATE. THE ADVISORY COUNCIL SHALL TERMINATE
12 10 YEARS FROM THE DATE OF ITS CREATION.

13 (6) THE MEMBERS OF THE COMPLETE STREETS ADVISORY COUNCIL SHALL
14 BE APPOINTED BY THE GOVERNOR AND SHALL SERVE WITHOUT COMPENSATION.
15 THE MEMBERS OF THE COUNCIL SHALL INCLUDE THE FOLLOWING:

16 (A) THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR HIS OR
17 HER DESIGNEE.

18 (B) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH OR HIS
19 OR HER DESIGNEE.

20 (C) ONE REPRESENTATIVE OF THE STATE TRANSPORTATION COMMISSION.

21 (D) ONE REPRESENTATIVE OF ENVIRONMENTAL ORGANIZATIONS.

22 (E) ONE REPRESENTATIVE OF PLANNING ORGANIZATIONS.

23 (F) ONE REPRESENTATIVE OF DISABLED ORGANIZATIONS.

24 (G) ONE REPRESENTATIVE OF ROAD COMMISSION ORGANIZATIONS.

25 (H) ONE REPRESENTATIVE OF PUBLIC TRANSIT USERS ORGANIZATIONS.

26 (I) ONE REPRESENTATIVE OF ROAD CONSTRUCTION ORGANIZATIONS.

27 (J) ONE REPRESENTATIVE FROM THE MICHIGAN MUNICIPAL LEAGUE.

1 (K) ONE REPRESENTATIVE FROM THE AARP.

2 (L) ONE REPRESENTATIVE FROM THE LEAGUE OF MICHIGAN BICYCLISTS.

3 (M) ONE REPRESENTATIVE FROM A PEDESTRIAN ORGANIZATION.

4 (7) THE TERM OF OFFICE OF EACH MEMBER OF THE ADVISORY COUNCIL
5 SHALL BE 3 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 3
6 SHALL BE APPOINTED FOR A TERM OF 1 YEAR, 3 SHALL BE APPOINTED FOR A
7 TERM OF 2 YEARS, AND 3 SHALL BE APPOINTED FOR A TERM OF 3 YEARS. A
8 MEMBER APPOINTED TO FILL A VACANCY OCCURRING OTHER THAN BY
9 EXPIRATION OF A TERM SHALL BE APPOINTED FOR THE UNEXPIRED TERM.

10 (8) AT THE ADVISORY COUNCIL'S FIRST MEETING, THE COUNCIL SHALL
11 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND
12 A SECRETARY TO SERVE FOR 1 YEAR AND SHALL ANNUALLY ELECT OFFICERS
13 AFTER THE FIRST ELECTION. NO ACTION SHALL BE TAKEN BY THE
14 COMMISSION BY LESS THAN A MAJORITY OF ITS MEMBERS. THE ADVISORY
15 COUNCIL SHALL ESTABLISH A SCHEDULE, LOCATION, AND AGENDA FOR ITS
16 MEETINGS. MEETINGS SHALL BE HELD AT LEAST 4 TIMES PER YEAR. NO
17 LATER THAN DECEMBER 30, 2011, AND EACH CALENDAR YEAR AFTER THAT,
18 THE ADVISORY COUNCIL SHALL REPORT TO THE GOVERNOR, THE STATE
19 TRANSPORTATION COMMISSION, AND THE LEGISLATURE ON THE STATUS OF
20 COMPLETE STREETS POLICIES IN MICHIGAN. THE REPORT SHALL CONTAIN A
21 SUMMARY OF THE ADVISORY COUNCIL'S PROCEEDINGS AND ANY OTHER
22 NECESSARY OR USEFUL INFORMATION AND ANY ADDITIONAL INFORMATION THAT
23 MAY BE REQUESTED BY THE GOVERNOR.

24 (9) LOCAL ROAD AGENCIES AND MUNICIPALITIES MAY ENTER INTO
25 CONTRACTS WITH EACH OTHER PROVIDING FOR MAINTENANCE OF STREETS
26 UNDER THIS SECTION.