

HOUSE BILL No. 4635

May 11, 2011, Introduced by Reps. Tlaib, Santana, Geiss, Lipton, Hovey-Wright, Kandrevas, Stallworth, Haugh, Barnett, Bauer, Lane, Slavens, Smiley, Switalski, Rutledge, Jackson, Durhal, Brown and Meadows and referred to the Committee on Transportation.

A bill to amend 1964 PA 286, entitled

"An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts,"

(MCL 247.801 to 247.816) by adding section 6c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 6C. (1) IF THE DEPARTMENT ISSUES A REQUEST FOR PROPOSALS
2 FOR CONSTRUCTION OF AN INTERNATIONAL BRIDGE CROSSING PROJECT WHICH
3 BRIDGE DOES NOT EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
4 THAT ADDED THIS SECTION, THE REQUEST SHALL REQUIRE THAT A COMMUNITY
5 BENEFITS AGREEMENT BE REQUIRED OF THE PROJECT'S CONTRACTOR,
6 DEVELOPER, OR CONCESSIONAIRE.

7 (2) BEFORE ANY REQUEST FOR PROPOSALS CONCERNING THE
8 CONSTRUCTION OF AN INTERNATIONAL BRIDGE CROSSING IS INITIATED, THE
9 DEPARTMENT SHALL CONSULT WITH THE HOST COMMUNITY AS REPRESENTED BY

1 A NONPROFIT ORGANIZATION WITH MEMBERS IN THE HOST COMMUNITY THAT
2 HAS ENGAGED RESIDENTS AND STAKEHOLDERS AND WHOSE ORGANIZATIONAL
3 PURPOSE IS TO ENSURE THAT THE INTERESTS OF RESIDENTS, BUSINESSES,
4 AND ORGANIZATIONS PROXIMATE TO THE HOST COMMUNITY ARE RECOGNIZED
5 AND PROTECTED IN A COMMUNITY BENEFITS AGREEMENT. THE DEPARTMENT
6 SHALL PROVIDE TECHNICAL SUPPORT, ADVICE, AND RESOURCES TO THE
7 NONPROFIT ORGANIZATION CONCERNING A COMMUNITY BENEFITS AGREEMENT.
8 AFTER RECEIVING THAT INFORMATION FROM THE DEPARTMENT BUT BEFORE THE
9 DEPARTMENT AND THE CONTRACTOR, DEVELOPER, AND CONCESSIONAIRE HAVE
10 MADE ANY AGREEMENTS CONCERNING CONSTRUCTION OF THE PROJECT, THE
11 NONPROFIT ORGANIZATION SHALL PROVIDE ITS CRITERIA FOR A COMMUNITY
12 BENEFITS AGREEMENT TO THE DEPARTMENT WITHIN A REASONABLE TIME FRAME
13 SET BY THE DEPARTMENT AND CONSISTENT WITH THE TIMELINE OF THE
14 SELECTION OR CONSTRUCTION PROCESS.

15 (3) THE COMMUNITY BENEFITS AGREEMENT SHALL INCLUDE, BUT NOT BE
16 LIMITED TO, ALL OF THE FOLLOWING AND A TIMELINE FOR ACCOMPLISHING
17 THE FOLLOWING, INCLUDING PENALTY PROVISIONS IF A TIMELINE IS NOT
18 MET, WHICH TIMELINE SHALL REQUIRE THAT ALL OF THE FOLLOWING BE
19 ACCOMPLISHED BEFORE THE INTERNATIONAL BRIDGE CROSSING IS OPEN TO
20 PUBLIC TRANSPORTATION:

21 (A) SPECIFIC MONITORING OF NOISE, VIBRATION, AIR QUALITY,
22 RESIDENTIAL HEALTH, AND TRUCK TRAFFIC BOTH SHORT- AND LONG-TERM IN
23 THE PROJECT AREA. THIS SHALL INCLUDE DESIGNATION OF TRUCK ROUTES
24 DESIGNED TO MINIMIZE THE IMPACT ON RESIDENTS, AND REDUCTION OF
25 TRUCK IDLE TIME AND DIESEL REDUCTION PLANS, INCLUDING INCENTIVE
26 PLANS, THAT PROTECT AND PROMOTE THE AIR OF HOST COMMUNITY
27 RESIDENTS.

1 (B) A PLAN TO ASSURE JOB TRAINING AND EDUCATION FOR HOST
2 COMMUNITY RESIDENTS AND ACCESS TO EMPLOYMENT OPPORTUNITIES AND TO
3 PROMOTE THE HIRING OF HOST COMMUNITY RESIDENTS ON THE INTERNATIONAL
4 BRIDGE CROSSING PROJECT IN THIS STATE, INCLUDING EMPLOYMENT
5 OPPORTUNITIES AND HIRING WITH THE PROJECT'S DEVELOPER, CONTRACTOR,
6 SUBCONTRACTORS, AND CONCESSIONAIRE.

7 (C) A PLAN TO ASSURE THAT ANY NEGATIVE IMPACT ON EXISTING
8 BUSINESSES IN THE HOST COMMUNITY IS MINIMIZED AND MITIGATED AND
9 THAT PROVIDES INCENTIVES FOR START-UP BUSINESSES TO BECOME
10 ESTABLISHED AFTER THE INTERNATIONAL BRIDGE OPENS TO PUBLIC
11 TRANSPORTATION.

12 (D) PRESERVATION AND CREATION OF PARKS AND DEVELOPMENT OF
13 GREEN SPACES.

14 (E) GUARANTEES THAT CURRENT RESIDENTS OF AFFECTED HOST
15 COMMUNITIES WILL RECEIVE FULL OPPORTUNITY FOR NEW HOUSING IF THEY
16 ARE DISPLACED AND SHALL NOT BE REQUIRED TO PAY OUT OF POCKET FOR
17 EXPENSES ASSOCIATED WITH DISPLACEMENT AND RELOCATION OR FOR HOME
18 REPAIR DUE TO DAMAGE CAUSED BY THE CONSTRUCTION.

19 (F) GUARANTEES THAT HOST COMMUNITY REPRESENTATIVES WILL SERVE
20 IN AN ONGOING ADVISORY CAPACITY ON THE PROJECT AND IN OVERSIGHT OF
21 THE CONSTRUCTION AND MAINTENANCE OF THE PROJECT.

22 (4) IF A CONTRACTOR, DEVELOPER, OR CONCESSIONAIRE THAT ENTERS
23 INTO A COMMUNITY BENEFITS AGREEMENT DEFAULTS IN THE PERFORMANCE OF
24 ITS ALLOCATED DUTIES, THE DEPARTMENT OR AUTHORIZED ENTITY,
25 INCLUDING A GOVERNMENT AGENCY, SHALL PERFORM THE ALLOCATED DUTIES.

26 (5) BY MARCH 1 OF EACH YEAR DURING THE DURATION OF THE
27 COMMUNITY BENEFITS AGREEMENT, THE DEPARTMENT SHALL SUBMIT A WRITTEN

1 REPORT QUANTIFYING THE PROGRESS TOWARD MEETING THE TIMELINES OF THE
2 COMMUNITY BENEFIT AGREEMENT TO THE SENATE AND HOUSE OF
3 REPRESENTATIVES STANDING COMMITTEES ON TRANSPORTATION ISSUES AND TO
4 THE HOST COMMUNITY.

5 (6) THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE NONPROFIT
6 ORGANIZATION DESCRIBED IN SUBSECTION (2) CONCERNING THE PROPOSALS
7 THE DEPARTMENT RECEIVED. AFTER RECEIVING THAT INFORMATION FROM THE
8 DEPARTMENT BUT BEFORE THE SELECTION OF THE WINNING PROPOSAL, THE
9 NONPROFIT ORGANIZATION DESCRIBED IN SUBSECTION (2) SHALL PROVIDE
10 ITS ADVISORY RECOMMENDATIONS TO THE DEPARTMENT WITHIN A REASONABLE
11 TIME FRAME SET BY THE DEPARTMENT AND CONSISTENT WITH THE TIMELINE
12 OF THE SELECTION PROCESS.

13 (7) AS USED IN THIS SECTION:

14 (A) "COMMUNITY BENEFITS AGREEMENT" MEANS A CONTRACT BETWEEN
15 THIS STATE AND A CONTRACTOR, DEVELOPER, OR CONCESSIONAIRE THAT IS
16 OBTAINED WITH THE ADVICE OF THE NONPROFIT ORGANIZATION OF THE HOST
17 COMMUNITY THAT ADDRESSES HOST COMMUNITY CONCERNS INCLUDING, BUT NOT
18 LIMITED TO, THE AREAS LISTED IN SUBSECTION (3). A COMMUNITY
19 BENEFITS AGREEMENT SHALL NOT BE LIMITED TO A SATISFACTION OF ONLY
20 THE MINIMUM REQUIREMENTS UNDER FEDERAL LAW.

21 (B) "HOST COMMUNITY" MEANS THE NEIGHBORHOOD COMMUNITY IN WHICH
22 THE CONSTRUCTION IN THIS STATE FOR AN INTERNATIONAL BRIDGE CROSSING
23 PROJECT OCCURS, INCLUDING BRIDGE, PLAZA, AND DIRECT ACCESS ROAD,
24 AND WHERE RESIDENCES AND BUSINESSES ARE DISPLACED DUE TO THE
25 INTERNATIONAL BRIDGE CROSSING PROJECT.