

# HOUSE BILL No. 5759

June 9, 2016, Introduced by Reps. Townsend, Vaupel, Victory, Schor, Brinks, Pagel, LaGrand, Rutledge, Dianda, Driskell and Greig and referred to the Committee on Appropriations.

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; and to repeal acts and parts of acts,"

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 10Q. (1) AN OBJECTIVE AND QUANTIFIABLE PRIORITIZATION**  
 2           **PROCESS, KNOWN AS THE MICHIGAN VALUE FOR MONEY TRANSPORTATION**  
 3           **PRIORITIZATION PROCESS, SHALL BE ESTABLISHED, IMPLEMENTED, AND**  
 4           **MAINTAINED FOR THE ASSESSMENT AND SELECTION OF CANDIDATE**  
 5           **TRANSPORTATION PROJECTS TO BE INCLUDED IN THE 4-YEAR STATE**  
 6           **TRANSPORTATION IMPROVEMENT PROGRAM.**

7           **(2) THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION**  
 8           **PROCESS BOARD IS CREATED FOR THE PURPOSE OF ESTABLISHING AND**  
 9           **MAINTAINING THE MICHIGAN VALUE FOR MONEY TRANSPORTATION**  
 10           **PRIORITIZATION PROCESS, WHICH SHALL BE UTILIZED BY THE DEPARTMENT,**  
 11           **REGIONAL TRANSIT AUTHORITY, AND EACH METROPOLITAN PLANNING**  
 12           **ORGANIZATION, COUNTY ROAD COMMISSION, CITY, VILLAGE, AND TRANSIT**  
 13           **AGENCY FOR THE OBJECTIVE AND QUANTIFIABLE ASSESSMENT AND SELECTION**  
 14           **OF CANDIDATE TRANSPORTATION PROJECTS BASED ON ALL OF THE FOLLOWING**  
 15           **PERFORMANCE MEASURES:**

16           **(A) CONGESTION MITIGATION.**

1 (B) SYSTEM RELIABILITY.

2 (C) SAFETY.

3 (D) ACCESSIBILITY.

4 (E) ECONOMIC DEVELOPMENT.

5 (F) LAND USE.

6 (G) ENVIRONMENT.

7 (3) IN ESTABLISHING AND MAINTAINING THE MICHIGAN VALUE FOR  
8 MONEY TRANSPORTATION PRIORITIZATION PROCESS, THE MICHIGAN VALUE FOR  
9 MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL DO ALL OF  
10 THE FOLLOWING:

11 (A) WORK COLLABORATIVELY AND HOLD PUBLIC MEETINGS WITH THE  
12 DEPARTMENT; REGIONAL TRANSIT AUTHORITY; METROPOLITAN PLANNING  
13 ORGANIZATIONS; TRANSIT AGENCIES; LOCAL, COUNTY, AND REGIONAL  
14 GOVERNMENTS; TRANSPORTATION, ENVIRONMENTAL, AND CONSUMER ADVOCACY  
15 GROUPS; AND OTHER STAKEHOLDERS, INCLUDING THE GENERAL PUBLIC.

16 (B) ESTABLISH AN OBJECTIVE AND QUANTIFIABLE SCORING PROCESS TO  
17 MEASURE, COMPARE, AND RANK THE ABILITY OF CANDIDATE TRANSPORTATION  
18 PROJECTS BY DEPARTMENT REGION AND STATE BASED ON PERFORMANCE  
19 MEASURES OUTLINED IN SUBSECTION (2) AS THEY RELATE TO THE COST OF  
20 INITIAL CONSTRUCTION AND THE ONGOING LIABILITY FOR PRESERVATION AND  
21 MAINTENANCE.

22 (C) ESTABLISH WEIGHTING FACTORS FOR EACH PERFORMANCE MEASURE  
23 BASED ON THE UNIQUE NEEDS AND QUALITIES OF THE DEPARTMENT REGION.  
24 THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS  
25 BOARD MAY ESTABLISH DIFFERENT WEIGHTING FACTORS FOR EACH  
26 PERFORMANCE MEASURE WITHIN EACH DEPARTMENT REGION BASED ON THE  
27 UNIQUE NEEDS AND QUALITIES OF EACH COUNTY, CITY, VILLAGE, AND

1 TRANSIT AGENCY.

2 (4) THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION  
3 PROCESS BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

4 (A) THE DIRECTOR OF THE DEPARTMENT.

5 (B) ONE MEMBER OF THE STATE TRANSPORTATION COMMISSION  
6 APPOINTED BY THE STATE TRANSPORTATION COMMISSION.

7 (C) THE CHIEF EXECUTIVE OFFICER OF THE REGIONAL TRANSIT  
8 AUTHORITY.

9 (D) ONE MEMBER REPRESENTING THE METROPOLITAN PLANNING  
10 ORGANIZATIONS APPOINTED BY THE GOVERNOR FROM A LIST OF 3  
11 RECOMMENDATIONS SUPPLIED BY THE DIRECTORS OF THE METROPOLITAN  
12 PLANNING ORGANIZATIONS.

13 (E) ONE MEMBER REPRESENTING COUNTY ROAD COMMISSIONS APPOINTED  
14 BY THE GOVERNOR FROM A LIST OF 3 RECOMMENDATIONS SUPPLIED BY THE  
15 BOARD OF THE COUNTY ROAD ASSOCIATION OF MICHIGAN.

16 (F) ONE MEMBER REPRESENTING CITIES AND VILLAGES APPOINTED BY  
17 THE GOVERNOR FROM A LIST OF 3 RECOMMENDATIONS SUPPLIED BY THE BOARD  
18 OF TRUSTEES OF THE MICHIGAN MUNICIPAL LEAGUE.

19 (G) ONE MEMBER REPRESENTING TRANSIT AGENCIES APPOINTED BY THE  
20 GOVERNOR FROM A LIST OF 3 RECOMMENDATIONS SUPPLIED BY THE BOARD OF  
21 THE MICHIGAN PUBLIC TRANSIT ASSOCIATION.

22 (H) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE.

23 (I) ONE MEMBER APPOINTED BY THE HOUSE MINORITY LEADER.

24 (J) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

25 (K) ONE MEMBER APPOINTED BY THE SENATE MINORITY LEADER.

26 (5) THE MEMBERS FIRST APPOINTED TO THE MICHIGAN VALUE FOR  
27 MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL BE

1 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
2 ACT THAT ADDED THIS SECTION.

3 (6) MEMBERS OF THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
4 PRIORITIZATION PROCESS BOARD SHALL SERVE FOR TERMS OF 2 YEARS OR  
5 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER.

6 (7) IF A VACANCY OCCURS ON THE MICHIGAN VALUE FOR MONEY  
7 TRANSPORTATION PRIORITIZATION PROCESS BOARD, THE VACANCY SHALL BE  
8 FILLED BY AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER  
9 AS THE ORIGINAL APPOINTMENT.

10 (8) THE APPOINTING OFFICIAL OR BOARD MAY REMOVE A MEMBER  
11 APPOINTED TO THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
12 PRIORITIZATION PROCESS BOARD BY THAT APPOINTING OFFICIAL OR BOARD  
13 FOR INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
14 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

15 (9) THE FIRST MEETING OF THE MICHIGAN VALUE FOR MONEY  
16 TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL BE CALLED BY THE  
17 DIRECTOR OF THE DEPARTMENT. AT THE FIRST MEETING, THE MICHIGAN  
18 VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL  
19 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT  
20 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE  
21 MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS  
22 BOARD SHALL MEET AT LEAST MONTHLY, OR MORE FREQUENTLY AT THE CALL  
23 OF THE CHAIRPERSON OR IF REQUESTED BY A MAJORITY OF THE MEMBERS.  
24 UPON ESTABLISHING THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
25 PRIORITIZATION PROCESS UNDER SUBSECTION (16), THE MICHIGAN VALUE  
26 FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL MEET AT  
27 LEAST ANNUALLY TO CONDUCT THE ANNUAL REVIEW DESCRIBED IN SUBSECTION

1 (18), OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF  
2 REQUESTED BY A MAJORITY OF THE BOARD MEMBERS.

3 (10) A MAJORITY OF THE MEMBERS OF THE MICHIGAN VALUE FOR MONEY  
4 TRANSPORTATION PRIORITIZATION PROCESS BOARD CONSTITUTE A QUORUM FOR  
5 THE TRANSACTION OF BUSINESS AT A MEETING OF THE MICHIGAN VALUE FOR  
6 MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD. A MAJORITY OF  
7 THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF  
8 THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS  
9 BOARD.

10 (11) THE BUSINESS THAT THE MICHIGAN VALUE FOR MONEY  
11 TRANSPORTATION PRIORITIZATION PROCESS BOARD MAY PERFORM SHALL BE  
12 CONDUCTED AT A PUBLIC MEETING OF THE MICHIGAN VALUE FOR MONEY  
13 TRANSPORTATION PRIORITIZATION PROCESS BOARD HELD IN COMPLIANCE WITH  
14 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

15 (12) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
16 RETAINED BY THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
17 PRIORITIZATION PROCESS BOARD IN THE PERFORMANCE OF AN OFFICIAL  
18 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,  
19 MCL 15.231 TO 15.246.

20 (13) MEMBERS OF THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
21 PRIORITIZATION PROCESS BOARD SHALL SERVE WITHOUT COMPENSATION.  
22 HOWEVER, MEMBERS OF THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
23 PRIORITIZATION PROCESS BOARD MAY BE REIMBURSED FOR THEIR ACTUAL AND  
24 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL  
25 DUTIES.

26 (14) THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
27 PRIORITIZATION PROCESS SHALL NOT BE USED FOR PRESERVATION OR

1 MAINTENANCE PROJECTS.

2 (15) THIS SECTION AND SECTION 10R DO NOT APPLY TO FEDERAL  
3 FUNDS SUBJECT TO 23 USC 133 (D) (1) (A) (I) .

4 (16) NOT LATER THAN 365 DAYS AFTER THE EFFECTIVE DATE OF THE  
5 AMENDATORY ACT THAT ADDED THIS SECTION, THE MICHIGAN VALUE FOR  
6 MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD SHALL ESTABLISH  
7 THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS.  
8 NOT LATER THAN 365 DAYS AFTER THE MICHIGAN VALUE FOR MONEY  
9 TRANSPORTATION PRIORITIZATION PROCESS BOARD ESTABLISHES THE  
10 MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS, THE  
11 DEPARTMENT, THE REGIONAL TRANSIT AUTHORITY, AND EACH METROPOLITAN  
12 PLANNING ORGANIZATION, COUNTY ROAD COMMISSION, CITY, VILLAGE, AND  
13 TRANSIT AGENCY SHALL BEGIN ASSESSING AND SELECTING CANDIDATE  
14 TRANSPORTATION PROJECTS USING THE OBJECTIVE AND QUANTIFIABLE  
15 PRIORITY PERFORMANCE MEASURES AND WEIGHTING FACTORS ESTABLISHED  
16 UNDER THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION  
17 PROCESS.

18 (17) THE DEPARTMENT SHALL ASSIGN STAFF TO EACH DEPARTMENT  
19 REGION, PREPARE GUIDANCE MATERIALS, AND PROVIDE TRAINING AND  
20 WORKSHOPS AS NECESSARY TO ASSIST THE REGIONAL TRANSIT AUTHORITY AND  
21 EACH METROPOLITAN PLANNING ORGANIZATION, COUNTY ROAD COMMISSION,  
22 CITY, VILLAGE, AND TRANSIT AGENCY IN ASSESSING AND SELECTING  
23 CANDIDATE TRANSPORTATION PROJECTS USING THE MICHIGAN VALUE FOR  
24 MONEY TRANSPORTATION PRIORITIZATION PROCESS.

25 (18) UPON RECEIVING THE REPORT FROM THE DEPARTMENT UNDER  
26 SECTION 10R, THE MICHIGAN VALUE FOR MONEY TRANSPORTATION  
27 PRIORITIZATION PROCESS BOARD SHALL CONDUCT AN ANNUAL REVIEW OF THE

1 MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS TO  
2 DETERMINE IF THE ESTABLISHED SCORING PROCESS AND WEIGHTING FACTORS  
3 ARE PRIORITIZING CANDIDATE TRANSPORTATION PROJECTS THAT BEST  
4 ACHIEVE LOCAL, REGIONAL, AND STATE GOALS AND CONSIDER REVISIONS TO  
5 THE MICHIGAN VALUE FOR MONEY TRANSPORTATION PRIORITIZATION PROCESS  
6 THAT WOULD IMPROVE UPON THE ESTABLISHED SCORING PROCESS AND  
7 WEIGHTING FACTORS TO BEST ACHIEVE LOCAL, REGIONAL, AND STATE  
8 TRANSPORTATION GOALS.

9 (19) UNLESS OTHERWISE DETERMINED BY THE MICHIGAN VALUE FOR  
10 MONEY TRANSPORTATION PRIORITIZATION PROCESS BOARD, THIS SECTION AND  
11 SECTION 10R DO NOT APPLY TO A PROJECT THAT HAS ALL FUNDS IDENTIFIED  
12 IN THE 4-YEAR STATE TRANSPORTATION IMPROVEMENT PROGRAM AND WILL BE  
13 FULLY OBLIGATED BEFORE JANUARY 1, 2016, AND HAS COMPLETED THE STATE  
14 ENVIRONMENTAL REVIEW PROCESS OR THE REVIEW PROCESS REQUIRED BY THE  
15 NATIONAL ENVIRONMENTAL POLICY ACT, 42 USC 4321 TO 4370H, BEFORE  
16 AUGUST 1, 2014. THIS SUBSECTION DOES NOT APPLY TO A PROJECT THAT  
17 HAS A REEVALUATION OR SUPPLEMENT OF THE PROJECT'S ENVIRONMENTAL  
18 IMPACT STATEMENT UNDER 23 CFR 771.129, THAT WAS APPROVED AFTER  
19 AUGUST 1, 2014.

20 (20) AS USED IN THIS SECTION AND SECTION 10R:

21 (A) "DEPARTMENT REGION" MEANS ANY OF THE FOLLOWING REGIONS  
22 ESTABLISHED BY THE DEPARTMENT:

23 (i) SUPERIOR.

24 (ii) NORTH.

25 (iii) GRAND.

26 (iv) SOUTHWEST.

27 (v) UNIVERSITY.



1 (vi) BAY.

2 (vii) METRO.

3 (B) "METROPOLITAN PLANNING ORGANIZATION" MEANS ANY OF THE  
4 FOLLOWING:

5 (i) THE SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS.

6 (ii) THE TRI-COUNTY REGIONAL PLANNING COMMISSION.

7 (iii) THE WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT  
8 COMMISSION.

9 (iv) THE SOUTHWEST MICHIGAN PLANNING COMMISSION.

10 (v) THE ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION.

11 (vi) THE SAGINAW METROPOLITAN PLANNING ORGANIZATION.

12 (vii) THE MICHIGAN AREA COUNCIL OF GOVERNMENTS.

13 (viii) THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS.

14 (C) "PRESERVATION" MEANS AN ACTIVITY UNDERTAKEN TO PRESERVE  
15 THE INTEGRITY OF AN EXISTING TRANSPORTATION FACILITY. PRESERVATION  
16 DOES NOT INCLUDE NEW CONSTRUCTION OF A HIGHWAY, ROAD, STREET, OR A  
17 BRIDGE, CAPITAL PUBLIC TRANSPORTATION, A RAIL PROJECT, A PROJECT  
18 THAT INCREASES THE CAPACITY OF A TRANSPORTATION FACILITY TO  
19 ACCOMMODATE THAT PART OF TRAFFIC HAVING NEITHER AN ORIGIN NOR  
20 DESTINATION WITHIN THE LOCAL AREA, WIDENING OF A LANE, OR ADDING  
21 TURN LANES OF MORE THAN 1/2 MILE IN LENGTH. PRESERVATION INCLUDES,  
22 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

23 (i) MAINTENANCE.

24 (ii) CAPITAL PREVENTIVE TREATMENTS.

25 (iii) SAFETY PROJECTS.

26 (iv) ADDING AUXILIARY WEAVING, CLIMBING, OR SPEED CHANGE LANES.

27 (v) ADDING AUXILIARY TURNING LANES OF 1/2 MILE OR LESS.

1           (vi) INSTALLING TRAFFIC SIGNS IN NEW LOCATIONS, INSTALLING  
2   SIGNAL DEVICES IN NEW LOCATIONS, AND REPLACING EXISTING SIGNAL  
3   DEVICES.

4           Enacting section 1. This amendatory act takes effect 90 days  
5   after the date it is enacted into law.

6           Enacting section 2. This amendatory act does not take effect  
7   unless Senate Bill No.\_\_\_\_ or House Bill No. 5760 (request no.  
8   00803'15 \*\*) of the 98th Legislature is enacted into law.