

HOUSE BILL NO. 5395

January 16, 2024, Introduced by Reps. Kuhn and MacDonell and referred to the Committee on Transportation, Mobility and Infrastructure.

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; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,"

(MCL 247.651 to 247.675) by adding section 14b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 14b. (1) The department shall create and operate a noise**
 2 **barrier program to provide funding for the construction of noise**
 3 **barriers along state trunk line highways in areas where no noise**
 4 **barriers currently exist. Through the program, the department shall**
 5 **do 1 or more of the following:**

6 **(a) Construct noise barriers at the request of local road**

1 authorities.

2 (b) Provide grants or loans to local road authorities for the
3 construction of noise barriers.

4 (2) The department shall, after consulting with any
5 transportation stakeholders the department considers relevant,
6 establish a review process for considering applications under this
7 section and post the review process on its website. The review
8 process must, at a minimum, do all of the following:

9 (a) Include an identification of criteria, the weight of each
10 criterion, and a scoring system to score each project based on the
11 weighted criteria. The scoring system may consider project
12 readiness, but project readiness must not be a major factor in
13 determining the final score. The scoring system must consider the
14 feasibility, reasonableness, and cost-effectiveness of the project,
15 including, but not limited to, a consideration of all of the
16 following:

17 (i) The cost of the project.

18 (ii) The number of residential units that will receive not less
19 than 5 decibels of noise reduction.

20 (iii) The existing noise level at the site of the project.

21 (b) Identify and apply any other relevant criteria contained
22 in state or federal law.

23 (c) Describe minimum requirements for when the department must
24 conduct a noise study related to an application.

25 (d) Involve local road authorities and other transportation
26 stakeholders, as appropriate, in the process of scoring and ranking
27 projects.

28 (e) Publicize scoring and decision outcomes concerning each
29 project, including the projects that were considered but not

1 selected, and the reason each project was not selected.

2 (3) A local road authority may submit an application for the
3 program to request that the department construct a noise barrier or
4 to request a grant or loan to fund the construction of a noise
5 barrier by the local road authority. An application must be made on
6 a form approved by the department and must contain the information
7 required by the department. An application may be made at any time
8 as determined by the department. The department shall notify a
9 local road authority that submits an application whether the
10 application is approved or rejected. Before providing a grant or
11 loan under this section, the department must enter into a written
12 agreement with the local road authority that includes the terms of
13 the grant or loan and describes the project that will be funded by
14 the grant or loan. A grant or loan under this section may be used
15 by the local road authority for any stage of design and
16 construction of a project.

17 (4) For each year in which the department receives
18 applications, the department shall report by not later than
19 December 1 to the standing committees of the senate and house of
20 representatives with primary jurisdiction over transportation
21 issues and to the senate and house of representatives
22 appropriations committees on the utilization of the program. The
23 report must include, at a minimum, all of the following:

24 (a) The number of applications received under this section.

25 (b) The name of each local road authority that submitted an
26 application and whether each application was approved or rejected.

27 (c) A summary description of each project that was the subject
28 of an application.

29 (5) The noise barrier fund is created in the state treasury.

1 (6) The state treasurer shall deposit money and other assets
2 received from any source in the fund. The state treasurer shall
3 direct the investment of money in the fund and credit interest and
4 earnings from the investments to the fund.

5 (7) The department is the administrator of the fund for audits
6 of the fund.

7 (8) The department shall expend money from the fund, on
8 appropriation, only to create and operate the program as provided
9 in this section.

10 (9) As used in this section:

11 (a) "Fund" means the noise barrier fund created in subsection
12 (5).

13 (b) "Noise barrier" means a noise abatement measure that
14 reduces highway noise in areas adjacent to a highway, including,
15 but not limited to, a sound wall.

16 (c) "Program" means the noise barrier program created under
17 subsection (1).

18 (d) "Project" means a noise barrier project.