

HOUSE BILL No. 4093

January 29, 2003, Introduced by Reps. Kolb, Zelenko, Murphy, Gleason and Accavitti 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, critical 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 sections 1b and 1c (MCL 247.651b and 247.651c), section 1b as amended by 2002 PA 498 and section 1c as amended by 1982 PA 438.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1b. (1) The state transportation department shall bear
2 the entire cost of maintaining, in accordance with standards and
3 specifications of the department, all state trunk line highways
4 including highways within incorporated cities and villages except
5 that the cost of maintaining additional width for local purposes
6 as provided in section 1c shall be borne by the city or village.

7 (2) Notwithstanding any provision of law to the contrary, as
8 part of the construction or reconstruction of a state trunk line
9 highway which abuts a location designated as a national historic
10 landmark pursuant to the national historic preservation act,
11 Public Law 89-665, 80 Stat. 915, and 36 C.F.R. part 65, the
12 department may include within the project, expenditures deemed
13 necessary to mitigate the adverse impact of the state trunk line
14 highway on the aesthetic and historic character of that abutting

1 area. The installation or maintenance of lighting to preserve
2 the aesthetic and historic character of the abutting area shall
3 not impose a duty on the department to provide or maintain
4 lighting for the improved portion of the highway designed for
5 vehicular travel.

6 (3) The state transportation department shall not use funds
7 allocated under this act for the development or construction of a
8 service plaza.

9 (4) As part of the construction or reconstruction of a state
10 trunk line highway, the department shall include within the
11 project expenditures deemed necessary to mitigate the adverse
12 impact on the environmental character of the abutting area.
13 These expenditures shall take all of the following factors into
14 account:

15 (a) Demographic and travel forecasts.

16 (b) Design standards, including the possibility of
17 alternative design standards.

18 (c) Provision of safe and efficient transportation.

19 (d) The promotion of the best use of natural resources.

20 (e) Site conditions.

21 (f) Environmental factors that may restrict use.

22 (g) Disruptions to homes and businesses.

23 (h) The benefits available from limiting access to new
24 construction.

25 (i) Cost effectiveness.

26 (j) Mobility.

27 (k) Safety.

1 Sec. 1c. The state transportation department shall bear the
2 cost of opening, widening, and improving, including construction
3 and reconstruction, in accordance with standards and
4 specifications of the department, all state trunk line highways,
5 subject to all of the following provisions:

6 (a) Incorporated cities and villages shall participate with
7 the department in the cost of opening, widening, and improving,
8 including construction and reconstruction of state trunk line
9 highways within cities and villages to which may be added,
10 subject to the approval of the state transportation commission,
11 streets that are connecting links of trunk line highways or
12 streets as are made connecting links of trunk line highways,
13 according to the following schedule subject to the definition of
14 population as provided in section 13:

15 (i) In cities and villages having a population of 50,000 or
16 more, 12.5% of the cost shall be borne by the city or village,
17 and 87.5% by the state transportation department.

18 (ii) In cities and villages having a population of 40,000 or
19 more and less than 50,000, 11.25% of the cost shall be borne by
20 the city or village, and 88.75% by the state transportation
21 department.

22 (iii) In cities and villages having a population of 25,000 or
23 more and less than 40,000, 8.75% of the cost shall be borne by
24 the city or village, and 91.25% by the state transportation
25 department.

26 (iv) In cities and villages having a population of less than
27 25,000, the state transportation department shall bear the entire

1 cost.

2 (b) As used in this act, "opening, widening, and improving,
3 including construction and reconstruction, of state trunk line
4 highways" includes, but is not limited to, the cost of right of
5 way; the cost of removal and replacement of sidewalks, street
6 lighting, curbing, where removal and replacement is made
7 necessary by construction or reconstruction of a trunk line
8 highway; and the cost of bridges and structures, including that
9 part of the cost of grade separation structures not paid by the
10 railroad companies.

11 (c) In a city or village, the width of a state trunk line
12 highway shall be the width required to serve anticipated future
13 traffic needs for a 20-year period as determined by a department
14 transportation survey, which width, except as prescribed by this
15 subdivision, shall not be less than the currently accepted
16 standards prescribed for a 4-lane highway; the width as may be
17 built on the same trunk line route immediately beyond and
18 adjacent to either legal boundary of the city or village; or on
19 trunk lines eligible for federal highway funds, a width as may be
20 prescribed by the federal government, whichever width is
21 greater. However, the department and the governing body of a
22 city or village by mutual agreement may determine that the width
23 of a state trunk line highway shall be less than the width
24 otherwise prescribed by this subdivision.

25 (d) If a city or village shall desire to widen a state trunk
26 line highway for local purposes beyond the width prescribed in
27 subdivision (c), the entire cost of the extra width, less the

1 federal highway funds which may be allocated to the portion of
2 the project by the department, shall be borne by the city or
3 village.

4 (e) The state transportation commission and the boards of
5 county road commissioners may enter into agreements with
6 townships or private persons for the improvement or widening of
7 state trunk line highways or county roads. The state
8 transportation commission and the boards of county road
9 commissioners may require full or partial participation in the
10 cost of the improvement or widening by the requesting party as
11 considered appropriate.

12 (f) In implementing the opening, widening, or improving,
13 including construction and reconstruction, of all state trunk
14 line highways, the state transportation department shall include
15 within the project expenditures deemed necessary to mitigate the
16 adverse environmental impact on the environmental character of
17 the abutting area. The state transportation department shall
18 take into account all of the factors enumerated in section 1b(4)
19 in making expenditures under this subdivision.