

SENATE BILL NO. 405

June 22, 2023, Introduced by Senator VICTORY and referred to the Committee on Transportation 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,"

by amending section 10k (MCL 247.660k), as amended by 2010 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10k. (1) Transportation purposes as provided in this act
2 include provisions for facilities and services for nonmotorized
3 transportation.

4 (2) Of the funds allocated from the Michigan transportation
5 fund to the state trunk line fund and to the counties, cities, and

1 villages, a reasonable amount, but not less than 1% of those funds
2 ~~shall must~~ be expended for ~~construction or improvement of~~
3 **constructing, improving, maintaining, or repairing** nonmotorized
4 transportation services and facilities.

5 (3) An improvement in a road, street, or highway that meets
6 accepted practices or established best practices and facilitates
7 nonmotorized transportation such as the paving of unpaved road
8 shoulders, the widening of lanes, the addition or improvement of a
9 sidewalk in a city or village, or any other appropriate measure
10 ~~shall be is~~ considered to be a qualified nonmotorized facility for
11 the purposes of this section.

12 (4) Units of government need not meet the provisions of this
13 section annually, if the requirements are met as an average over a
14 reasonable period of years, not to exceed 10 **years**.

15 (5) The state transportation department or a county, city, or
16 village receiving money from the Michigan transportation fund
17 annually shall prepare a 5-year program for the improvement of
18 qualified nonmotorized facilities ~~which that~~ when implemented would
19 result in the expenditure of an amount equal to ~~at least not less~~
20 **than** 1% of the amount distributed to the state transportation
21 department or the county, city, or village, whichever is
22 appropriate, from the Michigan transportation fund in the previous
23 calendar year, multiplied by 10, less the accumulated total
24 expenditures by the state transportation department or the county,
25 city, or village for qualified nonmotorized facilities in the
26 immediately preceding 5 calendar years. A county shall notify the
27 state transportation department and each municipality in the county
28 when the county completes preparation of its 5-year program under
29 this subsection. A city or village shall notify the state

1 transportation department and the county where the city or village
2 is located when the city or village completes preparation of its 5-
3 year program under this subsection. The department shall notify
4 each affected county, city, or village when the department
5 completes preparation of its 5-year program. A city or village
6 receiving money from the Michigan transportation fund shall consult
7 with the state transportation department or county in the city's or
8 village's preparation of the 5-year program under this subsection
9 when planning a nonmotorized project affecting a facility under the
10 jurisdiction of the state transportation department or county. A
11 county receiving money from the Michigan transportation fund shall
12 consult with the state transportation department or a city or
13 village when planning a nonmotorized project affecting a
14 transportation facility under the jurisdiction of the state
15 transportation department or the city or village. The department
16 shall consult with a county, city, or village when planning a
17 nonmotorized project affecting a transportation facility within the
18 county, city, or village.

19 (6) Facilities for nonmotorized transportation including those
20 that contribute to complete streets as defined in section 10p may
21 be established in conjunction with or separate from already
22 existing highways, roads, and streets and ~~shall~~**must** be established
23 when a highway, road, or street is being constructed,
24 reconstructed, or relocated, unless:

25 (a) The cost of establishing the facilities would be
26 disproportionate to the need or probable use.

27 (b) The establishment of the facilities would be contrary to
28 public safety or state or federal law.

29 (c) Adequate facilities for nonmotorized transportation

1 already exist in the area.

2 (d) The previous expenditures and projected expenditures for
3 nonmotorized transportation facilities for the fiscal year exceed
4 1% of that ~~unit's~~ **unit of government's** share of the Michigan
5 transportation fund, in which case additional expenditures ~~shall be~~
6 **are** discretionary.

7 (7) The state transportation department may provide
8 information and assistance to county road commissions, cities, and
9 villages on the planning, design, and construction of nonmotorized
10 transportation facilities and services.