



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 522 (as introduced 9-12-19)
Sponsor: Senator Dale W. Zorn
Committee: Transportation and Infrastructure

Date Completed: 10-22-19

CONTENT

The bill would amend Public Act 51 of 1951, the Michigan Transportation Fund law, to do the following:

- **Require the Transportation Asset Management Council to appoint a road agency advocate with the advice and consent of the Senate.**
- **Require the road agency advocate to be qualified by experience and ability to conduct the duties of the office and receive compensation as fixed by the Council.**
- **Establish certain duties of the road agency advocate, including investigating and resolving permit complaints and disputes between local road agencies and State agencies, assisting in the development of a plan to comply with Federal permit requirements, and recommending appropriate changes to policy and procedure.**
- **Require all State agencies and political subdivisions of the State to give the Office of the Road Agency Advocate any requested assistance.**

Under the Act, the Michigan Transportation Asset Management Council is established and tasked with providing a coordinated, unified effort by the various road agencies within the State. Generally, the Council advises the Michigan Infrastructure Council (MIC) on a statewide transportation asset management strategy and the process and tools needed for the strategy. The Council consists of certain members appointed by the State Transportation Commission.

Under the bill, the Council would have to appoint a road agency advocate with the advice and consent of the Senate. The road agency advocate would serve at the pleasure of the Council and would have to devote his or her full time to the duties of the office. The road agency advocate would have to be qualified by experience and ability to conduct the duties of the office and would receive compensation as fixed by the Council.

The Michigan Transportation Asset Management Council could remove the road agency advocate from office for cause, including incompetence, official misconduct, habitual or willful neglect of duty, or other misfeasance in connection with the operation of the office of the road agency advocate. The Council would have to report the reason for the removal of the road agency advocate to each house of the Legislature. The Department also would have to provide qualified administrative staff and the State planning and development regions would have to provide qualified technical assistance to the road agency advocate

Under the bill, the duties of the road agency advocate would include all of the following:

- Receiving, investigating, and resolving permit complaints and disputes from local road agencies with State agencies as it related to performing their duties as a local road agency.
- Assisting MDOT and local road agencies with developing a plan to comply with Federal permit requirements.
- Recommending appropriate changes in policy, procedure, and legislation, which would include facilitating and promoting individual local road agencies to participate in the development of State and Federal rules and standards related to the operation of local road agencies.
- Disseminating information regarding changes in policy, procedures, and legislation related to the operations of a local road agency to local road agencies.

"State agency" would mean a department, board, commission, office, agency, authority, or other unit of State government.

The road agency advocate also would have to develop a process for receiving, processing, and complaints from local road agencies. The road agency advocate would have discretion to determine if a complaint from a local road agency was within the scope of his or her official duties. If the road agency advocate determined that the complaint were not within the scope of his or her official duties, the road agency advocate would have to notify the local road agency of that determination.

In addition, all State agencies, and political subdivisions of the State, so far as it was compatible with their duties, would have to give the Office of the Road Agency Advocate any assistance it requested in the performance of its official duties. A State agency could not discriminate against a local road agency because a complaint against the State agency had been or could be filed with the Office by or on behalf of the local road agency.

MCL 247.659a

FISCAL IMPACT

The bill would have a negative impact on the Department of Transportation in an amount equal to the compensation allotted to the road agency advocate. Beyond any indirect benefit the road agency advocate could provide to local road agencies, the bill would have no direct fiscal impact on those agencies.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.