

SENATE BILL No. 447

May 2, 2001, Introduced by Senators GOUGEON and DUNASKISS and referred to the Committee on Transportation and Tourism.

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 15 and 16 (MCL 247.665 and 247.666), section 15 as amended by 1999 PA 50, and by adding section 14b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14B. (1) THE INSTALLATION, REINSTALLATION, OR REPLACE-
2 MENT OF FLEXIBLE PIPE FOR A GRAVITY SANITARY SEWER, STORM DRAIN,
3 OR CULVERT FOR A LOCAL STREET SYSTEM, MAJOR STREET SYSTEM, OR
4 COUNTY PRIMARY OR LOCAL ROAD SYSTEM THAT IS FUNDED IN WHOLE OR IN
5 PART BY FUNDS DISTRIBUTED TO A COUNTY, CITY, OR VILLAGE PURSUANT
6 TO THIS ACT SHALL BE MADE SUBJECT TO DEFLECTION TESTING IN COM-
7 PLIANCE WITH THE FOLLOWING STANDARDS:

8 (A) THE TEST SHALL OCCUR NOT LESS THAN 5 BUSINESS DAYS
9 BEFORE PAVEMENT SURFACING OR COMPLETION OF FINAL GRADE.

10 (B) THE TEST SHALL BE CONDUCTED BY USE OF A 9-POINT MANDREL
11 WITH AN EFFECTIVE DIAMETER EQUAL TO 95% OF THE NOMINAL DIAMETER
12 OF THE FLEXIBLE PIPE.

13 (C) THE TEST SHALL BE CONDUCTED IN A MANNER TO VERIFY
14 WHETHER THE DIAMETER OF THE FLEXIBLE PIPE HAS BEEN REDUCED BY 5%
15 OR MORE.

1 (2) IF THE TESTING CONDUCTED PURSUANT TO SUBSECTION (1)
2 DETERMINES THAT THE FLEXIBLE PIPE HAS HAD ITS DIAMETER REDUCED BY
3 5% OR MORE, THE COUNTY, CITY, OR VILLAGE SHALL REQUIRE THAT FLEX-
4 IBLE PIPE TO BE REMOVED AND EITHER REINSTALLED, IF THE PIPE IS
5 NOT DAMAGED, OR REPLACED AND, UPON REINSTALLATION OR REPLACEMENT,
6 TO BE RETESTED IN THE MANNER REQUIRED UNDER SUBSECTION (1).

7 (3) FOR PURPOSES OF THIS ACT, "FLEXIBLE PIPE" MEANS A PIPE
8 THAT SUPPORTS THE LOAD APPLIED ABOVE THE PIPE BY DEFLECTING AND
9 TRANSFERRING THE LOAD OR A PORTION OF THE LOAD AS A LATERAL PRES-
10 SURE TO THE BACKFILL MATERIAL ON THE SIDE OF THE PIPE. FLEXIBLE
11 PIPES INCLUDE, BUT ARE NOT LIMITED TO, PIPES MADE FROM THERMO-
12 PLASTIC, THERMOSETTING PLASTIC, AND CORRUGATED OR RIBBED METAL.

13 Sec. 15. (1) Before May 2 of each year, each county road
14 commission or the county executive or other agency acting as the
15 county road commission shall file with the director of the state
16 transportation department, each township in the county, and the
17 clerk of the county, on forms to be provided by the director, a
18 report showing the disposition of funds appropriated, appor-
19 tioned, or allocated under this act to the county road commission
20 or the county executive or other agency acting as the county road
21 commission including the funds expended for road construction and
22 heavy maintenance in each township in the county on the form pro-
23 vided by the department in the annual county financial report
24 instruction and forms booklet prepared by the department, except
25 funds appropriated under section 10b.

26 (2) In addition to the general information required under
27 subsection (1), the report filed by the county road commission or

1 the county executive or other agency acting as the county road
2 commission under subsection (1) shall also include the following
3 specific information:

4 (a) The number of miles of local roads outside of incorpo-
5 rated municipalities in each township in the county and the
6 amount of funds received for each of those miles by the county
7 under the formula described in section 12(7)(a).

8 (b) The number of miles of primary roads outside of incorpo-
9 rated municipalities in each township in the county and the
10 amount of funds received for each of those miles by the county
11 under the formula described in section 12(4) and (6)(b).

12 (c) The total population outside of incorporated municipali-
13 ties in each township in the county and the per capita amount of
14 funds received for each person on the basis of population accord-
15 ing to the formula described in section 12(7)(b).

16 (d) The amount of funds received by the county road commis-
17 sion or the county executive or other agency acting as the county
18 road commission directly from each township in the county for the
19 purposes of this act.

20 (3) Beginning with municipal fiscal years ending after April
21 15, 1976, each city and village shall file with the director of
22 the state transportation department, not more than 120 days after
23 the end of its fiscal year, on forms provided by the director, a
24 report showing the disposition of funds appropriated, appor-
25 tioned, or allocated under this act to the city or village,
26 except funds appropriated under section 10b.

1 (4) THE REPORTS REQUIRED UNDER SUBSECTIONS (1) AND (3) SHALL
2 INCLUDE A REPORT OF ALL TEST RESULTS REQUIRED UNDER SECTION 14B.
3 THE DEPARTMENT SHALL MAINTAIN COPIES OF ALL REPORTS FILED PURSU-
4 ANT TO THIS SUBSECTION AND PROVIDE AN ANNUAL REPORT OF THE
5 RESULTS OF ALL TESTING OF FLEXIBLE PIPE TO THE SENATE AND HOUSE
6 COMMITTEES HAVING RESPONSIBILITY OVER HIGHWAY AND ROAD MATTERS.

7 Sec. 16. (1) The failure of a county road commission OR THE
8 COUNTY EXECUTIVE OR OTHER AGENCY ACTING AS THE COUNTY ROAD
9 COMMISSION, city, or village to apply money returned pursuant to
10 this act, to the purposes prescribed in this act, shall result in
11 the forfeiture by the county road commission OR THE COUNTY EXECU-
12 TIVE OR OTHER AGENCY ACTING AS THE COUNTY ROAD COMMISSION, city,
13 or village of funds to which it may have been entitled under this
14 act for a period of 1 year ~~from and~~ after the failure to apply
15 the money for the purposes prescribed. ~~, and funds~~

16 (2) THE FAILURE OF A COUNTY ROAD COMMISSION OR COUNTY, CITY,
17 OR VILLAGE TO CONDUCT, OR PROVIDE FOR THE CONDUCTING OF, THE
18 TESTS REQUIRED UNDER SECTION 14B OR TO INCLUDE THE INFORMATION
19 REQUIRED BY SECTION 15(4) IN THE REPORTS REQUIRED UNDER SECTION
20 15(1) AND (3) SHALL RESULT IN THE FORFEITURE BY THE COUNTY ROAD
21 COMMISSION OR THE COUNTY EXECUTIVE OR OTHER AGENCY ACTING AS THE
22 COUNTY ROAD COMMISSION, CITY, OR VILLAGE OF FUNDS TO WHICH IT MAY
23 HAVE BEEN ENTITLED UNDER THIS ACT THAT ARE ATTRIBUTABLE TO THE
24 PROJECT FOR WHICH THE TEST WAS REQUIRED BY SECTION 14B OR THE
25 INFORMATION WAS REQUIRED UNDER SECTION 15(4).

26 (3) FUNDS forfeited AS PRESCRIBED IN THIS SECTION shall then
27 be apportioned and distributed among the other county road

1 commissions and cities and villages in the same manner and
2 proportion as provided in section 10 for the distribution of the
3 Michigan transportation fund.