

HOUSE BILL No. 6530

October 15, 2008, Introduced by Reps. Warren, Alma Smith, Tobocman, Hammon, Kathleen Law, Bauer, Miller and Leland 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, 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; and to repeal acts and parts of acts,"

(MCL 247.651 to 247.675) by adding section 18m.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 18M. (1) THE DEPARTMENT SHALL ENTER INTO A COMMUNITY
2 BENEFITS AGREEMENT WITH THE UNIT OF LOCAL GOVERNMENT WHERE THE
3 PROJECT IS LOCATED FOR ANY CONSTRUCTION, MAINTENANCE, OR
4 PRESERVATION PROJECT FOR WHICH AN ENVIRONMENTAL IMPACT STATEMENT IS
5 REQUIRED UNDER FEDERAL LAW. IF THE PROJECT IS LOCATED IN MORE THAN
6 1 UNIT OF LOCAL GOVERNMENT, THEN THE DEPARTMENT SHALL ENTER INTO A
7 JOINT COMMUNITY BENEFITS AGREEMENT WITH EACH UNIT OF LOCAL
8 GOVERNMENT LOCATED IN THE PROJECT AREA. IF ANY UNIT OF LOCAL
9 GOVERNMENT DECLINES TO ENTER INTO A COMMUNITY BENEFITS AGREEMENT
10 WITH THE DEPARTMENT, THE UNIT OF LOCAL GOVERNMENT MAY DESIGNATE
11 SPECIFIC COMMUNITY ORGANIZATIONS TO REPRESENT COMMUNITY INTERESTS
12 AND, IF 1 OR MORE COMMUNITY ORGANIZATIONS ARE DESIGNATED BY A UNIT
13 OF LOCAL GOVERNMENT, THE DEPARTMENT SHALL ENTER INTO THE COMMUNITY
14 BENEFITS AGREEMENT FOR THE PROJECT WITH EACH DESIGNATED COMMUNITY
15 ORGANIZATION. THE DEPARTMENT SHALL NOT ENTER INTO A COMMUNITY

1 BENEFITS AGREEMENT WITH AN INDIVIDUAL.

2 (2) THE DEPARTMENT SHALL ENTER INTO THE COMMUNITY BENEFITS
3 AGREEMENT BEFORE THE FINAL ENVIRONMENTAL IMPACT STATEMENT IS
4 SUBMITTED TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND SHALL
5 BE INCLUDED AS PART OF THE FEDERAL ENVIRONMENTAL IMPACT STATEMENT
6 SUBMITTAL.

7 (3) IF NO UNIT OF LOCAL GOVERNMENT LOCATED IN THE PROJECT AREA
8 DESIRES TO ENTER INTO A COMMUNITY BENEFITS AGREEMENT AND DOES NOT
9 DESIGNATE A COMMUNITY ORGANIZATION TO ENTER INTO THE AGREEMENT, THE
10 DEPARTMENT SHALL USE ITS BEST EFFORTS TO MAKE THE PROCESS KNOWN TO
11 THE AFFECTED COMMUNITY BEFORE THE PROJECT IS UNDERTAKEN AND AGAIN
12 WHEN A DRAFT ENVIRONMENTAL IMPACT STATEMENT IS RELEASED. IF A
13 COMMUNITY ORGANIZATION CONTACTS THE DEPARTMENT AS A RESULT OF THIS,
14 THE DEPARTMENT SHALL ENTER INTO THE COMMUNITY BENEFITS AGREEMENT
15 WITH THE INTERESTED COMMUNITY ORGANIZATION. IF NO UNIT OF LOCAL
16 GOVERNMENT OR COMMUNITY ORGANIZATION IS WILLING TO ENTER INTO A
17 COMMUNITY BENEFITS AGREEMENT WITH THE DEPARTMENT, THEN NO COMMUNITY
18 BENEFITS AGREEMENT IS REQUIRED FOR THE PROJECT.

19 (4) THE COMMUNITY BENEFITS AGREEMENT SHALL CONTAIN 1 OR MORE
20 OF THE FOLLOWING PROVISIONS:

21 (A) PROVISIONS RELATING TO MITIGATION OF DEGRADATION OF
22 ENVIRONMENTAL QUALITY CAUSED BY THE PROJECT, INCLUDING, BUT NOT
23 LIMITED TO, AIR QUALITY, WATER QUALITY, OR WETLAND REMEDIATION.

24 (B) PROVISIONS RELATING TO EMPLOYMENT CONDITIONS FOR JOBS
25 GENERATED BY THE PROJECT, INCLUDING, BUT NOT LIMITED TO, LIVING
26 WAGE REQUIREMENTS OR HIRING AND TRAINING WORKERS FROM COMMUNITIES
27 WITH HIGH UNEMPLOYMENT AND LOW INCOME.

1 (C) PROVISIONS ADDRESSING THE AESTHETIC IMPACT OF THE PROJECT
2 ON THE COMMUNITY, INCLUDING, BUT NOT LIMITED TO, BARRIERS, BUFFERS,
3 LANDSCAPING, AND SIGNAGE.

4 (D) PROVISIONS ADDRESSING MITIGATION RELATED TO DIRECT
5 NEGATIVE IMPACTS OF THE PROJECT, INCLUDING, BUT NOT LIMITED TO,
6 TRUCK TRAFFIC, NOISE, VIBRATIONS, AND RELOCATION OF HISTORICALLY
7 SIGNIFICANT BUILDINGS AND RELOCATION OF COMMUNITY FACILITIES.

8 (E) PROVISIONS RELATING TO MITIGATION OF INDIRECT NEGATIVE
9 IMPACT FROM THE PROJECT, INCLUDING, BUT NOT LIMITED TO,
10 CONSTRUCTION OF PARKS AND RECREATIONAL FACILITIES, CONSTRUCTION OF
11 AFFORDABLE HOUSING, RELOCATION OF DISPLACED BUSINESSES,
12 INFRASTRUCTURE IMPROVEMENTS, AND PROVISION OF ADDITIONAL HEALTH
13 SERVICES.

14 (F) PROVISIONS ADDRESSING ONGOING COMMUNITY INVOLVEMENT IN THE
15 PROJECT.