

SENATE BILL No. 1395

June 16, 2010, Introduced by Senator THOMAS and referred to the Committee on Transportation.

A bill to amend 1964 PA 286, entitled

"An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts,"

(MCL 247.801 to 247.816) by adding section 6c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 1395

1 SEC. 6C. (1) THE DEPARTMENT SHALL PROVIDE, WHEREVER POSSIBLE,
2 TECHNICAL SUPPORT, ADVICE, AND RESOURCES TO ASSIST COMMUNITY
3 REPRESENTATIVES IN COMMUNITIES AFFECTED BY AN INTERNATIONAL BRIDGE
4 CROSSING THAT DOES NOT EXIST ON THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED THIS SECTION TO ENTER INTO COMMUNITY
6 BENEFITS AGREEMENTS WITH THIS STATE, CONTRACTORS, DEVELOPERS, OR
7 CONCESSIONAIRES WHO ARE IMPLEMENTING AN INTERNATIONAL BRIDGE

1 CROSSING PROJECT THAT DOES NOT EXIST ON THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION.

3 (2) IF A CONTRACTOR, DEVELOPER, OR CONCESSIONAIRE WHO ENTERS
4 INTO A COMMUNITY BENEFITS AGREEMENT UNDER SUBSECTION (1) DEFAULTS
5 IN THE PERFORMANCE OF ITS DUTIES UNDER THAT AGREEMENT, THE
6 DEPARTMENT SHALL PERFORM THE DUTIES OF THE CONTRACTOR, DEVELOPER,
7 OR CONCESSIONAIRE UNDER THAT AGREEMENT.

8 (3) WHENEVER THE DEPARTMENT ISSUES A REQUEST FOR PROPOSALS FOR
9 CONSTRUCTION OF AN INTERNATIONAL BRIDGE CROSSING PROJECT THAT DOES
10 NOT EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
11 THIS SECTION, THE REQUEST SHALL INCLUDE THE REQUIREMENTS OF A
12 COMMUNITY BENEFITS AGREEMENT DESCRIBED IN THIS SECTION THAT WILL BE
13 REQUIRED OF THE CONTRACTOR, DEVELOPER, OR CONCESSIONAIRE.

14 (4) DURING THE REQUEST FOR PROPOSALS SELECTION PROCESS, THE
15 DEPARTMENT SHALL CONSULT WITH THE HOST COMMUNITY AS REPRESENTED BY
16 A NONPROFIT ORGANIZATION WITH MEMBERS IN THE HOST COMMUNITY THAT
17 HAS ENGAGED RESIDENTS AND STAKEHOLDERS AND WHOSE ORGANIZATIONAL
18 PURPOSE IS TO ENSURE THAT THE INTERESTS OF RESIDENTS, BUSINESSES,
19 AND ORGANIZATIONS PROXIMATE TO THE HOST COMMUNITY ARE RECOGNIZED
20 AND PROTECTED AS RELATED TO THE DEVELOPMENT OF THE PROJECT FOR
21 WHICH THE REQUEST FOR PROPOSALS IS INITIATED. AS USED IN THIS
22 SUBSECTION, "HOST COMMUNITY" ENCOMPASSES THE BOUNDARIES OF ALL
23 CONSTRUCTION IN THIS STATE FOR AN INTERNATIONAL BRIDGE CROSSING
24 PROJECT THAT DOES NOT EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY
25 ACT THAT ADDED THIS SECTION, INCLUDING THE BRIDGE, PLAZA, AND
26 DIRECT ACCESS ROAD CHANGES. THE DEPARTMENT SHALL PROVIDE
27 INFORMATION TO THE NONPROFIT ORGANIZATION THAT THE DEPARTMENT IS

1 CONSULTING WITH CONCERNING THE PROPOSALS THE DEPARTMENT RECEIVED.
2 AFTER RECEIVING THAT INFORMATION FROM THE DEPARTMENT BUT BEFORE THE
3 SELECTION OF THE WINNING PROPOSAL, THE NONPROFIT ORGANIZATION SHALL
4 PROVIDE ITS ADVISORY RECOMMENDATIONS TO THE DEPARTMENT WITHIN A
5 REASONABLE TIME FRAME SET BY THE DEPARTMENT AND CONSISTENT WITH THE
6 TIMELINE OF THE SELECTION PROCESS.

7 (5) AS USED IN THIS SECTION, A "COMMUNITY BENEFITS AGREEMENT"
8 IS A CONTRACT BETWEEN THIS STATE OR A CONTRACTOR, DEVELOPER, OR
9 CONCESSIONAIRE AND THE NONPROFIT ORGANIZATION IDENTIFIED BY THE
10 DEPARTMENT UNDER SUBSECTION (4). THE AGREEMENT SHALL IMPLEMENT
11 SUSTAINABLE BENEFITS TO THE COMMUNITY, IN ADDITION TO ANY BENEFITS
12 REQUIRED BY EXISTING FEDERAL, STATE, OR LOCAL LAWS, WHICH MAY
13 INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING:

14 (A) PRESERVATION, RESTORATION, OR REPLACEMENT OF COMMUNITY
15 RESOURCES DIRECTLY AFFECTED BY THE PROJECT.

16 (B) JOBS, EMPLOYMENT TRAINING, AND RELATED FACILITIES.

17 (C) MODIFICATIONS OR REMEDIES FOR STRUCTURES OR EQUIPMENT
18 DIRECTLY IMPACTED BY THE PROJECT.

19 (D) ECONOMIC DEVELOPMENT.

20 (E) HOUSING AND HOME REPAIR PROGRAMS.

21 (F) AIR QUALITY PROGRAMS.

22 (G) GREEN DEVELOPMENT INITIATIVES.