

# SENATE BILL No. 1417

July 21, 2010, Introduced by Senators CLARKE, CLARK-COLEMAN, HUNTER, SCOTT and 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:**

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

1 (2) IF A CONTRACTOR, DEVELOPER, OR CONCESSIONAIRE WHO ENTERS  
2 INTO A COMMUNITY BENEFITS AGREEMENT UNDER SUBSECTION (1) DEFAULTS  
3 IN THE PERFORMANCE OF ITS ALLOCATED DUTIES, THE DEPARTMENT OR  
4 AUTHORIZED ENTITY, INCLUDING A GOVERNMENT AGENCY, SHALL PERFORM THE  
5 ALLOCATED DUTIES.

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

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

1 DEVELOPER, OR CONCESSIONAIRE HAVE BEGUN CONSTRUCTION OF THE  
2 PROJECT, THE NONPROFIT ORGANIZATION SHALL PROVIDE ITS ADVISORY  
3 RECOMMENDATIONS TO THE DEPARTMENT WITHIN A REASONABLE TIME FRAME  
4 SET BY THE DEPARTMENT AND CONSISTENT WITH THE TIMELINE OF THE  
5 SELECTION OR CONSTRUCTION PROCESS.

6 (5) SPECIFIC REMEDIAL ACTIONS UNDERTAKEN TO IMPLEMENT  
7 COMMUNITY BENEFITS SHALL INCLUDE ALL OF THE FOLLOWING:

8 (A) SPECIFIC MONITORING OF AIR QUALITY AND RESIDENTIAL HEALTH,  
9 BOTH SHORT- AND LONG-TERM IN THE PROJECT AREA.

10 (B) JOB TRAINING AND GUARANTEES THAT HIRING FOR PROJECT JOBS  
11 SHALL BE GIVEN TO HOST COMMUNITY RESIDENTS AND DRAWN FROM A POOL OF  
12 HOST COMMUNITY RESIDENTS.

13 (C) A PLAN TO ASSURE THAT THE IMPACT ON EXISTING BUSINESSES IN  
14 THE HOST COMMUNITY IS MINIMIZED, THAT THE AMOUNT OF ECONOMIC  
15 ACTIVITY CONDUCTED BY EXISTING BUSINESSES DURING CONSTRUCTION IN  
16 THE HOST COMMUNITY REMAINS AT LEAST EQUIVALENT TO THE AMOUNT OF  
17 ECONOMIC ACTIVITY IN THE HOST COMMUNITY BEFORE CONSTRUCTION, AND A  
18 PLAN TO ASSURE THAT START-UP BUSINESSES AFTER CONSTRUCTION HAVE  
19 ENOUGH SEED MONEY TO BECOME ESTABLISHED AS THE BRIDGE OPERATES.

20 (D) EDUCATION OFFERED TO RESIDENTS OF THE HOST COMMUNITY  
21 CONCERNING ENGLISH AS A SECOND LANGUAGE.

22 (E) CREATION OF NEW PARKS AND GREEN SPACES.

23 (F) DESIGNATION OF TRUCK ROUTES DESIGNED TO MINIMIZE THE  
24 IMPACT ON RESIDENTS, REDUCTION OF TRUCK IDLE TIME, AND DIESEL  
25 REDUCTION PLANS TO PROTECT THE AIR OF HOST COMMUNITY RESIDENTS.

26 (G) CURRENT RESIDENTS OF AFFECTED HOST COMMUNITIES SHALL  
27 RECEIVE FULL OPPORTUNITY FOR NEW HOUSING IF THEY ARE DISPLACED AND

1 SHALL NOT BE REQUIRED TO PAY OUT OF POCKET FOR EXPENSES ASSOCIATED  
2 WITH DISPLACEMENT AND RELOCATION.

3 (H) GUARANTEES THAT HOST COMMUNITY REPRESENTATIVES WILL BE  
4 INCLUDED IN OVERSIGHT OF THE CONSTRUCTION AND MAINTENANCE OF THE  
5 PROJECT.

6 (I) CREATION OF A RESERVE FUND FROM A PERCENTAGE OF USER FEES  
7 TO ADDRESS RESIDENTIAL CONCERNS AND TO PROVIDE FOR PROJECT  
8 ASSISTANCE IF TOLL REVENUES ARE NOT CONSISTENT WITH PREDICTIONS.

9 (6) THE REQUIREMENTS OF THIS SECTION SHALL BE PHASED IN OVER  
10 THE CONSTRUCTION TIMESPAN. THE REQUIREMENTS SHALL BE FULLY  
11 IMPLEMENTED UPON COMPLETION OF CONSTRUCTION. NO PROGRESS OR  
12 AVAILABLE PAYMENTS SHALL BE MADE TO THE CONTRACTOR, DEVELOPER, OR  
13 CONCESSIONAIRE IF THE COMMUNITY BENEFITS AGREEMENT HAS NOT BEEN  
14 IMPLEMENTED. THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT  
15 QUANTIFYING THE PROGRESS TOWARD THIS REQUIREMENT ANNUALLY TO THE  
16 LEGISLATURE AND TO THE HOST COMMUNITY.

17 (7) AS USED IN THIS SECTION, A "COMMUNITY BENEFITS AGREEMENT"  
18 IS A CONTRACT BETWEEN THIS STATE AND A CONTRACTOR, DEVELOPER, OR  
19 CONCESSIONAIRE AND THE NONPROFIT ORGANIZATION IDENTIFIED BY THE  
20 DEPARTMENT UNDER SUBSECTION (4). THE AGREEMENT SHALL IMPLEMENT  
21 SUSTAINABLE BENEFITS TO THE COMMUNITY, IN ADDITION TO ANY BENEFITS  
22 REQUIRED BY EXISTING FEDERAL, STATE, OR LOCAL LAWS, WHICH SHALL  
23 INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

24 (A) PRESERVATION, RESTORATION, OR REPLACEMENT OF HOST  
25 COMMUNITY RESOURCES DIRECTLY AFFECTED BY THE PROJECT.

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

27 (C) MODIFICATIONS OR REMEDIES FOR STRUCTURES OR EQUIPMENT

- 1 DIRECTLY IMPACTED BY THE PROJECT.
- 2 (D) ECONOMIC DEVELOPMENT.
- 3 (E) HOUSING AND HOME REPAIR PROGRAMS.
- 4 (F) AIR QUALITY PROGRAMS.
- 5 (G) GREEN DEVELOPMENT INITIATIVES.