

**STATE TRUNK LINE HIGHWAY SYSTEM (EXCERPT)**  
**Act 51 of 1951**

**247.660k Nonmotorized transportation services and facilities; expenditures; improvements as qualified nonmotorized facility; meeting requirements of section; 5-year program; notice and consultation; establishment of facilities; information and assistance as to planning, design, and construction.**

Sec. 10k.

(1) Transportation purposes as provided in this act include provisions for facilities and services for nonmotorized transportation.

(2) Of the funds allocated from the Michigan transportation fund to the state trunk line fund and to the counties, cities, and villages, a reasonable amount, but not less than 1% of those funds shall be expended for construction or improvement of nonmotorized transportation services and facilities.

(3) An improvement in a road, street, or highway that meets accepted practices or established best practices and facilitates nonmotorized transportation such as the paving of unpaved road shoulders, the widening of lanes, the addition or improvement of a sidewalk in a city or village, or any other appropriate measure shall be considered to be a qualified nonmotorized facility for the purposes of this section.

(4) Units of government need not meet the provisions of this section annually, if the requirements are met as an average over a reasonable period of years, not to exceed 10.

(5) The state transportation department or a county, city, or village receiving money from the Michigan transportation fund annually shall prepare a 5-year program for the improvement of qualified nonmotorized facilities which when implemented would result in the expenditure of an amount equal to at least 1% of the amount distributed to the state transportation department or the county, city, or village, whichever is appropriate, from the Michigan transportation fund in the previous calendar year, multiplied by 10, less the accumulated total expenditures by the state transportation department or the county, city, or village for qualified nonmotorized facilities in the immediately preceding 5 calendar years. A county shall notify the state transportation department and each municipality in the county when the county completes preparation of its 5-year program under this subsection. A city or village shall notify the state transportation department and the county where the city or village is located when the city or village completes preparation of its 5-year program under this subsection. The department shall notify each affected county, city, or village when the department completes preparation of its 5-year program. A city or village receiving money from the Michigan transportation fund shall consult with the state transportation department or county in the city's or village's preparation of the 5-year program under this subsection when planning a nonmotorized project affecting a facility under the jurisdiction of the state transportation department or county. A county receiving money from the Michigan transportation fund shall consult with the state transportation department or a city or village when planning a nonmotorized project affecting a transportation facility under the jurisdiction of the state transportation department or the city or village. The department shall consult with a county, city, or village when planning a nonmotorized project affecting a transportation facility within the county, city, or village.

(6) Facilities for nonmotorized transportation including those that contribute to complete streets as defined in section 10p may be established in conjunction with or separate from already existing highways, roads, and streets and shall be established when a highway, road, or street is being constructed, reconstructed, or relocated, unless:

(a) The cost of establishing the facilities would be disproportionate to the need or probable use.

(b) The establishment of the facilities would be contrary to public safety or state or federal law.

(c) Adequate facilities for nonmotorized transportation already exist in the area.

(d) The previous expenditures and projected expenditures for nonmotorized transportation facilities for the fiscal year exceed 1% of that unit's share of the Michigan transportation fund, in which case additional expenditures shall be discretionary.

(7) The state transportation department may provide information and assistance to county road commissions, cities, and villages on the planning, design, and construction of nonmotorized transportation facilities and services.

**History:** Add. 1972, Act 327, Imd. Eff. Jan. 3, 1973 ;-- Am. 1978, Act 444, Imd. Eff. Oct. 10, 1978 ;-- Am. 1982, Act 438, Eff. Jan. 1, 1983 ;-- Am. 2006, Act 82, Imd. Eff. Mar. 29, 2006 ;-- Am. 2010, Act 135, Imd. Eff. Aug. 2, 2010

**Popular Name:** McNitt Act

**Popular Name:** Michigan Transportation Fund Act