

**TOWNSHIP JURISDICTION FOR ROAD
MAINTENANCE**

House Bill 5357

Sponsor: Rep. Kirk Profit

Committee: Appropriations

Complete to 1-8-98

A SUMMARY OF HOUSE BILL 5357 AS INTRODUCED 11-6-97

Currently, county road commissions have jurisdiction for local and primary road systems, except that a county road commission in a county having more than 500,000 people may contract with a township board on an annual basis for road maintenance. House Bill 5357 would amend the Michigan Transportation Fund act to allow a township board to assume jurisdiction for the improvement or maintenance of all or any part of the county road system, without a contract and subject to certain conditions.

Jurisdiction, Notice, and Liability. In order to assume jurisdiction of county roads, a township would be required to notify the board of county road commissioners and the state Department of Transportation of its intent to assume jurisdiction before October 1 of any year, designating the particular roads that would become the township's responsibility to maintain and improve. Upon receipt of such notice, the Department of Transportation would be required to pay the township the share of transportation funds formerly allocated to the county, beginning January 1 in the year following notification.

House Bill 5357 also would allow a township to enter into intergovernmental agreements for the performance of the same services as a county road commission uses to maintain and improve roads. Further, the bill would require the township to keep separate accounts, and accurate and uniform records of all transportation funds; and, to file a report with the commission on or before April 1. Failure to apply the money for purposes prescribed would result in forfeiture of road funds the following year. Funds forfeited would be returned to the department. In addition, the bill provides that any township that assumes jurisdiction also would assume liability.

Funding. House Bill 5357 also would increase 1) the amount of a county's allocation to be used on county primary or local roads in urban areas from 10 percent to 15 percent, and 2) the amount of a county's allocation to be used on county local road systems from 4 percent to 15 percent.

If one or more townships assumed jurisdiction of all or part of the county local road system or the county primary system within that township, House Bill 5357 would require that 65 percent of the county's allocation be allocated to the township for those roads in the same proportion that total mileage in the township bears to total mileage in the county; and that 35 percent of the county's allocation for those roads be allocated to the township in the same proportion that total population in the township (outside of the incorporated villages and cities) bears to the total

population of the county (outside of incorporated villages and cities), using the most recent federal census.

Township Three-Year Plan. House Bill 5357 also would allow a township to provide input regarding expenditure of road funds, if it did not assume maintenance jurisdiction. The township would give notice to the county that it would submit a three-year plan that specifies the roads it desires to have repaired, maintained, or improved. Upon notice, the county would be required to immediately give notice of the funds available for roads within the township. A township's share of the funds would be expended only as directed by the township if a three-year plan were filed with the county road commission before April 1, annually. The three-year plan would show proposed projects and could provide that funds accumulate for a period of not more than three years. Any year a township did not provide a plan, its portion of funds would be divided among other townships submitting plans. Finally, House Bill 5357 would provide that neither bridge construction nor snow removal funds would be affected by this subsection.

MCL 247.662

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.