

**SUBSTITUTE FOR
HOUSE BILL NO. 6128**

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, 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**

1 AMENDATORY ACT THAT ADDED THIS SECTION TO ENTER INTO COMMUNITY
2 BENEFITS AGREEMENTS WITH THIS STATE, CONTRACTORS, DEVELOPERS, OR
3 CONCESSIONAIRES WHO ARE IMPLEMENTING AN INTERNATIONAL BRIDGE
4 CROSSING PROJECT THAT DOES NOT EXIST ON THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED THIS SECTION.

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

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

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

House Bill No. 6128 (H-3) as amended May 26, 2010

1 ACT THAT ADDED THIS SECTION, INCLUDING THE BRIDGE, PLAZA, AND
2 DIRECT ACCESS ROAD CHANGES. THE DEPARTMENT SHALL PROVIDE
3 INFORMATION TO THE NONPROFIT ORGANIZATION THAT THE DEPARTMENT IS
4 CONSULTING WITH CONCERNING THE PROPOSALS THE DEPARTMENT RECEIVED.
5 AFTER RECEIVING THAT INFORMATION FROM THE DEPARTMENT BUT BEFORE THE
6 SELECTION OF THE WINNING PROPOSAL, THE NONPROFIT ORGANIZATION SHALL
7 PROVIDE ITS ADVISORY RECOMMENDATIONS TO THE DEPARTMENT WITHIN A
8 REASONABLE TIME FRAME SET BY THE DEPARTMENT AND CONSISTENT WITH THE
9 TIMELINE OF THE SELECTION PROCESS.

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

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

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

20 (C) MODIFICATIONS OR REMEDIES FOR STRUCTURES OR EQUIPMENT
21 DIRECTLY IMPACTED BY THE PROJECT.

22 (D) ECONOMIC DEVELOPMENT.

23 (E) HOUSING AND HOME REPAIR PROGRAMS.

24 (F) AIR QUALITY PROGRAMS.

25 (G) GREEN DEVELOPMENT INITIATIVES.

[Enacting section 1. This amendatory act does not take effect
unless House Bill No. 4961 of the 95th Legislature is enacted into law.]