

Act No. 66  
Public Acts of 2023  
Approved by the Governor  
July 11, 2023  
Filed with the Secretary of State  
July 12, 2023  
EFFECTIVE DATE: July 12, 2023

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Camilleri, Geiss, Cavanagh, Klinefelt, Bayer, McMorrow, Cherry,  
Polehanki and Chang

**ENROLLED SENATE BILL No. 125**

AN ACT to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to

provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 11i.

*The People of the State of Michigan enact:*

Sec. 11i. (1) The department shall create and operate a local grade separation grant program for the separation of motor vehicle traffic and railroad traffic in this state. The department shall provide grants to cities, villages, and county road commissions in this state.

(2) A funding application for the local grade separation grant program must be made on a form approved by the department and must contain the information required under section 11j and by the department. A funding application under this section may be made at any time as determined by the department.

(3) The department shall establish a review process for considering funding applications under this section that includes the parameters for prioritizing the approval of funding applications as described in section 11j. No later than 180 days after receiving a funding application under this section, the department shall notify the applicant whether the funding application is approved or rejected. Before releasing grant funds awarded under this section, the department must enter into a written agreement, as described in subsection (4), with the funding recipient. Grant funds awarded under this section may be used by the funding recipient for any stage of design and construction related to either of the following:

(a) A grade separation project.

(b) A project that improves traffic at a rail crossing without a full grade separation, including, but not limited to, construction of a rail siding or spur.

(4) The written agreement between the department and the funding recipient required under subsection (3) must provide for both of the following:

(a) A description of the grade separation project, or project described in subsection (3)(b).

(b) A local, private, or federal match of not less than 10% of the cost of the grade separation project, or project described in subsection (3)(b).

(5) For each year in which the department receives funding applications, the department shall report by December 1 to the standing committees of the senate and house of representatives with primary jurisdiction over issues pertaining to transportation and to the senate and house of representatives appropriations committees on the utilization of funds from the local grade separation grant program. The report must include, at a minimum, all of the following:

(a) The number of funding applications received under this section.

(b) The name of each city, village, or county road commission that submitted a funding application, and whether each funding application was approved or denied.

(c) The amount of local match for each funding application approved under this section.

(6) The local grade separation fund is created within the state treasury.

(7) The state treasurer may receive money or other assets from any source for deposit into the local grade separation fund. The state treasurer shall direct the investment of the local grade separation fund. The state treasurer shall credit to the local grade separation fund interest and earnings from local grade separation fund investments.

(8) Money in the local grade separation fund at the close of the fiscal year remains in the local grade separation fund and does not lapse into the general fund.

(9) The state transportation department is the administrator of the local grade separation fund for auditing purposes.

(10) The state transportation department shall expend money from the local grade separation fund, on appropriation, only to fund and operate the local grade separation grant program created in subsection (1).

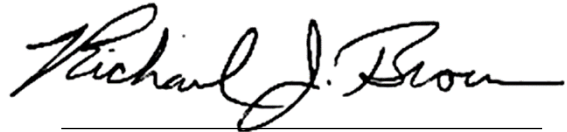
(11) As used in this section, “grade separation” means an intersection of a railroad and roadway at different levels with the railroad either above or below the roadway.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4153 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor

**Compiler's note:** House Bill No. 4153, referred to in enacting section 1, was filed with the Secretary of State July 12, 2023, and became 2023 PA 67, Imd. Eff. July 12, 2023.