



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE ORDER
No. 2008 - 23

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
TRAFFIC SAFETY DIVISION
MICHIGAN DEPARTMENT OF STATE POLICE

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, provides, among other things, assistance to states in the development and implementation of programs for the enforcement of federal or compatible state rules, regulations, standards, and orders, applicable to commercial motor vehicle safety;

WHEREAS, one such program is the Commercial Motor Carrier Safety Assistance Program, a federal grant program that provides financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles;

WHEREAS, under Section 201 of Part 350 of Chapter III of Title 49 of the Code of Federal Regulations, 49 CFR 350.201, Michigan's participation in the Commercial Motor Carrier Safety Assistance Program requires the designation of a state commercial motor vehicle safety agency as a lead agency within the State of Michigan for the administration and implementation of the commercial motor vehicle safety enforcement plan;

WHEREAS, the responsibility for commercial motor vehicle enforcement was conferred upon the Department of State Police by Executive Order 1982-1, MCL 28.21;

WHEREAS, the Motor Carrier Division was established within the Department of State Police by 1982 PA 531 and designated as the lead agency for the Motor Carrier Safety Assistance Program by Executive Order 1994-9;

WHEREAS, in April 2007, the Motor Carrier Division and the Traffic Services Section merged to form the Traffic Safety Division within the Department of State Police;

WHEREAS, formal designation of the Traffic Safety Division within the Department of State Police as the new lead agency for the Motor Carrier Safety Assistance Program is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of State Police" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

B. "Motor Carrier Safety Assistance Program" means the federal grant program that provides assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles.

II. DESIGNATION OF THE TRAFFIC SAFETY DIVISION AS THE LEAD AGENCY FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

A. The Traffic Safety Division of the Department of State Police is designated as the lead agency for the administration and enforcement of the Motor Carrier Safety Assistance Program and shall do all of the following:

1. Provide, through the use of all available resources, a comprehensive state enforcement plan to reduce commercial vehicle traffic accidents, deaths, injuries, and any resulting property damage.

2. Apply for and accept grants from the federal government under the provisions of the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, 42 USC 2301 to 42 USC 2311, as amended, to expend or approve for expenditure the grants in a manner consistent with the Michigan Constitution of 1963 and the laws of this state.

3. Apply for and accept grants from any public or private source for use in commercial vehicle safety programs and to expend the grants in a manner consistent with the Michigan Constitution of 1963 and the laws of this state.

4. Administer commercial vehicle safety grants to state departments, local units of government, and nonprofit organizations according to the rules, regulations, and procedures of the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, 42 USC 2301 to 42 USC 2311, as amended, and the laws of this state.

5. Assist in the coordination of commercial vehicle safety programs of all state departments and agencies, local units of government and private agencies.

III. MISCELLANEOUS

A. Executive Order 1994-9 is rescinded in its entirety.

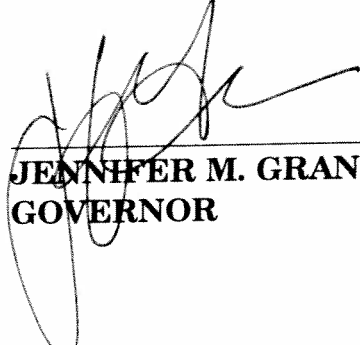
B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

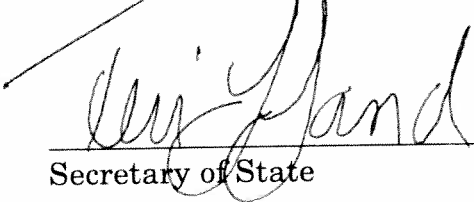
Given under my hand and the Great Seal of the State of Michigan this 18th day of December, in the year of our Lord, two thousand eight.





JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:



Secretary of State

FILED WITH SECRETARY OF STATE

ON 12-18-08 AT 10:58am