

MICHIGAN STATE TRANSPORTATION COMMISSION
PUBLIC MEETING
January 25, 2024
Lansing, MI
MEETING MINUTES

Members Present: Michael D. Hayes, STC Chair
Richard W. Turner, STC Commissioner
Heath E. Salisbury, STC Commissioner (Remote Attendance)
Suzanne Schulz, STC Commissioner
Rhonda Welburn, STC Commissioner

Members Absent: Rita Brown, STC Commissioner

Also Present: Director Brad Wieferich, Michigan Department of Transportation
Kathleen Gleeson, Assistant Attorney General, Transportation Division
Jeff Cranson, Office of Communications, MDOT
Troy Hagon, Commission Advisor
Patrick McCarthy, Director, MDOT Bureau of Finance
Dee Parker, Director, Bureau of Development
Greg Brunner, COO
Jack Cotter, Commission Auditor, Office of Commission Audits
Pamela Gregory, SEMA, Office of Commission Audits
Ashleigh Houska, Department Analyst, Office of Commission Audits
About 20 to 25 people were in the audience.

I. WELCOME

Chair Hayes called the meeting to order at **11:00 a.m.**

Chair Hayes welcomed everyone to the STC meeting and thanked the Governor for appointing him as Chairman of the STC.

For more: [Full STC hearing video](#).

- ***Welcome from Director Brad Wieferich***

Director Brad Wieferich thanked the Governor for appointing him as Director of MDOT about a year ago. He mentioned that he was in the audience for the State of the State, where the Governor gave a direct guidance on granting the remaining \$700 million bonds to fix the roads under the Rebuilding Michigan Program. The Director said that MDOT is committed to working internally and with the Department of Treasury on the timing on those bills to fulfill that directive. The Director said that MDOT is committed to working with legislative partners to come up with the long-term sustainable solution to fix the roads. The Director invited COO Greg Brunner to discuss

the national rising concern on homeless encampments and trespassing on right of ways and where we were on this issue.

- ***Welcome from Gregg Brunner, P.E. Chief Engineer and Operating Officer***

Gregg Brunner brought up people living in the Freeway right of way. This can cause safety concerns. They are drafting plans to make it safer for everyone involved. MDOT's approach is to engage the folks directly, give them a number of days to leave, usually about two weeks but then they check after around two weeks. For larger groups they engage local homeless shelters to help the people relocate somewhere safer. When they do move on, they will sometimes leave their personal belongings and MDOT will box that up and leave a message for where they can pick up their belongings. They try to work closely with the homeless individuals and the shelters to keep everyone safe.

Commissioner Turner said that our goal is not to have anyone arrested and wants to make sure we pass that information on to law enforcement as well. Mr. Brunner said MDOT try to be as compassionate as possible for people in these circumstances.

Chair Hayes mentioned it was a problem around the country. He said it is possible that the overpasses are gravitated toward due to the cold climate. He thanked the department for understanding, acting, reacting and in a humane and responsible way.

II. **COMMISSION BUSINESS**

- ***Election of STC Vice Chair (motion required)***

Chair Hayes requested a motion regarding election of STC Vice Chair. Commissioner Turner nominated Commissioner Salisbury. Commissioner Schulz supported. They led a roll-call vote. All commissioners in attendance voted in favor, **motion to approve carried.**

- ***Minutes of November 9, 2023 Commission Meeting (motion required)***

Chair Hayes requested a motion regarding approval of the minutes for the November 9, 2023 Commission meeting. There were no comments. Commissioner Turner made a motion to approve the meeting minutes, and Commissioner Welburn supported. Chair Hayes led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***TAMC Appointment Nomination (motion required)***

Chair Hayes presented one nomination, a re appointment for Bill McEntee, to the Transportation Asset Management Council. Commissioner Schulz made a motion to approve, and Commissioner Turner supported. Chair Hayes led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Discussion on the 2024 Goals and Objectives of the Commission – Mike Hayes, Chair***

Chair Hayes discussed the objectives and goals of the State Transportation Commission for 2024. Chair Hayes believes there are approximately 82 policies for the State Transportation Commission needs to be reviewed as to their timeliness, effectiveness,

and usefulness. He recommends working with the Office of Commission Audits and MDOT to review these policies.

Commissioner Turner agreed that it is a good undertaking because often the policies aren't discussed until after an issue is discovered. It would also serve as training on the policies for all of us and to take a good hard look at the policies and their relevance. Commissioner Schulz agreed that it was a good idea to "do some house cleaning", on policy matters especially since some items haven't been updated since the 60s.

Commissioner Hayes sensed agreement through the comments and proceed working with OCA and MDOT Leadership to begin the process. He would like a background workshop on MDOT as an educational opportunity. Will work on setting this up after the April meeting has concluded with just the commission and appropriate MDOT staff. There will not be any discussion regarding policy, or any actions will be taken at this meeting as it will be an educational session only.

- ***Office of Commission Audits (OCA) Update – Jack Cotter***

Mr. Cotter spoke to the State Transportation Commission about government auditors. OCA is required to be independent. Today he discussed ethical principles. This concept has been reiterated by MDOT directors. There needs to be an ethical tone at the top for audit organization. Tone at the top starts with him as he conveys to his staff that they need to be customer service oriented. OCA must have an attitude of impartiality, intellectual honesty, and free from conflict of interest.

No motion required.

III. OVERSIGHT AND OTHER INFORMATIONAL REPORTS

- ***Quarterly Bid Letting Summary – Patrick McCarthy***

Mr. McCarthy presented the following documents to the STC for review: Quarterly Bid Letting Summary, which consisted of 159 projects during the months of October, November, December 2023. Mr. McCarthy presented the Bid Letting Trends for the same quarter, which documents the trends in the bid letting process. Mr. McCarthy finally presented the 1st quarter Procurement Card Report for FY2024.

Chair Hayes had a question regarding the large project on 13 of 48, project 44, which was listed as an Alternate Pavement bid. Director Wieferich requested Dee Parker explain Alternate Pavement bids.

Dee Parker explained Alternative Pavement bid means that when the bid is within 10% for concrete or asphalt, the consultant can bid the contract as either concrete or asphalt.

Chair Hayes requested a further explanation regarding Project 69 on page 21 of 48 that notes that there are 4 different alternatives. Dee Parker said he would need to get back to the commission regarding that question.

Chair Hayes asked about on the job training volunteer incentive program. Dee Parker said he would need to defer to someone regarding the pilot. Jason Gutting agreed to comment on these when he made his report to the commission.

Commissioner Schulz asked what the opportunities are with MDOT staff and local businesses and how are they evaluated. Dee Parker explained that they work with the local communities to evaluate what their needs are before the projects are designed. Commissioner Schulz asked if there is a practice or policy that dictates at what time the local communities get engaged in the process. Dee Parker responded that the local communities are involved very early in the process. This can take place as resolutions from the townships or public meetings when projects are discussed for local feedback.

Director Wieferich says that's the beauty of the 5-Year program. A big part of that is assessing the needs of the community first as part of the scoping of a project. MDOT is currently wondering if 5 years is long enough to gather input from the community. They want to be sure to request the right info at the right time so they can react to changes as necessary. **No motion required.**

- ***Quarterly Bid Justification Summary – Dee Parker***
Mr. Parker presented the Quarterly Bid Justification Summary for the 1st Quarter of 2024 to the State Transportation Commission, while noting justifications were reviewed by OCA. There were no questions. **No motion required.**
- ***Real Estate Services Section Disposal of Real Property Interests – Dee Parker***
Mr. Parker presented the Real Estate Services Section Disposal of Real Property Interests to the STC. **No motion required.**
- ***Final Construction Contracts – Extras and Overruns – Jason Gutting***
 - MDOT Projects for October, November, and December 2023
 - 57 projects totaling approximately \$127 million were finalized.
 - 3 projects were more than 10 percent over the original contract amount.
 - 29 projects came in under original contract amount.
 - Final monthly contract costs were respectively -4.48, 4.65, and -3.46 percent under or over their original contract amount.
 - Fiscal year 2024 is averaging 0.38 over original contract amount.
 - Local Agency Projects for October, November, and December 2023
 - 83 projects totaling approximately \$103 million were finalized.
 - 8 projects were more than 10 percent over the original contract amount.
 - 49 projects came in under original contract amount.
 - 4 MDOT projects and 7 local agency projects are being presented.

No motion required.

Jason Gutting brought up the workshop about the various topics. They have an Office of

Business Development that can cover the OJT better, but he explained they have contractors enrolled in the project to solicit disadvantaged individuals in apprenticeships and training. If they go above and beyond their OJT requirements, they can get bid additional credits of \$50,000 per person with a maximum of \$500,000 that counts as a negative in their bids for projects. Its an incentive program to have more apprenticeships and trainees to grow the industry while they are receiving credits. This is a bid incentive process.

Jason spoke further on the Alternate Pavement bid question that was raised earlier. He confirmed that when a project is within 10% between concrete and pavement, the contractor can choose which option they want to use. There are also projects that have added in where they can do an alternative pavement base as well. The projects are designed for appropriate support with each of these options. Chair Hayes said that what makes him feel better about it, the material is measured for load bearing.

There were no more questions.

V. PUBLIC COMMENTS

- 1) Jack Hoffman, Board Member of the Interurban Transit Partnership, from Grand Rapids had comments during both the Joint MAC/STC meeting and the STC meeting. He also provided a visual aid that has been attached (see Attachment 1, pg 7). Mr. Hoffman's comment was to show the relation between damage caused to the pavement system and tax revenue raised. He said that one 80,000-pound truck causes road damage equal to 9600 cars and said this information is from the MDOT Road Design Manual 2023. Mr. Hoffman said commercial trucks cause \$10 Billion in pavement damage per year while personal vehicles cause \$20 Million in damage. Through fuel and registration taxes, commercial vehicles pay 12 cents per mile while personal vehicles pay 2.3 cents per mile. According to Mr. Hoffman this figures out to be commercial vehicles causing \$10 billion in damages and only paying \$600 million in taxes while personal vehicles cause \$20 million in damages and pay \$2.3 billion.

Both comments were in relation to educating both the commissioners and the public about this issue while encouraging the commissioners to review their policy and consider adding a user fee. Mr. Hoffman quoted the Growing Michigan Together Final Report from 12/1/2023 in which this committee recommended transitioning from reliance on the Motor Fuel Tax and raises additional revenue to fill the gap. He said that since the STC commission was able to approve a bond issue in December 2020 without any additional authority, then it could implement a user fee. Commissioner Hayes thanked Mr. Hoffman for his comment and also encouraged him to speak to the legislature about the issue.

- 2) Todd Scott, Executive Director or Detroit Greenways Coalition, emailed a public comment to the STC for inclusion in the meeting. This message (see Attachment 2, pg 10) expressed Detroit Greenways Coalition's concern that MDOT is not following STC Policy CP 1100.58, which states that pedestrian bridges constructed by the Department will be maintained by the Department except for snow and ice control. The Detroit Greenways Coalition stated that they have not seen maintenance being performed on pedestrian bridges within the City of Detroit and that many are in poor condition. They

also included a 2022 Detroit City Council (see Attachment 3, pg 12) resolution that urges MDOT to ensure and maintain that pedestrian bridges are in good condition and refrain from removing bridges from communities as a means of lowering maintenance costs.

VII. **ADJOURNMENT**

Chair Hayes adjourned the meeting at 11:46 pm

VIII. **NEXT MEETING**

The next full meeting is April 18th. Location is to be determined.

Approved 2/7/24

Troy Hagon
Commission Advisor

appendix 11, pavement damage and tax revenues

	vehicle miles traveled	expense of good repair	fuel & registration tax paid	funding gap	User Fee (Illinois Plan)
all vehicles		10 billion	2.9 billion	7.1 billion	
commercial trucks, five 8 ton axles	5 billion	10 billion	600 million	9.4 billion	1.4 billion
personal vehicles, two 1 ton axles	100 billion	20 million	2.3 billion		
commercial trucks per mile		\$2.00	12 cents	\$1.88	27.5 cents
personal vehicles per mile		2/100 of one cent	2.3 cents		

59,501-64,000 lbs. *	MT	\$1,095	7,000	.195
64,001-73,280 lbs. *	MV	\$1,283	7,000	.225
73,281-77,000 lbs. *	MX	\$1,438	7,000	.258
77,001-80,000 lbs. *	MZ	\$1,525	7,000	.275

* Vehicles 55,000 lbs. or more are required to show proof of payment of the Federal Heavy Vehicle Use Tax (Form 2290 Schedule 1).

Mileage Tax Trailer Registration

Gross Weight of Vehicle and Load	Class	Fee	Maximum Mileage	Excess Rate
14,000 lbs. or less	MET	\$185	5,000	.031
14,001-20,000 lbs.	MFT	\$245	6,000	.036
20,001-36,000 lbs.	MLT	\$650	7,000	.103
36,001-40,000 lbs.	MMT	\$860	7,000	.150

Flat Weight Trucks

Class/Gross Weight	1st Quarter July 1 - Sept. 29	2nd Quarter Sept. 30 - Dec. 30	3rd Quarter Dec. 31 - Mar. 30	4th Quarter Mar. 31 - June 30
D (10,001-12,000 lbs.)	\$238	\$181	\$124	\$67
F (12,001-16,000 lbs.)	\$342	\$259	\$176	\$93
H (16,001-26,000 lbs.)	\$590	\$445	\$300	\$155
J (26,001-28,000 lbs.)	\$730	\$550	\$370	\$190
K (28,001-32,000 lbs.)	\$942	\$709	\$476	\$243
L (32,001-36,000 lbs.)	\$1,082	\$814	\$546	\$278
N (36,001-40,000 lbs.)	\$1,302	\$979	\$656	\$333

Powers and Duties of Transportation Commission and Director

There is hereby established a state transportation commission, which shall establish policy for state transportation department transportation programs and facilities. The director shall be responsible for executing the policy of the state transportation commission.

Mich Const 1963, Art V, Executive Branch, Section 28, Transportation Commission.

The commission and director may do anything necessary and proper to carry out the duties imposed upon them by the constitution.

State Transportation Commission Act, Act 286 of 1964, MCL 247.807 (2) (c) and 806a(i)



DetroitGreenways.org – P.O. Box 32013, Detroit, Michigan 48232
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January 25, 2024

To: State Transportation Commission

Re: Public comment on MDOT pedestrian bridge maintenance

We are writing to express our concerns that MDOT is not following STC Policy CP 1100.58. That policy states that, "pedestrian bridges constructed by the Department will be maintained by the Department except for snow and ice control."

We do not see this maintenance being performed on pedestrian bridges within the City of Detroit. We have pedestrian bridges with vegetation blocking users. We have bridges with bridge decks in very poor condition. In one case, the decking failed catastrophically causing a pedestrian to crash through. Many of these poorly maintained bridges have been closed then demolished, leading to disconnected communities due to the state's freeway.

At a public meeting we asked MDOT staff what their pedestrian bridge maintenance plan was and they said it was the City of Detroit's responsibility to maintain these MDOT assets. They were unaware of your policy.

We ask that the Commission:

1. Confirm MDOT's adherence to your existing maintenance policy from this point forward. This includes confirming that adequate maintenance funding is allocated within their budget to adequately perform this responsibility.
2. Get clarification that a snow and ice maintenance exception is allowable under ADA regulations.

We have attached a 2022 Detroit City Council resolution that "urges MDOT to ensure and maintain that pedestrian bridges are in good condition, and to refrain from removing pedestrian bridges from communities as a means of lowering maintenance costs."

While we do understand that MDOT has or will be issuing an RFP to evaluate all of their pedestrian bridges, that will not address the maintenance policy issue outlined in this letter.

If you have any questions, please contact me.

A handwritten signature in black ink, appearing to read "Todd Scott", with a stylized flourish at the end.

Todd Scott
Executive Director

Our **Vision** is a strong, healthy, vibrant City of Detroit and surrounding region where a seamless network of greenways, green spaces, blue ways and complete streets is an integral part of people's active lifestyle including day-to-day transportation and recreation.



BY COUNCIL MEMBER GABRIELA SANTIAGO-ROMERO

**RESOLUTION URGING MICHIGAN DEPARTMENT OF TRANSPORTATION TO
MAINTAIN PEDESTRIAN BRIDGES OVER FREEWAYS IN DETROIT**

- WHEREAS,** Safe, clean, convenient, and reliable non-motorized infrastructure fulfills an essential transportation need for Detroiters, especially those without access to a motor vehicle; and
- WHEREAS,** The City of Detroit is making significant infrastructure investments to accommodate safe and green non-motorized transportation options that connect residents to schools, parks, jobs, public transit, local businesses, and more; and
- WHEREAS,** Transportation infrastructure should be accessible to all users as required by the Americans with Disabilities Act; and
- WHEREAS,** Reconnecting communities divided by highways is a prioritized goal of the U.S. Department of Transportation; and
- WHEREAS,** Pedestrian bridges provide critical connections across freeways that otherwise divide Detroit communities; and
- WHEREAS,** Well-designed pedestrian bridges can provide freeway crossings with fewer motor vehicle conflicts as they are often located away from freeway on- and off-ramps; and
- WHEREAS,** Pedestrians and bicyclists accessing freeway pedestrian bridges typically must cross service drives with poor sight lines and designs that encourage motorists to speed; and
- WHEREAS,** The community has raised many issues about the lack of maintenance, safety, ADA compliance, and the closure of pedestrian bridges; and
- WHEREAS,** A Detroit resident recently fell through the Spruce Street pedestrian bridge over M-10; **NOW, THEREFORE BE IT**
- RESOLVED,** The Detroit City Council urges MDOT to ensure and maintain that pedestrian bridges are in good condition, and to refrain from removing pedestrian bridges from communities as a means of lowering maintenance costs.
- BE IT FURTHER
RESOLVED,** That copies of this resolution be forwarded to the Detroit delegation in the State Senate and State House, and Mayor Mike Duggan.