

October 31, 2007

Today I have signed Enrolled Senate Bill 240, the FY 2008 appropriations bill for the Department of Transportation. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific veto is contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill provides over \$3.3 billion for rebuilding, repair and maintenance of Michigan's roads and bridges, as well as key intermodal and public transportation programs. My action today:

- * Provides over \$2.5 billion in road and bridge construction funds to the Department of Transportation and local road agencies for the preservation, repair, and maintenance of Michigan's transportation network.

- * Provides over \$285 million for public transit programs, including \$182.3 million for bus operating assistance grants to local transit agencies.

However, I have again vetoed Section 306(3) that requires the Department of Treasury to develop a cost allocation plan for motor fuel tax collections based on time and effort. I continue to believe this level of administrative oversight by the Legislature is unwarranted.

There are also two provisions contained in this bill that remain unconstitutional, and, therefore unenforceable for the reasons specified below:

1. Section 401 requires legislative approval of federal aid distributions. This section violates the separation of powers doctrine in Article III, Section 2 of the 1963 Constitution of the State of Michigan.

2. Section 732(5) and (6) include withholding provisions that are unenforceable as they attempt to amend by reference 1951 PA 51, MCL 247.664. Since Section 732 addresses an important public policy issue, under my direction, the Department of Transportation has implemented policies and procedures ensuring accessibility to public transportation for all citizens by requiring lifts on transit vehicles be adequately maintained and operable.

Sincerely,

Jennifer M. Granholm

Governor