



# HOUSE BILL No. 4351

February 24, 1993, Introduced by Reps. Bodem, Dolan, Bullard, Middaugh, Goschka, London and Dalman and referred to the Committee on Tourism and Recreation.

A bill to amend section 10 of Act No. 295 of the Public Acts of 1976, entitled as amended

"State transportation preservation act of 1976,"

as amended by Act No. 210 of the Public Acts of 1984, being section 474.60 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 10 of Act No. 295 of the Public Acts of  
2 1976, as amended by Act No. 210 of the Public Acts of 1984, being  
3 section 474.60 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 10. (1) In weighing the varied interests of the resi-  
6 dents of this state, the department shall give consideration to  
7 the individual interest of any person, public or private  
8 corporation, local or regional transportation authority, local  
9 governmental unit, private carrier, group of rail users, state

1 agency, other public or private entity, including a port  
2 authority established under the Hertel-Law-T. Stopczynski port  
3 authority act, Act No. 639 of the Public Acts of 1978, being sec-  
4 tions 120.101 to 120.130 of the Michigan Compiled Laws, or any  
5 combination of these entities, expressing a desire to acquire or  
6 lease or secure an easement for the use of a portion or all of  
7 the real property owned by a railroad company. The property  
8 acquired by the department under this act may be conveyed or  
9 leased to an entity or combination of entities listed in this  
10 subsection with appropriate reimbursement, as determined by the  
11 department.

12 (2) Upon acquisition of a right-of-way, the department may  
13 preserve the right-of-way for future use as a railroad line and,  
14 if preserving it for that use, shall not permit any action which  
15 would render it unsuitable for future rail use. However, if the  
16 department determines a right-of-way or other property acquired  
17 under this act is no longer necessary for railroad transportation  
18 purposes, the department may preserve and utilize the  
19 right-of-way for other transportation purposes or may dispose of  
20 the right-of-way or other property acquired under this act for  
21 the purposes described in section 6, or may dispose of or lease  
22 the right-of-way or other property for other purposes, as  
23 appropriate. However, the department shall not dispose of or  
24 lease a right-of-way without first offering to transfer the  
25 right-of-way to the department of natural resources. If the  
26 department of natural resources desires to lease or purchase the  
27 right-of-way, the department of natural resources must indicate

1 their desire within 60 days and accept the offered transfer  
2 within 1 year after the offer is made. If the department of nat-  
3 ural resources does not indicate their desires within 60 days,  
4 the department may dispose of or lease the right-of-way as other-  
5 wise provided for in this act. If the department of natural  
6 resources does not accept the offered transfer within 1 year  
7 after indicating their desire to lease or purchase the  
8 right-of-way, the department may dispose of or lease the  
9 right-of-way as otherwise provided for in this act. When appro-  
10 priate, a right-of-way or other property shall be transferred or  
11 leased to a public or private entity with appropriate reimburse-  
12 ment, as determined by the department.

13 (3) In preserving a right-of-way for future rail use, the  
14 department may do 1 or more of the following:

15 (a) Develop the right-of-way for use as a commuter trail  
16 where the use is feasible and needed or lease the right-of-way to  
17 a county, city, village, or township expressing a desire to  
18 develop the right-of-way as a commuter trail. The lease shall be  
19 for an indefinite period of time, cancelable by the department  
20 only if the right-of-way is needed for rail usage. The trails,  
21 unless leased to a county, city, village, or township, shall  
22 remain under the jurisdiction of the department.

23 (B) TRANSFER, FOR APPROPRIATE REIMBURSEMENT, THE  
24 RIGHT-OF-WAY TO THE DEPARTMENT OF NATURAL RESOURCES FOR USE AS A  
25 MICHIGAN TRAILWAY PURSUANT TO THE MICHIGAN TRAILWAYS ACT, IF THE  
26 DEED INCLUDES RESTRICTIONS ON THE USE OF THE PROPERTY THAT ASSURE  
27 THAT THE PROPERTY REMAINS VIABLE FOR FUTURE RAIL USAGE, AND

1 INCLUDES A CLAUSE THAT PROVIDES THAT THE DEPARTMENT OF NATURAL  
2 RESOURCES SHALL TRANSFER, FOR APPROPRIATE REIMBURSEMENT, THE  
3 RIGHT-OF-WAY TO THE DEPARTMENT, UPON A DETERMINATION OF THE  
4 DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT THAT THE  
5 RIGHT-OF-WAY IS NEEDED FOR USE AS A RAILROAD LINE.

6 (C) ~~(b)~~ Lease the right-of-way to the department of natu-  
7 ral resources, or upon approval of the department of natural  
8 resources, to a county, city, village, or township for use as a  
9 recreational trail. The lease shall be for an indefinite period  
10 of time, cancelable by the department only if the right-of-way is  
11 needed for rail usage. A recreational trail shall be reserved  
12 for non-motorized forms of recreation or snowmobiling only.  
13 Snowmobiling shall not be allowed on more than 50% of the mileage  
14 of the recreational trails established pursuant to this act.

15 (D) ~~(c)~~ In cases where a trail serves both a significant  
16 commuter and recreation function, authorize the joint development  
17 of the trail by the department and the department of natural  
18 resources, or the department and any interested county, city,  
19 village, or township. Administration of the trail shall be  
20 determined jointly by the department and the department of natu-  
21 ral resources.

22 Section 2. This amendatory act shall not take effect unless  
23 Senate Bill No. \_\_\_\_\_ or House Bill No. 4352 (request  
24 no. 00968'93) of the 87th Legislature is enacted into law.