



HOUSE BILL No. 4352

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

A bill to provide for a system of state trailways; to provide for the designation, use, and maintenance of state trailways; and to prescribe the powers and duties of certain state and local agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan trailways act".

3 Sec. 2. The legislature finds and declares that a statewide
4 system of trailways will provide for public enjoyment, health,
5 and fitness; encourage constructive leisure time activities; pro-
6 tect open space, cultural and historical resources, and habitat
7 for wildlife and plants; enhance the local and state economies;
8 link communities, parks, and natural resources; create
9 opportunities for rural-urban exchange, agricultural education,
10 and marketing of farm products; and preserve corridors for

1 possible future use for other public purposes. Therefore, the
2 planning, acquisition, development, operation, and maintenance of
3 Michigan trailways is in the best interest of the state and is
4 declared to be a public purpose.

5 Sec. 3. As used in this act:

6 (a) "Commission" means the commission of natural resources.

7 (b) "Council" means a Michigan railway management council
8 established pursuant to section 7.

9 (c) "Department" means the department of natural resources.

10 (d) "Fund" means the Michigan trailways fund created in sec-
11 tion 8.

12 (e) "Governmental agency" means the federal government or a
13 county, city, village, or township, or a combination of any of
14 these entities.

15 (f) "Michigan railway" means a railway designated by the
16 commission pursuant to section 4.

17 (g) "Rule" means a rule promulgated pursuant to the adminis-
18 trative procedures act of 1969, Act No. 306 of the Public Acts of
19 1969, being sections 24.201 to 24.328 of the Michigan Compiled
20 Laws.

21 (h) "Trailway" means a land corridor that features a broad
22 trail capable of accommodating a variety of public recreation
23 uses.

24 Sec. 4. (1) The commission may designate a railway in the
25 state as a "Michigan railway" if it meets, or will meet when
26 completed, all of the following requirements:

1 (a) The land on which the railway is located is owned by
2 the state or a governmental agency, or otherwise is under the
3 long-term control of the state or a governmental agency through a
4 lease, easement, or other arrangement. If the land is owned by a
5 governmental agency, the commission shall obtain the consent of
6 the governmental agency before designating the land as part of a
7 Michigan railway.

8 (b) The design and maintenance of the railway and its
9 related facilities meet generally accepted standards of public
10 safety.

11 (c) The railway meets appropriate standards for its design-
12 nated recreation uses.

13 (d) The railway is available for designated recreation uses
14 on a nondiscriminatory basis.

15 (e) The railway is a multiuse trail suitable for use by
16 pedestrians, by people with disabilities, and by other users, as
17 appropriate.

18 (f) The railway is, or has potential to be, a segment of a
19 statewide network of railways, or it attracts a substantial
20 share of its users from beyond the local area.

21 (g) The railway is marked with an official Michigan trail-
22 way sign and logo at major access points.

23 (h) The railway is not directly attached to a roadway,
24 except at roadway crossings.

25 (i) Where feasible, the railway offers adequate support
26 facilities for the public, including parking, sanitary
27 facilities, and emergency telephones, that are accessible to

1 people with disabilities and are at reasonable frequency along
2 the trailway.

3 (j) Potential negative impacts of trailway development on
4 owners or residents of adjacent property are minimized through
5 all of the following:

6 (i) Adequate enforcement of trailway rules and regulations.

7 (ii) Continuation of access for trailway crossings for agri-
8 cultural and other purposes.

9 (iii) Construction and maintenance of fencing, where neces-
10 sary, by the owner or operator of the trailway.

11 (iv) Other means as considered appropriate by the
12 commission.

13 (2) The commission may revoke a Michigan trailway designa-
14 tion if it determines that a trailway fails to meet the require-
15 ments of subsection (1). Before revoking a Michigan trailway
16 designation, the commission shall provide notice to all entities
17 involved in the management of the trailway. If the trailway is
18 brought into compliance with subsection (1) within 90 days after
19 providing this notice, the commission shall not revoke the
20 designation.

21 (3) In agricultural areas, a Michigan trailway may be tempo-
22 rarily closed by the entity operating the trailway to allow pes-
23 ticide application on lands adjoining the trailway. The entity
24 operating the Michigan trailway shall post the closure of the
25 trailway or arrange with a landowner, or other person, for the
26 posting of signs and the closure of the trailway during pesticide
27 application and appropriate reentry periods.

1 Sec. 5. (1) The commission may designate a trailway,
2 bicycle path, sidewalk, road, or other suitable route that does
3 not meet the requirements of this act for a Michigan trailway as
4 a "Michigan trailway connector" if the connector meets all of the
5 following:

6 (a) The connector meets appropriate safety standards and
7 appropriate design standards for its designated uses.

8 (b) The connector connects directly to a Michigan trailway.

9 (c) The public agency having jurisdiction over the connector
10 has consented in writing to the designation.

11 (d) The connector is marked with an official Michigan trail-
12 way connector sign and logo at major access points.

13 (2) An aquatic corridor capable of accommodating watercraft
14 that connects to a Michigan trailway may be designated as a
15 Michigan trailway connector if it meets the requirements of
16 subsection (1)(a) to (d).

17 Sec. 6. (1) The department may operate and maintain
18 Michigan trailways.

19 (2) The commission shall, in consultation with the govern-
20 mental agencies in which the trailway is located, establish uses
21 to be permitted on each state owned and operated Michigan
22 trailway. In establishing permitted uses, the commission shall
23 consider all of the following:

24 (a) The safety and enjoyment of trailway users.

25 (b) Impacts on residents, landowners, and businesses adja-
26 cent to the trailway.

1 (c) Applicable local ordinances.

2 (3) The department may enter into an agreement with a
3 council or 1 or more governmental agencies to provide for the
4 operation and maintenance of a Michigan railway. An agreement
5 entered into under this subsection may include provisions for any
6 of the following:

7 (a) Designation of permitted railway uses.

8 (b) Construction, maintenance, and operation of the
9 railway.

10 (c) Enforcement of railway rules and regulations.

11 (d) Other provisions consistent with this act.

12 Sec. 7. (1) Two or more governmental agencies may establish
13 a Michigan railway management council for the development and
14 management of a Michigan railway. A council shall include mem-
15 bership as considered appropriate by the governmental agencies.

16 (2) Upon formation, a council shall adopt operating proce-
17 dures and shall elect officers as the council considers
18 appropriate.

19 (3) After entering into an agreement with the department as
20 provided for in section 6, a council may, pursuant to the agree-
21 ment, do 1 or more of the following:

22 (a) Operate and maintain that portion of 1 or more Michigan
23 railways within the jurisdiction of the local units of govern-
24 ment as provided in the agreement.

25 (b) Enforce railway rules and regulations.

1 (c) Administer any grant made from the fund or other funding
2 related to that portion of a Michigan trailway within its
3 jurisdiction.

4 (d) Perform other functions consistent with this act.

5 (4) A council may be dissolved by the governmental agencies
6 that participated in creating the council. However, if an agree-
7 ment has been entered into by the council under section 6, the
8 agreement shall specify how the council may be dissolved.

9 Sec. 8. (1) The Michigan trailways fund is created within
10 the state treasury.

11 (2) Except as otherwise provided by law, the state treasurer
12 may receive money or other assets from any of the following for
13 deposit into the fund:

14 (a) Fees collected from users of trailways on state forest
15 lands as provided by law.

16 (b) Payments to the state for easements, use permits,
17 leases, or other use of state owned Michigan trailway property.

18 (c) Payments to the state for concessions operated by pri-
19 vate vendors on state owned property located on or adjacent to a
20 Michigan trailway.

21 (d) Federal funds.

22 (e) Gifts or bequests.

23 (f) State appropriations.

24 (g) Money or assets from other sources as provided by law.

25 (3) The state treasurer shall direct the investment of the
26 fund. The state treasurer shall credit to the fund interest and
27 earnings from fund investments.

1 (4) Money in the fund at the close of the fiscal year shall
2 remain in the fund and shall not lapse to the general fund.

3 (5) Money in the fund may be expended for any of the follow-
4 ing purposes:

5 (a) The expenses of the department in operating and main-
6 taining the Michigan railway system and enforcing Michigan
7 railway rules and regulations.

8 (b) Grants to or contracts with councils or governmental
9 agencies to operate and maintain segments of Michigan railways
10 and to enforce Michigan railway rules and regulations.

11 (c) Funding Michigan railway construction and
12 improvements.

13 (d) Acquisition of land or rights in land.

14 (e) Publications and promotions of the Michigan railways
15 system.

16 (6) In determining the expenditure of money in the fund, the
17 department shall consider all of the following:

18 (a) The need for funding for each of the purposes listed in
19 subsection (5).

20 (b) The estimated cost of Michigan railway management for
21 each governmental agency that manages a Michigan railway, based
22 on previous costs, railway mileage, level of use, and other rel-
23 evant factors.

24 (c) The need of each governmental agency that manages a
25 Michigan railway for financial assistance in managing that
26 railway, and the amount of money from the fund received by that
27 agency in the past.

1 (d) The amount of revenue accruing to the fund that is
2 generated from each Michigan railway.

3 (e) Other factors considered appropriate by the department.

4 (7) The department shall submit a report to the legislature
5 on or before December 1 of each year describing the use of money
6 appropriated from the fund in the previous fiscal year.

7 Sec. 9. (1) The commission may do any of the following:

8 (a) Grant easements or use permits or lease land owned by
9 the state that is being used for a Michigan railway for a use
10 that is compatible with the use of the Michigan railway.

11 (b) Enter into contracts for concessions along a state owned
12 Michigan railway.

13 (c) Lease land adjacent to a state owned Michigan railway
14 for the operation of concessions.

15 (2) If the commission approves of the acquisition of land by
16 the department, the commission may state that the acquisition of
17 specified land is acquired for use as a Michigan railway. Land
18 that is specified for use as a Michigan railway for purposes of
19 this section only shall be considered as a Michigan railway as
20 soon as the department acquires it.

21 Sec. 10. All state agencies shall cooperate with the com-
22 mission and the department in the implementation of this act.

23 Sec. 11. The commission may promulgate rules as it consid-
24 ers necessary to implement this act.

25 Sec. 12. This act shall not take effect unless Senate Bill
26 No. 203 or House Bill No. _____ (request no. 00578'93) of
27 the 87th Legislature is enacted into law.