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Senate Bill 530 (as introduced 5-24-07)

Sponsor: Senator Jason E. Allen

Committee: Natural Resources and Environmental Affairs

Date Completed: 6-8-07

### **CONTENT**

**The bill would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act to revise provisions pertaining to noise emission from a snowmobile, and limit certain provisions pertaining to snowmobile trails to those located on or along a railroad right of way.**

Part 821 prohibits a person from operating a snowmobile without a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "a" scale) on a sound meter having characteristics defined by the American Standards Association S1, 4-1966 "general purpose sound meter". Noise emission from a snowmobile manufactured after July 1, 1977, and sold or offered for sale in Michigan may not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 Society of Automobile Engineers (SAE) Code J192a. The provision related to snowmobiles manufactured after July 1, 1977, does not apply to a snowmobile used in an organized race on a course that is being used solely for racing.

Under the bill, instead, a person could not operate a snowmobile without a muffler in good working order and in constant operation from which noise emission was in compliance with the following:

- For a snowmobile manufactured after July 1, 1977, and sold or offered for sale in Michigan, noise emission could not exceed 78 decibels of sound pressure at 50 feet as measured under the 2003 SAE Code J192a.
- For a stationary vehicle, noise emission could not exceed 88-dB, as measured using the SAE J2567 stationary snowmobile sound test procedure.

Neither of these criteria would apply to a snowmobile being used in an organized race on a course used solely for racing.

Part 821 also prohibits a person from operating a snowmobile on a railroad or railroad right-of-way, unless the person is using a snowmobile trail located on or along the right-of-way, or an at-grade snowmobile trail crossing of a right-of-way, that has been approved expressly in writing by the owner of the right-of-way and each railroad company using the tracks.

A snowmobile trail must be constructed, operated, and maintained by a person other than the person owning the railroad right-of-way and the railroad operator, except that an at-grade trail crossing of a right-of-way must be constructed and maintained by the railroad

operator at the sole cost and expense of the trail operator, pursuant to terms of a lease agreement under which the person operating the trail agrees to do all of the following:

- Indemnify the person owning the railroad right-of-way and the person operating the railroad against any claims associated with, arising from, or incidental to the construction, maintenance, operation, and use of the trail or at-grade snowmobile trail crossing.
- Provide liability insurance in the amount of \$2.0 million naming the right-of-way owner and the railroad operator as named insureds.
- Meet any other obligations or provisions considered appropriate by the right-of-way owner or the railroad operator.

Under the bill, these provisions would apply to the construction, operation, and maintenance of a snowmobile trail located on or along a railroad right-of-way.

MCL 324.82126

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.