

SENATE BILL No. 530

May 24, 2007, Introduced by Senators ALLEN, CLARKE, BIRKHOLZ and PAPPAGEORGE and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 82126 (MCL 324.82126), as amended by 2003 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82126. (1) A person shall not operate a snowmobile under
2 any of the following circumstances:

3 (a) At a rate of speed greater than is reasonable and proper
4 having due regard for conditions then existing.

5 (b) In a forest nursery, planting area, or on public lands
6 posted or reasonably identifiable as an area of forest reproduction
7 when growing stock may be damaged or posted or reasonably
8 identifiable as a natural dedicated area that is in zone 2 or zone
9 3.

10 (c) On the frozen surface of public waters as follows:

1 (i) Within 100 feet of a person, including a skater, who is not
2 in or upon a snowmobile.

3 (ii) Within 100 feet of a fishing shanty or shelter except at
4 the minimum speed required to maintain forward movement of the
5 snowmobile.

6 (iii) On an area that has been cleared of snow for skating
7 purposes unless the area is necessary for access to the public
8 water.

9 (d) Without a muffler in good working order and in constant
10 operation from which noise emission at ~~50 feet at right angles from~~
11 ~~the vehicle path under full throttle does not exceed 86 DBA,~~
12 ~~decibels on the "a" scale, on a sound meter having characteristics~~
13 ~~defined by American standards association S1, 4 1966 "general~~
14 ~~purpose sound meter". However, noise emission from~~ **IS IN COMPLIANCE**
15 **WITH THE FOLLOWING:**

16 (i) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii),** FOR a snowmobile
17 manufactured after July 1, 1977, and sold or offered for sale in
18 this state, **NOISE EMISSION** shall not exceed 78 decibels of sound
19 pressure at 50 feet as measured under the ~~1974-2003~~ society of
20 automobile engineers code ~~J-192a-J192A~~. ~~This subdivision does~~

21 (ii) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii),** FOR A STATIONARY
22 **VEHICLE, NOISE EMISSION SHALL NOT EXCEED 88-DB, AS MEASURED USING**
23 **THE SAE J2567 STATIONARY SNOWMOBILE SOUND TEST PROCEDURE.**

24 (iii) SUBPARAGRAPHS (i) AND (ii) DO not apply to a snowmobile
25 that is being used in an organized race on a course ~~which~~ **THAT** is
26 used solely for racing.

27 (e) Within 100 feet of a dwelling between 12 midnight and 6

1 a.m., at a speed greater than the minimum required to maintain
2 forward movement of the snowmobile.

3 (f) In an area on which public hunting is permitted during the
4 regular November firearm deer season from 7 a.m. to 11 a.m. and
5 from 2 p.m. to 5 p.m., except under 1 or more of the following
6 circumstances:

7 (i) During an emergency.

8 (ii) For law enforcement purposes.

9 (iii) To go to and from a permanent residence or a hunting camp
10 otherwise inaccessible by a conventional wheeled vehicle.

11 (iv) For the conduct of necessary work functions involving land
12 and timber survey, communication and transmission line patrol, and
13 timber harvest operations.

14 (v) On the person's own property or property under the
15 person's control or as an invited guest.

16 (g) While transporting on the snowmobile a bow, unless
17 unstrung or encased, or a firearm, unless unloaded in both barrel
18 and magazine and securely encased.

19 (h) On or across a cemetery or burial ground.

20 (i) Within 100 feet of a slide, ski, or skating area except
21 when traveling on a county road right-of-way pursuant to section
22 82119 or a snowmobile trail that is designated and funded by the
23 department. A snowmobile may enter such an area for the purpose of
24 servicing the area or for medical emergencies.

25 (j) On a railroad or railroad right-of-way. This prohibition
26 does not apply to railroad personnel, public utility personnel, law
27 enforcement personnel while in the performance of their duties, and

1 persons using a snowmobile trail located on or along a railroad
2 right-of-way, or an at-grade snowmobile trail crossing of a
3 railroad right-of-way, that has been expressly approved in writing
4 by the owner of the right-of-way and each railroad company using
5 the tracks and that meets the conditions imposed in subsections (2)
6 and (3). A snowmobile trail or an at-grade snowmobile trail
7 crossing shall not be constructed on a right-of-way designated by
8 the federal government as a high-speed rail corridor.

9 (2) A snowmobile trail **LOCATED ON OR ALONG A RAILROAD RIGHT-**
10 **OF-WAY** shall be constructed, operated, and maintained by a person
11 other than the person owning the railroad right-of-way and the
12 person operating the railroad, except that an at-grade snowmobile
13 trail crossing of a railroad right-of-way shall be constructed and
14 maintained by the person operating the railroad at the sole cost
15 and expense of the person operating the trail connected by the
16 crossing, pursuant to terms of a lease agreement under which the
17 person operating the trail agrees to do all of the following:

18 (a) Indemnify the person owning the railroad right-of-way and
19 the person operating the railroad against any claims associated
20 with, arising from, or incidental to the construction, maintenance,
21 operation, and use of the trail or at-grade snowmobile trail
22 crossing.

23 (b) Provide liability insurance in the amount of \$2,000,000.00
24 naming the person owning the railroad right-of-way and the person
25 operating the railroad as named insureds.

26 (c) Meet any other obligations or provisions considered
27 appropriate by the person owning the railroad right-of-way or the

1 person operating the railroad including, but not limited to, the
2 payment of rent that the person owning the railroad right-of-way or
3 the person operating the railroad is authorized to charge under
4 this part and the meeting of all construction, operating, and
5 maintenance conditions imposed by the person owning the railroad
6 right-of-way and the person operating the railroad regarding the
7 snowmobile trail.

8 (3) A snowmobile trail shall be clearly demarcated by signing
9 constructed and maintained at the sole cost and expense of the
10 grant program sponsor. The signing shall be placed at the outer
11 edge of the railroad right-of-way, as far from the edge of the
12 railroad tracks as possible, ~~but~~ **AND** not closer than 20 feet from
13 the edge of the railroad tracks unless topography or other natural
14 or manmade features require the trail to lie within 20 feet of the
15 edge of the railroad tracks. The at-grade snowmobile trail crossing
16 of a railroad right-of-way shall be aligned at 90 degrees or as
17 close to 90 degrees as possible to the railroad track being
18 crossed, and shall be located where approach grades to the crossing
19 are minimal and where the vision of a person operating a snowmobile
20 will be unobstructed as he or she approaches the railroad tracks.
21 The design of the snowmobile trail, including the location of
22 signing, shall be included upon plan sheets by the person
23 constructing, operating, and maintaining the trail, and shall be
24 approved in writing by the person owning the right-of-way and the
25 person operating the railroad. Signing shall conform to
26 specifications issued by the department to its snowmobile trail
27 grant program sponsors.

1 (4) Notwithstanding section 82101, as used in this section,
2 "operate" means to cause to function, run, or manage.

3 (5) A person shall not alter, deface, damage, or remove a
4 snowmobile trail sign or control device.

5 (6) Each person who participates in the sport of snowmobiling
6 accepts the risks associated with that sport insofar as the dangers
7 are obvious and inherent. Those risks include, but are not limited
8 to, injuries to persons or property that can result from variations
9 in terrain; surface or subsurface snow or ice conditions; bare
10 spots; rocks, trees, and other forms of natural growth or debris;
11 or collisions with signs, fences, or other snowmobiles or snow-
12 grooming equipment. Those risks do not include injuries to persons
13 or property that can result from the use of a snowmobile by another
14 person in a careless or negligent manner likely to endanger person
15 or property. When a snowmobile is operated in the vicinity of a
16 railroad right-of-way, each person who participates in the sport of
17 snowmobiling additionally assumes risks including, but not limited
18 to, entanglement with tracks, switches, and ties and collisions
19 with trains and other equipment and facilities.