



**House
Legislative
Analysis
Section**

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"DEMO" TRAIL FOR SNOWMOBILES

House Bill 5226 as enrolled
Second Analysis (3-11-92)

Sponsor: Rep. Ralph Ostling
House Committee: Conservation,
Recreation & Environment
Senate Committee: Natural Resources &
Environmental Affairs

THE APPARENT PROBLEM:

Snowmobiling is a popular recreational sport enjoyed by many outdoor enthusiasts across the state. In an effort to ensure the safety of snowmobile users and provide challenging trails, the Department of Natural Resources (DNR) has incorporated several stretches of abandoned railroad rights-of-way into its recreational trail system. Some people have expressed concern that permitting snowmobilers to use these abandoned areas could lead to their encroachment upon functional railroad rights-of-way. Others, however, support the policy as a way of broadening the public's safe use of rights-of-way. In an effort to resolve the issue, the legislature recently amended Public Act 74 of 1968, which provides for the recreation and regulation of snowmobiles. Under Public Act 340 of 1990, snowmobilers were allowed to operate their machines, between December 1, 1990, and March 31, 1991, on a demonstration trail located on a state-owned railroad right-of-way operated by the Detroit and Mackinac Railway Company--or on a company-owned right-of-way that connects to a state-owned right-of-way--which the company operated between Gaylord and Frederic. The demonstration project was designed to study whether opening a functional railroad right-of-way to snowmobilers could lead to unsafe situations for persons using the trails and trains using the tracks. Apparently, the trail still is being developed and it is felt that more time is needed to conduct the study.

THE CONTENT OF THE BILL:

The bill would amend Public Act 74 of 1968 to allow the demonstration snowmobile trail located on a state-owned railroad right-of-way operated by the Detroit and Mackinac Railway Company between Gaylord and Frederic to be used by snowmobilers between December 1 and March 31 in 1992-93,

1993-94, and 1994-95. Public Act 340 of 1990 required that the trail's design be approved in writing by the person owning the right-of-way and the person operating the railroad. The bill specifies that the location of fencing and signing along the trail would have to be included in written plans by the person constructing, operating and maintaining the trail and approved in writing by both the railroad owner and the owner of the railroad right-of-way (the state). Also, signing would have to conform to specifications issued by the Department of Natural Resources to those authorized to operate snowmobile trails.

In addition, Public Act 340 required the Department of Transportation, in cooperation with the railway company and the trail operator, to conduct a study during development, construction and operation of the trail to evaluate the project and to examine the feasibility and desirability of establishing snowmobile trails on functional railroad rights-of-way in the state. The study had to be summarized in a report submitted to the legislature by September 1, 1991. The bill would require that the study be conducted each year and that reports be submitted to the legislature by September 1 of 1993, 1994 and 1995.

MCL 257.1515

FISCAL IMPLICATIONS:

The Senate Fiscal Agency says the bill would not affect state or local budget expenditures. (2-12-92)

ARGUMENTS:

For:

The bill would permit further study of the question whether allowing functional railroad rights-of-way to

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be used by snowmobilers poses a threat either to snowmobilers or to trains using the tracks near such trails. Apparently, the original one-year demonstration period was not an adequate amount of time to make a conclusive determination. At the same time, the bill would permit snowmobilers to once again use the demonstration trail.