

# SENATE BILL No. 834

March 25, 1992, Introduced by Senators GEAKE, EHLERS, BARCIA, HONIGMAN, CISKY, DI NELLO, CHERRY, STABENOW, BERRYMAN, MC MANUS, DINGELL, CONROY, POLLACK and KELLY and referred to the Committee on Natural Resources and Environmental Affairs.

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 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 trailway management council  
8 established pursuant to section 9.

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

10 (d) "Fund" means the Michigan trailways trust fund created  
11 in section 6.

12 (e) "Local unit of government" means a county, city, vil-  
13 lage, or township.

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

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

20 (h) "Trailway" means either or both of the following:

21 (i) A land corridor that features a broad trail capable of  
22 accommodating a variety of public recreation uses.

23 (ii) An aquatic corridor capable of accommodating watercraft  
24 that connects 2 land corridors described in subparagraph (i).

25 Sec. 4. (1) The commission may designate a trailway in the  
26 state as a "Michigan trailway".

1       (2) A Michigan trailway shall meet all of the following  
2 requirements:

3       (a) The land on which a trailway is located is owned by a  
4 public agency, or otherwise is under the long-term control of a  
5 public agency through a lease, easement, or other arrangement.  
6 If the land is owned by a local unit of government, the commis-  
7 sion shall obtain the consent of the local unit of government  
8 prior to designating the land as part of a Michigan trailway.

9       (b) The trailway and its related facilities meet generally  
10 accepted standards of public safety.

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

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

15       (3) The commission shall designate a trailway as a Michigan  
16 trailway pursuant to subsection (1) only if potential negative  
17 impacts of trailway development on owners or residents of adja-  
18 cent property are minimized through all of the following:

19       (a) Adequate enforcement of Michigan trailway rules and  
20 regulations.

21       (b) Maintenance of trailway crossings for agricultural and  
22 other purposes.

23       (c) Fencing, where necessary.

24       (d) Other means as considered appropriate by the  
25 commission.

26       (4) The commission shall promulgate rules that do all of the  
27 following:

1 (a) Provide criteria for designation of Michigan trailways  
2 and a process for making a designation.

3 (b) Provide criteria for establishing uses for Michigan  
4 trailways or portions of Michigan trailways.

5 (c) Regulate activities on Michigan trailways.

6 (d) Minimize potential negative impacts to residents of  
7 property adjacent to Michigan trailways and owners of property  
8 adjacent to Michigan trailways.

9 (5) The commission may revoke a Michigan railway designa-  
10 tion if it determines that a railway fails to meet the require-  
11 ments of this act or the rules promulgated under this act.

12 Sec. 5. The commission may purchase land for use as a  
13 future Michigan railway. However, the commission is not  
14 required to use all such land purchases for a railway. If a  
15 later decision is made not to develop a railway with the land,  
16 the commission may sell the land. All proceeds from such sales  
17 shall be deposited into the fund.

18 Sec. 6. (1) The Michigan trailways trust fund is created  
19 within the state treasury.

20 (2) The state treasurer may receive money or other assets  
21 from any of the following for deposit into the fund:

22 (a) Fees collected from users of state owned Michigan  
23 trailways.

24 (b) Payments to the state for easements, use permits,  
25 leases, or other use of state owned Michigan railway property.

1 (c) Payments to the state for concessions operated by  
2 private vendors on state owned property located on or adjacent to  
3 a Michigan trailway.

4 (d) Federal funds.

5 (e) Gifts or bequests.

6 (f) State appropriations.

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

8 (3) The state treasurer shall direct the investment of the  
9 fund. The state treasurer shall credit to the fund interest and  
10 earnings from fund investments.

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

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

15 (a) The administrative expenses of the department in operat-  
16 ing and maintaining the Michigan trailway system and enforcing  
17 Michigan trailway rules and regulations.

18 (b) Grants to or contracts with councils or local units of  
19 government to operate and maintain segments of Michigan trailways  
20 and to enforce Michigan trailway rules and regulations.

21 (c) Funding Michigan trailway improvements.

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

23 Sec. 7. (1) The department may do any of the following:

24 (a) Grant easements or use permits or lease land owned by  
25 the state that is being used for a Michigan trailway for a use  
26 that is compatible with the use of the Michigan trailway.

1 (b) Enter into contracts for concessions along a Michigan  
2 trailway.

3 (c) Lease land adjacent to a Michigan trailway for the oper-  
4 ation of concessions.

5 (d) Charge user fees for the use of a Michigan trailway or  
6 authorize a council or an agency of a local unit of government to  
7 charge user fees.

8 (2) All money collected pursuant to this section shall be  
9 deposited into the fund.

10 Sec. 8. The department may operate and maintain Michigan  
11 trailways that are located on state owned land. The department  
12 may enter into an agreement with a council or 1 or more agencies  
13 of local units of government to provide for the operation and  
14 maintenance of a Michigan trailway that is located on state owned  
15 land and enforcement of Michigan trailway rules and regulations.  
16 The department may enter into an agreement with a council or 1 or  
17 more agencies of local units of government relating to the opera-  
18 tion and maintenance of Michigan trailways and enforcement of  
19 trailway rules for Michigan trailways that are not located on  
20 state owned land.

21 Sec. 9. (1) After the commission designates a trailway as a  
22 Michigan trailway, the governing bodies of 2 or more local units  
23 of government may, by majority vote of each governing body,  
24 establish a Michigan trailway management council for the purpose  
25 of managing that Michigan trailway. A council shall include mem-  
26 bership as considered appropriate by the governing bodies of the  
27 local units of government.

1       (2) Upon formation, a council shall adopt operating  
2 procedures and shall elect officers as the council considers  
3 appropriate.

4       (3) After entering into an agreement with the department as  
5 provided for in section 8, a council shall do all of the  
6 following:

7       (a) Operate and maintain that portion of 1 or more Michigan  
8 trailways within the jurisdiction of the local units of govern-  
9 ment as provided in the agreement and as authorized by the gov-  
10 erning bodies of the local units of government.

11       (b) Enforce trailway rules and regulations.

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

15       (4) A council may be dissolved by majority vote of the gov-  
16 erning bodies of the local units of government that participated  
17 in creating the council. However, if an agreement has been  
18 entered into by the council under section 8, the council shall  
19 not be dissolved without the approval of the commission.

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