



HOUSE BILL No. 4280

February 1, 1995, Introduced by Rep. Lowe and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 15 of Act No. 74 of the Public Acts of 1968, entitled as amended "The Michigan snowmobile act," as amended by Act No. 98 of the Public Acts of 1994, being section 257.1515 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of Act No. 74 of the Public Acts of
2 1968, as amended by Act No. 98 of the Public Acts of 1994, being
3 section 257.1515 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 15. (1) A person shall not operate a snowmobile under
6 any of the following circumstances:

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

1 (b) In a forest nursery, planting area, or public lands
2 posted or reasonably identifiable as an area of forest
3 reproduction when growing stock may be damaged or posted or rea-
4 sonably identifiable as a natural dedicated area which is in zone
5 2 or zone 3.

6 (c) On the frozen surface of public waters within 100 feet
7 of a person, including a skater, not in or upon a snowmobile,
8 ~~or~~ within 100 feet of a fishing shanty or shelter except at the
9 minimum speed required to maintain forward movement of the snow-
10 mobile or on an area which has been cleared of snow for skating
11 purposes unless the area is necessary for access to the public
12 water.

13 (d) Without a muffler in good working order and in constant
14 operation from which noise emission at 50 feet at right angles
15 from THE vehicle path under full throttle does not exceed 86 DBA,
16 decibels on the "a" scale, on a sound meter having characteris-
17 tics defined by American standards association S1, 4-1966
18 "general purpose sound meter". A snowmobile manufactured after
19 July 1, 1977, and sold or offered for sale in this state shall
20 not exceed 78 decibels of sound pressure at 50 feet as measured
21 under the 1974 society of automobile engineers code J-192a. This
22 subdivision does not apply to a snowmobile which is being used in
23 an organized race on a course which is used solely for racing.

24 (e) Within 100 feet of a dwelling between 12 midnight and 6
25 a.m., at a speed greater than the minimum required to maintain
26 forward movement of the snowmobile.

1 (f) In an area on which public hunting is permitted during
2 the regular November firearm deer season from 7 a.m. to 11
3 a.m. and from 2 p.m. to 5 p.m., except during an emergency, for
4 law enforcement purposes, to go to and from a permanent residence
5 or a hunting camp otherwise inaccessible by a conventional
6 wheeled vehicle or for the conduct of necessary work functions
7 involving land and timber survey, communication and transmission
8 line patrol, and timber harvest operations, or on the person's
9 own property or property under the person's control or as an
10 invited guest.

11 (g) While transporting on the snowmobile a bow, unless
12 unstrung, or a firearm, unless unloaded and securely encased or
13 equipped with, and made inoperative by, a manufactured keylocked
14 trigger housing mechanism.

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

16 (i) Within 100 feet of a slide, ski, or skating area except
17 when traveling on a country road right-of-way pursuant to section
18 12 or a department of natural resources designated and funded
19 snowmobile trail. A snowmobile may enter such an area for the
20 purpose of servicing the area or for medical emergencies.

21 (j) On a railroad or railroad right-of-way. This prohibi-
22 tion shall not apply to railroad personnel, public utility per-
23 sonnel, law enforcement personnel while in the performance of
24 their duties, a railroad or railroad right-of-way rendered inop-
25 erable by the removal or partial removal of the railroad tracks,
26 and persons using, between ~~December 1, 1992 and March 31, 1993,~~
27 ~~between December 1, 1993 and March 31, 1994, and between~~

1 December 1, 1994 and March 31, 1995, BETWEEN DECEMBER 1, 1995 AND
2 MARCH 31, 1996, BETWEEN DECEMBER 1, 1996 AND MARCH 31, 1997, AND
3 BETWEEN DECEMBER 1, 1997 AND MARCH 31, 1998, a demonstration
4 snowmobile trail located on a state owned railroad right-of-way
5 operated by the Detroit and Mackinaw railway company, or on a
6 railroad right-of-way owned by the Detroit and Mackinaw railway
7 company connecting to a state owned railroad right-of-way oper-
8 ated by the Detroit and Mackinaw railway company, between Gaylord
9 and Frederic, which also meets the conditions imposed in
10 subsections (2) and (3).

11 (2) The demonstration snowmobile trail shall be constructed,
12 operated, and maintained by a person other than the person owning
13 the railroad right-of-way and the person operating the railroad
14 pursuant to terms of a lease agreement under which the person
15 operating the trail agrees to do all of the following:

16 (a) Indemnify the person owning the railroad right-of-way
17 and the person operating the railroad against any claims associ-
18 ated with or arising from the construction, maintenance, opera-
19 tion, and use of the trail.

20 (b) Provide liability insurance in the amount of
21 \$2,000,000.00 naming the person owning the railroad right-of-way
22 and the person operating the railroad as named insureds.

23 (c) Meet any other obligations or provisions considered
24 appropriate by the person owning the railroad right-of-way
25 including, but not limited to, the payment of rent that the
26 person owning the railroad right-of-way or the person operating
27 the railroad is authorized to charge under this act and the

1 meeting of all construction, operating, and maintenance
2 conditions imposed by the person owning the railroad right-of-way
3 and the person operating the railroad regarding the demonstration
4 snowmobile trail project.

5 (3) The demonstration snowmobile trail shall be clearly
6 demarcated by fencing and signing and shall occupy the outer edge
7 of the railroad right-of-way, as far from the edge of the rail-
8 road tracks as possible, but in any case not closer than 20 feet
9 from the edge of the railroad tracks unless topography or other
10 natural or manmade features require the trail to lie within 20
11 feet of the edge of those railroad tracks. The design of the
12 trail, including the location of fencing and signing, shall be
13 included upon plan sheets by the person constructing, operating,
14 and maintaining the trail, and shall be approved in writing by
15 the person owning the right-of-way and the person operating the
16 railroad. Signing shall conform to specifications issued by the
17 department of natural resources to its snowmobile trail operator
18 grantees.

19 (4) The state transportation department, in cooperation with
20 the Detroit and Mackinaw railway company and the person operating
21 the demonstration snowmobile trail, shall conduct a study each
22 year during development, construction, and operation of the trail
23 to evaluate the demonstration snowmobile trail project, and to
24 examine the feasibility and desirability of broadening statutory
25 authority to establish snowmobile trails on functional railroad
26 rights-of-way in Michigan. The findings of each study shall be
27 summarized in a report to the legislature to be submitted not

1 later than September 1 of ~~1993,~~ 1994, ~~and~~ 1995, 1996, 1997,
2 AND 1998.

3 (5) Notwithstanding section 1(c) and for purposes of this
4 section, "operate" means to cause to function, run, or manage.

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