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BILL ANALYSIS

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Senate Bill 499 (as introduced 6-16-11)
Sponsor: Senator Tom Casperson
Committee: Energy and Technology

Date Completed: 11-28-11

CONTENT

The bill would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to authorize the installation of telecommunication facilities on rail-trail land under State ownership or control.

Specifically, if the State owned land on which a rail-trail was located, or if the land were under the long-term control of the State or a governmental agency through a lease, easement, or other arrangement, upon a telecommunication provider's request, the DNR would have to authorize the installation of telecommunication facilities on that land free of charge. ("Rail-trail" means a former railroad bed that is in public ownership and used as a trailway.)

The authorization would have to be granted within 30 days, and would have to require all of the following:

- The use of the land for telecommunication facilities could not interfere with the use or uses of the rail-trail.
- All telecommunication facilities would have to be installed underground or be attached to aboveground structures consistent with the requirement that they not interfere with the rail-trail's use.
- Upon installation of the facilities, the land would have to be restored to its condition before the installation.

(The bill would define "telecommunication facilities" and "telecommunication provider" as those terms are defined in Section 2 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight (METRO) Act. Under that section, "telecommunication facilities" means the equipment or personal property that is used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. The term does not include antennas or their supporting structures, equipment shelters or houses, or any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile services and service provided by any wireless, two-way communications device.

The METRO Act defines "telecommunication provider" as that term is defined in Section 102 of the Michigan Telecommunications Act. Under that Act, the term means a person that for compensation provides one or more telecommunication services, excluding commercial mobile service.)

FISCAL IMPACT

The bill would introduce some new administrative costs to the Department of Natural Resources. The bill would require the Department to authorize the installation of telecommunication equipment on State-owned or -controlled rail-trails, as long as the installation did not interfere with the use of the trails. The bill includes no provision on how the Department would verify that telecommunication facilities did not interfere with trail use. However, to the extent that the Department would undertake efforts to verify that trail use was not interfered with, some administrative costs would be associated.

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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.