

# SENATE BILL No. 499

June 16, 2011, Introduced by Senators CASPERSON, WALKER, COLBECK, CASWELL and GREEN  
and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 72116.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 72116. (1) IF THE STATE OWNS THE LAND ON WHICH A RAIL-  
2        TRAIL IS LOCATED OR IF THE LAND IS UNDER THE LONG-TERM CONTROL OF  
3        THE STATE OR A GOVERNMENTAL AGENCY THROUGH A LEASE, EASEMENT, OR  
4        OTHER ARRANGEMENT, THE DEPARTMENT SHALL, UPON REQUEST OF A  
5        TELECOMMUNICATION PROVIDER, AUTHORIZE THE INSTALLATION OF  
6        TELECOMMUNICATION FACILITIES ON THAT LAND FREE OF CHARGE. THE  
7        AUTHORIZATION GRANTED UNDER THIS SUBSECTION SHALL BE GRANTED WITHIN  
8        30 DAYS AND SHALL REQUIRE ALL OF THE FOLLOWING:

9        (A) ALL TELECOMMUNICATION FACILITIES SHALL BE INSTALLED

1 UNDERGROUND OR SHALL BE ATTACHED TO ABOVEGROUND STRUCTURES  
2 CONSISTENT WITH SUBDIVISION (B) .

3 (B) THE USE OF THE LAND FOR TELECOMMUNICATION FACILITIES SHALL  
4 NOT INTERFERE WITH THE USE OR USES OF THE RAIL-TRAIL.

5 (C) UPON INSTALLATION OF THE TELECOMMUNICATION FACILITIES, THE  
6 LAND SHALL BE RESTORED TO THE CONDITION OF THE LAND PRIOR TO THE  
7 INSTALLATION.

8 (2) AS USED IN THIS SECTION, "TELECOMMUNICATION FACILITIES"  
9 AND "TELECOMMUNICATION PROVIDER" MEAN THOSE TERMS AS THEY ARE  
10 DEFINED IN SECTION 2 OF THE METROPOLITAN EXTENSION  
11 TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT ACT, 2002 PA 48, MCL  
12 484.3102.