

SENATE BILL No. 873

March 13, 2014, Introduced by Senators MOOLENAAR, HANSEN, CASPERSON, MEEKHOF, GREEN and BOOHER and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 72103, 72104, 72112, and 72114 (MCL 324.72103, 324.72104, 324.72112, and 324.72114), sections 72103, 72104, and 72112 as added by 1995 PA 58 and section 72114 as added by 2010 PA 45; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72103. (1) ~~Upon petition by any person or on its own~~
2 ~~motion, the commission~~ **THE DIRECTOR** may designate a ~~trailway~~ **TRAIL**
3 in this state **LOCATED ON LAND** as a ~~"Michigan trailway".~~ The
4 ~~petition or motion shall propose permitted uses of the trailway.~~
5 **"PURE MICHIGAN TRAIL". A PERSON MAY REQUEST THAT THE DIRECTOR**
6 **DESIGNATE A TRAIL AS A PURE MICHIGAN TRAIL.** The ~~commission~~ **DIRECTOR**

1 shall not designate a ~~trailway~~**TRAIL** as a **PURE** Michigan ~~trailway~~
2 **TRAIL** unless it meets, or will meet when completed, all of the
3 following requirements:

4 (A) **THE TRAIL IS A MODEL TRAIL FOR ITS DESIGNATED USES AND THE**
5 **DESIGNATION OF THE TRAIL AS A PURE MICHIGAN TRAIL CONTRIBUTES TO A**
6 **STATEWIDE TRAIL NETWORK THAT PROMOTES HEALTHY LIFESTYLES, ECONOMIC**
7 **DEVELOPMENT, RECREATION, AND CONSERVATION OF THE RESOURCES OF THIS**
8 **STATE.**

9 (B) ~~(a)~~ The land on which the ~~trailway~~**TRAIL** is located is
10 owned by ~~the~~**THIS** state or a governmental agency, or otherwise is
11 under the long-term control of ~~the~~**THIS** state or a governmental
12 agency through a lease, easement, or other arrangement. If the land
13 is owned by a governmental agency, the ~~commission~~**DIRECTOR** shall
14 obtain the consent of the governmental agency before designating
15 the land as part of a **PURE** Michigan ~~trailway~~**TRAIL**.

16 (C) ~~(b)~~ The design and maintenance of the ~~trailway~~**TRAIL** and
17 its related facilities meet generally accepted standards of public
18 safety.

19 (D) ~~(c)~~ The ~~trailway~~**TRAIL** meets appropriate standards for its
20 designated recreation uses.

21 (E) ~~(d)~~ The ~~trailway~~**TRAIL** is available for designated
22 recreation uses on a nondiscriminatory basis.

23 ~~—— (e) The trailway is a multiuse trail suitable for use by~~
24 ~~pedestrians, by people with disabilities, and by other users, as~~
25 ~~appropriate.~~

26 (f) The ~~trailway~~**TRAIL** is, or has potential to be, a segment
27 of a statewide network of ~~trailways~~**TRAILS**, or it attracts a

substantial share of its users from beyond the local area.

(g) The ~~trailway~~-**TRAIL** is marked with an official **PURE** Michigan ~~trailway~~-**TRAIL** sign and logo at major access points.

~~—— (h) The trailway is not directly attached to a roadway, except at roadway crossings.~~

(H) ~~(i)~~ Where feasible, the ~~trailway~~-**TRAIL** offers adequate support facilities for the public, including parking, sanitary facilities, and emergency telephones, that are accessible to people with disabilities and are at reasonable frequency along the ~~trailway~~-**TRAIL**.

(I) ~~(j)~~ Potential negative impacts of ~~trailway~~-**TRAIL** development on owners or residents of adjacent property are minimized through all of the following:

(i) Adequate enforcement of ~~trailway~~-**TRAIL** rules and regulations.

(ii) Continuation of access for ~~trailway~~-**TRAIL** crossings for agricultural and other purposes.

(iii) Construction and maintenance of fencing, where necessary, by the owner or operator of the ~~trailway~~-**TRAIL**.

(iv) Other means as considered appropriate by the ~~commission~~-**DIRECTOR**.

(J) ~~(k)~~ Other conditions required by the ~~commission~~-**DIRECTOR**.

~~—— (2) The commission shall not designate a trailway a Michigan trailway under subsection (1) unless a public hearing has been held in the vicinity of the proposed Michigan trailway to take testimony and gather public opinion on the proposed designation including, but not limited to, the proposed uses of the trailway and whether~~

~~or not motorized uses are appropriate for the railway. The public hearing shall be held at a location and at a time calculated to attract a fair representation of opinions on the designation. A transcript or a summary of the testimony at the public hearing shall be forwarded to the commission.~~

~~—— (3) At the time a Michigan railway is designated under subsection (1), the commission shall, in consultation with the governmental agencies in which the railway is located, establish uses to be permitted on the railway. In establishing permitted uses, the commission shall consider all of the following:~~

~~—— (a) The safety and enjoyment of railway users.~~

~~—— (b) Impacts on residents, landowners, and businesses adjacent to the railway.~~

~~—— (c) Applicable local ordinances.~~

~~—— (4) A change in the permitted uses of a Michigan railway established under subsection (3) relating to whether or not a motorized use is allowed on the railway shall not be made without approval of the commission after a public hearing held in the same manner as provided in subsection (2).~~

(2) IN DESIGNATING TRAILS AS PURE MICHIGAN TRAILS UNDER SUBSECTION (1), THE DIRECTOR SHALL CONSIDER ALL FORMS OF PERMISSIBLE RECREATION USES EQUALLY IN ORDER TO DEVELOP A PURE MICHIGAN TRAILS NETWORK THAT IS REPRESENTATIVE OF THE VARIOUS TRAIL USES.

(3) THE DIRECTOR MAY DESIGNATE A WATER TRAIL AS A "PURE MICHIGAN WATER TRAIL". A PERSON MAY REQUEST THAT THE DIRECTOR DESIGNATE A TRAIL AS A PURE MICHIGAN WATER TRAIL. THE DIRECTOR

1 SHALL NOT DESIGNATE A TRAIL AS A PURE MICHIGAN WATER TRAIL UNLESS
2 IT MEETS, OR WILL MEET WHEN COMPLETED, ALL OF THE FOLLOWING
3 REQUIREMENTS:

4 (A) THE TRAIL AND ITS ACCESS POINTS ARE OPEN TO PUBLIC USE AND
5 ARE DESIGNED, CONSTRUCTED, AND MAINTAINED ACCORDING TO BEST
6 MANAGEMENT PRACTICES.

7 (B) THE TRAIL IS LOCATED ON A CONTIGUOUS WATERWAY OR A SERIES
8 OF WATERWAYS THAT ARE CONTIGUOUS OR ARE CONNECTED BY PORTAGES.

9 (C) THE TRAIL IS CONSISTENT WITH APPLICABLE LAND USE PLANS AND
10 ENVIRONMENTAL LAWS.

11 (D) THE TRAIL MEETS THE CRITERIA OF SUBSECTION (1) (A), (C),
12 (D), (E), (F), (G), (H), (I) (i) AND (iv), AND (J).

13 (E) THE TRAIL WILL BE OPEN FOR PUBLIC USE FOR AT LEAST 10
14 CONSECUTIVE YEARS AFTER DESIGNATION.

15 (4) PRIOR TO DESIGNATING A PURE MICHIGAN TRAIL UNDER
16 SUBSECTION (1) OR A PURE MICHIGAN WATER TRAIL UNDER SUBSECTION (3),
17 THE DIRECTOR SHALL REFER THE PROPOSED DESIGNATION TO THE NATURAL
18 RESOURCES COMMISSION, WHICH SHALL HOLD A PUBLIC HEARING ON THE
19 PROPOSED DESIGNATION. WITHIN 90 DAYS AFTER RECEIVING THE REFERRAL
20 UNDER THIS SUBSECTION, THE NATURAL RESOURCES COMMISSION SHALL
21 PROVIDE THE DIRECTOR WITH ITS RECOMMENDATION REGARDING THE
22 DESIGNATION.

23 (5) The ~~commission~~-DIRECTOR may revoke a PURE Michigan
24 ~~trailway~~-TRAIL OR A PURE MICHIGAN WATER TRAIL designation if ~~it~~-HE
25 OR SHE determines that a ~~trailway~~-TRAIL fails to meet the
26 requirements of this section. Before revoking a PURE Michigan
27 ~~trailway~~-TRAIL OR A PURE MICHIGAN WATER TRAIL designation, the

~~commission~~**DIRECTOR** shall provide notice to all entities involved in the management of the ~~trailway~~**TRAIL**. If the ~~trailway~~**TRAIL** is brought into compliance with this section within 90 days after providing this notice, the ~~commission~~**DIRECTOR** shall not revoke the designation.

Sec. 72104. ~~(1) Upon petition by any person or on its own motion, the commission may designate a trailway, bicycle path, sidewalk, road, or other suitable route that does not meet the requirements of this part for a Michigan trailway as a "Michigan trailway connector" if the connector meets all of the following.~~

~~—— (a) The connector meets appropriate safety standards and appropriate design standards for its designated uses.~~

~~—— (b) The connector connects directly to a Michigan trailway.~~

~~—— (c) The public agency having jurisdiction over the connector has consented in writing to the designation.~~

~~—— (d) The connector is marked with an official Michigan trailway connector sign and logo at major access points.~~

~~—— (2) An aquatic corridor capable of accommodating watercraft that connects to a Michigan trailway may be designated as a Michigan trailway connector if it meets the requirements of subsection (1) (a) to (d).~~

(1) THE DIRECTOR, UPON PETITION BY A PERSON, MAY DESIGNATE A CITY, VILLAGE, OR TOWNSHIP AS A "PURE MICHIGAN TRAIL TOWN" IF THE DIRECTOR DETERMINES THAT THE FOLLOWING CONDITIONS HAVE BEEN MET:

(A) THE CITY, VILLAGE, OR TOWNSHIP IS EASILY ACCESSIBLE TO USERS OF A PURE MICHIGAN TRAIL OR A PURE MICHIGAN WATER TRAIL.

(B) THE CITY, VILLAGE, OR TOWNSHIP HAS ADOPTED A RESOLUTION IN

1 SUPPORT OF THE DESIGNATION.

2 (C) THE CITY, VILLAGE, OR TOWNSHIP HAS ADOPTED A PLAN FOR
3 PROVIDING SUPPORT SERVICES TO TRAIL USERS SUCH AS PARKING, SANITARY
4 FACILITIES, RESTAURANTS, ACCOMMODATIONS, GROCERY STORES, BIKE
5 SHOPS, BOAT DOCKS, OR OTHER SERVICES THAT MAY BE NEEDED OR DESIRED
6 BY TRAIL USERS.

7 (D) THE PETITIONER DEMONSTRATES AT LEAST 3 OF THE FOLLOWING:

8 (i) THERE IS COMMUNITY SUPPORT FOR THE DESIGNATION AS EVIDENCED
9 BY CREATION OF AN ADVISORY COMMITTEE.

10 (ii) THERE HAS BEEN AN ANNUAL TRAIL-RELATED PROJECT OR EVENT
11 WITHIN THE CITY, VILLAGE, OR TOWNSHIP.

12 (iii) A SCHOOL BOARD WITHIN THE CITY, VILLAGE, OR TOWNSHIP HAS
13 ENDORSED A TRAIL-BASED SERVICE LEARNING EDUCATIONAL COMPONENT
14 WITHIN ITS SCHOOLS.

15 (iv) LAND USE PLANS, PLANNING TOOLS, ORDINANCES, OR GUIDELINES
16 ARE IN PLACE THAT RECOGNIZE THE RELATIONSHIP BETWEEN THE TRAIL AND
17 OTHER COMMUNITY ASSETS, OR THAT THERE IS SUPPORT TO AMEND, CHANGE,
18 OR ADD THESE PROVISIONS.

19 (2) UPON DESIGNATION OF A CITY, VILLAGE, OR TOWNSHIP AS A PURE
20 MICHIGAN TRAIL TOWN, THE CITY, VILLAGE, OR TOWNSHIP MAY ERECT AND
21 MAINTAIN ALONG THE PURE MICHIGAN TRAIL OR PURE MICHIGAN WATER TRAIL
22 AT A JUNCTION WITH THE CITY, VILLAGE, OR TOWNSHIP AN OFFICIAL PURE
23 MICHIGAN TRAIL TOWN SIGN AND LOGO DESIGNED BY THE DEPARTMENT. THE
24 DEPARTMENT SHALL ONLY PROVIDE FOR THE ERECTION AND MAINTENANCE OF
25 AN OFFICIAL PURE MICHIGAN TRAIL TOWN SIGN AND LOGO WHEN SUFFICIENT
26 PRIVATE CONTRIBUTIONS ARE RECEIVED TO PAY FOR THE COST OF ERECTING
27 AND MAINTAINING THE SIGN AND LOGO.

1 (3) THE DIRECTOR MAY REVOKE A PURE MICHIGAN TRAIL TOWN
 2 DESIGNATION IF HE OR SHE DETERMINES THAT THE CITY, VILLAGE, OR
 3 TOWNSHIP HAS FAILED TO MEET THE REQUIREMENTS OF THIS SECTION.
 4 BEFORE REVOKING A PURE MICHIGAN TRAIL TOWN DESIGNATION, THE
 5 DIRECTOR SHALL PROVIDE NOTICE TO THE CITY, VILLAGE, OR TOWNSHIP. IF
 6 THE CITY, VILLAGE, OR TOWNSHIP IS BROUGHT INTO COMPLIANCE WITH THIS
 7 SECTION WITHIN 90 DAYS AFTER PROVIDING THIS NOTICE, THE DIRECTOR
 8 SHALL NOT REVOKE THE DESIGNATION.

9 Sec. 72112. The ~~commission~~ **DEPARTMENT** may promulgate rules as
 10 it considers necessary to implement this part.

11 Sec. 72114. (1) ~~Within 1 year after receiving recommendations~~
 12 ~~from the advisory council under subsection (4), the~~ **THE** department
 13 shall establish a ~~plan for a statewide~~ trail network that includes
 14 **PURE** Michigan trailways, ~~pack and saddle trailways,~~ **TRAILS, PURE**
 15 **MICHIGAN WATER TRAILS,** and other recreational use trails. The ~~plan~~
 16 ~~for a statewide~~ trail network shall be designed to accommodate a
 17 variety of public recreation uses and shall specify the types of
 18 uses that are allowed on each trail segment. The ~~plan for a~~
 19 statewide trail network shall be in conformance with section 72115
 20 and the determinations made under section 72115. Prior to the
 21 department establishing the ~~plan for a statewide~~ trail network, the
 22 ~~commission~~ **DEPARTMENT** shall hold a public meeting to receive
 23 testimony from the general public.

24 (2) After the ~~plan for a statewide~~ trail network is
 25 established, ~~under subsection (1),~~ if the department is informed
 26 that additional trails should be added to the ~~plan~~ **STATEWIDE TRAIL**
 27 **NETWORK** or that uses on particular trail segments should be

1 modified, the department ~~may~~**SHALL** modify the ~~plan~~**STATEWIDE TRAIL**
2 **NETWORK** to include additional trails or to modify the uses on
3 particular trails **AS THE DEPARTMENT DETERMINES APPROPRIATE.**

4 However, any modifications shall be in conformance with section
5 72115 and determinations made under section 72115.

6 (3) Upon establishment of a ~~plan for a~~**THE** statewide trail
7 network, ~~under subsection (1),~~ the department shall make the ~~plan~~
8 **STATEWIDE TRAIL NETWORK** available on the department's website. If
9 the department modifies the ~~plan for a~~ statewide trail network, the
10 department shall make the updated ~~plan~~**STATEWIDE TRAIL NETWORK**
11 available on the department's website.

12 (4) Within 1 year after receiving recommendations from the
13 equine trailways subcommittee under section 72110a, the advisory
14 council shall review recommendations from the equine ~~trailways~~
15 **TRAILS** subcommittee as well as other interested ~~trailway~~**TRAIL**
16 users and shall make recommendations to the department for the
17 establishment of a ~~plan for a~~**THE** statewide trail network. ~~If the~~
18 ~~advisory council does not submit recommendations to the department~~
19 ~~as provided for in this subsection, within 2 years after the~~
20 ~~effective date of the amendatory act that added this section, the~~
21 ~~department shall review the recommendations of the equine trailways~~
22 ~~subcommittee under section 72110a and recommendations of other~~
23 ~~interested trail users and shall establish a plan for a statewide~~
24 ~~trail network as provided for in subsection (1).~~

25 (5) **THE DEPARTMENT SHALL WORK WITH INTERESTED PARTIES TO**
26 **FACILITATE THE CREATION AND MAINTENANCE OF A CURRENT DATABASE OF**
27 **TRAIL MAPS FOR ALL TRAILS WITHIN THE STATEWIDE TRAIL NETWORK ON THE**

1 DEPARTMENT'S INTERNET WEBSITE. THE DATABASE OF TRAIL MAPS SHALL
2 SPECIFICALLY DESIGNATE WHICH OF THE TRAILS ARE PURE MICHIGAN TRAILS
3 OR PURE MICHIGAN WATER TRAILS. THE DATABASE OF TRAIL MAPS SHALL
4 ALLOW TRAIL USERS TO DOWNLOAD OR PRINT TRAIL MAPS. IN ADDITION, THE
5 DEPARTMENT SHALL WORK WITH INTERESTED PARTIES TO FACILITATE THE
6 DEVELOPMENT AND MAINTENANCE OF A MOBILE SOFTWARE APPLICATION OF
7 TRAIL MAPS AND OTHER INFORMATION RELATED TO SPECIFIC TRAILS THAT
8 MAY BE DOWNLOADED ONTO SMARTPHONES, TABLET COMPUTERS, AND OTHER
9 PORTABLE ELECTRONIC DEVICES. THE DEPARTMENT SHALL WORK WITH THESE
10 INTERESTED PARTIES TO ASSURE THAT THE SOFTWARE APPLICATION IS
11 UPDATED TO REFLECT CURRENT INFORMATION FROM THE DATABASE OF TRAIL
12 MAPS.

13 Enacting section 1. Section 72113 of the natural resources and
14 environmental protection act, 1994 PA 451, MCL 324.72113, is
15 repealed.

16 Enacting section 2. This amendatory act does not take effect
17 unless all of the following bills of the 97th Legislature are
18 enacted into law:

19 (a) Senate Bill No. 875

20 .

21 (b) Senate Bill No. 876

22 .

23 (c) Senate Bill No. 874

24 .

25 (d) Senate Bill No. 877

26 .