

Legislative Analysis



RAILROAD LIABILITY ON NATIONAL TRAILS SYSTEM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 118 as passed by the Senate
Sponsor: Sen. Goeff Hansen
House Committee: Tourism and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism
Complete to 3-27-17

SUMMARY:

Senate Bill 118 would amend parts 721 (Michigan Trailways) and 733 (Liability of Landowners) of the Natural Resources and Environmental Protection Act to limit liability for railroads that contract with the Michigan Department of Natural Resources (DNR). The bill would take effect 90 days after enactment. (MCL 324.72108 and 324.73301)

Section 72108 of the Act provides the DNR with certain land management responsibilities. The bill would provide that, if the DNR agreed with a railroad that the railroad would become a trail sponsor under federal law, the DNR would assume responsibility for any liability for the transfer or use of the railroad right of way. In return, the railroad and DNR would determine the fair value for that assumption of liability, and the railroad would compensate the DNR in that amount.

Section 73301 of the Act describes the causes of action that arise from various relationships or actions. In addition to other exempted acts, the bill would provide that a cause of action does not arise against a contractor (a person with whom the owner contracts to construct, maintain, or operate a trail), for injuries to another person, unless the contractor caused the injuries through gross negligence or willful or wanton misconduct.

Likewise, if a person is injured on a trail that formerly operated as a rail line during the period of time between its dedication for interim trail use and its reactivation as a rail line, there is not a cause of action against the railroad that owns, formerly owned, or operated the rail line. (This rule would apply whether the rail line is dedicated under federal law or set aside under state law, for interim trail use).

FISCAL IMPACT:

Senate Bill 118 would not affect costs or revenues for the Department of Natural Resources and would have no fiscal impact on the department. This bill would also not affect costs or revenues for local units of government.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.