

TRAIL DEVELOPMENT AND MANAGEMENT

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Senate Bill 596 as reported from House committee

Sponsor: Sen. Goeff Hansen

House Committee: Tourism and Outdoor Recreation

Senate Committee: Outdoor Recreation and Tourism

Complete to 12-11-17

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

(Enacted as Public Act 69 of 2018)

BRIEF SUMMARY: Senate Bill 596 would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act (NREPA) to allow for public trail amenities along Michigan trails and to make related changes regarding the development and management of trails in this state.

FISCAL IMPACT: Senate Bill 596 is unlikely to have a fiscal impact on the Department of Natural Resources or local units of government.

THE APPARENT PROBLEM:

Because trails typically pass through more than one jurisdiction, there can be inconsistencies in trail management, both statewide and even along different segments of the same trail. Trail management councils, the intergovernmental agencies created to develop and manage trails, could use more tools and support to enable them to perform their trail management responsibilities with greater consistency and greater success.

THE CONTENT OF THE BILL:

Senate Bill 596 would allow trail operation and management agreements between government agencies or trail management councils and the Department of Natural Resources (DNR) to include provisions regarding the construction, operation, and maintenance of such trail amenities as park benches, signs, and connectors and access to rest areas, lodging, and eating facilities. (A trail management council is an entity created by two or more government agencies to develop and manage a trail. Trail management councils are authorized under Section 72106 of NREPA and established pursuant to the Urban Cooperation Act, MCL 124.501 et seq.)

The bill would also authorize a trail management council to do the following:

- Establish protocols for trail development and management that include guidance regarding trail safety and etiquette, a plan for providing transit-based access for trail users, signage, a historical and cultural interpretive plan, a maintenance cost-sharing formula, and, if appropriate, a plan for linking the trail to nearby water trails.
- Provide a plan for trail users based on its review of the current and potential permitted uses of each trail and trail segment.

- Hold 1 or more public hearings on the development and management of a trail.

The bill would authorize the DNR to develop recommendations for local trail managers on researching and providing information, online or through signs, about the history, culture, or natural resources of the areas surrounding the trail.

Senate Bill 596 would also allow a Pure Michigan Trail to include park benches, signs, and connectors and access to rest areas, lodging, and eating facilities. The bill would declare these trail amenities—as well as support facilities already described in the act such as parking areas, sanitary facilities, and emergency telephones—to be public goods. (Pure Michigan Trails are designated by the director of the DNR under Section 72103, and must meet certain conditions prescribed by that section and departmental rules in order to be eligible for the designation.)

The bill would take effect 90 days after being enacted.

MCL 324.72103, 324.72105, and 324.72106 and proposed MCL 324.72103a

HOUSE COMMITTEE ACTION:

The House committee reported the Senate-passed version of the bill.

ARGUMENTS:

For:

Proponents argue that Senate Bill 596 represents a set of fine-tuning changes to the trail development and management process in Michigan. The bill will provide trail management councils with more tools to be consistent and successful in managing Michigan's system of trailways. In particular, the bill provides for more extensive DNR guidance for trail managers, for more public involvement through public hearings, for better and more consistent trail planning and protocols for trail usage, for better access to the trails themselves for a wider range of users, and for a better linkage of trailways with the regions they traverse—including both physical access to nearby waterways or amenities and informational linkages to the history, culture, and natural resources of surrounding communities and natural areas.

Proponents also argue that, by allowing the construction, operation, and maintenance of signs and connectors that provide access to nearby rest areas, hotels, campgrounds, and restaurants—and by declaring such trail amenities to be a public good, thus making them eligible for local public financing—Senate Bill 596 will strengthen the connections between trails and nearby communities, including local businesses, in a way that will encourage local involvement in trail management and will benefit both trail users and the communities themselves.

Against:

No arguments opposing the bill were offered.

POSITIONS:

The Department of Natural Resources indicated support for the bill. (11-29-17)

A representative of the Michigan Trails and Greenways Alliance testified in support of the bill. (11-29-17, and indicated support 12-6-17)

The Michigan Restaurant Association submitted written testimony in support of the bill. (11-29-17)

The following organizations indicated support for the bill:

Michigan Environmental Council (11-29-17)

League of Michigan Bicyclists (11-29-17)

Michigan Association of Convention and Visitors Bureaus (12-6-17)

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■ 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.