

Act No. 69  
Public Acts of 2018  
Approved by the Governor  
March 19, 2018  
Filed with the Secretary of State  
March 19, 2018  
EFFECTIVE DATE: June 17, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

**Introduced by Senators Hansen, Proos, Nofs, Stamas, Booher, Bieda, Schmidt and Warren**

# **ENROLLED SENATE BILL No. 596**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 72103, 72105, and 72106 (MCL 324.72103, 324.72105, and 324.72106), section 72103 as amended by 2014 PA 210, section 72105 as amended by 2017 PA 138, and section 72106 as amended by 2014 PA 212, and by adding section 72103a.

*The People of the State of Michigan enact:*

Sec. 72103. (1) The director may designate a trail in this state located on land as a “Pure Michigan Trail”. A person may request that the director designate a trail as a Pure Michigan Trail. The director shall not designate a trail as a Pure Michigan Trail unless it meets, or will meet when completed, all of the following requirements:

(a) The trail is a model trail for its designated uses and the designation of the trail as a Pure Michigan Trail contributes to a statewide trail network that promotes healthy lifestyles, economic development, recreation, and conservation of the natural and cultural resources of this state.

(b) The land on which the trail is located is owned by this state or a governmental agency or otherwise is under the long-term control of this state or a governmental agency through a lease, easement, or other arrangement. If the land is owned by a governmental agency, the director shall obtain the consent of the governmental agency before designating the land as part of a Pure Michigan Trail.

(c) The design and maintenance of the trail and its related facilities meet generally accepted standards of public safety.

(d) The trail meets appropriate standards for its designated recreation uses.

(e) The trail is available for designated recreation uses on a nondiscriminatory basis.

(f) The trail is, or has potential to be, a segment of a statewide network of trails, or it attracts a substantial share of its users from beyond the local area.

(g) The trail is marked with an official Pure Michigan Trail sign and logo at major access points.

(h) Where feasible, the 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 trail. The trail may include amenities related to trail usage such as connectors and access to rest areas, lodging, and eating facilities, as well as park benches and signage. Support facilities and trail amenities described in this subdivision are public goods.

(i) Potential negative impacts of trail development on owners or residents of adjacent property are minimized through all of the following:

- (i) Adequate enforcement of trail rules and regulations.
- (ii) Continuation of access for trail crossings for agricultural and other purposes.
- (iii) Construction and maintenance of fencing, where necessary, by the owner or operator of the trail.
- (iv) Other means as considered appropriate by the director.

(j) A trademark license is obtained by the department from the Michigan economic development corporation for use of the words “Pure Michigan”.

(k) Other conditions required by the director.

(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 shall not designate a trail as a Pure Michigan Water Trail unless it meets, or will meet when completed, all of the following requirements:

(a) The trail and its access points are open to public use and are designed, constructed, and maintained according to best management practices.

(b) The trail is located on a contiguous waterway or a series of waterways that are contiguous or are connected by portages.

(c) The trail is consistent with applicable land use plans and environmental laws.

(d) The trail meets the criteria of subsection (1)(a), (c), (d), (e), (f), (g), (h), (i)(i) and (iv), and (k).

(e) A trademark license is obtained by the department from the Michigan economic development corporation for use of the words “Pure Michigan”.

(4) Prior to designating a Pure Michigan Trail under subsection (1) or a Pure Michigan Water Trail under subsection (3), the director shall refer the proposed designation to the natural resources commission, which shall hold a public hearing on the proposed designation. Within 90 days after receiving the referral under this subsection, the natural resources commission shall provide the director with its recommendation regarding the designation.

(5) The director may revoke a Pure Michigan Trail or a Pure Michigan Water Trail designation if he or she determines that a trail fails to meet the requirements of this section. Before revoking a Pure Michigan Trail or a Pure Michigan Water Trail designation, the director shall provide notice to all entities involved in the management of the trail. If the trail is brought into compliance with this section within 90 days after providing this notice, the director shall not revoke the designation.

Sec. 72103a. The department may develop recommendations for local trail managers on researching and providing historical, cultural, or natural resource information related to the area that a trail traverses using interpretive signage, online material, or other appropriate means.

Sec. 72105. (1) The department may operate and maintain a trail that is located on state owned land or may enter into an agreement with a council or 1 or more governmental agencies to provide for the operation and maintenance of the trail. An agreement entered into under this subsection may include provisions for any of the following:

(a) Construction, maintenance, and operation of the trail, including amenities related to trail usage such as connectors and access to rest areas, lodging, and eating facilities, as well as park benches and signage.

(b) Enforcement of trail rules and regulations including permitted uses of the trail.

(c) Other provisions consistent with this part.

(2) All of the following apply to the operation of an electric bicycle on a trail subject to this part:

(a) An individual may operate a class 1 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail. A local authority or agency of this state having jurisdiction over a trail described in this subdivision may regulate or prohibit the operation of a class 1 electric bicycle on that trail.

(b) An individual may operate a class 2 or class 3 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail if authorized by the local authority or agency of this state having jurisdiction over the trail.

(c) Except as otherwise provided in this subdivision, an individual shall not operate an electric bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subdivision may allow the operation of an electric bicycle on that trail.

(3) Subsection (2) does not apply to the use of electric bicycles on a congressionally authorized public trail system.

(4) As used in this section, “electric bicycle”, “class 1 electric bicycle”, “class 2 electric bicycle”, and “class 3 electric bicycle” mean those terms as defined in section 13e of the Michigan vehicle code, 1949 PA 300, MCL 257.13e.

Sec. 72106. (1) Two or more governmental agencies may establish a trail management council for the development and management of a trail pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(2) Upon formation, a council shall adopt operating procedures and shall elect officers as the council considers appropriate.

(3) A council may do 1 or more of the following as authorized in an interlocal agreement entered into pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512:

(a) Operate and maintain that portion of 1 or more trails that are owned or under the control of the governmental agencies establishing the council.

(b) Pursuant to an agreement under section 72105, operate and maintain that portion of 1 or more trails that are located on state owned land.

(c) Review and consider current and potential permitted uses of each trail and trail segment and provide an easily understood plan for trail users.

(d) Establish protocols for the development and management of a trail, which may include any of the following:

(i) Signage.

(ii) Trail etiquette and safety guidance.

(iii) A historical and cultural interpretive plan.

(iv) A formula for sharing costs of maintenance.

(v) A plan for linking the trail to nearby water trails, where appropriate.

(vi) A plan for providing transit-based access for trail users in order to enhance access for those who may not reside in the vicinity of the trail.

(e) Coordinate the enforcement of trail rules and regulations and other applicable laws and ordinances, including permitted uses of the trail on trails owned or under the control of the governmental agencies establishing the council or, pursuant to an agreement under section 72105, trails that are located on state owned land.

(f) Receive any grant made from the fund or other funding related to that portion of a trail within its jurisdiction.

(g) Acquire or hold real property for the purpose of operating a trail.

(h) Perform other functions consistent with this part.

(4) A council may hold 1 or more public hearings to receive input and provide information on the development and management of a trail.

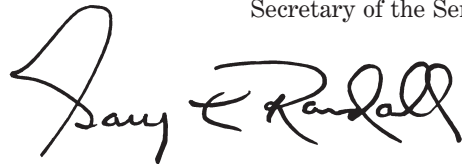
(5) A council may be dissolved by the governmental agencies that participated in creating the council. However, if a council has entered into an agreement with the department under section 72105, the agreement shall specify how the council may be dissolved.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor