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## RESERVE TRAIL EASEMENTS

**House Bill 5222 as enrolled**  
**Second Analysis (6-28-98)**  
**Public Act 17 of 1998**

**Sponsor: Rep. Tom Alley**  
**House Committee: Conservation,**  
**Environment and Recreation**  
**Senate Committee: Natural Resources**  
**and Environmental Affairs**

### ***THE APPARENT PROBLEM:***

The Department of Natural Resources (DNR) operates miles of recreational trails across the state. Some, known as the Michigan trailway, are multi-use trails where people can walk, ski, ride, jog, ride bicycles or horses, or -- in some areas -- drive off-road vehicles or snowmobiles. There are also trails that are specifically designated routes for off-road vehicles and for snowmobilers. A situation has developed in the Upper Peninsula, however, which would seem to indicate that the state should retain an easement on land that it sells or transfers if the land contains one of these trails. The situation arose when the state sold land on which there was a snowmobile trail. The new owners apparently didn't know, when they purchased the land, that the trail ran through their property. Moreover, they objected to having the trail located there. In this situation, the episode could possibly end up in court. Future situations such as this could be avoided, however, if the state were to retain an easement for such a trail.

### ***THE CONTENT OF THE BILL:***

House Bill 5222 would amend the Natural Resources and Environmental Protection Act (NREPA) to specify that, if the state sold or transferred land that contained a Michigan trailway, an off-road vehicle trail, or a snowmobile trail that had been established under the NREPA, then it would have to retain an easement so that the trail or trailway could continue in use. In addition, the bill would specify that, if the trail or trailway was subject to an interest that might result in it being converted or reactivated as a railroad, then the sale or transfer and any easement retained by the state would also be subject to the rail interest.

MCL 324.2101a

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no impact on state funds. (10-23-97)

### ***ARGUMENTS:***

#### ***For:***

The provisions of the bill would avoid a situation similar to one that has occurred in the Upper Peninsula, where the property surrounding a recreational trail was sold, and the new property owner wanted to get rid of the trail. In the future, the state would retain an easement so that the trail could continue to be used by the public, subject to any rights that might later be claimed by a railroad.

Analyst: R. Young

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

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