

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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House Bill 5222 (as reported with amendment)
Sponsor: Representative Tom Alley
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 2-9-98

RATIONALE

Michigan maintains various trails and trailways throughout its State-owned lands. A trailway may be designated as a "Michigan trailway" if it complies with the following: is located on public lands; meets public safety and designated use standards; is available for designated recreation uses on a nondiscriminatory basis; is a multiuse trail; is or may be a segment of a network of trailways; is marked with a Michigan trailway sign and logo; is not directly attached to a roadway; and offers support facilities for the public where feasible. There also are trails that are designated routes for off-road vehicles and snowmobiles. Evidently, a situation has occurred in which the State sold land containing a snowmobile trail to an individual who was unaware of the trail and has objected to having the trail run through the property. In order to avoid similar future situations, it has been suggested that the State should be required to retain an easement for continued use of certain trails if the State sells or transfers land containing these trails.

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to require the State to retain an easement to continue the use of a Michigan trailway, off-road vehicle trail, or snowmobile trail, as established under the Act, if the State sold or transferred land containing the trail or trailway. The bill also would add that if the trail or trailway at issue could be transformed into or reactivated as a railroad, then the sale or transfer of the trail or trailway would be subject to the rail interest, and any easement retained by the State also would be subject to the rail interest.

MCL 324.2102a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would require the State to retain an easement to continue the use of a Michigan trailway, off-road vehicle trail, or a snowmobile trail or to retain an easement subject to a rail interest for certain trailways if the State sold or transferred land containing the trail or trailway. Retaining an easement for these trails or trailways could avoid future disputes between the State and the new landowner regarding the trails or trailways and would help maintain a viable trail or trailway system. Also, since a number of trails are situated on inactive railways, the bill would protect the interests of railroad companies.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have an indeterminate, but minimal fiscal impact on State and local government by potentially reducing the value of State land for sale due to the State's retention of a permanent trail easement. However, the bill also could help clarify property rights and avoid potential legal costs to the State.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.