

SUBSTITUTE FOR
SENATE BILL NO. 499

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 72116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 72116. (1) IF THE STATE OWNS THE LAND ON WHICH A RAIL-
2 TRAIL IS LOCATED OR IF THE LAND IS UNDER THE LONG-TERM CONTROL OF
3 THE STATE OR A STATE GOVERNMENTAL AGENCY THROUGH A LEASE, EASEMENT,
4 OR OTHER ARRANGEMENT, THE DEPARTMENT SHALL, UPON APPLICATION OF A
5 TELECOMMUNICATION PROVIDER AND PAYMENT OF NOT MORE THAN \$350.00 IN
6 APPLICATION FEES, AUTHORIZE THE INSTALLATION OF TELECOMMUNICATION
7 FACILITIES ON THAT LAND. THE AUTHORIZATION GRANTED UNDER THIS
8 SUBSECTION SHALL BE GRANTED WITHIN 45 DAYS AND SHALL REQUIRE ALL OF
9 THE FOLLOWING:

1 (A) ALL TELECOMMUNICATION FACILITIES SHALL BE INSTALLED
2 UNDERGROUND OR SHALL BE ATTACHED TO EXISTING ABOVEGROUND STRUCTURES
3 CONSISTENT WITH SUBDIVISION (C) .

4 (B) THE TELECOMMUNICATION PROVIDER SHALL NOTIFY THE
5 DEPARTMENT, IN WRITING, OF THE INSTALLATION OF THE FACILITIES AND
6 THE ANTICIPATED COMPLETION DATE OF THE INSTALLATION NOT LESS THAN
7 30 DAYS PRIOR TO BEGINNING THE INSTALLATION. WITHIN 5 DAYS AFTER
8 ITS RECEIPT OF THE NOTIFICATION, THE DEPARTMENT SHALL NOTIFY THE
9 TELECOMMUNICATION PROVIDER, IN WRITING, OF ANY USE OF THE RAIL-
10 TRAIL FOR WHICH A PERMIT HAS BEEN ISSUED BY THE DEPARTMENT.

11 (C) THE USE OF THE LAND FOR TELECOMMUNICATION FACILITIES AND
12 THE INSTALLATION OF THE FACILITIES OR ANY REPAIRS TO THE FACILITIES
13 SHALL NOT UNREASONABLY INTERFERE WITH THE USE OR USES OF THE RAIL-
14 TRAIL.

15 (D) FOLLOWING INSTALLATION OF THE TELECOMMUNICATION FACILITIES
16 OR ANY REPAIRS TO THE FACILITIES, THE LAND SHALL BE REASONABLY
17 RESTORED TO ITS CONDITION PRIOR TO THE INSTALLATION OR REPAIR.

18 (E) THE TELECOMMUNICATION PROVIDER SHALL PAY TO THE DEPARTMENT
19 A 1-TIME USE FEE OF 5 CENTS PER LONGITUDINAL LINEAR FOOT OF THE
20 SPACE TO BE OCCUPIED BY THE TELECOMMUNICATION FACILITIES.

21 (2) THE DEPARTMENT SHALL FORWARD USE FEES COLLECTED UNDER THIS
22 SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE MICHIGAN
23 TRAILWAY DEVELOPMENT FUND CREATED IN SUBSECTION (3) .

24 (3) THE MICHIGAN TRAILWAY DEVELOPMENT FUND IS CREATED WITHIN
25 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER
26 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
27 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE

1 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
2 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR
3 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.
4 THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING
5 PURPOSES. THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
6 APPROPRIATION, ONLY FOR GRANTS TO LOCAL UNITS OF GOVERNMENT AND
7 OTHER ORGANIZATIONS INVOLVED WITH THE USE OF RAIL-TRAILS, FOR THE
8 DEVELOPMENT AND MAINTENANCE OF RAIL-TRAILS FOR MOTORIZED AND
9 NONMOTORIZED RECREATIONAL USES.

10 (4) THIS SECTION DOES NOT AFFECT THE RIGHTS AND DUTIES SET
11 FORTH IN ANY ARRANGEMENTS OR AGREEMENTS FOR THE INSTALLATION OF
12 TELECOMMUNICATION FACILITIES IN A RAIL-TRAIL DESCRIBED IN
13 SUBSECTION (1) BETWEEN THE DEPARTMENT AND A TELECOMMUNICATION
14 PROVIDER ENTERED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT
15 THAT ADDED THIS SECTION. THIS SECTION DOES NOT CREATE A RIGHT FOR
16 EITHER THE DEPARTMENT OR A TELECOMMUNICATION PROVIDER TO TERMINATE
17 ANY PREEXISTING ARRANGEMENTS OR AGREEMENTS.

18 (5) AS USED IN THIS SECTION:

19 (A) "FUND" MEANS THE MICHIGAN TRAILWAY DEVELOPMENT FUND
20 CREATED IN SUBSECTION (3).

21 (B) "TELECOMMUNICATION FACILITIES" MEANS EITHER OR BOTH OF THE
22 FOLLOWING:

23 (i) TELECOMMUNICATION FACILITIES AS DEFINED IN SECTION 2 OF THE
24 METROPOLITAN EXTENSION TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT
25 ACT, 2002 PA 48, MCL 484.3102.

26 (ii) FACILITIES USED BY A VIDEO SERVICE PROVIDER AS DEFINED IN
27 SECTION 1 OF THE UNIFORM VIDEO SERVICES LOCAL FRANCHISE ACT, 2006

1 PA 480, MCL 484.3301.

2 (C) "TELECOMMUNICATION PROVIDER" MEANS EITHER OR BOTH OF THE
3 FOLLOWING:

4 (i) A TELECOMMUNICATION PROVIDER AS DEFINED IN SECTION 2 OF THE
5 METROPOLITAN EXTENSION TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT
6 ACT, 2002 PA 48, MCL 484.3102.

7 (ii) A VIDEO SERVICE PROVIDER AS DEFINED IN SECTION 1 OF THE
8 UNIFORM VIDEO SERVICES LOCAL FRANCHISE ACT, 2006 PA 480, MCL
9 484.3301.