

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.72108 Department; powers; acquisition of land as Pure Michigan Trail; transfer or use of railroad right-of-way; assumption of liability; "fair value" defined.

Sec. 72108. (1) The department may do any of the following:

(a) Grant easements or, pursuant to part 13, use permits or lease land owned by this state that is being used for a Pure Michigan Trail for a use that is compatible with the use of the Pure Michigan Trail.

(b) Enter into contracts for concessions along a state owned Pure Michigan Trail.

(c) Lease land adjacent to a state owned Pure Michigan Trail for the operation of concessions.

(2) If the department acquires land, the director may state that the specified land is acquired for use as a Pure Michigan Trail. Following acquisition of land that the director states is acquired for use as a Pure Michigan Trail, any revenue derived from the land under subsection (1), except as otherwise provided by law, must be deposited into the fund.

(3) If the department enters into negotiations with a railroad for the department to become a trail sponsor under 16 USC 1247(d), the department shall comply with 49 CFR 1152.29(a)(2)(ii). The department shall assume full responsibility for any potential legal liability arising out of the transfer or use of the railroad right-of-way. In exchange for the department's assumption of liability, the railroad shall provide the department with the fair value of the department's assumption of liability. As used in this subsection, "fair value" means the value that the department and the railroad mutually agree accurately reflects the risk of liability assumed by the department.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2014, Act 215, Eff. Sept. 25, 2014;—Am. 2017, Act 39, Eff. Aug. 21, 2017.

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