

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Part 721
MICHIGAN TRAILWAYS

324.72101 Definitions.

Sec. 72101.

As used in this part:

- (a) "Advisory council" means the Michigan trails advisory council created in section 72110.
- (b) "Council" means a trail management council established pursuant to section 72106.
- (c) "Department" means the department of natural resources.
- (d) "Director" means the director of the department or his or her designee.
- (e) "Equine access locations" means open access roads, management roads, forestry access roads, 2-track and single-track trails that are not wildlife paths, staging areas for pack and saddle animals to be dropped off or picked up, and associated wilderness campsites.
- (f) "Forest road" means that term as defined in section 81101.
- (g) "Fund" means the Pure Michigan Trails fund created in section 72109.
- (h) "Governmental agency" means the federal government, a county, city, village, or township, or a combination of any of these entities.
- (i) "Pack and saddle trails" means trails and equine access locations that may be used by pack and saddle animals.
- (j) "Pure Michigan Trail" means a trail designated as a "Pure Michigan Trail" under section 72103.
- (k) "Pure Michigan Water Trail" means a water trail designated as a "Pure Michigan Water Trail" under section 72103.
- (l) "Pure Michigan Trail Town" means a "Pure Michigan Trail Town" designated under section 72104.
- (m) "Rail-trail" means a former railroad bed that is in public ownership and used as a trail.
- (n) "Statewide trail network" means the statewide trail network established in section 72114.
- (o) "Trail" means a right-of-way adapted to foot, horseback, motorized, or other nonmotorized travel. Trail also includes a water trail.
- (p) "Water trail" means a designated route on a body of water.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 1997, Act 129, Imd. Eff. Nov. 5, 1997 ;-- Am. 2010, Act 46, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 211, Eff. Sept. 25, 2014 ;-- Am. 2016, Act 288, Imd. Eff. Sept. 28, 2016

Popular Name: Act 451

Popular Name: NREPA

324.72102 Legislative findings.

Sec. 72102.

The legislature finds that a statewide system of trails will provide for public enjoyment, health, and fitness; encourage constructive leisure-time activities; protect open space, cultural and historical resources, and habitat for wildlife and plants; enhance the local and state economies; link communities, parks, and natural resources; create opportunities for rural-urban exchange, agricultural education, and the marketing of farm products; and preserve corridors for possible future use for other public purposes. Therefore, the planning, acquisition, development, operation, and maintenance of trails are in the best interest of this state and are a public purpose.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2010, Act 46, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 211, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72103 Designation as "Pure Michigan Trail" or "Pure Michigan Water Trail"; requirements; public

hearing; revocation of designation.

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.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 210, Eff. Sept. 25, 2014 ;-- Am. 2018, Act 69, Eff. June 17, 2018

Popular Name: Act 451

Popular Name: NREPA

324.72103a Researching and providing historical, cultural, or natural resource information; recommendations; means.

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.

History: Add. 2018, Act 69, Eff. June 17, 2018

Popular Name: Act 451

Popular Name: NREPA

324.72104 Designation as "Pure Michigan Trail Town"; sign and logo; revocation of designation.

Sec. 72104.

(1) The director, upon petition by a person, may designate a city, village, or township as a "Pure Michigan Trail Town" if the director determines that the following conditions have been met:

(a) The city, village, or township is easily accessible to users of a Pure Michigan Trail or a Pure Michigan Water Trail.

(b) The city, village, or township has adopted a resolution in support of the designation.

(c) The city, village, or township has adopted a plan for providing support services to trail users such as parking, sanitary facilities, restaurants, accommodations, grocery stores, bike shops, boat docks, or other services that may be needed or desired by trail users.

(d) The petitioner demonstrates at least 3 of the following:

(i) There is community support for the designation as evidenced by creation of an advisory committee.

(ii) There has been an annual trail-related project or event within the city, village, or township.

(iii) A school board within the city, village, or township has endorsed a trail-based service learning educational component within its schools.

(iv) Land use plans, planning tools, ordinances, or guidelines are in place that recognize the relationship between the trail and other community assets, or that there is support to amend, change, or add these provisions.

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

(2) Upon designation of a city, village, or township as a Pure Michigan Trail Town, the city, village, or township may erect and maintain along the Pure Michigan Trail or Pure Michigan Water Trail at a junction with the city, village, or township an official Pure Michigan Trail Town sign and logo designed by the department. The department shall only provide for the erection and maintenance of an official Pure Michigan Trail Town sign and logo when sufficient private contributions are received to pay for the cost of erecting and maintaining the sign and logo.

(3) The director may revoke a Pure Michigan Trail Town designation if he or she determines that the city, village, or township has failed to meet the requirements of this section. Before revoking a Pure Michigan Trail Town designation, the director shall provide notice to the city, village, or township. If the city, village, or township is brought into compliance with this section within 90 days after providing this notice, the director shall not revoke the designation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 210, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72105 Operating and maintaining trail; agreement; provisions; operation of electric bicycle; requirements; exception; definitions.

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.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 212, Eff. Sept. 25, 2014 ;-- Am. 2017, Act 138, Eff. Jan. 28, 2018 ;-- Am. 2018, Act 69, Eff. June 17, 2018

Popular Name: Act 451

Popular Name: NREPA

324.72105a Adopt-a-trail program.

Sec. 72105a.

(1) The department shall establish an "adopt-a-trail" program that will allow volunteer groups to assist in maintaining and enhancing trails on state owned land.

(2) Subject to subsection (3), volunteer groups in the adopt-a-trail program may adopt any available trail or trail segment and may choose any 1 or more of the following volunteer activities:

(a) Spring cleanups.

(b) Environmental activities.

(c) Accessibility projects.

(d) Special events.

(e) Trail maintenance, enhancement, and development.

(f) Public information and assistance.

(g) Training.

(3) The department shall designate the activities to be performed by a volunteer group in the adopt-a-trail program. The department may provide for more than 1 volunteer group to adopt an eligible trail or trail segment. If the department operates other programs in the vicinity of the trail that allows volunteers to adopt a park or other resource, the department shall coordinate these programs to provide for efficient and effective volunteer programs in the area.

(4) A volunteer group that wishes to participate in the adopt-a-trail program shall submit an application to the

department on a form provided by the department. Additionally, volunteer groups shall agree to the following:

- (a) Volunteer groups shall participate in the program for at least a 2-year period.
- (b) Volunteer groups shall consist of at least 6 people who are 18 years of age or older, unless the volunteer group is a school or scout organization, in which case the volunteers may be under 18 years of age.
- (c) Volunteer groups shall contribute a total of at least 400 service hours over a 2-year period.
- (d) Volunteer groups shall comply with other reasonable requirements of the department.
- (5) A state park manager or a district forest manager may issue to volunteers who are actively working on adopt-a-trail projects that last more than 1 day free camping permits if campsites are available. A state park manager or a district forest manager may waive state park entry fees for volunteers entering state parks to work on adopt-a-trail projects.
- (6) While a volunteer is working on an adopt-a-trail project, the volunteer has the same immunity from civil liability as a department employee and shall be treated in the same manner as an employee under section 8 of 1964 PA 170, MCL 691.1408.
- (7) The department shall design and erect near the entrance of each adopted trail or trail segment an adopt-a-trail program sign with the name of the volunteer group's sponsoring organization listed for each volunteer group that has contributed at least 100 service hours by volunteers.

History: Add. 1997, Act 129, Imd. Eff. Nov. 5, 1997 ;-- Am. 2010, Act 46, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 212, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72106 Trail management council; establishment; purpose; adopting operating procedures and electing officers; powers; public hearings; dissolution.

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.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 212, Eff. Sept. 25, 2014 ;-- Am. 2018, Act 69, Eff. June 17, 2018

Popular Name: Act 451

Popular Name: NREPA

324.72107 Closure during pesticide application.

Sec. 72107.

In agricultural areas, a trail may be temporarily closed by the entity operating the trail to allow pesticide application on lands adjoining the trail. The entity operating the trail shall post the closure of the trail or arrange with a landowner or other person for the posting of signs and the closure of the trail during pesticide application and appropriate reentry periods.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 214, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

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

Popular Name: Act 451

Popular Name: NREPA

324.72109 Pure Michigan Trails fund.

Sec. 72109.

(1) The Pure Michigan Trails fund is created within the state treasury.

(2) Except as otherwise provided by law, the state treasurer may receive money or other assets from any of the

following for deposit into the fund:

- (a) Payments to the state for easements, use permits, leases, or other use of state owned Pure Michigan Trail property.
- (b) Payments to the state for concessions operated by private vendors on state owned property located on or adjacent to a Pure Michigan Trail.
- (c) Federal funds.
- (d) Gifts or bequests.
- (e) State appropriations.
- (f) Money or assets from other sources as provided by law.
- (3) The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (4) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.
- (5) Money in the fund may be expended for any of the following purposes:
 - (a) The expenses of the department in operating and maintaining the Pure Michigan Trail system and enforcing Pure Michigan Trail rules and regulations.
 - (b) Grants to or contracts with councils, nonprofit organizations, private sector entities, or governmental agencies to operate and maintain segments of Pure Michigan Trails and to enforce Pure Michigan Trail rules and regulations.
 - (c) Funding Pure Michigan Trail construction and improvements.
 - (d) Acquisition of land or rights in land.
 - (e) Publications and promotions of the Pure Michigan Trails system.
- (6) The department shall submit a report to the legislature on or before December 1 of each year describing the use of money appropriated from the fund in the previous fiscal year.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 214, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72110 Michigan trails advisory council; creation; duties; membership; terms; vacancy; qualifications; chairperson; vice-chairperson; staffing; procedures; quorum; meetings; powers; workgroups; compensation; contracts; donations; additional responsibilities.

Sec. 72110.

- (1) The Michigan trails advisory council is created within the department.
- (2) The advisory council shall advise the director and the governor on the creation, development, operation, and maintenance of motorized and nonmotorized trails in this state, including, but not limited to, snowmobile, biking, equestrian, hiking, off-road vehicle, skiing trails, and water trails. In advising the director and the governor on the creation and development of motorized and nonmotorized trails in this state, the advisory council shall seek to have the trails linked wherever possible. The advisory council may perform additional related duties as provided by this part, other law, or as requested by the director or the governor.
- (3) The advisory council shall consist of 11 members appointed by the governor. Subject to subsection (4), a member of the advisory council shall be appointed for a term of 4 years.
- (4) All of the following apply to the first advisory council appointed after the effective date of the amendatory act that added this subsection:
 - (a) 2 members shall serve for 1 year.
 - (b) 3 members shall serve for 2 years.
 - (c) 3 members shall serve for 3 years.
 - (d) 3 members, not fewer than 2 of whom shall be members of the equine railways subcommittee created under section 72110a, shall serve for 4 years.
- (5) A vacancy on the advisory council occurring other than by expiration of a term shall be filled by the governor in the same manner as the original appointment for the balance of the unexpired term. A vacancy does not affect the power of the remaining members to exercise the duties of the advisory council.
- (6) At least 5 members of the advisory council shall be an owner of an ORV licensed as required under section 81116 or an owner of a snowmobile registered under section 82105. At least 3 members of the advisory council shall be owners of a snowmobile registered under section 82105. At least 1 member of the advisory council shall possess experience as an instructor in a snowmobile safety education and training program or an ORV safety

education course. At least 2 members of the advisory council shall be residents of the Upper Peninsula of this state. At least 2 members of the advisory council shall be members of the equine trailways subcommittee created in section 72110a.

(7) The governor shall designate a member of the advisory council to serve as the chairperson of the advisory council at the pleasure of the governor. The advisory council may select a member of the advisory council to serve as vice-chairperson of the advisory council.

(8) The advisory council shall be staffed and assisted by personnel from the department, subject to available funding. Any budgeting, procurement, or related management functions of the advisory council shall be performed under the direction and supervision of the director.

(9) The advisory council shall adopt procedures consistent with this section and other applicable state law governing its organization and operations.

(10) A majority of the members of the advisory council serving constitute a quorum for the transaction of the advisory council's business. The advisory council shall act by a majority vote of its serving members.

(11) The advisory council shall meet at the call of the chairperson and as may be provided in procedures adopted by the advisory council.

(12) The advisory council may, as appropriate, make inquiries, conduct studies and investigations, hold hearings, and receive comments from the public. The advisory council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and institutions of higher education. The advisory council shall consult with organizations involved with expanding trail access for persons with disabilities.

(13) The advisory council may establish advisory workgroups, including, but not limited to, an advisory workgroup on snowmobiles, as considered necessary by the advisory council to assist the advisory council in performing the duties and responsibilities of the advisory council. In addition, the equine trailways subcommittee created in section 72110a as a subcommittee of the advisory council shall advise the advisory council.

(14) Members of the advisory council shall serve without compensation. Members of the advisory council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the civil service commission and the department of technology, management, and budget, subject to available funding.

(15) The advisory council may hire or retain contractors, subcontractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the advisory council and the performance of its duties as the director considers advisable and necessary in accordance with this part, other applicable law, and the rules and procedures of the civil service commission and the department of technology, management, and budget, subject to available funding.

(16) The advisory council may accept donations of labor, services, or other things of value from any public or private agency or person.

(17) Members of the advisory council shall refer all legal, legislative, and media contacts to the department.

(18) In addition to the responsibilities provided in this section and otherwise provided by law, the advisory council shall do both of the following:

(a) Make recommendations to the director on the expenditure of money in the fund.

(b) Advise the director on the implementation of this part and the establishment and operation of Pure Michigan Trails and Pure Michigan Water Trails.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2010, Act 46, Imd. Eff. Apr. 2, 2010 ;-- Am. 2013, Act 248, Imd. Eff. Dec. 26, 2013 ;-- Am. 2014, Act 213, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72110a Equine trails subcommittee; creation; staffing; funding; membership; appointments; terms; vacancy; removal; meetings; quorum; business conducted at public meetings; writings subject to freedom of information act; compensation; duties.

Sec. 72110a.

(1) The equine trails subcommittee is created as a subcommittee of the advisory council. The department may provide staffing and administrative support to the equine trails subcommittee. The equine trails subcommittee may also be staffed and funded by user groups and other interested persons.

(2) Subject to subsection (3), the equine trails subcommittee shall consist of the following members appointed by the director:

- (a) One individual representing the state's tourism industry.
- (b) Five individuals representing the equine industry as follows:
 - (i) One individual from the Upper Peninsula.
 - (ii) One individual from the northern Lower Peninsula.
 - (iii) One individual from the central Lower Peninsula.
 - (iv) One individual from the southeastern Lower Peninsula.
 - (v) One individual from the southwestern Lower Peninsula.
- (3) The senate majority leader and the speaker of the house of representatives shall each submit a list of 3 persons to the director. The director shall appoint at least 1 person from each of those lists to the equine trails subcommittee.
- (4) Members of the equine trails subcommittee shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 2 shall serve for 2 years, 2 shall serve for 3 years, and 2 shall serve for 4 years.
- (5) If a vacancy occurs on the equine trails subcommittee, an appointment for the unexpired term shall be made in the same manner as the original appointment.
- (6) A member of the equine trails subcommittee may be removed for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.
- (7) The first meeting of the equine trails subcommittee shall be called by the department within 30 days after the appointments have been made. At the first meeting, the equine trails subcommittee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the equine trails subcommittee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 3 or more members.
- (8) A majority of the members of the equine trails subcommittee constitute a quorum for the transaction of business at a meeting of the equine trails subcommittee. A majority of the members present and serving are required for official action of the equine trails subcommittee.
- (9) The business that the equine trails subcommittee may perform shall be conducted at a public meeting of the equine trails subcommittee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (10) A writing prepared, owned, used, in the possession of, or retained by the equine trails subcommittee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (11) Members of the equine trails subcommittee shall serve without compensation. However, subject to the availability of funding, members of the equine trails subcommittee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the equine trails subcommittee.
- (12) The equine trails subcommittee shall do all of the following:
 - (a) Prepare and submit to the advisory council a recommended plan for a statewide network of pack and saddle trails. The recommended plan for a statewide pack and saddle trails network shall include both of the following:
 - (i) All pack and saddle trails on state owned land that have previously been open for use by pack and saddle animals at any time and that the equine trails subcommittee determines are appropriate for pack and saddle trails.
 - (ii) All additional state lands that the equine trails subcommittee determines would be appropriate for pack and saddle animals and would contribute to a statewide network of pack and saddle trails.
 - (b) Advise the advisory council and the department on the development and use of the pack and saddle trails network.
 - (c) Advise the advisory council and the department on other matters related to the promotion of the state's equine industry.
 - (d) Advise the advisory council and the department on funding to conduct pack and saddle trail reviews under section 72115 and to provide for the reopening of previously closed pack and saddle trails, the preservation of existing pack and saddle trails, and the development of new pack and saddle trails across this state.

History: Add. 2010, Act 46, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 213, Eff. Sept. 25, 2014

Popular Name: Act 451

Popular Name: NREPA

324.72111 State agencies; duties.

Sec. 72111.

All state agencies shall cooperate with the commission and the department in the implementation of this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.72112 Rules.

Sec. 72112.

The department may promulgate rules as it considers necessary to implement this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 210, Eff. Sept. 25, 2014
Popular Name: Act 451
Popular Name: NREPA

324.72113 Repealed. 2014, Act 210, Eff. Sept. 25, 2014.

Compiler's Notes: The repealed section pertained to Michigan heritage water trail program.
Popular Name: Act 451
Popular Name: NREPA

324.72114 Statewide trail network; establishment; modification to include additional trails or uses; signage; availability on department's website; recommendations from equine trails subcommittee and other trails users; database of trail maps.

Sec. 72114.

(1) The department shall establish a statewide trail network that includes Pure Michigan Trails, Pure Michigan Water Trails, and other recreational use trails. The statewide trail network shall be designed to accommodate a variety of public recreation uses and shall specify the types of uses that are allowed on each trail segment. The statewide trail network shall be in conformance with section 72115 and the determinations made under section 72115. Prior to the department establishing the statewide trail network, the department shall hold a public meeting to receive testimony from the general public.

(2) After the statewide trail network is established, if the department is informed that additional trails should be added to the statewide trail network or that uses on particular trail segments should be modified, the department shall modify the statewide trail network to include additional trails or to modify the uses on particular trails as the department determines appropriate. However, any modifications shall be in conformance with section 72115 and determinations made under section 72115.

(3) The department may provide signage and recognition of places significant to the history of Native Americans, including places significant to that history along trails in the statewide trail network, as provided for in section 72117.

(4) Upon establishment of the statewide trail network, the department shall make the statewide trail network available on the department's website. If the department modifies the statewide trail network, the department shall make the updated statewide trail network available on the department's website.

(5) Within 1 year after receiving recommendations from the equine trails subcommittee under section 72110a, the advisory council shall review recommendations from the equine trails subcommittee as well as other interested trail users and shall make recommendations to the department for the establishment of the statewide trail network.

(6) The department shall work in cooperation with interested parties to facilitate the creation and maintenance of a current database of trail maps for all trails within the statewide trail network on the department's internet website. The database of trail maps shall specifically designate which of the trails are Pure Michigan Trails or Pure Michigan Water Trails. The database of trail maps shall allow trail users to download or print trail maps. In addition, the

department shall work in cooperation with interested parties to facilitate the development and maintenance of a mobile software application of trail maps and other information related to specific trails that may be downloaded onto smartphones, tablet computers, and other portable electronic devices. The department shall work in cooperation with these interested parties to assure that the software application is updated to reflect current information from the database of trail maps.

History: Add. 2010, Act 45, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 210, Eff. Sept. 25, 2014 ;-- Am. 2016, Act 247, Eff. Sept. 22, 2016

Popular Name: Act 451

Popular Name: NREPA

324.72115 Pack and saddle animals; access to pack and saddle trails on public land; restrictions.

Sec. 72115.

(1) Subject to subsections (2) and (3), pack and saddle animals shall be allowed to access pack and saddle trails on public land managed by the department as follows:

(a) Access on land of the state forest system is allowed unless restricted by statute, deed restriction, land use order, or other legal mechanism, in effect on April 2, 2010.

(b) Access on land of the state park system or state game area system is prohibited unless authorized by land use order or other legal mechanism in effect on April 2, 2010.

(c) Access on other land managed by the department is allowed according to the specific authorization or restriction applicable to the land.

(2) Access by pack and saddle animals may only be restricted on lands described in subsection (1) after April 2, 2010 if conditions are not suitable for pack and saddle animals because of public safety concerns, necessary maintenance, or for reasons related to the mission of the department. Restrictions related to the mission of the department shall be supported, to the greatest extent practicable, by a written science-based rationale that is supported with documentation that is made available to the public. Prior to determining that access by pack and saddle animals be restricted, the department shall make every effort to resolve any public safety or maintenance concerns. Subject to subsection (3), the department shall not restrict pack and saddle animals from lands described in subsection (1) unless all of the following conditions are met:

(a) The department holds a public meeting on a proposal to restrict access by pack and saddle animals on pack and saddle trails to receive testimony from the general public. The department shall invite the advisory council and the equine trails subcommittee created in section 72110a to attend the meeting.

(b) The department, after considering testimony at the meeting under subdivision (a), provides a specific rationale for its determination to restrict access by pack and saddle animals.

(c) Any decision by the department to restrict access by pack and saddle animals shall not take effect for a period of time set by the department, but not less than 60 days. However, if the director determines that a restriction must be imposed because of user conflicts or due to an imminent threat to public health, safety, welfare, or to natural resources or the environment, the director may issue a temporary order restricting access by pack and saddle animals for 30 days or until the threat or user conflict is abated. A temporary order under this subdivision may be reissued if the threat or user conflict persists.

(d) A written statement shall be posted at the trailhead in which the restriction is imposed stating the cause and estimated duration of the closure.

(e) A list of pack and saddle trails on which the department has restricted access for pack and saddle animals, including temporary orders, shall be posted on the department's website and notification shall be provided to the equine trails subcommittee created in section 72110a.

(3) Any restrictions described in subsection (1) on access by pack and saddle animals that were in effect on April 2, 2010 shall remain in effect until those restrictions are reviewed using the process under subsection (2).

(4) An individual shall not use pack and saddle animals on state-owned land except on pack and saddle trails that are open for access by pack and saddle animals. However, an individual may use a pack and saddle animal in an area in which public hunting is permitted to retrieve legally harvested deer, bear, or elk using the most direct route that does not enter a stream, river, or wetland except over a bridge, culvert, or similar structure.

History: Add. 2010, Act 45, Imd. Eff. Apr. 2, 2010 ;-- Am. 2014, Act 213, Eff. Sept. 25, 2014 ;-- Am. 2016, Act 288, Imd. Eff. Sept. 28, 2016

Popular Name: Act 451

Popular Name: NREPA

324.72116 Installation of telecommunication facilities on rail-trail; authorization; deposit of use fees; expenditures; preexisting arrangements or agreements; definitions.

Sec. 72116.

(1) If the state owns the land on which a rail-trail is located or if the land is under the long-term control of the state or a state governmental agency through a lease, easement, or other arrangement, the department shall, upon application of a telecommunication provider and payment of not more than \$500.00 in application fees, authorize the installation of telecommunication facilities on that land unless the installation is inconsistent with or prohibited by the lease, easement, or other arrangement. The authorization granted under this subsection shall be granted within 45 days and shall require all of the following:

(a) All telecommunication facilities shall be installed underground or shall be attached to existing aboveground structures consistent with subdivision (c).

(b) The telecommunication provider shall notify the department, in writing, of the installation of the facilities and the anticipated completion date of the installation not less than 30 days prior to beginning the installation. Within 5 days after its receipt of the notification, the department shall notify the telecommunication provider, in writing, of any use of the rail-trail for which a permit has been issued by the department.

(c) The use of the land for telecommunication facilities and the installation of the facilities or any repairs to the facilities shall not unreasonably interfere with the use or uses of the rail-trail.

(d) Following installation of the telecommunication facilities or any repairs to the facilities, the land shall be reasonably restored to its condition prior to the installation or repair.

(e) The telecommunication provider shall pay to the department a 1-time use fee of 5 cents per longitudinal linear foot of the space to be occupied by the telecommunication facilities. The fee required under this subdivision shall not be required beginning 6 years after the effective date of the amendatory act that added this section. At no time during or after this 6-year time period shall a telecommunications provider that pays the fee be charged with any additional fee for the use of the land for telecommunication facilities.

(2) The department shall forward use fees collected under this section to the state treasurer for deposit as follows:

(a) If the land or rights in land on which the telecommunications facilities are installed was purchased with money from the Michigan natural resources trust fund, money received under subsection (1)(e) shall be deposited into the Michigan natural resources trust fund.

(b) All money not described in subdivision (a) shall be deposited into the fund.

(3) Notwithstanding any other provision of this part, money from the fund that is collected under this section shall be expended, upon appropriation, as follows:

(a) Money collected from application fees under subsection (1) shall be used by the department for the administrative costs of implementing this section.

(b) In each county in which money is collected under subsection (1)(e) for the installation of telecommunication facilities on rail-trails that are used for motorized use, the department shall expend the money for grants to organizations operating in that county that are involved with the motorized use of rail-trails if such organizations exist. Money provided under this subdivision to organizations involved with the motorized use of rail-trails shall be used for the development and maintenance of rail-trails located within the county for motorized recreational uses.

(c) In each county in which money is collected under subsection (1)(e) for the installation of telecommunication facilities, but which is not expended pursuant to subdivision (b), the department shall expend the money for grants to local units of government or other organizations operating in that county that are involved with the use of rail-trails. Money provided under this subdivision to local units of government or organizations involved with the use of rail-trails shall be used for the development and maintenance of rail-trails located within the county for motorized and nonmotorized recreational uses.

(4) This section does not affect the rights and duties set forth in any arrangements or agreements for the installation of telecommunication facilities in a rail-trail described in subsection (1) between the department and a telecommunication provider entered before the effective date of the amendatory act that added this section. This section does not create a right for either the department or a telecommunication provider to terminate any preexisting arrangements or agreements.

(5) As used in this section:

(a) "Michigan natural resources trust fund" means the Michigan natural resources trust fund established in section 35 of article IX of the state constitution of 1963, and provided for in part 19.

(b) "Telecommunication facilities" means either or both of the following:

(i) Telecommunication facilities as defined in section 2 of the metropolitan extension telecommunications rights-

of-way oversight act, 2002 PA 48, MCL 484.3102.

(ii) Facilities used by a video service provider as defined in section 1 of the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.

(c) "Telecommunication provider" means either or both of the following:

(i) A telecommunication provider as defined in section 2 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3102.

(ii) A video service provider as defined in section 1 of the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.

History: Add. 2012, Act 138, Imd. Eff. May 22, 2012

Popular Name: Act 451

Popular Name: NREPA

324.72117 Preservation and promotion of history of Native Americans; collaboration with certain entities; report.

Sec. 72117.

(1) The department shall work collaboratively with tribal governments, educators, universities, the state transportation department, the council for the arts and cultural affairs, Travel Michigan, the state historic preservation office, the state archaeologist, the Michigan historical commission, historic preservation organizations, and historical societies to do all of the following:

(a) Review, plan, and implement a master plan to promote and preserve the history of Native Americans in this state. The master plan shall include a central compilation of information about places significant to the history of Native Americans in this state. The master plan shall also provide for the dissemination of such information to the public through websites, brochures, or other means.

(b) In conjunction with state and federal authorities, sponsor commemorations, linkages, seminars, and public forums on Native American history in this state and neighboring states.

(c) Assist and promote the making of applications for inclusion in the National Register of Historic Places and for Michigan historical markers for places significant to the history of Native Americans in this state.

(d) Assist and develop partnerships to seek public and private funds to carry out activities to protect, preserve, and promote the awareness of Native American cultural heritage in this state.

(e) Promote the signage and recognition of places significant to the history of Native Americans, including places significant to that history along the statewide trail network described in section 72114.

(2) The department shall annually report to the governor and both houses of the legislature on its activities under this section in the prior calendar year.

History: Add. 2016, Act 247, Eff. Sept. 22, 2016

Popular Name: Act 451

Popular Name: NREPA

324.72118 Forest roads; inventory; applicable provisions; posting on website.

Sec. 72118.

(1) The department shall make a comprehensive inventory of forest roads that are state roads. The department shall divide the state into 5 regions and complete the inventory in regional phases. The Upper Peninsula shall be a separate region or regions. The department shall inventory the 2 most northerly regions in the Lower Peninsula by December 31, 2017. The department shall inventory the remaining regions by December 31, 2018. The inventory shall meet both of the following requirements:

(a) Identify the location, condition, and development level of the forest roads.

(b) Determine types of motorized and nonmotorized use currently restricted on each forest road segment and the seasons during which those uses are currently restricted.

(2) Beginning when the inventory for a region is completed or required to be completed, whichever occurs first,

all of the following apply:

(a) The forest roads within that region are open to motorized use by the public unless designated otherwise by an order of the department under section 504. However, forest roads in the Upper Peninsula are open to motorized use by the public unless designated otherwise by an order of the department under section 504.

(b) If a timber harvest is planned for a particular area in that region, the department shall evaluate whether the timber harvest activity offers the opportunity to connect existing forest roads and trails in that area.

(c) The department shall not newly restrict a road or trail in that region from being used to access public land unless the department has provided each local unit of government in which the public land is located written notice that includes the reason for the restriction. This subdivision does not apply to a restriction imposed to protect public health or safety in an emergency situation.

(3) The department shall annually post to its website the total miles of forest roads open to motorized use in all inventoried regions and a map or maps of those forest roads.

History: Add. 2016, Act 288, Imd. Eff. Sept. 28, 2016 ;-- Am. 2018, Act 237, Eff. Sept. 25, 2018 ;-- Am. 2018, Act 240, Eff. Sept. 25, 2018

Popular Name: Act 451

Popular Name: NREPA