

HOUSE BILL No. 4829

May 16, 1989, Introduced by Rep. Ouwinga and referred to the Committee on Transportation.

A bill to amend section 8 of Act No. 295 of the Public Acts of 1976, entitled as amended

"State transportation preservation act of 1976,"

as amended by Act No. 210 of the Public Acts of 1984, being section 474.58 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 295 of the Public Acts of
2 1976, as amended by Act No. 210 of the Public Acts of 1984, being
3 section 474.58 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 8. (1) A railroad company operating within this state
6 shall notify the department at the time it files with the appro-
7 priate governmental agencies for abandonment of a line.

8 (2) AN OPERATING RAILROAD COMPANY THAT DESIRES TO SALVAGE
9 TRACK MATERIALS FROM PREVIOUSLY ABANDONED RIGHTS-OF-WAY WITHIN

1 THIS STATE SHALL FIRST OFFER THE RIGHT-OF-WAY WITH THE TRACK
2 STRUCTURE INTACT TO THE DEPARTMENT FOR PURCHASE ON REASONABLE
3 TERMS. THE OFFER SHALL INCLUDE A DETAILED DESCRIPTION OF THE
4 PROPERTY AND APPROPRIATE VALUATION MAPS AND TRACK CHARTS.
5 ADDITIONAL INFORMATION OR DOCUMENTS MAY BE PROVIDED AS AGREED BY
6 THE PARTIES. THE DEPARTMENT SHALL REIMBURSE THE RAILROAD COMPANY
7 FOR THE EXPENSE OF PROVIDING ALL SUCH ADDITIONAL INFORMATION OR
8 DOCUMENTS. THE DEPARTMENT MAY EXERCISE ITS RIGHT TO PURCHASE OR
9 ACQUIRE THE RAILROAD COMPANY'S RIGHT-OF-WAY APPROVED FOR ABANDON-
10 MENT WITHIN 60 DAYS AFTER THE OFFER FOR SALE BY THE RAILROAD COM-
11 PANY AS PROVIDED FOR IN SUBSECTION (3) UNLESS THE DEPARTMENT
12 DETERMINES THAT THE ABANDONED ROUTE DOES NOT HAVE POTENTIAL FOR A
13 USE DESCRIBED IN SECTION 6. IF THE DEPARTMENT DETERMINES THAT
14 THE ABANDONED ROUTE DOES NOT HAVE POTENTIAL FOR A USE DESCRIBED
15 IN SECTION 6, THE RAILROAD COMPANY MAY DISPOSE OF THE TRACK MATE-
16 RIALS IN THE RIGHT-OF-WAY AS IT SEES FIT. FAILURE BY THE DEPART-
17 MENT TO EXERCISE THE RIGHT TO PURCHASE UNDER THIS SUBSECTION DOES
18 NOT PRECLUDE THE RIGHT TO EXERCISE THE RIGHT TO PURCHASE UNDER
19 SUBSECTION (3) BY THE DEPARTMENT OR THE DEPARTMENT OF NATURAL
20 RESOURCES.

21 (3) ~~-(2)-~~ The rights a railroad company may have in all
22 rights of way approved for abandonment within the state shall not
23 be offered for sale without offering the department, on reason-
24 able terms in the first instance, and the department of natural
25 resources, on reasonable terms in the second instance, the right
26 to purchase those rights. The offer shall include a detailed
27 description of the property and appropriate valuation maps and

1 track charts. Additional information or documents may be
2 provided as agreed to by the parties. The department shall reim-
3 burse the railroad company for the expense of providing all such
4 additional information or documents. Upon receipt of such an
5 offer, the department shall notify the departments of natural
6 resources, agriculture, and commerce. The purchase or other
7 acquisition may be by warranty or quitclaim deed. The department
8 or the department of natural resources may purchase or acquire
9 those rights a railroad company may have in all rights of way
10 approved for abandonment unless within 60 days ~~of~~ AFTER the
11 offer for sale by the railroad company, the department determines
12 that the abandoned route does not have potential for a use
13 described in section 6 or the department of natural resources
14 determines that the abandoned route does not have potential for
15 management as a recreational resource. If the department deter-
16 mines that the abandoned route does not have potential for a use
17 described in section 6 and the department of natural resources
18 determines that the abandoned route does not have potential for
19 management as a recreational resource or the department or the
20 department of natural resources does not make a reasonable offer,
21 in writing, to purchase within 60 days, the railroad company may
22 dispose of the rights it has in those rights of way as it sees
23 fit. If a right of way abandoned before January 1, 1977, is
24 available and the department determines that the right of way has
25 potential for a use described in section 6, the department may
26 purchase by warranty or quitclaim deed the rights a railroad
27 company or others have in the right of way.