

HOUSE BILL No. 5887

June 19, 1990, Introduced by Rep. Spaniola and referred to the Committee on Appropriations.

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 AND EACH LOCAL UNIT OF GOVERNMENT
7 THROUGH WHICH THE LINE PASSES at the time it files with the
8 appropriate governmental agencies for abandonment of a line.

1 (2) The rights a railroad company may have in all rights of
2 way approved for abandonment within the state OR ANY TRACK
3 MATERIALS ON THE PROPERTY shall not be offered for sale without
4 offering the department, on reasonable terms in the first
5 instance, and the department of natural resources, on reasonable
6 terms in the second instance, the right to purchase those rights,
7 AND WITHIN THE 90-DAY PERIOD THEREAFTER ADVERTISE AT LEAST
8 3 TIMES IN EACH NEWSPAPER SERVING A LOCAL UNIT OF GOVERNMENT
9 AFFECTED BY THE PROPOSED ABANDONMENT. The offer shall include a
10 detailed description of the property and appropriate valuation
11 maps and track charts. Additional information or documents may
12 be provided as agreed to by the parties. The department shall
13 reimburse the railroad company for the expense of providing all
14 such additional information or documents. Upon receipt of such
15 an offer, the department shall notify the departments of natural
16 resources, agriculture, and commerce. The purchase or other
17 acquisition may be by warranty or quitclaim deed. The department
18 or the department of natural resources may purchase or acquire
19 those rights a railroad company may have in all rights of way
20 approved for abandonment OR TRACK MATERIALS ON THE PROPERTY
21 unless within ~~60~~ 90 days of the offer for sale by the railroad
22 company, the department determines that the abandoned route does
23 not have potential for a use described in section 6 or the
24 department of natural resources determines that the abandoned
25 route does not have potential for management as a recreational
26 resource. If the department determines that the abandoned route
27 does not have potential for a use described in section 6 and the

1 department of natural resources determines that the abandoned
2 route does not have potential for management as a recreational
3 resource or the department or the department of natural resources
4 does not make a reasonable offer, in writing, to purchase within
5 ~~60~~ 90 days, the railroad company may dispose of the rights it
6 has in those rights of way OR TRACK MATERIALS as it sees fit. If
7 a right of way abandoned before January 1, 1977, is available and
8 the department determines that the right of way has potential for
9 a use described in section 6, the department may purchase by war-
10 ranty or quitclaim deed the rights a railroad company or others
11 have in the right of way.