

**SUBSTITUTE FOR
SENATE BILL NO. 596**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 72103, 72105, and 72106 (MCL 324.72103,
324.72105, and 324.72106), section 72103 as amended by 2014 PA 210,
section 72105 as amended by 2017 PA 138, and section 72106 as
amended by 2014 PA 212, and by adding section 72103a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 72103. (1) The director may designate a trail in this
2 state located on land as a "Pure Michigan Trail". A person may
3 request that the director designate a trail as a Pure Michigan
4 Trail. The director shall not designate a trail as a Pure Michigan
5 Trail unless it meets, or will meet when completed, all of the
6 following requirements:
7 (a) The trail is a model trail for its designated uses and the

1 designation of the trail as a Pure Michigan Trail contributes to a
2 statewide trail network that promotes healthy lifestyles, economic
3 development, recreation, and conservation of the natural and
4 cultural resources of this state.

5 (b) The land on which the trail is located is owned by this
6 state or a governmental agency ~~—~~or otherwise is under the long-
7 term control of this state or a governmental agency through a
8 lease, easement, or other arrangement. If the land is owned by a
9 governmental agency, the director shall obtain the consent of the
10 governmental agency before designating the land as part of a Pure
11 Michigan Trail.

12 (c) The design and maintenance of the trail and its related
13 facilities meet generally accepted standards of public safety.

14 (d) The trail meets appropriate standards for its designated
15 recreation uses.

16 (e) The trail is available for designated recreation uses on a
17 nondiscriminatory basis.

18 (f) The trail is, or has potential to be, a segment of a
19 statewide network of trails, or it attracts a substantial share of
20 its users from beyond the local area.

21 (g) The trail is marked with an official Pure Michigan Trail
22 sign and logo at major access points.

23 (h) Where feasible, the trail offers adequate support
24 facilities for the public, including parking, sanitary facilities,
25 and emergency telephones, that are accessible to people with
26 disabilities and are at reasonable frequency along the trail. **THE**
27 **TRAIL MAY INCLUDE AMENITIES RELATED TO TRAIL USAGE SUCH AS**

1 CONNECTORS AND ACCESS TO REST AREAS, LODGING, AND EATING
2 FACILITIES, AS WELL AS PARK BENCHES AND SIGNAGE. SUPPORT FACILITIES
3 AND TRAIL AMENITIES DESCRIBED IN THIS SUBDIVISION ARE PUBLIC GOODS.

4 (i) Potential negative impacts of trail development on owners
5 or residents of adjacent property are minimized through all of the
6 following:

7 (i) Adequate enforcement of trail rules and regulations.

8 (ii) Continuation of access for trail crossings for
9 agricultural and other purposes.

10 (iii) Construction and maintenance of fencing, where
11 necessary, by the owner or operator of the trail.

12 (iv) Other means as considered appropriate by the director.

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

16 (k) Other conditions required by the director.

17 (2) In designating trails as Pure Michigan Trails under
18 subsection (1), the director shall consider all forms of
19 permissible recreation uses equally in order to develop a Pure
20 Michigan Trails network that is representative of the various trail
21 uses.

22 (3) The director may designate a water trail as a "Pure
23 Michigan Water Trail". A person may request that the director
24 designate a trail as a Pure Michigan Water Trail. The director
25 shall not designate a trail as a Pure Michigan Water Trail unless
26 it meets, or will meet when completed, all of the following
27 requirements:

1 (a) The trail and its access points are open to public use and
2 are designed, constructed, and maintained according to best
3 management practices.

4 (b) The trail is located on a contiguous waterway or a series
5 of waterways that are contiguous or are connected by portages.

6 (c) The trail is consistent with applicable land use plans and
7 environmental laws.

8 (d) The trail meets the criteria of subsection (1) (a), (c),
9 (d), (e), (f), (g), (h), (i) (i) and (iv), and (k).

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

13 (4) Prior to designating a Pure Michigan Trail under
14 subsection (1) or a Pure Michigan Water Trail under subsection (3),
15 the director shall refer the proposed designation to the natural
16 resources commission, which shall hold a public hearing on the
17 proposed designation. Within 90 days after receiving the referral
18 under this subsection, the natural resources commission shall
19 provide the director with its recommendation regarding the
20 designation.

21 (5) The director may revoke a Pure Michigan Trail or a Pure
22 Michigan Water Trail designation if he or she determines that a
23 trail fails to meet the requirements of this section. Before
24 revoking a Pure Michigan Trail or a Pure Michigan Water Trail
25 designation, the director shall provide notice to all entities
26 involved in the management of the trail. If the trail is brought
27 into compliance with this section within 90 days after providing

1 this notice, the director shall not revoke the designation.

2 **SEC. 72103A. THE DEPARTMENT MAY DEVELOP RECOMMENDATIONS FOR**
3 **LOCAL TRAIL MANAGERS ON RESEARCHING AND PROVIDING HISTORICAL,**
4 **CULTURAL, OR NATURAL RESOURCE INFORMATION RELATED TO THE AREA THAT**
5 **A TRAIL TRAVERSES USING INTERPRETIVE SIGNAGE, ONLINE MATERIAL, OR**
6 **OTHER APPROPRIATE MEANS.**

7 Sec. 72105. (1) The department may operate and maintain a
8 trail that is located on state owned land or may enter into an
9 agreement with a council or 1 or more governmental agencies to
10 provide for the operation and maintenance of the trail. An
11 agreement entered into under this subsection may include provisions
12 for any of the following:

13 (a) Construction, maintenance, and operation of the trail,
14 **INCLUDING AMENITIES RELATED TO TRAIL USAGE SUCH AS CONNECTORS AND**
15 **ACCESS TO REST AREAS, LODGING, AND EATING FACILITIES, AS WELL AS**
16 **PARK BENCHES AND SIGNAGE.**

17 (b) Enforcement of trail rules and regulations including
18 permitted uses of the trail.

19 (c) Other provisions consistent with this part.

20 (2) All of the following apply to the operation of an electric
21 bicycle on a trail subject to this part:

22 (a) An individual may operate a class 1 electric bicycle on a
23 linear trail that has an asphalt, crushed limestone, or similar
24 surface, or a rail trail. A local authority or agency of this state
25 having jurisdiction over a trail described in this subdivision may
26 regulate or prohibit the operation of a class 1 electric bicycle on
27 that trail.

1 (b) An individual may operate a class 2 or class 3 electric
2 bicycle on a linear trail that has an asphalt, crushed limestone,
3 or similar surface, or a rail trail if authorized by the local
4 authority or agency of this state having jurisdiction over the
5 trail.

6 (c) Except as otherwise provided in this subdivision, an
7 individual shall not operate an electric bicycle on a trail that is
8 specifically designated as nonmotorized and that has a natural
9 surface tread that is made by clearing and grading the native soil
10 with no added surfacing materials. A local authority or agency of
11 this state having jurisdiction over a trail described in this
12 subdivision may allow the operation of an electric bicycle on that
13 trail.

14 (3) Subsection (2) does not apply to the use of electric
15 bicycles on a congressionally authorized public trail system.

16 (4) As used in this section, "electric bicycle", "class 1
17 electric bicycle", "class 2 electric bicycle", and "class 3
18 electric bicycle" mean those terms as defined in section 13e of the
19 Michigan vehicle code, 1949 PA 300, MCL 257.13e.

20 Sec. 72106. (1) Two or more governmental agencies may
21 establish a trail management council for the development and
22 management of a trail pursuant to the urban cooperation act of
23 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

24 (2) Upon formation, a council shall adopt operating procedures
25 and shall elect officers as the council considers appropriate.

26 (3) A council may do 1 or more of the following as authorized
27 in an interlocal agreement entered into pursuant to the urban

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1 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
2 124.512:

3 (a) Operate and maintain that portion of 1 or more trails that
4 are owned or under the control of the governmental agencies
5 establishing the council.

6 (b) Pursuant to an agreement under section 72105, operate and
7 maintain that portion of 1 or more trails that are located on state
8 owned land.

9 (C) REVIEW AND CONSIDER CURRENT AND POTENTIAL PERMITTED USES
10 OF EACH TRAIL AND TRAIL SEGMENT AND PROVIDE AN EASILY UNDERSTOOD
11 PLAN FOR TRAIL USERS.

12 (D) ESTABLISH PROTOCOLS FOR THE DEVELOPMENT AND MANAGEMENT OF
13 A TRAIL, WHICH MAY INCLUDE ANY OF THE FOLLOWING:

14 (i) SIGNAGE.

15 (ii) TRAIL ETIQUETTE AND SAFETY GUIDANCE.

16 (iii) A HISTORICAL AND CULTURAL INTERPRETIVE PLAN.

17 (iv) A FORMULA FOR SHARING COSTS OF MAINTENANCE.

18 (v) A PLAN FOR LINKING THE TRAIL TO NEARBY WATER TRAILS, WHERE
19 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.>>

20 (E) ~~(e)~~Coordinate the enforcement of trail rules and
21 regulations and other applicable laws and ordinances, including
22 permitted uses of the trail on trails owned or under the control of
23 the governmental agencies establishing the council or, pursuant to
24 an agreement under section 72105, trails that are located on state
25 owned land.

26 (F) ~~(d)~~Receive any grant made from the fund or other funding
27 related to that portion of a trail within its jurisdiction.

1 **(G)** ~~(e)~~—Acquire or hold real property for the purpose of
2 operating a trail.

3 **(H)** ~~(f)~~—Perform other functions consistent with this part.

4 **(4) A COUNCIL MAY HOLD 1 OR MORE PUBLIC HEARINGS TO RECEIVE**
5 **INPUT AND PROVIDE INFORMATION ON THE DEVELOPMENT AND MANAGEMENT OF**
6 **A TRAIL.**

7 **(5)** ~~(4)~~—A council may be dissolved by the governmental
8 agencies that participated in creating the council. However, if a
9 council has entered into an agreement with the department under
10 section 72105, the agreement shall specify how the council may be
11 dissolved.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.