

# HOUSE BILL No. 6545

October 15, 2008, Introduced by Reps. Gaffney, Johnson, Leland, Donigan and Clemente and referred to the Committee on Transportation.

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending sections 1, 2, 5, 15, and 16 (MCL 474.51, 474.52, 474.55, 474.65, and 474.66), section 2 as amended by 1998 PA 235 and sections 5, 15, and 16 as amended by 1984 PA 210.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) This act shall be known and may be cited as the  
2 "state transportation preservation act of 1976".

3           (2) There exists a need to provide authorization for financial  
4 assistance for the capital improvement, maintenance, and operation  
5 of rail, **STREET RAILWAY**, intercity bus, and ferry services in this  
6 state. To undertake the planning, development, acquisition, and  
7 operation of these services is in the best interest of the state

1 and is a valid public purpose.

2 (3) The preservation of abandoned railroad rights of way for  
3 future rail use and their interim use as public trails is declared  
4 to be a public purpose.

5 Sec. 2. As used in this act:

6 (a) "Bureau" means the bureau of ~~urban and public~~  
7 transportation **PLANNING** in the department.

8 (b) "Commuter trail" means a trail, lane, path, road, or other  
9 right of way on which motorized vehicles are not permitted and  
10 which has the primary or substantial purpose and result of  
11 providing a means for people to move from 1 location to another.

12 (c) "Department" means the ~~state transportation department~~ **OF**  
13 **TRANSPORTATION, THE PRINCIPAL DEPARTMENT CREATED UNDER SECTION 350**  
14 **OF THE EXECUTIVE ORGANIZATION ACT OF 1965, 1965 PA 380, MCL 16.450.**

15 (d) "Federal acts" means the regional rail reorganization act  
16 of 1973, 45 U.S.C. ~~USC~~ 701 to 797m; the railroad revitalization and  
17 regulatory reform act of 1976, Public Law 94-210; ~~7-90 Stat. 317~~  
18 the local rail service assistance act of 1978, section 5, Public  
19 Law 89-670; ~~7-80 Stat. 931~~; the staggers rail act of 1980, Public  
20 Law 96-448; ~~7-94 Stat. 1895~~; and the northeast rail service act of  
21 1981, subtitle E title XI, Public Law 97-35. ~~7-95 Stat. 643.~~

22 (e) "Recreational trail" means a trail, lane, path, road, or  
23 other right of way ~~which~~ **THAT** because of its scenic, wild, or  
24 topographical nature, has as its primary purpose recreational use  
25 of the trail itself.

26 (F) **"STREET RAILWAY" MEANS THAT TERM AS DEFINED UNDER THE**  
27 **NONPROFIT STREET RAILWAY COMPANY ACT, 1867 PA 35, MCL 472.1 TO**

1 472.31.

2       Sec. 5. The department may provide financial assistance in the  
3 form of grants, leases, loans, and purchases, or any combination of  
4 grants, leases, loans, and purchases, within the limits of the  
5 funds appropriated by the legislature or otherwise obtained, for  
6 the maintenance of a railroad **OR A STREET RAILWAY** within the state  
7 as provided in the federal acts, other relevant federal  
8 legislation, ~~Act No. 51 of the Public Acts of 1951, being sections~~  
9 ~~247.651 to 247.674 of the Michigan Compiled Laws, 1951 PA 51, MCL~~  
10 **247.651 TO 247.675**, or other relevant state law. The department may  
11 act as the agent for the state, a person, a public or private  
12 corporation, a local or regional transportation authority, a local  
13 governmental unit, a private carrier, a group of rail users, or a  
14 combination of these entities for the maintenance of a railroad **OR**  
15 **A STREET RAILWAY** in this state.

16       Sec. 15. The department may spend sums appropriated and other  
17 available funds for the construction, modernization,  
18 rehabilitation, rebuilding, and relocation of rail property and may  
19 perform or contract for maintenance or improvements on rail  
20 property owned by the state, a person, a public or private  
21 corporation, a local or regional transportation authority, a local  
22 governmental unit, a private carrier, a group of rail users, or a  
23 combination of these entities, **INCLUDING, BUT NOT LIMITED TO, A**  
24 **STREET RAILWAY**, as is necessary in the public interest **AS**  
25 **DETERMINED BY THE DEPARTMENT.**

26       Sec. 16. The department may contract with a person, firm, or  
27 public or private corporation to provide rail, **STREET RAILWAY**,

1 intercity bus, or ferry service deemed by the department to be in  
2 the best interest of ~~the~~**THIS** state.