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SFA



BILL ANALYSIS

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Senate Bill 444 (Substitute S-1 as reported)
Sponsor: Senator Leon Stille
Committee: Natural Resources and Environmental Affairs

Date Completed: 5-7-97

RATIONALE

In recent years, Michigan has enacted several programs in which community groups may participate in the upkeep of the State's natural resources. Specifically, Public Act 121 of 1994 created an adopt-a-park program, and Public Acts 88 and 89 established adopt-a-river and adopt-a-shoreline programs. All of these Acts require the Department of Natural Resources to administer the programs, and contain criteria for volunteer groups' participation. In addition, the Department of Transportation administers an adopt-a-highway program. Apparently, these programs have been successful in encouraging volunteers to help clean up and maintain State parks and highways. It has now been suggested that community groups also could "adopt" specific trailways, particularly trails that are former railroad beds. (Please see **BACKGROUND**, below, for additional information about Michigan trailways.)

CONTENT

The bill would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to establish an "adopt-a-trail" program that would allow volunteer groups to assist in maintaining and enhancing Michigan trailways and rail-trails. ("Rail-trail" would mean "a former railroad bed that is in public ownership and used as a trailway.")

Volunteer groups in the program could adopt any available Michigan trailway or rail-trail, or trailway or rail-trail segment, and could choose any one or more of the following activities: spring cleanups, environmental activities, accessibility projects, special events, trailway maintenance and development, public information and assistance, and/or training. The DNR would have to designate

the activities to be performed by a volunteer group, and could provide for more than one group to adopt a trailway or rail-trail or trailway or rail-trail segment.

A volunteer group that wished to participate in the program would have to apply to the DNR and agree to the following:

- Volunteer groups would have to participate for at least a two-year period.
- Volunteer groups would have to consist of at least six people who were 18 years of age or older, although the volunteers could be under 18 if a group were a school or scout organization.
- Volunteer groups would have to contribute a total of at least 400 service hours over a two-year period.
- Volunteer groups would have to comply with other reasonable requirements of the DNR.

If campsites were available, a State park manager or a district forest manager could issue free camping permits to volunteers who were actively working on adopt-a-trail projects that lasted more than one day. A park or forest manager also could waive park entry fees for volunteers entering State parks to work on adopt-a-trail projects.

While a volunteer was working on an adopt-a-trail project, he or she would have the same immunity from civil liability as a DNR employee and would have to be treated in the same manner as an employee under Section 8 of the governmental immunity Act (which provides for legal counsel and indemnification for governmental employees).

The DNR would have to design and erect near the entrance of each Michigan trailway or rail-trail in the adopt-a-trail program or along the trailway an

adopt-a-trail program sign with the name of the volunteer group's sponsoring organization listed for each group that had contributed at least 100 service hours by volunteers.

MCL 324.72101 et al.

BACKGROUND

Public Act 27 of 1993 created the Michigan Trailways Act (which was recodified as Part 721 of the Natural Resources and Environmental Protection Act) to authorize the Natural Resources Commission to designate a "Michigan trailway" if the trailway meets certain criteria. Among other things, the trailway must be on land owned or controlled by the State or a governmental agency and be available for designated recreation uses, and potential negative impacts on adjacent property owners must be minimized. The Act defines "trailway" as a land corridor that features a broad trail capable of accommodating a variety of public recreation uses. The Act also created the Michigan Trailways Fund and the Michigan Trailways Advisory Council, requires public hearings on trailway designations, and authorizes governmental agencies to establish Michigan trailway management councils.

In addition, Public Act 28 of 1993 amended the State Transportation Preservation Act to authorize the Department of Transportation to transfer to the DNR railroad rights-of-way for use as Michigan trailways, pursuant to Public Act 27.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The proposed adopt-a-trail program would be similar to existing programs in which citizens may adopt a highway, park, shoreline, or river. In a time of limited funding, these programs supplement the ability of State personnel to preserve Michigan's natural resources. More importantly, perhaps, the programs also encourage the involvement of individuals in protecting their own environment and taking care of the natural resources they enjoy. The bill specifically would allow volunteer groups to assist in maintaining Michigan trailways and rail-trails, and would enhance recent rail-to-trail efforts that promote railbanking and preserve urban greenways. In addition, citizens could participate without fear of liability, since the bill would extend

governmental immunity to volunteers in the adopt-a-trail program.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact depending upon the amount of volunteer participation.

The Department currently has an adopt-a-park program with approximately .5 FTE. This proposal would augment that program, and could result in indeterminate cost savings from volunteer trail improvements. Last year, adopt-a-shoreline and adopt-a-river programs also were enacted.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.