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BILL ANALYSIS

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Senate Bill 161 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Jason E. Allen
Committee: Natural Resources and Environmental Affairs

Date Completed: 5-13-05

RATIONALE

In 1995, the Department of Natural Resources (DNR) purchased an abandoned rail corridor along the west shore of Mullett Lake in Cheboygan County, and, in response to nearby landowners' concerns about noise and safety issues presented by snowmobilers, prohibited motorized traffic within the corridor. Since then, alternative snowmobile routes linking Cheboygan, Indian River, and Grayling have been examined, but the DNR has rejected those proposals due to public safety and environmental concerns. Some people believe that a trail running along a portion of I-75 would be the best option; State law, however, does not allow snowmobile operation on the right-of-way of limited access highways. In the 2003-2004 session, the Legislature passed Senate Bill 1329 to allow snowmobiles to be operated on the right-of-way. Governor Jennifer Granholm vetoed the bill, however, citing questions about "...not only the appropriateness of allowing snowmobiles to use limited access rights-of-way but also their use on sections of the remaining public highway right-of-way where significant conflicts have been developing between snowmobiles, landowners, and motor vehicles and where public safety is being compromised".

It has been suggested that the operation of snowmobiles should be allowed on the right-of-way of a limited access highway, under certain circumstances, and that procedures for closing snowmobile trails along any public highway should be established to address the concerns identified by the Governor.

CONTENT

The bill would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act to allow the operation of a snowmobile on the right-of-way of a limited access public highway under certain circumstances. The bill also would allow snowmobile operation on a limited access or nonlimited access highway right-of-way to be permanently prohibited if certain conditions were met.

Under the bill, a snowmobile could be operated on the right-of-way of a limited access highway if 1) the right-of-way were a snowmobile trail designated by the DNR in its comprehensive plan for a statewide recreational and snowmobile trails system, and 2) the right-of-way were approved by the Michigan Department of Transportation (MDOT). A snowmobile could be operated on the right-of-way only in the manner provided in that plan.

Additionally, a snowmobile operated on the right-of-way of a limited access public highway would have to travel single file and could not be operated abreast, except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a limited access public highway could not exceed the speed limited posted on the highway. (These requirements already apply to the operation of snowmobiles on nonlimited access highway rights-of-way.)

Currently, snowmobiles may be operated on the right-of-way of a public highway that is not a limited access highway either with the flow of traffic, or against the flow of traffic if the right-of-way is a snowmobile trail designated by the DNR in its plan and approved by the DNR and MDOT. Under the bill, the right-of-way would have to be approved only by MDOT.

Additionally, MDOT and the DNR permanently could prohibit snowmobile use on a limited access or nonlimited access highway right-of-way if, within 10 years after the bill's effective date, all of the following requirements were met:

- The right-of-way was designated in a closure plan developed by MDOT and the DNR and approved by the State Transportation Commission and the Natural Resources Commission.
- The DNR and MDOT had held a public hearing on the proposed prohibition in the applicable county, after giving notice by publication in a newspaper of general circulation in the county not more than 21 and not less than seven days before the hearing.
- The DNR and MDOT had consulted on the proposed prohibition with the Snowmobile Advisory Committee.
- Snowmobile use in that right-of-way posed a particular and demonstrable threat to public safety.
- The DNR had designated and, if required, MDOT had approved, an alternative snowmobile trail that was open for use and functional during snowmobile season; bypassed the right-of-way on which snowmobile use was to be prohibited; and provided access to any qualified business that, when the alternative trail was designated, was located along the right-of-way on which snowmobile use was to be prohibited.

(Under the bill, "qualified business" would mean a gas station, restaurant, hotel, motel, convenience store, or grocery store, or any other business that relies on snowmobile-based commerce.)

The bill would allow MDOT and the DNR to promulgate rules to implement the bill's provisions regarding snowmobile operation on a limited access highway right-of-way and the permanent prohibition of snowmobile use in a right-of-way.

Under the Act, upon the request of a county road commission that has designated all county roads outside the limits of a city or village for snowmobile use, MDOT must erect signs at the county line on all State trunk line highways and county roads. The signs must indicate that snowmobiles are permitted on the right-of-way or shoulder of all county roads, and cite Public Act 74 of 1968 (which governed snowmobile operation until Part 821 was enacted). Under the bill, the signs would have to cite MCL 324.82119 (the section that the bill would amend), instead of the 1968 law. A sign erected before the bill's effective date, however, could cite Public Act 74 of 1968.

MCL 324.82119

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

With nearly 400,000 registered snowmobiles and approximately 250,000 trail permit holders, snowmobiling constitutes an important industry for the State, particularly the northern part, and is said to contribute about \$1.0 billion to the State's economy every year. Many businesses in northern Michigan rely on snowmobilers to generate enough trade to enable them to remain open during the winter. Increased interconnectivity of snowmobile trails is essential to tourism and its resulting economic activity. Although the impetus for the bill was the Cheboygan-Gaylord trail situation, the proposal would apply to similar situations in the future and facilitate the continued expansion of the trail system by allowing snowmobile operation on the right-of-way of any limited access highway, as long as the trail was designated by the DNR and approved by MDOT.

The bill also would strike the appropriate balance between public safety and the needs of businesses by establishing a procedure that MDOT and the DNR would have to follow in order to close a snowmobile trail on the right-of-way of any public highway, not just a limited access highway. By requiring that a specific safety risk be demonstrated, and that MDOT and the DNR present an alternate route that provided access to businesses along the bypassed right-of-way,

the bill would ensure that undue constraints were not placed on economic activity. Furthermore, the bill's narrow definition of "qualified business" would prevent the DNR and MDOT from having to take unnecessary measures to accommodate businesses that are not especially reliant on snowmobile traffic, such as hair salons or pet shops.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The State would incur additional administrative costs if a permanent prohibition on snowmobile trail use were sought for a highway right-of-way. Expenses could be incurred for the development of a closure plan, public hearings, and the development of an alternative snowmobile trail.

Fiscal Analyst: Jessica Runnels

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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.