



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 204 (as enrolled)
Sponsor: Senator George A. McManus, Jr.
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Conservation, Environment and Great Lakes

PUBLIC ACT 201 of 1995

Date Completed: 3-13-96

RATIONALE

Snowmobiling is a popular recreational sport enjoyed by many outdoor enthusiasts across the State. In an effort to ensure the safety of snowmobile users and provide challenging trails, the Department of Natural Resources (DNR) incorporated several stretches of abandoned railroad rights-of-way into its recreational trail system. Although some people expressed concern that permitting snowmobilers to use these abandoned areas could lead to the encroachment of snowmobilers upon functional railroad rights-of-way, others supported the policy as a way of broadening the public's safe use of rights-of-way. In an effort to resolve the issue, the Legislature, in 1990, amended Public Act 74 of 1968, which provides for the registration and regulation of snowmobiles, to allow snowmobilers to operate their machines, between December 1, 1990, and March 31, 1991, on a demonstration trail located on a State-owned railroad right-of-way operated by the Lake State Railway Company, or on a railroad right-of-way owned by the Detroit and Mackinaw Railway Company that connects to a State-owned right-of-way, which the Lake State Company operates between Gaylord and Frederic. The demonstration project was designed to study whether opening a functional railroad right-of-way to snowmobilers could lead to unsafe situations for persons using the trails and trains using the tracks. In 1992, the Legislature again amended Public Act 74 to allow snowmobilers use of the demonstration trail during specified times over the next three years while additional study was done and annual reports were made to the Legislature. According to some, there now is sufficient evidence that snowmobile traffic can coexist safely with an active railroad operation and that a sunset date on the use of the trail is no longer necessary.

It also has been suggested that a similar right-of-way trail be established in the Upper Peninsula to serve as a link to a designated snowmobile trail in the vicinity of Bergland, which is in the western

portion of the Upper Peninsula near Lake Gogebic, south of the Porcupine Mountains.

Finally, it has been noted that the Act's provisions concerning the transportation of bows and firearms on snowmobiles have been inconsistent with the Act's provisions concerning the transportation of bows and firearms in or on other types of vehicles. Some suggested that to avoid confusion, the regulations for transporting bows and firearms in or on all types of vehicles should be the same.

CONTENT

The bill amended the Natural Resources and Environmental Protection Act to remove the date restrictions on the use, by snowmobilers, of a demonstration snowmobile trail, located on a State-owned right-of-way operated by the Lake State Railway Company, or on a railroad right-of-way owned by the Detroit and Mackinaw Railway Company connecting to a State-owned railroad right-of-way operated by the Lake State Railway Company, between Gaylord and Frederic; to provide for a second demonstration snowmobile trail in the Upper Peninsula; to change the conditions under which bows and firearms may be transported on snowmobiles; and to require a biennial report on the trail and potential establishment of trails on other rights-of-way.

Demonstration Trail

The Act prohibits the use of snowmobiles on a railroad or railroad right-of-way, but allowed snowmobilers to use the demonstration trail between December 1, 1992, and March 31, 1993, between December 1, 1993, and March 31, 1994, and between December 1, 1994, and March 31, 1995. The bill removed the date restrictions, and specifies instead that the Act's prohibition against

the use of snowmobiles on railroads or railroad rights-of-way does not apply to persons using the demonstration snowmobile trail.

Upper Peninsula Trail

The bill specifies that the prohibition against the use of snowmobiles on railroads or railroad rights-of-way does not apply to persons using a snowmobile trail located on a railroad right-of-way owned by Ameritech and operated by the Wisconsin Central Limited Railroad in the vicinity of Bergland, Michigan, between mileposts 268.89 and 269.85 that will be used as a connector to a designated snowmobile trail and that meets the Act's requirements concerning fencing, signage, liability insurance, indemnification, and any other obligations or provisions deemed appropriate by the person owning the railroad right-of-way.

Annual Report

The Act previously required the Department of Transportation, in cooperation with the railway company and the trail operator, to conduct an annual study during development, construction, and operation of the trail to evaluate the project and to examine the feasibility and desirability of establishing snowmobile trails on functional railroad rights-of-way in the State. The study had to be summarized in a report submitted to the Legislature by September 1, 1993, 1994, and 1995. The bill requires instead that the study be conducted every two years during the operation of the demonstration trail and that the report be submitted by the September 1 following the previous snowmobile season.

Weapons on Snowmobiles

The Act previously specified that a person could not operate a snowmobile while transporting a bow, unless it was unstrung, or a firearm, unless it was unloaded and securely encased or equipped with, and made inoperative by, a manufactured keylocked trigger housing mechanism. The bill requires instead that the bow be unstrung or encased and that the firearm be unloaded in both barrel and magazine and securely encased.

MCL 324.82126

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

There has been sufficient study done of the snowmobile demonstration project to show that snowmobiles can be operated safely along railroad rights-of-way. There is no need to continue specifying certain time periods for use of the trail, with a final sunset date on the project. The trial periods helped limit snowmobilers' exposure to railway traffic until the trail could be fully developed with proper fencing and signage and studies could be made to determine whether the trail would promote the safe operation of snowmobiles. Before the trail was developed, there reportedly was a fair amount of illegal, and most likely unsafe, operation of snowmobiles along railroad rights-of-way. The bill allows snowmobilers to continue to use the trail, but still requires periodic evaluation of the trail and the feasibility of establishing other trails to ensure the continued safety of snowmobilers.

Supporting Argument

To eliminate any confusion, the bill makes the Act's provisions regulating the transportation of bows and firearms on snowmobiles consistent with its provisions regulating the transportation of bows and firearms in or on other vehicles.

Opposing Argument

By removing the December-to-March trial period, the bill makes permanent the demonstration snowmobile trails before the Department of Natural Resources has had a chance to complete its initial testing of the trails and analyze the results of its study of the safety issues involved in snowmobiling near railroad tracts.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

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.