

# Commercial Use Policy

## ***Motion Picture, Television, or Video Productions***

Written authorization is required to conduct commercial activities on Paint Creek Trailways Commission property.

### **Guidelines**

1. Requests for use of Trailways Commission property for commercial videotape, or other commercial purposes shall be in writing. The request shall indicate the activities in which the applicant intends to engage, such as, but not limited to, the number of vehicles that will be driven or placed on Trailways Commission property, the location of the section(s) of the Trail to be utilized, the date(s) and time(s) of proposed use, and the purpose of the activity. If vehicles are going to be utilized on Trailways Commission property, applicants must follow and adhere to the Vehicles/Traffic guidelines listed in this document.
2. The permitted use should not excessively interfere with the use of the property by the public, and should not disrupt adjacent neighbors or their property.
3. Filming, photography, videography and other activities should not be harmful to the natural environment. Permittee may not damage or permanently alter the Trail or Trail property. Permittee will be responsible for the restoration of Trail property if damage or alteration occurs. The Trailways Commission may require a surety bond from the permittee.
4. The use of Trailways Commission signs and/or other Trailways facilities in commercial advertisements, motion pictures, television or video productions should serve to promote the Paint Creek Trail in good taste. The Trail Manager, Administrative Assistant, or Trailways Commission Chairperson may review the videotape or other depictions of Trailways Commission property or facilities and require edits if necessary.
5. A minimum of 48 hours notice must be given before filming, photography, or videotaping takes place.
6. The permittee shall take all measures necessary to not impede regular trail use. In the event it is necessary to temporarily interrupt the flow of trail users during the permitted activity, the interruption shall not exceed ten minutes at any one time or thirty minutes in any one hour.
7. The Trail Manager, Administrative Assistant, Trailways Commission Chairperson, or designee may exercise an option to be present during the entire period that the temporary permit is valid and additional fees may be assessed.
8. No permit will be issued for films, photographs, or tapes of equipment, products, or activities that would not reflect or be consistent with rules of the Paint Creek

Trailways Commission or sound management practices as they concern parklands.

9. The permit is valid only for the period indicated on the permit itself.
10. The applicant/permit holder is solely responsible for complying with any applicable State Laws or local ordinances.
11. The applicant/permit holder may request alternate date(s) when weather conditions inhibit use of the trail for the permit's intended purpose, and when the alternate date(s) does not interfere with other planned use of the trail.

### **Vehicles/Traffic**

1. Vehicles must be approved by the Trail Manager, Trailways Commission Chairperson, or their designee.
2. Production vehicles must not block emergency access gates or Trail crossings.
3. Only essential production vehicles may be on the Trail. Crew parking, "honey wagons", catering vehicles, and non-essential production vehicles must be placed in a pre-determined location off-site. Pre-determined locations off-site must be approved by the ordinances of the municipality where parked as well as rules and regulations of public roads.
4. All vehicles approved for use on Trailways Commission property must be insured following the guidelines provided in the Automobile Insurance and Proof of Insurance sections of this document.

### **Liability**

Permittee will provide a copy of liability insurance that contains the following information:

1. General liability insurance for claims for damages because of bodily injury or death of any person, other than the Contractor's employees, or damage to tangible property of others, including loss of use resulting therefrom to the extent that such kinds of liability are insurable under general liability insurance, subject to bodily injury limits not less than \$1,000,000 each occurrence and annual aggregate and property damage limit not less than \$2,000,000 each occurrence, or combined bodily injury/property damage limits not less than \$1,000,000 each occurrence and aggregate, including as additional insured: Paint Creek Trailways Commission and its employees, the City of Rochester, the City of Rochester Hills, Oakland Township, Orion Township and the Village of Lake Orion. Applicant/permit holder shall also provide the Trailways Commission proof of Workmen's Compensation Insurance for its own employees.

### **Automobile Insurance**

1. Michigan law requires all vehicles registered in the State of Michigan to carry No-Fault Automobile Insurance. The No-Fault Policy, at a minimum, should

include Personal Injury Protection, Property Protection, and Residual Liability Insurance - Bodily Injury and Property Damage. Permittee shall provide Proof of No-Fault Automobile Insurance for every vehicle approved for use on Trailways Commission property.

#### **Proof of Insurance**

1. The required insurance(s) shall be in force during the period of the Temporary Use Permit. The permit holder is responsible for making each subcontractor comply with these insurance requirements. Certificates of Insurance acceptable to the Paint Creek Trailways Commission shall be filed with the Commission prior to the Permit holder's use of the Commission's property and/or facilities.

#### **Temporary Use Permit**

1. The Trail Manager or Administrative Assistant, with the approval of the Trailways Commission Chairperson, has the authority to grant a temporary permit to use Trailways Commission property for eligible commercial purposes. If all of the procedures and requirements of this policy are met, the Trail Manager or Administrative Assistant may issue a temporary permit to the applicant.

#### **Fees**

1. A \$50 Commercial Temporary Permit application fee is required for each permit application.
2. Use fees will range from \$500/day - \$1,000 day depending on the scope of the project. The Trail Manager and the Trailways Commission Chairperson each has discretion to determine the actual fee based on the information provided by the applicant.
3. Staff costs: Additional Monitoring fee may be imposed, and will vary, based on hours needed and scheduled for Trail Manager, Trail staff, Trailways Commission Chairperson, or their designee.

A copy of the approved Temporary Permit must be with the applicant/permit holder during the entire period the permittee is on or uses Trailways Commission property or facilities. Any violation of the permit conditions may result in revocation of the permit.



# Paint Creek Trailways Commission Application for Commercial Use Temporary Permit

4393 Collins Road  
Rochester, MI 48306  
(248) 651-9260  
www.paintcreektrail.org

Name of Applicant/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Contact Person Name: \_\_\_\_\_

Address: \_\_\_\_\_

City / State / Zip Code: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

Email Address: \_\_\_\_\_

1. Name of Project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe intended use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date of Project: \_\_\_\_\_

4. Rain Date (if any): \_\_\_\_\_

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

5. Onsite Contact, Day of the Project: \_\_\_\_\_, (     ) \_\_\_\_\_

6. Is entire Trail (from Rochester to Lake Orion) to be used for project? If not, specify nearest cross streets to start and end points.  
\_\_\_\_\_  
\_\_\_\_\_

Specific Detail on Route or Locations: If attaching map or drawing, check this box:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Signs/Banners/Advertising on the Trail? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 (All trail signage and locations must be approved by the Trailways Commission)
8. Types and Number of Vehicles to be used on **Trail Property (not offsite)**. See  
 "Vehicles/Traffic" and "Automobile Insurance" sections in Commercial Use Guidelines.

\_\_\_\_\_ Automobiles          \_\_\_\_\_ Camera cars          \_\_\_\_\_ Trucks/Vans

\_\_\_\_\_ Other (Please Describe) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**THE UNDERSIGNED AGREES TO THE COMMERCIAL USE POLICY GUIDELINES:**

Signature of Applicant/Contact: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Return Completed Application and supporting documents to:**  
**Paint Creek Trailways Commission**  
**Attn: Commercial Use Temporary Permit Processing**  
**4393 Collins Road**  
**Rochester, MI 48306**

For Internal Use Only

Date Application Received: \_\_\_\_\_ Amount Received: \_\_\_\_\_

Date Insurance Received: \_\_\_\_\_ Date Approved or Denied: \_\_\_\_\_