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RAIL GRADE CROSSING FUNDS

House Bill 4900
Sponsor: Rep. Sandra Hill
Committee: Transportation

Complete to 9-29-93

A SUMMARY OF HOUSE BILL 4900 AS INTRODUCED 6-29-93

Public Act 51 of 1951 (MCL 247.660 et al.) governs the state highway system and provides for various highway and transportation funds and accounts, including the railroad grade crossing account within the State Trunk Line Fund. This account was established to pay for improving, installing and retiring new or existing safety devices at all railroad grade crossings on public roads and streets in the state. The act currently provides that money from this account may be spent only 1) after federal funds from certain federal program funds have been completely used, and 2) if "the affected railroad" pays 25 percent and the local road authority pays 10 percent of the costs for which appropriations have been made under the act. The bill would delete these provisions and replace them with new ones governing how money deposited into the account could be spent. The provisions added by the bill pertaining to the use of account funds would apply through September 30, 1998.

Under the bill, railroad grade crossing account projects would have to be selected for funding based on the following guidelines:

- * Not more than 50 percent or less than 30 percent of the funds and matched federal funds could be spent for state trunk line projects.

- * The Department of Transportation (DOT), in prioritizing projects for funding (in whole or in part) would have to consider train and vehicular traffic volumes, accident history, traffic control device improvement needs, and the availability of funding.

- * Consistent with other requirements for these funds, the first priority for money deposited into the fund would be to match federal funds from the Railroad-Highway Grade Crossing Improvement Program or other comparable federal programs.

- * If federal funds from the railroad-highway improvement program or another similar federal program had been exhausted, funds deposited into the railroad grade crossing account would have to be used to fund 100 percent of grade crossing projects that received a high priority pursuant to criteria established by DOT.

- * State railroad grade crossing funds could not be used, either as 100 percent of project cost or to match federal railroad-highway grade crossing improvement funds, for a crossing that DOT determined (according to its criteria) was a lower priority than other projects that had not yet been funded. However, if sufficient funds were available, these account funds could be used for not more than 50 percent of a project's cost for a crossing

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that DOT determined to be a lower priority if the balance of not less than 50 percent of the project's cost was provided by the road authority, railroad or other sources.

* The type of railroad grade crossing improvement, installation, relocation or retirement of grade crossing surfaces, active and passive traffic control devices, pavement marking, or other related work would be eligible for account funds in the same manner as the project type eligibility provided by the federal funds from the railroad-highway grade crossing improvement program, except that the funds 1) could not be spent on new or existing grade separation structures, 2) could be used, relative to new railroad crossings, for the crossing surface, active and passive traffic control devices, pavement marking and other necessary improvements, and 3) could be used for the modification, relocation, or modernization of railroad grade crossing facilities made necessary by roadway improvement projects. Also, if DOT and the local road authority formally agreed that the grade crossing should be eliminated by permanent closing of the public roadway which it traversed, the road authority that made the closing would have to receive \$5,000. In addition, any connecting road improvements necessitated by the grade crossing closure would be reimbursable on an actual cost basis not to exceed \$10,000 per crossing closed. The physical removal of the crossing, roadway within the railroad rights of way, and street termination treatment would be negotiated between the road authority and railroad company. The funds provided to the road authority as a result of the crossing closure would be credited to its account representing the same road or street system on which the crossing was located.

The act now specifies that all federal aid construction projects and all other projects of the department related to roadways and bridges whose cost exceeds \$20,000 for construction or maintenance must be performed by contract awarded by competitive bidding, unless DOT determines that some other method is in the public interest. The bill would raise this threshold to \$50,000. The act also requires certain information to be reported by DOT to the State Transportation Commission 90 days before work on such a project is begun; the bill, however, would permit such information to be filed, in situations where DOT determined that emergency action was required, soon after the work had begun.

Currently, amounts distributed to county road commissions must be returned to their respective county treasurers in the manner, for the purposes and under the terms and conditions stated in the act. The bill specifies that in each charter county to which funds were returned, the responsibility for road improvement, maintenance and traffic operation work, and the development, construction or repair of off-road parking facilities and construction or repair of road lighting would have to be coordinated by a single administrator to be designated by the governing body. The administrator would be charged with representing the charter county in transactions with DOT pursuant to the act's provisions.

Finally, the act requires DOT, within 30 days after the close of each state fiscal year, to furnish the legislature and the governor a detailed report of revenues credited to the Michigan Transportation Fund, as well as certain other information pertaining to the fund. The bill would require this information to be submitted within 120 days after the close of a state fiscal year.