



SENATE BILL No. 646

May 18, 1993, Introduced by Senators MC MANUS, KOIVISTO, GAST, EMMONS, HART, SCHWARZ, CISKY and CARL and referred to the Committee on Transportation and Tourism.

A bill to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe the powers and duties of certain state agencies; to prescribe fees; to provide remedies and penalties; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. This act shall be known and may be cited as the
2 "railroad code of 1993".

3 Sec. 131. (1) To the extent provided in this act, the state
4 transportation department shall have and exercise regulatory and
5 police power over railroad companies in this state insofar as
6 such power has not been preempted by federal law or regulation.

7 (2) The department may promulgate and enforce reasonable
8 rules relating to sanitation and adequate shelter as affecting
9 the welfare and health of railroad operating employees, to the

1 extent such rules are not preempted by federal law or
2 regulation. Rules promulgated under this act shall be promul-
3 gated pursuant to the administrative procedures act of 1969, Act
4 No. 306 of the Public Acts of 1969, being sections 24.201 to
5 24.328 of the Michigan Compiled Laws.

6 Sec. 133. The department shall keep a record of all its
7 findings, decisions, determinations, and investigations under
8 this act, and shall, on January 1 of each year, render to the
9 governor a full and complete report of all such findings, deci-
10 sions, determinations, and investigations, together with a state-
11 ment of all money expended by it or on its order, and of all sal-
12 aries paid by or to it. The report shall include such recommen-
13 dations as the department desires to make on the conduct of the
14 railroad business in the state of Michigan, and such portion or
15 abridgment of the reports of the various railroad corporations
16 made to it as it considers to be of interest to the general
17 public. Not more than 1,500 copies of this report shall be pub-
18 lished, except as directed by the director of the department of
19 management and budget.

20 Sec. 135. The department shall conduct a hearing and take
21 testimony as to the advisability of any proposed statutory change
22 in this act if requested to do so by the legislature, by the
23 senate or house transportation committee, or by the governor, and
24 shall report its conclusions to the officer or body at whose
25 request the hearing was held. The department may also recommend
26 the enactment of such legislation as it considers necessary in

1 the public interest, and may draft or cause to be drafted its
2 recommendations for submission to the legislature.

3 Sec. 137. The department may require railroad companies to
4 furnish to it copies of accident reports filed with the federal
5 railroad administration or other federal agencies respecting
6 accidents within this state. The department may conduct investi-
7 gations of such accidents if it first determines that an investi-
8 gation will not be conducted by a federal agency.

9 Sec. 151. (1) Respecting matters as to which the department
10 is authorized to issue final orders, including the installation
11 of traffic control devices, upon complaint or request for hearing
12 in writing of any person that any of the rates, fares, charges,
13 or classifications established by the department are in any
14 respect unreasonable or discriminatory, or that any regulation or
15 practice whatsoever affecting the transportation of persons or
16 property is in any respect unreasonable or discriminatory, the
17 department shall notify the common carrier complained of or other
18 interested parties that complaint or request has been made and
19 shall furnish a copy with the notice. Within 20 days after
20 notice has been given the department may proceed to investigate
21 the complaint. Before proceeding to make an investigation, the
22 department shall give the common carrier and the complainants at
23 least 10 days' notice of the time and place when and where such
24 matters will be considered and determined. The parties shall be
25 entitled to be heard at that time and shall have process to
26 enforce the attendance of witnesses. A hearing may be continued
27 from time to time in the discretion of the department. Each

1 investigation, unless dealing with traffic control devices, shall
2 be conducted exclusively in accordance with subtitle IV of the
3 interstate commerce act, 49 U.S.C. 10101. If, upon such investi-
4 gation, the rate or rates, classifications, regulation, or prac-
5 tice is found to be unreasonable or discriminatory, the depart-
6 ment may by order adjust the rate or rates, classifications, reg-
7 ulations, or practices as it considers to be just and reasonable
8 in the future. If the department orders that the common carrier
9 cease and desist from the violation, then it shall cause a certi-
10 fied copy of the order to be delivered to an officer of the
11 common carrier affected by the order which order shall, of its
12 own force, take effect and become operative 30 days after service
13 on the common carrier. A common carrier to which an order
14 applies shall, on or before the date when the order becomes
15 effective, make such changes in schedules on file as shall be
16 necessary to make the same conform to the order. Certified
17 copies of all other orders of the department shall be delivered
18 to the common carriers affected by the order in like manner, and
19 the order shall take effect not less than 30 days thereafter.

20 (2) The department, when the complaint is made of more than
21 1 rate or charge, may order separate hearings on each rate or
22 charge, and may consider and determine the several matters com-
23 plained of separately and at such times as it may prescribe.

24 (3) Whenever the department believes that a rate or rates or
25 charge or charges may be unreasonable or discriminatory, it may,
26 upon its own motion, investigate the same. Before making an
27 investigation, the department shall present to the common carrier

1 a statement in writing, setting forth the rate or charge to be
2 investigated. Thereafter, on 10 days' notice to the common car-
3 rier of the time and place of the investigation, the department
4 may proceed to investigate the rate or charge in the same manner
5 and make like orders as if the investigation had been made upon
6 complaint.

7 (4) This section shall be construed to permit any common
8 carrier to make complaint of like effect as though made by any
9 other person, that any rule, recommendation, or practice of the
10 department, including recommendations for traffic control
11 devices, is unreasonable or discriminatory.

12 Sec. 153. (1) The department, for the purposes mentioned in
13 this act, may administer oaths, certify to official acts, issue
14 subpoenas, and compel the attendance of witnesses and the produc-
15 tion of books, papers, and other related documents. A person who
16 refuses or willfully fails to comply with an order of the depart-
17 ment or a subpoena, or upon the refusal of any witness to testify
18 regarding any matter upon which he or she may be lawfully inter-
19 rogated, or to produce any books or papers in his or her custody
20 or control which he or she was required by the department to
21 produce, the court, upon application of the department, may
22 compel obedience by proceedings for contempt, in the same manner
23 as a case of disobedience of the requirements of a subpoena issued
24 from that court.

25 (2) A witness who appears before the department by its order
26 shall receive for his or her attendance the fees and mileage now
27 provided for witnesses in civil cases in circuit court, which

1 shall be audited and paid by the state in the same manner as
2 other expenses are audited and paid, upon the presentation of
3 proper vouchers sworn to by the witness and approved by the
4 department. A witness subpoenaed at the instance of a party
5 other than the department shall not be entitled to compensation
6 from the state for attendance and travel unless the department
7 certifies that his or her testimony was material and necessary to
8 the matter investigated.

9 (3) The department or any party may cause the depositions of
10 witnesses residing within or without the state to be taken in the
11 manner prescribed by law for depositions in civil actions in the
12 circuit courts.

13 (4) A full and complete record shall be kept of all proceed-
14 ings had before the department on any investigation under this
15 act and all testimony shall be taken down by a stenographer
16 appointed by the department. When a complaint is served upon the
17 department to appeal a department order, the department, before
18 the action is reached for trial, shall cause the certified tran-
19 script of proceedings and testimony to be filed with the clerk of
20 the circuit court of the county where the action is pending. A
21 transcribed copy of the evidence and proceedings, or any specific
22 part thereof, or any investigation, taken by the stenographer,
23 certified by him or her to be a true and correct transcript of
24 all the testimony of a particular witness, or of any specific
25 part thereof, carefully compared by him or her with his or her
26 original notes, and to be a correct statement of the evidence and
27 proceedings had on the investigation shall be received in

1 evidence with the same effect as if the stenographer were present
2 and testified to the facts certified. A copy of the transcript
3 shall be furnished upon demand, free of cost, to any party to an
4 investigation, and to all other persons on payment of a reason-
5 able amount for that purpose.

6 Sec. 155. The department, at any time upon application of a
7 person or a common carrier, and upon at least 10 days' notice to
8 the parties interested, and after opportunity to be heard, may
9 rescind, alter, or amend any order fixing any rate or rates,
10 fares, charges, or classifications, or any other order made by
11 the department. Certified copies shall be served and take effect
12 as provided in this act for original orders.

13 Sec. 157. All rates, fares, charges, and classifications
14 fixed by the department and all regulations, practices, and serv-
15 ices prescribed by the department shall be in force and shall be
16 prima facie lawful and reasonable until finally found otherwise
17 in an action brought for the purpose pursuant to the appeal pro-
18 visions of this act, or until changed or modified by the
19 department.

20 Sec. 159. The department may grant a rehearing and alter,
21 amend, or modify its previous findings and orders.

22 Sec. 161. The time allowed by law for bringing an action to
23 review any order of the department, shall continue after the
24 order denying a rehearing or made upon a rehearing, for the same
25 number of days now provided by law for review of the order upon
26 which a rehearing was denied or had.

1 Sec. 171. (1) Any common carrier or other party in
2 interest, being dissatisfied with any order of the department
3 fixing any rate or rates, regulations, or practices, including
4 the installation of traffic control devices, may within 30 days
5 after the issuance of the order commence an action in the circuit
6 court for the county of Ingham, against the department as
7 defendant to vacate and set aside the order. The department
8 shall be served with a summons and a copy of the complaint. The
9 department shall file its answer, and on leave of court any
10 interested party may file an answer to the complaint. Upon the
11 filing of the answer of the department the action shall be at
12 issue and stand ready for hearing upon 10 days' notice by either
13 party. An action brought under this section shall have prece-
14 dence over any civil cause of a different nature pending in that
15 court and shall proceed, be tried, and determined as other civil
16 suits. Any party to the action may introduce original evidence
17 in addition to the transcript of evidence offered to the
18 department. The circuit court may affirm, vacate, or set aside
19 the order of the department in whole or in part, and may make
20 such other order or decree as the court determines to be in
21 accordance with the facts and the law.

22 (2) An injunction shall not issue to suspend or stay an
23 order of the department, except upon application to the circuit
24 court, with notice and opportunity to be heard on the matter
25 given to the department.

26 (3) If, upon the trial of the action, evidence is introduced
27 that is found by the court to be different from, or in addition

1 to, that offered upon the hearing before the department, the
2 court, before proceeding to render judgment, unless the parties
3 in the action stipulate in writing to the contrary, shall trans-
4 mit a copy of that evidence to the department, and shall stay
5 further proceedings in the action for 15 days after the date of
6 that transmission. Upon receipt and consideration of the evi-
7 dence the department may alter, modify, amend, or rescind its
8 order relating to the rate or rates, regulations, or practices
9 complained of in the action, and shall report its action thereon
10 to the court within 10 days after receipt of the evidence. If
11 the department rescinds the order complained of, the action shall
12 be dismissed. If the department alters, modifies, or amends the
13 order, the altered, modified, or amended order shall take the
14 place of the original order complained of, and judgment shall be
15 rendered thereon as though made by the department in the first
16 instance. If the original order is not rescinded or changed by
17 the department, judgment shall be rendered upon such original
18 order.

19 (4) Within 60 days after service of a copy of the final
20 judgment of the court, either party to the action may appeal to
21 the court of appeals, which appeal shall be governed by the stat-
22 utes governing civil appeals. When the appeal is taken the case
23 shall, on the return of the papers to the court of appeals, be
24 immediately placed on the calendar of the then pending term, and
25 shall be brought to a hearing in the same manner as other cases
26 on the calendar, or if no term is then pending, shall take

1 precedence of cases of a different nature except criminal cases
2 at the next term of the court of appeals.

3 (5) In all actions under this section the burden of proof
4 shall be upon the complainant to show by clear and satisfactory
5 evidence that the order of the department complained of is unrea-
6 sonable or discriminatory.

7 Sec. 173. (1) In all actions and proceedings in court aris-
8 ing under this act process shall be served and the practice and
9 rules of evidence shall be the same as in civil actions, except
10 as otherwise provided in this act. A sheriff or other officer
11 empowered to execute civil process shall execute any process
12 issued under this act and shall receive compensation for that
13 purpose as may be prescribed by law for similar services.

14 (2) Upon application of any person the department shall fur-
15 nish certified copies, signed and under seal of the department,
16 of any order made by it, and, if otherwise admissible, may be
17 admitted as evidence in any court or proceedings without further
18 authentication.

19 Sec. 175. The department may obtain from any common carrier
20 all necessary information to enable it to perform the duties and
21 carry out the requirements set forth in this act. To obtain that
22 information, the department may require a common carrier to fur-
23 nish to it copies of reports the carrier has filed with a federal
24 agency.

25 Sec. 181. The interstate agreement on a high speed inter-
26 city rail passenger network is enacted into law and entered into

1 with all jurisdictions legally joining therein, in the form
2 substantially as follows:

3 ARTICLE I. POLICY AND PURPOSE

4 Because the beneficial service of and profitability of a
5 high speed intercity rail passenger system would be enhanced by
6 establishing such a system which would operate across state
7 lines, it is the policy of the states party to this compact to
8 cooperate and share jointly the administrative and financial
9 responsibilities of preparing a feasibility study concerning the
10 operation of such a system connecting major cities in Ohio,
11 Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and
12 Kentucky.

13 ARTICLE II. COOPERATION

14 The states of Ohio, Indiana, Michigan, Pennsylvania,
15 Illinois, West Virginia, and Kentucky, hereinafter referred to as
16 participating states, agree to, upon adoption of this compact by
17 the respective states, jointly conduct and participate in a high
18 speed intercity rail passenger feasibility study by providing
19 such information and data as is available and may be requested by
20 a participating state or any consulting firms representing a par-
21 ticipating state or the compact. It is mutually understood by
22 the participating states that such information shall not include
23 matters not of public record or of a nature considered to be
24 privileged and confidential unless the state providing such
25 information agrees to waive the confidentiality.

26 The participating states further agree to:

1 (a) Make available to each other and to any consulting firm
2 representing the member states or the compact such assistance as
3 may be legal, proper and available, including but not limited to
4 personnel, equipment, office space, machinery, computers, engi-
5 neering and technical advice and services; and

6 (b) Provide such financial assistance for the implementation
7 of the feasibility study as may be legal, proper and available.

8 ARTICLE III. INTERSTATE RAIL PASSENGER ADVISORY COUNCIL

9 There is hereby created an interstate rail passenger
10 advisory council, the membership of which shall consist of two
11 representatives appointed by the governor. The members shall
12 select designees who shall serve in the absence of the members.
13 The advisory council shall meet within thirty days after ratifi-
14 cation of this agreement by at least two participating states and
15 establish rules for the conduct of the advisory council's
16 business.

17 The advisory council shall coordinate all aspects of the
18 high speed intercity rail passenger feasibility study relative to
19 interstate connections and shall do all other things necessary
20 and proper for the completion of the feasibility study.

21 ARTICLE IV. EFFECTIVE DATE

22 This compact shall become effective upon the adoption of the
23 compact into law by two or more of the participating states.
24 Thereafter, it shall enter into force and effect as to any other
25 participating state upon the enactment thereof by such state.

26 This compact shall continue in force with respect to a
27 participating state and remain binding upon such state until six

1 months after such state has given notice to each other
2 participating state of the repeal thereof. Such withdrawal shall
3 not be construed to relieve any participating state from any
4 obligation incurred prior to the end of the state's participation
5 in the compact as provided herein.

6 ARTICLE V. CONSTRUCTION AND SEVERABILITY

7 This compact shall be liberally construed so as to effectuate
8 the purposes thereof. The provisions of this compact shall
9 be severable and if any phrase, clause, sentence, or provision of
10 this compact is declared to be contrary to the constitution of
11 any participating state or of the United States, or the applicability
12 thereof to any government, agency, person, or circumstance
13 is held invalid, the validity of the remainder of this compact
14 and the applicability thereof to any government, agency, person,
15 or circumstance shall not be affected thereby. If this compact
16 shall be held contrary to the constitution of any participating
17 state, the compact shall remain in full force and effect as to
18 the remaining states and in full force and effect as to the state
19 affected as to all severable matters.

20 Sec. 191. The tri-state high speed rail line compact is
21 enacted into law and entered into with all jurisdictions legally
22 joining as parties, in the form substantially as follows:

23 ARTICLE I. POLICY AND PURPOSE

24 There is created the tri-state high speed rail line
25 compact. The party states acknowledge that it is within the
26 public interest to develop a high speed rail line to provide
27 faster and more frequent rail service in the Detroit-Chicago

1 corridor. The party states also recognize that the development
2 of a high speed rail line requires the awarding of a contract to
3 the private sector for the development of the line in the
4 Detroit-Chicago corridor to provide more economic and efficient
5 transportation in the states of Michigan, Illinois, and Indiana.

6 It is the policy of the party states to enter into a
7 tri-state high speed rail line compact for the purpose of:

8 a. Providing the instrument and framework for a cooperative
9 effort.

10 b. Protecting the health and safety of the citizens in
11 development and management of the tri-state high speed rail
12 line.

13 c. Accepting and reviewing proposals from the private
14 sector.

15 d. Reviewing proposals to determine compliance with rules,
16 regulations, and laws on the federal, state, and local levels.

17 ARTICLE II. DEFINITIONS

18 As used in this compact, unless the context clearly requires
19 a different construction:

20 a. "Commission" or "tri-state high speed rail commission"
21 means the high speed rail advisory commission created pursuant to
22 this compact which shall have as its members representatives from
23 the states of Michigan, Indiana, and Illinois. The commission is
24 composed of members from the states participating in the develop-
25 ment of the high speed rail line from Detroit to Chicago.

26 b. "Corridor" or "Detroit-Chicago corridor" means the area
27 between Detroit and Chicago within which a high speed rail line

1 is to be located. The corridor shall run between the general
2 geographic areas established by the proposal submitted to the
3 commission.

4 c. "Cost" means any cost of construction or acquisition of
5 a high speed rail line, including finance charges, interest, pro-
6 vision for working capital, reserves for principal and interest,
7 contributions in aid of construction, expenses necessary to
8 determine the feasibility of a proposed high speed rail line, and
9 all other costs necessary for placing the high speed rail line in
10 operation.

11 d. "Developer" or "contractor" means a person who presents
12 a proposal to the commission for the high speed rail line. The
13 developer shall be responsible for the construction of the high
14 speed rail line right-of-way and enter into joint development
15 agreements with local political subdivisions for acquiring use or
16 ownership of property as transit stations, transit station appur-
17 tenant buildings, and ancillary facilities.

18 e. "Development" or "joint development" means the planning,
19 management, financing, or construction of projects adjacent or
20 physically, functionally, or otherwise related to a high speed
21 rail line to establish improved areas in order to effect the
22 policy and purposes of this compact, pursuant to agreements
23 between any person or other entity, public or private.

24 f. "Facility" means a structure or improvement on or appur-
25 tenant to the land which is being developed for the high speed
26 rail line.

1 g. "High speed rail line", "high speed rail line system",
2 or "tri-state high speed rail line" means any mass commuting high
3 speed fixed guideway transportation system capable of operating
4 at speeds in excess of 100 miles per hour. A high speed rail
5 line includes a corridor and structures essential to the opera-
6 tion of the line, including land, structures, improvements, roll-
7 ing stock, rights-of-way, easements, rail lines, rail beds,
8 guideway structures, stations, platforms, switches, yards, termi-
9 nals, parking lots, power relays, switching houses, transit sta-
10 tions, transit station appurtenant buildings, ancillary facili-
11 ties, and any other facilities or equipment used or useful for
12 the purposes of high speed rail transportation construction,
13 operation, or maintenance, or the financing of high speed rail
14 transportation. Each of the facilities of a high speed rail line
15 shall fall within 1 of the following categories: rail line,
16 transit station, transit station appurtenant building, or ancil-
17 lary facility.

18 h. "Local political subdivision" means a municipality in
19 which any part of the high speed rail line is proposed to be
20 located.

21 i. "Municipality" means a city, village, township, or
22 county.

23 j. "Party state" means a state which enacts the compact
24 into law and which subsequently becomes part of the agreement
25 with the other states for construction of the high speed rail
26 line.

1 k. "Person" means an individual, corporation, partnership,
2 or association.

3 l. "Proposal" means the documents submitted by a contractor
4 to the commission for construction of a proposed high speed rail
5 line. The proposal shall provide all needed specifications
6 information for construction of the high speed rail line and any
7 related facilities, as well as financial and operational
8 disclosures. The proposal shall clearly state the terms and con-
9 ditions of the agreement detailing commencement of performance,
10 phases of construction, financial arrangements, amendment proce-
11 dures, termination of contract, subcontracting, assignments,
12 breach of contract actions, penalties, and any other terms that
13 the commission considers appropriate and necessary.

14 m. "State" means a state of the United States, the District
15 of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,
16 or any other territorial possession of the United States.

17 ARTICLE III. THE COMMISSION

18 a. There is hereby created the tri-state high speed rail
19 line advisory commission which shall include representatives from
20 the party states of Michigan, Indiana, and Illinois. The commis-
21 sion consists of 15 voting members with powers to bind their
22 respective states by their words or actions. The state of
23 Michigan has 10 members plus 1 advisory nonvoting member from the
24 house of representatives appointed by the speaker of the house
25 and 1 advisory nonvoting member from the senate appointed by the
26 senate majority leader, Illinois 4 members, and Indiana 1
27 member. The governor of each party state shall notify the

1 persons appointed to the commission and any alternates in
2 writing. An alternate may act on behalf of the member only in
3 the member's absence. The method of selection of the members
4 appointed by the governors of the respective states, and the
5 expenses of each commission member, shall be the responsibility
6 of the member's respective state. The commission may include as
7 advisory members or a state may include as part of its represen-
8 tation on the commission members of the interstate rail passenger
9 advisory council.

10 b. Each commission member is entitled to 1 vote. An action
11 of the commission is not binding unless approved by a majority of
12 the total membership with members from at least 2 of the states
13 constituting the majority.

14 c. The commission shall elect among its members a
15 chairperson. The commission shall adopt and publish, in conven-
16 ient form, bylaws, rules, and policies which are not inconsistent
17 with this compact.

18 d. The commission shall meet at least once quarterly and
19 shall also meet upon the call of the chairperson or a commission
20 member.

21 e. All meetings of the commission shall be open to the
22 public with reasonable advance notice. The commission may, by
23 majority vote, close a meeting to the public for the purpose of
24 considering sensitive personnel or legal strategy matters.
25 However, all commission actions and decisions shall be made in
26 open meetings and appropriately recorded.

1 f. The commission may establish advisory committees for the
2 purpose of advising the commission on any matters pertaining to
3 high speed rail transportation systems.

4 g. The office of the commission shall be in a party state
5 The commission may appoint or contract for and compensate a
6 limited staff necessary to carry out its duties and functions.
7 The staff shall serve at the commission's pleasure with the
8 exception that staff hired as the result of securing federal
9 funds shall be hired and governed under applicable federal stat-
10 utes and regulations. In selecting any staff, the commission
11 shall assure that the staff has adequate experience and formal
12 training to carry out the functions assigned to it by the
13 commission.

14 h. The commission may accept any donations, grants of
15 money, equipment, supplies, materials, and services from any
16 state, the United States, any political subdivision, an inter-
17 state agency, or from any person. The nature, amount and condi-
18 tion, if any, attendant upon any donation or grant accepted or
19 received by the commission together with the identity of the
20 donor, grantor or lender, shall be retained by the commission.

21 ARTICLE IV. PROPOSAL EVALUATION

22 a. The tri-state high speed rail commission shall be
23 responsible for the evaluation of proposals from potential con-
24 tractors as determined by its bylaws for development and con-
25 struction of the high speed rail line. The commission shall
26 determine the breakdown of both public and private costs involved
27 in the development and construction of the high speed rail line.

1 Each state's representatives shall use appropriate departments
2 and bureaus to assist in the evaluation of the proposals.

3 b. The commission shall determine if the applicant's quali-
4 fications are sufficient to develop a high speed rail line
5 between Detroit and Chicago. The commission shall determine
6 whether the contractor can meet certain minimal financial
7 requirements, can meet certain construction capabilities, can
8 meet specification requirements, and has suitable management
9 operations to develop a high speed rail line system and make rec-
10 ommendations to the governors of each state based on its
11 determinations.

12 c. The commission shall submit recommendations for the
13 technology for the main corridor to the governors of the respec-
14 tive states.

15 d. The commission may recommend proposed forms of financial
16 aid or incentives that may be provided by each state and the fed-
17 eral government.

18 e. Proposals submitted by contractors to the commission
19 shall include a clear and precise delineation of the proposed
20 route, station locations, fares, schedules of operation, technol-
21 ogy to be used, and revenue sources including land development.

22 f. The commission shall insure that any staff assisting the
23 commission in the evaluation of the proposals abides by all
24 existing state laws and budget procedures of the respective
25 states.

1 g. The commission shall make recommendations for overall
2 policies and procedures relating to the high speed rail line for
3 the states of Indiana, Michigan, and Illinois.

4 h. The commission may accept proposals from potential con-
5 tractors for 6 months after the first formal meeting of the
6 commission. The commission shall then evaluate and make recom-
7 mendations to the governors of the respective states on the pro-
8 posals not later than 6 months after the last proposal has been
9 accepted. The governors of the respective states shall approve
10 or disapprove the proposal. If the governors approve the propos-
11 al, the governors shall develop all appropriate executive and
12 legislative proposals necessary to implement development of the
13 high speed rail line. If the governors disapprove the proposal,
14 the governors, by unanimous consent, may direct the commission to
15 accept new or revised proposals within a timetable as set by the
16 governors. The commission shall be disbanded 2 years after its
17 first formal meeting.

18 ARTICLE V. RIGHTS AND OBLIGATIONS OF PARTY STATES

19 a. Each party state shall act in good faith in the per-
20 formance of acts and courses of conduct which are intended to
21 insure the potential development of the high speed rail line and
22 its facilities in a manner consistent with this compact.

23 b. Each party state shall provide to the commission any
24 data and information the commission requires to implement its
25 responsibilities. Each party state shall establish the capabil-
26 ity to obtain any data and information required by the
27 commission.

1 c. Each party state shall encourage and promote
2 developmental projects to support the potential development of
3 the high speed rail line.

4 d. Each party state shall adopt reciprocal legislation and
5 agreements in order to carry out the purposes of this compact.

6 ARTICLE VI. OTHER LAWS AND REGULATIONS

7 a. Nothing in this compact:

8 1. Abrogates or limits the applicability of any federal
9 statute or diminishes or otherwise impairs the jurisdiction of
10 any federal agency expressly conferred by congress.

11 2. Prevents the enforcement of any other law of a party
12 state which is not inconsistent with this compact.

13 3. Affects any administrative or judicial proceeding pend-
14 ing on the effective date of this compact.

15 4. Alters the relations between and the respective internal
16 responsibility of the government of a party state and its politi-
17 cal subdivisions.

18 b. For purposes of this compact, all state laws or parts of
19 laws in conflict with this compact are hereby superseded to the
20 extent of the conflict.

21 c. No law, rule, or regulation of a party state or of any
22 of its political subdivisions or instrumentalities may be applied
23 in a manner which discriminates against a contractor.

24 ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION,
25 TERMINATION

26 a. Eligible parties to this compact are the states of
27 Michigan, Illinois, and Indiana.

1 b. An eligible state becomes a party state when the state
2 enacts the compact into law and pays a membership fee if required
3 by the bylaws.

4 c. The commission is formed upon the appointment of commis-
5 sion members. The governor of the first state to enact this com-
6 pact shall convene the initial meeting of the commission. The
7 commission shall, if required, cause legislation to be introduced
8 in the congress which grants the consent of the congress to this
9 compact, and shall take action necessary to organize the commis-
10 sion and implement the provisions of this compact.

11 d. Any party state may withdraw from this compact either by
12 repealing the authorizing legislation or by withdrawing from the
13 compact within 2 years after the date the party state entered
14 into the compact. A state which withdraws shall give notice in
15 writing of the withdrawal to the commission and to the governor
16 of each party state.

17 e. Any party state which fails to comply with the terms of
18 this compact or fails to fulfill its obligations may have its
19 privileges suspended or its membership in the compact revoked by
20 the commission pursuant to its bylaws. Revocation takes effect 1
21 year after the date the affected party state received written
22 notice from the commission of its action. All legal rights of
23 the affected party state established under this compact cease
24 upon the effective date of revocation but any legal obligations
25 of that party state arising before revocation continue until they
26 are fulfilled. The chairperson of the commission shall transmit
27 written notice of a revocation of a party state's membership in

1 the compact immediately following the vote of the commission to
2 the governor of the affected party state, all other governors of
3 the party states, and the congress of the United States, if
4 necessary.

5 f. This compact becomes effective upon enactment by the 3
6 party states and, if required, consent to this compact by
7 congress. If consent is required, the congress shall have an
8 opportunity to withdraw its consent every 5 years. Failure of
9 the congress to affirmatively withdraw its consent has the effect
10 of renewing consent for an additional 5-year period.

11 g. The withdrawal of a party state from this compact under
12 section d of this article or the suspension or revocation of a
13 state's membership in this compact under section e of this arti-
14 cle does not affect the applicability of this compact to the
15 remaining party states.

16 ARTICLE VIII. PENALTIES

17 a. Each party state shall prescribe and enforce penalties
18 against any person who is not an official of another state for
19 violation of any provision of this compact.

20 b. Each party state has the right to seek legal recourse
21 against any party state which acts in violation of this compact.

22 ARTICLE IX. SEVERABILITY AND CONSTRUCTION

23 The provisions of this compact shall be severable. If any
24 phrase, clause, sentence, or provision of this compact is
25 declared by a court of competent jurisdiction to be contrary to
26 the constitution of any participating state or of the United
27 States or its applicability to any government, agency, person, or

1 circumstance is held invalid, the validity of the remainder of
2 this compact and its applicability to any government, agency,
3 person, or circumstance shall not be affected. If any provision
4 of this compact shall be held contrary to the constitution of any
5 participating state, the compact shall remain in full force and
6 effect as to the state affected as to all severable matters.

7 Sec. 201. (1) One or more persons may form a corporation
8 for the purpose of constructing, operating, and maintaining a
9 railroad, railroad bridge, or railroad tunnel by subscribing
10 articles of association, in which shall be set forth the name of
11 the corporation, the number of years the corporation is to be
12 continued or if it is to be perpetual, the amount, classes, and
13 value of capital stock of the corporation, which shall not be
14 less than 1/2 the estimated cost of the railroad, bridge, or
15 tunnel; the number of shares of which the stock shall consist,
16 with such designations, relative rights, preferences, conditions,
17 limitations, restrictions, and voting rights as shall be speci-
18 fied, and the consideration for which the corporation may issue
19 and sell the shares, or authorization to the board of directors
20 to fix the consideration from time to time, which consideration
21 shall not be less than the value placed on the share in the arti-
22 cles of association, and when the consideration for which a share
23 was authorized to be issued is received by the company the share
24 is considered to be fully paid and nonassessable; the number of
25 directors, which shall not be less than 3, and their names; the
26 places from and to which and the name of each county into or
27 through which it is or is intended to be constructed, and its

1 length as near as may be. Each subscriber to the articles of
2 association shall set opposite his or her name his or her place
3 of residence, and the number of shares of each class of stock
4 subscribed to by him or her.

5 (2) Whenever 1/2 the estimated cost of the railroad, bridge,
6 or tunnel is subscribed upon the articles of association, and 5%
7 of the amount subscribed is paid in to the directors named in the
8 articles, in good faith, in cash, and an affidavit is made and
9 attached thereto by any 2 of the directors, that this amount has
10 been subscribed, the articles of association shall be filed in
11 the office of the department of commerce, and thereupon the per-
12 sons who have subscribed the articles, and all other persons who
13 thereafter subscribe to or become the holders of the capital
14 stock of the corporation, in the manner to be provided in its
15 by-laws, shall be a body corporate, by the name specified in the
16 articles, and shall be capable of suing and being sued, and may
17 have a corporate seal and make and alter the same at pleasure,
18 and may use the seal by causing it or a facsimile thereof to be
19 impressed or affixed or reproduced or otherwise, and be capable
20 in law of purchasing, holding, and conveying any real and per-
21 sonal property necessary for the construction, maintenance, and
22 operation of the railroad, railroad bridge, or railroad tunnel;
23 and for the erection of all necessary buildings, yards, and
24 appurtenances for the use of the same.

25 (3) Subject to the limitations of this act, a railroad com-
26 pany existing in whole or in part under the laws of this state,
27 at any general or special meeting of the stockholders called and

1 held pursuant to the provisions of this act, may increase or
2 decrease the number of its directors provided for in its articles
3 of association, by a resolution approved by 2/3 of the entire
4 stock of the company having voting power. A copy of a resolution
5 so passed shall be certified by the secretary of the company and
6 shall be filed and recorded in the office of the department of
7 commerce in like manner as provided by law for the filing and
8 recording of articles of incorporation of railroad companies.

9 Sec. 203. The stock of every corporation, incorporated
10 under this act, shall be represented by certificates signed by
11 the president or vice-president, and the secretary or an assist-
12 ant secretary, or the treasurer or an assistant treasurer. The
13 certificate shall be sealed with the seal of the corporation.
14 When a certificate is signed by a transfer agent or a transfer
15 clerk and by a registrar, the signature of the corporate officers
16 and the seal thereon may be facsimiles, written, engraved,
17 stamped, lithographed, or printed. If an officer who has signed
18 or whose facsimile signature has been placed upon a certificate
19 has ceased to be an officer before the certificate is issued, it
20 may be issued by the company with the same effect as if the offi-
21 cer had not ceased to be an officer at the date of its issue.

22 Sec. 205. The business corporation act, Act No. 284 of the
23 Public Acts of 1972, being sections 450.1101 to 450.2098 of the
24 Michigan Compiled Laws, shall apply to railroad corporations
25 incorporated under this act, unless otherwise provided in or
26 inconsistent with this act.

1 Sec. 211. (1) All of the corporate powers of any
2 corporation organized under this act, or under any former act for
3 the incorporation of railroads, are vested in the board of direc-
4 tors, except as otherwise provided in this act. A stockholder
5 shall not be entitled to vote for directors, or for any other
6 purpose, who shall be in arrears in the payment of any assessment
7 made on a subscription of stock. The president of the corpora-
8 tion shall be elected by the directors from their own number.

9 (2) The board of directors, upon such terms and restrictions
10 as they shall impose, may provide for the disposition of the
11 unissued capital stock of the corporation, and may provide for
12 and carry out a plan for the issue of any or all of its unissued
13 stock to employees of the corporation, or to employees of subsid-
14 iary corporations or a trustee on their behalf who may desire to
15 subscribe therefor, for the payment for such stock in install-
16 ments or at 1 time, and for the establishment of a special fund
17 or funds in which employees purchasing stock pursuant to such
18 plan and continuing in the ownership thereof and in the employ-
19 ment of the corporation during a definite period of time may be
20 privileged to share, may provide for the election or appointment
21 of agents or employees of the corporation and require of them
22 security for the faithful performance of their duties, and for
23 the general management of the business and affairs of the
24 corporation.

25 (3) At all elections for directors and meetings of stock-
26 holders, each stockholder holding stock with voting power shall
27 be entitled to cast, in person or by proxy, 1 vote upon each

1 share of stock held, except as may be otherwise provided by the
2 articles of association or consolidation, and votes representing
3 a majority of the voting power of all of the shares voted shall
4 be requisite to an election, or for the determination of any
5 question voted upon, except as may be otherwise provided by law
6 as to any particular question. If the board of directors has
7 specified a time not more than 40 days before an election or
8 meeting as the time as of which stockholders entitled to vote
9 shall be determined, shareholders of record at that time and no
10 others shall be entitled to vote at that election or meeting.

11 (4) A majority of the directors shall constitute a quorum
12 for the transaction of business by the board of directors. In
13 case of any vacancy in the board of directors, the vacancy may be
14 filled by appointment by the remaining directors until the next
15 election of directors.

16 Sec. 213. (1) A corporation organized under this act, or
17 under any former act for the incorporation of railroads, upon a
18 vote of its stockholders holding shares representing $\frac{2}{3}$ of the
19 voting power of the outstanding capital stock entitled to vote on
20 the question, at any annual or special meeting of the stockhold-
21 ers, may alter and amend its articles of association or consoli-
22 dation to accomplish 1 or more of the following:

23 (a) Change the general route of said railway.

24 (b) Extend the length of the railroad line from either or
25 both of its terminals or to extend any branch or branches from
26 any point on the railroad line.

1 (c) Change the gauge of its road.

2 (d) Make any of the following changes in respect to its
3 capital stock, issued or unissued:

4 (i) Increase or decrease the capital stock.

5 (ii) Make other lawful changes in the amount, classes, and
6 value of shares issued or to be issued.

7 (2) Upon approval of an amendment as provided in subsection
8 (1), the amended articles shall be signed and certified by the
9 president and secretary of the railroad company under its corpo-
10 rate seal and filed with the department of commerce. The amended
11 articles shall have the same force and effect as though the
12 amendments had been included in the original articles of
13 association.

14 (3) Articles of association filed pursuant to this act, with
15 all subsequent alterations and amendments, shall be recorded by
16 the department of commerce, in a book to be provided for that
17 purpose at the expense of the railroad company. After a railroad
18 company has filed articles of association provided in this sec-
19 tion, it may construct, operate, and maintain its railroad, exer-
20 cise its powers and privileges, and assess, levy, and collect
21 such assessments upon its subscribed stock as it determines. A
22 copy of any articles of association, with a copy of the affidavit
23 attached, filed in pursuance of this act, and certified by the
24 department of commerce under the seal of the state shall in all
25 courts and places be prima facie evidence of the matters stated
26 in the articles, and of the genuineness of the signatures.

1 Sec. 215. (1) At any meeting of stockholders for the
2 election of directors, the stockholders may classify the
3 directors into 3 classes, as near as may be, 1 of which shall
4 hold their office 1 year, 1 for 2 years, and 1 for 3 years, and
5 until their successors are respectively elected. At all subse-
6 quent elections directors shall be elected for 3 years. If a
7 classification is not made, the persons elected at any such meet-
8 ing shall hold their office for 1 year, and until their succes-
9 sors shall be elected.

10 (2) The directors shall prescribe by by-law the time and
11 place for calling and holding annual meetings of the stockholders
12 within some county in this state for the election of directors
13 and the transaction of such other business as may be desired. If
14 the directors fail to call such meeting annually, the holders and
15 owners of 1/4 of the capital stock of the company having voting
16 powers may call the meeting, at which time and place there shall
17 be a general meeting of the stockholders having voting powers in
18 person or by proxy. The directors may prescribe by by-law a
19 place outside the state for the holding of annual meetings which
20 by-law shall become effective when consented to in writing, or by
21 resolution duly adopted at any meeting, by stockholders holding
22 shares representing 100% of the voting power of the capital stock
23 entitled to vote at any annual meeting.

24 (3) A special meeting of the stockholders may be called at
25 any time by the directors, or by the stockholders owning not less
26 than 1/4 of the stock in voting power, by giving notice of the
27 meeting as provided in this section.

1 (4) At least 30 days' written notice of the time and place
2 and, in the case of special meetings, the purpose or purposes of
3 every such meeting shall be given to all persons entitled to vote
4 at the meeting at a time and in a manner as shall be provided in
5 the by-laws. However, notice of regular or adjourned meetings of
6 the board or of adjourned meetings of shareholders need not be
7 given unless specified in the by-laws. Notice of the time,
8 place, and purpose of any such meeting may be waived by telegram,
9 radiogram, cablegram, or other writing by those not present and
10 entitled to vote either before or after the holding of the
11 meeting. Evidence of such notice may be perpetuated by the affi-
12 davit of any person having knowledge thereof.

13 (5) At any meeting of the stockholders held pursuant to this
14 act, the stockholders representing a majority in voting power of
15 the stock may remove from office any of the directors or any
16 other officer of the company, and elect others in their stead.
17 The president and directors, and officers and agents of the com-
18 pany, in the exercise of their respective powers and duties,
19 shall at all times be governed by and be subject to such rules,
20 regulations, and directions as the stockholders holding a major-
21 ity in voting power of the stock may adopt at a meeting. A
22 stockholder owning or holding stock with voting powers may appear
23 and vote by proxy as well as in person. If at any meeting of the
24 stockholders a majority in voting power of the stock which by
25 this act is entitled to vote is not represented in person or by
26 proxy, the meeting may be adjourned by such as are present from
27 day to day, not exceeding 3 days, without doing any business,

1 when, if a majority does not appear and attend, the meeting shall
2 be dissolved.

3 Sec. 217. At each annual meeting of stockholders the board
4 of directors shall present a clear and full statement of the
5 affairs of the railroad company for the preceding year.

6 Sec. 219. The board of directors may, by resolution,
7 require the subscribers to the capital stock to pay the amounts
8 by them respectively subscribed in a manner and in installments
9 as the board considers proper. If a subscriber neglects or
10 refuses to pay an installment, the company may sue for and col-
11 lect the installment. If the neglect or refusal continues for 60
12 days after notice in writing to pay has been served on the sub-
13 scriber personally or by mail, or if execution issued on a judg-
14 ment recovered for an installment is returned unsatisfied, in
15 whole or in part, the board of directors may declare such stock,
16 and all previous payments or collections made thereon,
17 forfeited. Forfeited stock shall be subject to sale by the com-
18 pany in the manner provided in the by-laws or resolutions of the
19 directors.

20 Sec. 221. The stock of a railroad company is considered
21 personal estate and is transferable in the manner and under such
22 restrictions and conditions as may be provided for in the
23 by-laws, but any certificate of stock issued before payment in
24 full, shall show on its face, or by indorsement, the amount paid
25 thereon. A share of stock shall not be transferred on the books
26 of the company until paid in full, without the consent of the
27 board of directors.

1 Sec. 223. A railroad company shall possess the general
2 powers and be subject to the following liabilities and
3 restrictions:

4 (a) To cause such examinations and surveys of the proposed
5 railroad, or railroad bridge or tunnel to be made as may be nec-
6 essary to the selection of the most advantageous route for the
7 road, and for such purposes by its officers, agents, and servants
8 to enter upon lands or waters of any person or company, but
9 subject to liability for any damages caused. A corporation by
10 its officers, agents, or servants shall not enter upon the land
11 or water of any person or company to make an examination or
12 survey until the corporation has executed and delivered to the
13 judge of probate of the county where the land or water lies a
14 bond to be approved by the judge, with 2 sufficient sureties run-
15 ning to the judge of probate of the county in his or her official
16 name, for the use of any person interested, in the penal sum of
17 \$5,000.00, conditioned upon the payment by the corporation of all
18 damages sustained by any person or company due to an examination
19 or survey. Upon delivery of the bond and approval by the judge
20 of probate, he or she shall file it in his or her office, and
21 when so filed it shall be considered a public record and may be
22 proved in court by a certified copy thereof. A person or company
23 having a claim for damages arising under this section may bring
24 an action upon the bond in any court of the county having juris-
25 diction over the amount claimed in damages.

26 (b) To receive, hold, and take such voluntary grants and
27 donations of real estate and other property as shall be made to

1 it to aid in the construction, maintenance, and accommodation of
2 a road or railroad bridge or tunnel, but the real estate thus
3 received by voluntary grant shall be held and used for the pur-
4 pose of the grant only.

5 (c) To purchase, and by voluntary grants and donations,
6 receive, take and by its officers, engineers, surveyors, and
7 agents, enter upon and take possession of, hold and use all such
8 lands and real estate, franchises and other property as may be
9 necessary for the construction, maintenance, and accommodation of
10 its railroad or railroad bridge or railroad tunnels, stations,
11 depots, and other accommodations. However, property shall not be
12 taken until the compensation to be made is agreed upon by the
13 parties, unless the consent of the owner is given.

14 (d) To lay out its road not exceeding 100 feet in width, and
15 to lay out its bridge or tunnel and its bridge or tunnel
16 approaches not exceeding 200 feet in width, and to construct the
17 same, and for the purpose of cuttings and embankments and for
18 procuring stone, gravel, or other material or for the purpose of
19 draining its roadbed or tunnel, to take in the manner provided
20 such further lands adjacent to and in the vicinity of its road or
21 tunnel, as may be necessary for the proper construction, opera-
22 tion, and security of its road or tunnel.

23 (e) To construct its road or bridge over, upon, or across,
24 or its railroad tunnel under any stream of water, watercourse,
25 private road, street, lane, alley, or highway, and across or
26 under any plank road, railroad, or canal which the route of its
27 road or railroad bridge or railroad tunnel shall lie along or

1 intersect. However, the corporation shall restore the stream,
2 watercourse, private road, street, alley, lane, highway, plank
3 road, railroad, or canal to its former state as near as may be,
4 but shall not materially obstruct the navigation of any stream.

5 (f) To cross, join, and unite its railroad, bridge, or
6 tunnel with any other railroad at any point on its route, and
7 upon the grounds of such other railroad now or hereafter con-
8 structed with the necessary turnouts, sidings, and switches and
9 other accommodations and conveniences in furtherance of the
10 objects of its connections; and to make all such business
11 arrangements as the companies may agree upon. Every company
12 whose railroad shall be intersected by any other railroad shall
13 unite with the owners of the other railroad in forming such
14 intersections and connections, and grant facilities for them as
15 hereinafter provided.

16 (g) To take, transport, carry, and convey persons and prop-
17 erty on their road or bridge or through their tunnel and to
18 receive tolls and compensation for that purpose.

19 (h) To erect and maintain all necessary and convenient
20 buildings, stations, depots, fixtures, and machinery for the
21 accommodation and use of their passengers, freight, and business,
22 and to obtain and hold all the lands necessary for that purpose.

23 (i) To regulate the time and manner in which passengers and
24 property shall be transported, and the tolls and compensation to
25 be paid for that purpose.

26 Sec. 225. A railroad company in this state having either or
27 both of its terminals at the shore of 1 of the navigable lakes or

1 streams through which the boundary line between this state and
2 other states or the Dominion of Canada passes, where physical
3 connection between its road and other railroads without the state
4 is impracticable by reason of that intervening navigable body of
5 water, may own and operate on that body of water steamboats,
6 barges, or vessels as the traffic of passengers and freight
7 between it and other railroads shall be necessary. A railroad
8 company may loan money to any person or corporation in aid of the
9 construction of steamboats, barges, or other vessels.

10 Sec. 227. (1) Any street railway, or any railroad company,
11 organized under the laws of this state, may own and operate, in
12 connection with its railway lines, such number of steamboats,
13 barges, or vessels, within or without this state, as its traffic
14 of passengers or freight shall render necessary to make complete
15 its different routes.

16 (2) A railroad company shall operate such steamboats,
17 barges, or vessels subject to such restrictions as are now
18 imposed on other corporations and private individuals owning and
19 operating steamboats, barges, and vessels.

20 Sec. 229. (1) Any railroad company operating a railroad in
21 this state may own and operate automobile buses or motor vehicles
22 and trailers for the purpose of transporting persons and property
23 upon the public highways for hire, subject to the provisions of
24 law regulating such transportation upon the public highways; but
25 only after having obtained a certificate of public convenience
26 and necessity from the state transportation department. A

1 railroad company may also own and operate equipment for, and
2 engage in, aerial transportation.

3 (2) A railroad company may purchase and own capital stock
4 and securities of corporations organized for, or engaged in, the
5 business authorized in this act, may operate the properties or
6 any part or parts of such corporations by way of lease or any
7 other agreement, and may enter into working arrangements and
8 agreements with such corporations.

9 Sec. 231. A railroad company, where not prohibited by its
10 articles of association or consolidation, may make use of such
11 part of its property and assets as is not required in the per-
12 formance of adequate service as a common carrier to the public to
13 organize and hold an interest in subsidiary corporations engaged
14 in noncommon carrier activities and business, and may hold, sell,
15 assign, transfer, mortgage, pledge, or otherwise dispose of the
16 shares of the capital stock of any other corporation or corpora-
17 tions of this or any other state, territory, or country, and
18 while owners of such stock may exercise all rights, powers, and
19 privileges of ownership, including the right to vote thereon.

20 Sec. 233. A railroad company owning, controlling, or oper-
21 ating any line or lines of railroad in this state shall cut any
22 tree or trees that are dangerous and liable to fall or blow over
23 and obstruct its track.

24 Sec. 235. (1) A foreign railway company that has purchased
25 land in this state to be used to facilitate and accommodate its
26 business of receiving and delivering passengers and freight that
27 it may transport from and to this state may hold and own that

1 land and all buildings and other structures that it may place on
2 that land, in like manner and effect as if the company were duly
3 incorporated under the laws of this state. However, the company
4 shall hold and use the land subject to all the limitations, obli-
5 gations, and duties to the public and to individuals which are or
6 hereafter may be imposed upon railway companies by the laws of
7 this state.

8 (2) If a foreign railway company that has purchased land for
9 the use specified in subsection (1) has subsequently become
10 merged or vested in any other foreign railway company by virtue
11 of a sale and conveyance made in pursuance of judicial decree or
12 its railroad and other property situated in that foreign state or
13 country has become vested in another foreign company by virtue of
14 a formal written agreement made and executed in pursuance of the
15 law of that foreign state or country, the deed of conveyance and
16 agreement is effective to transfer title to the land in this
17 state. When the transfer has been or is effected by written
18 agreement, a copy certified as a correct and perfect copy by the
19 secretary of the company acquiring the land, under the seal of
20 the company, shall be entitled to record in the country where the
21 land is situated, notwithstanding that the execution of the
22 agreement may not have been in conformity with the general statu-
23 tory requirement for conveyance of land in this state.

24 Sec. 241. If a railroad, bridge, or tunnel company, includ-
25 ing a non-Michigan railroad company authorized to own and operate
26 a railroad in this state, is unable to agree for the purchase of
27 any real or personal property or franchises required for the

1 purpose of its incorporation, including, but not limited to,
2 yards, terminals, depots, and freight service facilities, it may
3 acquire title to the property in the manner and by the proceed-
4 ings prescribed in the uniform condemnation procedures act, Act
5 No. 87 of the Public Acts of 1980, being sections 213.51 to
6 213.77 of the Michigan Compiled Laws. However, a railroad,
7 bridge, or tunnel company shall not, except for crossing, take
8 the track or right-of-way of any other railroad company.

9 Sec. 243. If a railroad company desires to purchase land
10 belonging to the state or a city, village, county, or township,
11 the department of natural resources, or the city, village,
12 county, or township officers respectively, having charge of the
13 lands, may grant such lands to the company for compensation which
14 shall be agreed upon between them. If compensation cannot be
15 agreed upon, then such lands shall be appraised as in other
16 cases. All petitions or notices, in cases when the state is the
17 owner, shall be served on the department of natural resources;
18 where a city or village is the owner, on the mayor or other chief
19 executive officer; when a county is the owner, on the prosecuting
20 attorney of the county; and when the township is the owner, on
21 the supervisor of the township.

22 Sec. 245. (1) A railroad bridge or tunnel company organized
23 under this act may construct bridges over or tunnels under the
24 waters of this state to extend the railroad track or tracks which
25 they may lay upon any bridge or through any tunnel which they may
26 construct, so as to connect with any railroad whose business may
27 pass through it, and for that purpose may acquire the

1 right-of-way over or under or across any private property, in the
2 same manner as provided in this act for acquiring the
3 right-of-way for railroads, and, with the authority of the legis-
4 lative body of any city, may acquire the right to cross and use
5 that portion of any street as may be found necessary.

6 (2) To raise money for these purposes, a railroad company
7 may issue and sell bonds, and secure their payment by deeds of
8 trust; and for these purposes the railroad bridge companies and
9 railroad tunnel companies shall have the same rights as railroad
10 companies organized under this act.

11 Sec. 247. A railroad bridge or tunnel company may negotiate
12 with any railroad company which may connect with its bridge or
13 tunnel for the purpose of obtaining aid in the construction of
14 its work.

15 Sec. 249. (1) A railroad bridge or tunnel company may
16 charge such fair compensation for the use of its road and bridge
17 or tunnel by the railroad companies whose business shall pass
18 along, over or through it, as shall be found by experience suffi-
19 cient to pay the expense of keeping the works in repair and
20 interest upon the money borrowed for the construction, and divi-
21 dends not exceeding 10% upon their capital stock, and such addi-
22 tional sum as may furnish a sinking fund each year, not to exceed
23 5% of the amount of its bonded debt, for the purpose of gradually
24 extinguishing that bonded debt.

25 (2) A railroad company whose tracks may connect with such
26 tunnels or bridges may send their business through or over them,
27 respectively, upon such terms as shall be just and fair, and the

1 charges for the passage of freight and passengers from all
2 railroads shall be the same.

3 Sec. 250. If a railroad company desires to acquire the
4 right-of-way through any lands or premises, the company before or
5 after proceedings are commenced for that purpose, may offer to
6 the owner or owners of the lands or premises, any sum of money
7 the company determines to be sufficient for the damages for the
8 right-of-way, together with the costs to the time of making the
9 offer. If it appears that the amount offered was sufficient to
10 pay the damages, plus 25%, and the costs of the proceedings up to
11 the time of the offer, the owner or owners of the lands or
12 premises shall not be entitled to recover or collect any costs
13 incurred subsequent to the time of the offer, but shall be liable
14 to the railroad company for the costs incurred by it subsequent
15 to the offer.

16 Sec. 251. If a person refuses to pay his or her fare, or
17 refuses to obey the regulations established for the convenience
18 and safety of passengers, the conductor of the train or an
19 employee of the railroad company may remove the person from the
20 train at any usual stopping place, or opposite any dwelling house
21 the conductor may select.

22 Sec. 253. A person who uses abusive, profane, or indecent
23 language or exhibits violent conduct may be taken into custody by
24 the conductor of the train and removed to a safe and secure place
25 on the train until its arrival at some usual stopping place,
26 where he or she may be put off the train and put into the custody
27 of some proper officer for prosecution if necessary. For this

1 purpose railroad conductors, while in charge of trains, are
2 hereby invested with the powers of sheriffs and peace officers.

3 Sec. 255. (1) A person who, while riding in the car of a
4 freight, passenger, or other train on any railroad in this state,
5 uses or utters indecent, obscene, or profane language in the
6 hearing of other passengers, riotously or boisterously conducts
7 himself or herself to the annoyance of other passengers, or who
8 obtains or attempts to obtain money or property from any passen-
9 ger or person by means of any game or device, shall, on convic-
10 tion, be guilty of a misdemeanor, punishable by a fine of not to
11 exceed \$100.00, or imprisonment for not to exceed 90 days, or
12 both.

13 (2) Railroad conductors are hereby invested with the powers
14 of sheriffs and constable in regard to offenses under this sec-
15 tion occurring upon trains or cars in their charge, and may
16 arrest and detain a person who violates this section until the
17 car or train arrives at a usual stopping place, where the conduc-
18 tor may deliver the person to a police officer with a written
19 statement specifying generally the offense or offenses the person
20 has committed.

21 (3) If a police officer is not present to receive the
22 person, the conductor may deliver him or her to the ticket or
23 freight agent at that stopping place, with the statement. The
24 freight agent shall detain the offender in his or her custody,
25 and may exercise the powers of sheriffs and constables in regard
26 to persons charged with crimes in doing so, until a police
27 officer may be obtained to take charge of the offender.

1 (4) The police officer shall institute a complaint against
2 the person for the alleged offense before the district or municipi-
3 pal court of the judicial district or municipality in which the
4 offense was committed. The court shall have jurisdiction to try
5 the offender and to impose the penalties authorized by this
6 section.

7 Sec. 257. (1) A person who causes or attempts to cause the
8 derailment of an engine, cars, or track vehicle used on railroad
9 tracks by the placing of an impediment upon the track of a rail-
10 road, whether the engine, cars, or track vehicle are thrown from
11 the track or not, or who by any other means whatsoever shall
12 willfully endanger or attempt to endanger the lives of persons
13 engaged in the work of the railroad, or persons traveling on the
14 engine or cars of the railroad, is guilty of a felony and subject
15 to imprisonment for life, or any number of years, in the discre-
16 tion of the court. It shall not be necessary for the people to
17 allege or prove that the person intended to injure or endanger
18 the life of any particular person or persons.

19 (2) A person who throws a stone, brick, or other missile at
20 a train or track vehicle is guilty of a misdemeanor punishable by
21 a fine of not less than \$10.00 or more than \$300.00, or imprison-
22 ment for not less than 10 or more than 90 days, or both.

23 Sec. 259. A railroad company building, owning, or operating
24 a railroad in this state is liable for all loss or damage to
25 property by fire originating from engines passing over the roads,
26 fires set by company employees by order of the officers of the
27 road, or otherwise originating in the constructing or operating

1 of the railroad. However, a railroad company is not liable if it
2 proves to the satisfaction of the court or jury that the fire
3 originated from fire by engines whose machinery or smokestack was
4 in good order and properly managed, or fires originating in
5 building, operating, or repairing the railroad, and that all rea-
6 sonable precautions had been taken to prevent their origin, and
7 that proper efforts had been made to extinguish the fire in case
8 of their extending beyond the limits of the road, when the exis-
9 tence of the fire is communicated to any of the officers of the
10 company.

11 Sec. 261. If a passenger on a road is killed or injured
12 while on the platform of a car, or while in or on a baggage or
13 freight car, in violation of the printed regulations of the com-
14 pany, posted up at the time in a conspicuous place inside its
15 passenger cars then in the train, the company shall not be liable
16 for the injury, if the injury occurs due to the person being
17 improperly on the platform or within the baggage or freight car,
18 or after having been notified by the conductor or any other
19 person having charge of the train, that the person is not in the
20 proper place if the company at the time furnished room and seats
21 inside its passenger cars sufficient for the proper accommodation
22 of its passengers.

23 Sec. 263. A railroad company operating in this state shall
24 provide adequate seating and heating facilities and for communi-
25 cation between cab and rear compartment on all motor vehicles for
26 use in the transportation of maintenance of way employees. This
27 section shall not apply to motor vehicles used to transport

1 employees distances of less than 5 miles from their regular
2 assembly point or in cases of extreme emergency. If a dispute
3 arises as to the adequacy of the facilities provided, it may be
4 submitted to and decided by the department.

5 Sec. 265. (1) A corporation or person shall not string any
6 wire, electrical or other, over and across a railroad or street
7 railway right-of-way unless 1 of the following procedures is
8 followed:

9 (a) For crossings within the right-of-way of a public
10 street, highway, road, or alley, notification shall first be
11 given to the railroad company and railroad authority of the place
12 and the manner in which the corporation or person desires to
13 string any wire 30 calendar days prior to performance of the work
14 unless the parties otherwise agree.

15 (b) For crossings at any other location not within the
16 right-of-way of a public street, highway, road, or alley, notifi-
17 cation shall first be given to the railroad company and railroad
18 authority in writing of the place and the manner in which the
19 corporation or person desires to string the wire and written or
20 telegraphic permission shall be received from the railroad com-
21 pany and railroad authority prior to performance of the work.
22 The railroad company shall respond positively or negatively to
23 the request within 90 calendar days after the receipt of the
24 request.

25 (2) Any aerial crossings shall be constructed in accordance
26 with specifications of the Michigan public service commission and
27 all applicable codes and laws.

1 (3) In case of a dispute emanating from subsections (1) and
2 (2) which the parties cannot resolve within a reasonable time,
3 either party may petition the state transportation department for
4 a hearing. The department shall have jurisdiction to settle the
5 dispute between the parties.

6 (4) Upon proof of violation of or failure to comply with
7 subsections (1) and (2), a court of competent jurisdiction may
8 issue an order immediately enjoining the violation.

9 Sec. 267. (1) A person not authorized by a railroad company
10 shall not destroy, remove, change, extinguish, or tamper with in
11 any manner, any light attached to or connected with any switch or
12 derailing device maintained by a railroad company, except to
13 fill, clean, or repair the light.

14 (2) A person who violates this section is guilty of a misde-
15 meanor, punishable by a fine of not less than \$25.00, or more
16 than \$500.00, or by imprisonment for not less than 10 days or
17 more than 60 days.

18 Sec. 271. (1) If a railroad company, or its trustee or suc-
19 cessor in interest, has an interest in real property adjacent to
20 a right-of-way approved for abandonment within this state that is
21 not necessary for the operation of rail services over the
22 right-of-way, which adjacent real property has leasehold improve-
23 ments upon it, or if a railroad company, or its trustee or suc-
24 cessor in interest, seeks to convey under any other circumstances
25 its interest in real property adjacent to a right-of-way, which
26 adjacent real property has leasehold improvements upon it, the
27 railroad company, trustee, or successor in interest first shall

1 extend a written offer to sell that real property at fair market
2 value to a person or entity holding a lease, license, or permit
3 or owning leasehold improvements on that adjacent real property.
4 The offer shall contain the legal description of the property;
5 the real property rights to be conveyed by the seller; and proof
6 of a good and marketable title to those rights, the cost of which
7 shall be paid by the offeror. A person or entity holding a
8 lease, license, or permit or owning leasehold improvements on the
9 real property shall respond to the written offer within 60 days
10 after receipt of the offer to sell. If the person or entity
11 holding a lease, license, or permit or owning leasehold improve-
12 ments on the adjacent real property also owns leasehold improve-
13 ments on the right-of-way approved for abandonment, the railroad
14 company or its trustee or successor in interest shall include
15 that portion of the right-of-way which the leasehold improvements
16 are on in its written offer of sale under this subsection, if
17 that portion of the right-of-way is not necessary for the opera-
18 tion of rail services.

19 (2) If the parties disagree concerning the price or other
20 terms of the sale, either party may apply to the state tax com-
21 mission to resolve the disagreement. The application shall be
22 made within 60 days after the railroad company, trustee, or suc-
23 cessor in interest has received the written response.

24 (3) The state tax commission shall provide a hearing on the
25 disagreement pursuant to chapter 4 of the administrative proce-
26 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
27 sections 24.271 to 24.287 of the Michigan Compiled Laws, and

1 subsection (4). Within 90 days after the dispute is filed, the
2 commission shall make a determination of the fair market value of
3 the property and other terms of the sale that were in dispute.

4 (4) The decision and order of the commission under
5 subsection (3) shall be binding on the parties. The decision and
6 order issued by the commission under this section shall establish
7 just and equitable terms of the sale. In determining the fair
8 market value of the real property, the commission shall obtain 3
9 independent appraisals as follows:

10 (a) Each party shall select 1 appraiser and the cost of an
11 appraisal under this subdivision shall be paid by the party for
12 whom the appraisal is prepared.

13 (b) The commission shall appoint a third appraiser and the
14 cost of this appraisal shall be divided equally between the
15 parties.

16 (5) This section shall not apply to a railroad company, or
17 its trustee or successor in interest, subject to the jurisdiction
18 of the interstate commerce commission or a successor agency.

19 Sec. 273. (1) Except in the case of a right-of-way desig-
20 nated as a demonstration snowmobile trail in section 15 of Act
21 No. 74 of the Public Acts of 1968, being section 257.1515 of the
22 Michigan Compiled Laws, a person shall not walk, ride, drive, or
23 be upon or along the right-of-way or yard of a railroad company
24 operating its lines within this state, or go upon or cross the
25 right-of-way or yard at a place other than a public or private
26 crossing, unless having first obtained written permission from
27 the owner or occupant railroad, its agent or servant.

1 (2) For purposes of this section, "right-of-way" means the
2 track or roadbed owned by a railroad and that property owned by a
3 railroad which is located on either side of its tracks and which
4 is readily recognizable to a reasonable person as being railroad
5 property or is reasonably identified as such by fencing, the
6 existence of railroad tracks, or appropriate signs.

7 (3) A person shall not be upon, enter, or damage any build-
8 ings, rolling stock, or equipment of any railway company operat-
9 ing its lines within this state.

10 (4) This section shall not apply to any of the following:

11 (a) Passengers on trains or employees of a railroad company
12 while engaged in the performance of the duties of their
13 employment.

14 (b) An authorized representative of the railroad employees.

15 (c) A person going upon the right-of-way or tracks to save
16 human life or to protect property.

17 (d) A person going or being upon or in the station grounds
18 or depot of the railroad company as a passenger or for the pur-
19 pose of transacting business with the railroad company.

20 (e) A person, members of his or her family, or his or her
21 employees going upon the right-of-way or tracks for the purpose
22 of crossing from 1 part to another of a farm he or she may own or
23 lease, where the farm lies on both sides of the right-of-way.

24 (f) A person having written permission to go upon the
25 right-of-way or tracks granted by the railroad company, a person
26 using officially abandoned right-of-ways for recreational
27 purposes, the Michigan public service commission, the state

1 transportation department, or the interstate commerce
2 commission.

3 (g) A registered land surveyor or his or her employees for
4 the purpose of making land surveys.

5 (5) A person who violates this section is guilty of a misde-
6 meanor punishable by imprisonment for not more than 30 days, or
7 by a fine of not more than \$100.00, or both.

8 Sec. 301. The words and phrases in section 303 shall have
9 the meanings respectively ascribed to them in that section.

10 Sec. 303. (1) "Crossing" means the point at which any stan-
11 dard gauge railroad track intersects with any public street or
12 highway.

13 (2) "Department" means the state transportation department.

14 (3) "Public streets and highways" means any improved thor-
15 oughfare maintained by a road authority having been dedicated and
16 constructed in accordance with law.

17 (4) "Railroad" means a person, partnership, association,
18 corporation, trustee, or other legal entity operating either as a
19 common carrier for hire or for private use as a carrier of per-
20 sons or property upon cars operated upon stationary rails and
21 includes any person, partnership, association, corporation,
22 trustee, or other legal entity owning railroad tracks that inter-
23 sect with a public highway.

24 (5) "Road authority" means a governmental agency having
25 jurisdiction over streets and roads. Road authority includes the
26 state transportation department and all county, city, and village

1 departments responsible for the construction, repair, and
2 maintenance of streets and roads.

3 Sec. 305. (1) The department shall assess the physical con-
4 dition and safety needs of crossings of railroad tracks with
5 public highways and streets and shall, by order, require such
6 adjustments or improvements, relocations, closures, removals, or
7 other changes as may be reasonably required in the interest of
8 public safety. The railroad having responsibility for the track
9 or tracks in the crossing, and the road authority having juris-
10 diction of the roads or streets shall be given due notice and
11 have the right to be heard in crossing inspections and in hear-
12 ings to determine such safety measures or improvements as may be
13 ordered.

14 (2) The grade crossing records of the department shall not
15 be admitted as evidence or used for any purpose in an action for
16 damages or loss growing out of matters mentioned in those
17 records. However, a final order of the department shall be
18 admissible solely as evidence of the adequacy and reasonableness
19 of existing crossing warning systems.

20 (3) An order of the department need not specify the details
21 of the construction, repair, or reconstruction of a physical
22 grade crossing unless the circumstances surrounding a particular
23 crossing so require. An order shall not specify a specific
24 period of time or date by which the work shall be completed, but
25 shall take into consideration time required for design, acquisi-
26 tion of materials, availability and obtaining of funding,

1 construction time, including seasonal difficulties, and the
2 volume of similar projects pending.

3 Sec. 307. (1) A public highway shall not be constructed
4 across the tracks of any railroad, or the tracks of any railroad
5 shall not be constructed across a public highway, unless applica-
6 tion is made to the department. The department, when in its
7 judgment it is necessary for the safety of the public, may change
8 the location of or abolish any existing crossing of a railroad
9 with a highway. Upon application, the department shall investi-
10 gate the location of the proposed crossing.

11 (2) If the location of a proposed crossing is found to be
12 necessary, feasible, and reasonably safe for a crossing at grade,
13 the department shall grant permission for the crossing. Each
14 crossing shall be made in accordance with specifications adopted
15 by the department. The department, if it considers it necessary
16 for the safety of vehicular traffic on the proposed highway
17 crossing, shall require installation of such traffic warning
18 devices as in its judgment may be appropriate. When a new cross-
19 ing is permitted, the department shall simultaneously, after
20 investigation and hearing, order the abolition of at least 1
21 existing lesser used crossing in the same county, provided that
22 the involved road authority may waive hearing thereon.

23 (3) If the department determines that the proposed location
24 is not reasonably safe for a crossing at grade, it shall deny
25 permission for the crossing and require the crossing, if con-
26 structed at that location, to be made other than at grade in
27 accordance with section 309. If the department determines that

1 it is impractical to secure a reasonably safe crossing at the
2 point in question, either at grade or otherwise, it shall deny
3 the crossing.

4 (4) The full cost of constructing a new highway over an
5 existing railroad, or of a new railroad track or tracks over an
6 existing highway, shall be borne by the party requesting the
7 crossing. Thereafter, the following shall apply to a new
8 crossing:

9 (a) The plans for the crossing shall be approved by both
10 railroad and road authority. If there is a failure to agree, the
11 department shall settle the points of disagreement by the terms
12 of its order.

13 (b) The relocation of an existing crossing or the establish-
14 ment of a new crossing at which the existing public highway grade
15 crossing is completely and legally abandoned, shall be con-
16 structed and the cost borne in the same manner as in the case of
17 a new crossing.

18 (c) Temporary crossings shall be constructed, maintained,
19 and removed at the sole expense of the parties requesting the
20 same.

21 (d) The cost of construction shall include the direct con-
22 struction cost of the roadbed, pavement, warning devices and
23 drainage, including all material, labor, and services and other
24 costs of construction.

25 (e) After construction, the crossing shall be maintained in
26 accordance with section 309. However, if the department has
27 granted permission for a new highway across existing railroad

1 tracks, maintenance costs shall be reimbursed to the railroad
2 annually upon verified statements of account rendered to the road
3 authority including the actual and necessary expense incurred by
4 the railroad in maintaining the crossing for each year that it is
5 maintained and the actual value of the use of the land so used
6 for the same period. If at any time traffic control devices are
7 ordered or installed at the crossing, the party who requested the
8 crossing shall bear the full actual cost including future
9 maintenance.

10 (5) Upon approval of any crossing project, the road author-
11 ity shall notify the railroad, in writing, to furnish a competent
12 superintendent and other necessary persons to superintend the
13 construction of the crossing which shall be constructed according
14 to the order of the department. The road authority shall pay to
15 the railroad the actual costs incurred by the railroad for the
16 time actually and necessarily spent in superintending
17 construction. If the railroad refuses or neglects to furnish a
18 superintendent for the construction of the crossing, then the
19 department shall appoint some suitable person to superintend the
20 construction of the crossing who shall receive compensation from
21 the road authority.

22 (6) Nothing in this act shall require a railroad or road
23 authority to reconstruct, change, widen, or alter an existing
24 crossing unless the party requesting the change shall improve
25 that portion of the crossing for which it is responsible under
26 section 309, in which event each party shall notify the other in
27 sufficient time in advance so as to permit the other party to

1 conform to the improvements. However, a road authority may
2 request a railroad, in writing, to improve an existing crossing
3 at grade with a public highway, and, if the railroad refuses, may
4 make application to the department for the improvement. The
5 department after due hearing on the issue shall determine the
6 matters in dispute by order. The full cost of the reconstruc-
7 tion, change, widening, or alterations shall be borne by the
8 party requesting it.

9 (7) If the track through any grade crossing is abandoned
10 through appropriate legal proceedings or if for any reason any
11 track becomes unnecessary for the conduct of railroad services,
12 the railroad may remove the tracks and then shall restore the
13 street surface in a manner reasonably satisfactory to the road
14 authority.

15 Sec. 309. (1) A railroad owning tracks across a public
16 highway at grade shall construct or improve if necessary and
17 thereafter maintain, renew, and repair all railroad roadbed,
18 track, and railroad culverts within the confines of the highway,
19 and the surfacing lying between the rails and for a distance out-
20 side the rails of 1 foot beyond the end of the ties. The road
21 authority shall construct or improve if necessary and thereafter
22 maintain, renew, and repair the remainder of the highway.

23 (2) The space between the rails and for a distance outside
24 of the rails of 1 foot beyond the end of the ties shall be sur-
25 faced with a material which shall be as durable as the adjacent
26 highway surfacing, if reasonably practicable, and shall have
27 minimum qualifications not inferior to wooden planks, and shall

1 conform, as nearly as reasonably may be, to the configuration of
2 the adjacent highway. The surfacing of planks or other material
3 shall have a width of not less than the width between the estab-
4 lished curb lines, or, in the absence of curb lines, the width
5 between the established shoulder lines of the highway.

6 (3) The full cost of maintaining and repairing all existing
7 crossings shall be borne by the respective parties responsible
8 for the work as provided in this act. The cost of improving an
9 existing crossing, where improvement is necessary, shall be borne
10 in the same manner as provided in this act for maintenance and
11 repair.

12 (4) Any alteration in the existing elevation of the top of
13 railroad track or highway surface to provide a satisfactory gra-
14 dient shall be mutually determined by the railroad and road
15 authority; but in case of failure to agree, the parties may apply
16 to the department which may provide for the alteration after
17 hearing. Minor variations in elevation are allowable for track
18 maintenance. Where the elevation of track rails is agreed upon
19 or authorized for purposes other than to conform to the configu-
20 ration of the adjacent highway, the entire cost shall be borne by
21 the party requesting the change.

22 (5) The railroad shall not perform any work, except emer-
23 gency and minor repairs, on public highways between the estab-
24 lished curb lines, or, in the absence of established curb lines,
25 between the established lines of the highway, without first noti-
26 fying the road authority having jurisdiction over the highway,

1 and without first providing and thereafter maintaining necessary
2 barricades, lights, watch personnel, and traffic detours.

3 Sec. 311. The road authority, at its own expense, shall
4 furnish, renew, and maintain on the right-hand side of the high-
5 way approaching all crossings of highways with railroad tracks,
6 advance warning signs, located, designed, and maintained as pre-
7 scribed by the Michigan manual of uniform traffic control
8 devices.

9 Sec. 313. (1) At all crossings of public highways with
10 railroad tracks, the road authority, at the equal expense of
11 railroad and road authority, shall furnish, renew, and maintain
12 standard railway crossing warning signs. Such signs shall be
13 located on the right-hand side of the highway approaching the
14 railroad tracks, and at a distance from the nearest rail and from
15 the centerline of the highway to be established by the
16 department.

17 (2) The warning signs shall conform to a design prescribed
18 by the department and shall be subject to revision from time to
19 time as the department considers necessary in the interest of
20 public safety, conforming as closely as possible to generally
21 recognized national standards. The signs shall embody a cross-
22 buck design and shall be provided with reflector buttons or
23 reflectorized material.

24 (3) The signs shall include a designation "railroad crossing
25 _____ tracks" (insert number of tracks), indicating the
26 actual number of tracks to be crossed. If there is only 1 track

1 in the crossing, the sign stating the number of tracks may be
2 omitted.

3 (4) Unless the railroad and road authority agree in writing
4 to the contrary, the cost of any change or changes after original
5 installation of crossbuck signs and the cost of maintenance of
6 the signs shall be borne solely by the road authority, except
7 that in the case of obsolescence, destruction, or decay, the cost
8 shall be borne equally. Nothing in this section shall be con-
9 strued to require the railroad and road authority to replace
10 existing railroad crossing signs until the signs need replacement
11 or renewal because of obsolescence, destruction, or decay.

12 Sec. 315. (1) When in the discretion of the department the
13 public safety requires that some traffic control device or
14 improvement in existing devices be provided at any railroad
15 crossing to warn of the approach of trains about to cross the
16 highway, the department may order the installation of the devices
17 in accordance with section 305.

18 (2) In accordance with the standards prescribed in the
19 Michigan manual of uniform traffic control devices, the depart-
20 ment may order devices at railroad grade crossings consisting of
21 signs, signals, or crossing gates. The department may determine
22 the number, type, and location of signs, signals, or gates,
23 which, however, shall conform as near as may be with generally
24 recognized national standards.

25 (3) Except as provided in section 307(4)(e), the cost of an
26 installation ordered by the department shall be borne as
27 follows:

1 (a) First, from federal funds obtained through the federal
2 aid highway grade crossing improvement program, or any other com-
3 parable federal program, if such funds are available.

4 (b) Second, from state funds obtained through the railroad
5 grade crossing account of the state trunk line fund, or other
6 comparable state program.

7 (c) Except as provided in section 307(4)(e), after initial
8 installation, all traffic control devices installed pursuant to
9 section 307 shall be maintained and kept in repair by the rail-
10 road at its own expense, except that the road authority shall pay
11 \$100.00 per month to the railroad for each crossing, which pay-
12 ment shall be adjusted annually to conform to the change in the
13 consumer price index published by the United States department of
14 commerce. The railroad shall, however, furnish standard equip-
15 ment uniform for all railroads at a cost and installation basis
16 consistent for all railroads. Any unusual and unbalanced cost
17 shall be subject to the review and adjustment of the department.

18 (4) At its own discretion, and at its own expense, a rail-
19 road may hire employees to warn highway travelers of approaching
20 trains. The department may, after notice and hearing, order a
21 railroad to employ a person for that purpose. However, the cost
22 of the flagging service shall be shared equally by the railroad
23 and the road authority, except that if the order is required due
24 to a defect or breakdown in the operation of an existing warning
25 system, the cost of providing that flagging shall be borne by the
26 railroad.

1 (5) Crossing warning systems installed and maintained in
2 accordance with an order issued by the department shall be
3 considered adequate and reasonable for the public safety.

4 Sec. 317. (1) If a road authority determines to establish a
5 clear vision area as described in this section, the road author-
6 ity and a railroad may agree in writing for clear vision areas
7 with respect to a particular crossing. The portions of the
8 right-of-way and property owned and controlled by the respective
9 parties within an area to be provided for clear vision shall be
10 considered as dedicated to the joint usage of both railroad and
11 road authority.

12 (2) The acquisition of right-of-way, purchase and removal of
13 obstructions within a clear vision area, including buildings and
14 other artificial constructions, trees, brush, and other growths,
15 and grading or earthwork, and including the maintenance of such
16 conditions, shall be at the equal cost and expense of the rail-
17 road and road authority.

18 (3) A road authority may designate grade crossings as stop
19 crossings or yield right-of-way crossings and erect signs at the
20 crossings notifying drivers of vehicles approaching on the
21 highway. The signs may be mounted on the same post as the warn-
22 ing sign required by section 313. When a crossing is designated
23 a stop crossing, the driver of a vehicle shall stop not more than
24 50 feet but not less than 10 feet from the railway tracks. The
25 driver shall then traverse the crossing only when it may be done
26 in safety. When a crossing is designated a yield right-of-way
27 crossing, a driver of a vehicle approaching the crossing shall

1 maintain a reasonable speed based upon existing conditions and
2 shall yield the right-of-way to approaching railroad traffic.

3 (4) Within 18 months after the effective date of this act, a
4 road authority that has a railroad crossing at grade not equipped
5 with flashing light devices shall consider the practicality of
6 establishing clear vision areas and installing stop or yield
7 right-of-way signs at those areas.

8 (5) If the road authority finds it to be practical, the road
9 authority may establish clear vision areas or install stop or
10 yield right-of-way signs at a crossing. This action shall be
11 based upon a determination of the appropriate amount of suffi-
12 cient clear vision areas at a crossing taking into consideration
13 the volume and speed of train and highway traffic, the terrain,
14 obstructions to view, local conditions and circumstances, and the
15 cost involve. If the road authority determines that it is
16 impractical to establish clear vision areas at a railroad grade
17 crossing not protected by flashing light devices, it shall erect
18 and maintain stop signs or yield right-of-way signs at that
19 crossing. The road authority may also restrict the speed of
20 highway traffic approaching railroad grade crossings upon a
21 determination that the clear vision area is not sufficient for
22 vehicles traveling at a greater speed.

23 (6) Upon determination of the practicality of establishing
24 clear vision areas, the road authority shall submit plans for
25 that purpose to the railroad for approval. Within 6 months after
26 submission of the plans, the railroad shall either approve,
27 reject, or suggest modifications of the plan. If the railroad

1 and road authority agree to a plan, all costs shall be divided in
2 accordance with subsection (2). If the parties are unable to
3 reach an agreement, then the road authority may make application
4 to the department for an order in accordance with section 305.

5 (7) The establishment of or failure to establish and main-
6 tain a clear vision area, or the erection of or failure to erect,
7 replace, or maintain a stop or yield sign or other railroad warn-
8 ing device, unless the devices or signs were ordered by the
9 department, shall not be a basis for an action of negligence
10 against the road authority or railroad. The facts and records
11 relating thereto shall not be admissible in such an action.

12 Sec. 319. (1) The separation of grades at any crossing, the
13 reconstruction of existing grade separations, or the alteration
14 of existing grade separations for increased highway or railroad
15 facilities by carrying a street or highway either over or under a
16 railroad or railroads at the point of intersection shall first be
17 approved by and, to the extent and in the manner provided in this
18 act, shall be subject to the supervision and regulation of the
19 department.

20 (2) A proposal to separate the grades, to reconstruct exist-
21 ing grade separations, or to alter existing grade separations for
22 increased highway or railroad facilities at any crossing may
23 issue on the department's own initiative, by order issued under
24 section 307 or upon application of a road authority or a
25 railroad. An application by a road authority or railroad shall
26 include proposed profiles, plans, maps, and specifications
27 showing the portions of the street or highway and the railroad or

1 railroads, the grade of which is to be changed, and the details
2 of construction necessary for the improvements. If the railroad
3 and road authority have entered into an agreement upon such pro-
4 posal, the agreement shall be attached to the application.

5 (3) The department shall set a day for hearing on the pro-
6 posal and give written notice, together with a copy of the appli-
7 cation, to the railroad or road authority interested in the pro-
8 ceeding at least 10 days before the day set for the hearing, and
9 on the day set for hearing, or at any adjournment or continuance
10 of the hearing, the parties in interest shall be entitled to be
11 heard. The department may issue summonses or subpoenas to
12 enforce the attendance of witnesses at the hearing and may make
13 such examination of the location of the crossing as it considers
14 necessary. If an agreement has been entered into between the
15 road authority and the railroad, the department shall waive a
16 formal hearing and issue an order based upon the terms of such
17 agreement.

18 (4) If after the hearing the department finds that the sepa-
19 ration of grades, the reconstruction of existing grade separa-
20 tions, or the alteration of existing grade separations for
21 increased highway or railroad facilities at the crossing is nec-
22 essary for the public convenience, welfare, and safety, it may by
23 proper order approve the separation of grades, the reconstruction
24 of existing grade separations, or the alteration of existing
25 grade separations for increased highway or railroad facilities,
26 together with the profiles, plans, maps, and specifications to
27 govern the work. If it finds that there is no such necessity, it

1 may by proper order deny the application. The department, if in
2 its judgment it is necessary for the public convenience, welfare,
3 and safety, may change the location of a crossing and may require
4 a separation of the grades at a crossing. When existing grade
5 crossings of any highways with the railroad involved in a grade
6 separation, plans for which are approved pursuant to this act,
7 are situated within a reasonable distance of the site approved
8 for grade separation, and when it is considered practical and
9 reasonable to abolish any of such crossings by connecting the
10 highways to the highway directly served by the approved grade
11 separation project, the department may order such crossings
12 closed, may specify or approve the nature of connections to the
13 highways interrupted by closing these crossings, and may require
14 that the work be included as a part of the grade separation
15 project. Profiles, plans, maps, and specifications for struc-
16 tures and railroad and highway approaches shall be prepared,
17 unless otherwise agreed upon, by the party whose traffic is to be
18 carried thereon, and likewise, unless otherwise agreed upon, the
19 work of construction shall be performed by the party whose traf-
20 fic is to be carried by such construction. However, if the pro-
21 files, plans, maps, and specifications of any party or parties
22 have not been agreed to in writing by the other parties inter-
23 ested in the improvement before the day set for hearing on the
24 application before the department, the department shall in its
25 order prescribe the manner in which the separation of grades, the
26 reconstruction of existing grade separations, or the alternation
27 of existing grade separations shall be affected, fix and approve

1 the profiles, plans, maps, and specifications, and in this behalf
2 may approve in whole or in part, modify, or alter the plans sub-
3 mitted by the applicant.

4 (5) Unless otherwise agreed upon, the cost of constructing
5 and making separation of grades, the reconstruction of existing
6 grade separations, or the alteration of existing grade separa-
7 tions for increased highway or railroad facilities, computed as
8 provided in this act, shall be borne according to the benefits
9 received, but not to exceed 10% by the interested railroad and
10 the balance by the road authority, or jointly by any or all of
11 the parties. If the reconstruction of existing grade separations
12 or the alteration of existing grade separations has not been
13 agreed to by both railroad and road authority, the department
14 shall prescribe in its order who shall bear and pay the cost of
15 the improvement, in whole, or in proportion to the benefits to
16 the respective parties except that the interested railroad shall
17 not be required to pay in excess of 10%. If there is more than 1
18 interested railroad, and the railroads do not agree on the divi-
19 sion of the amount to be borne by each, then the division shall
20 be made by the order of the department. If the amount to be
21 borne by more than 1 road authority is not agreed upon, the divi-
22 sion of the amount to be borne by them shall be made by the order
23 of the department.

24 (6) Except as otherwise provided by law or by agreement of
25 the parties in interest, the department shall determine the parts
26 or sections of a grade separation undertaking that shall be
27 maintained by the railroad and the part or sections that shall be

1 maintained by the road authority. Unless there are special
2 conditions which complicate a direct allotment of the division of
3 maintenance responsibilities, the maintenance of the structure
4 and approaches and corresponding items of work shall be performed
5 and the cost shall be borne entirely by the party whose traffic
6 is carried thereon. The railroad shall repair or replace, at its
7 own expense, any portions that may be damaged or destroyed by
8 accident or otherwise arising from railroad traffic, and the road
9 authority will repair or replace, at its own expense, any por-
10 tions that may be damaged or destroyed by highway traffic.

11 (7) In computing the costs of an improvement, the expense of
12 procuring the right-of-way for the street or highway shall not be
13 included, but there shall be included abuttal damages, all the
14 costs of construction, both temporary and permanent, including
15 railroad and highway approaches to the structure incident to the
16 separation of grades, reconstruction of existing grade separa-
17 tions, and the alteration of existing grade separations for
18 increased highway or railroad facilities as set forth in the pro-
19 files, plans, maps, and specifications approved by the
20 department. Additional property acquired or to be acquired for
21 economizing the cost of the improvement and necessary to the
22 grade separation structure and immediate approaches for preserv-
23 ing the existing highway or railroad may be considered a con-
24 struction cost and included in the cost of the improvement. |

25 Sec. 321. If a railroad and road authority enter into an
26 agreement or if the department orders or otherwise authorizes the
27 construction, relocation, or improvement of a railroad crossing

1 at grade, the construction of a grade separation structure, the
2 reconstruction of an existing grade separation, the alteration of
3 existing grade separations for increased highway or railroad
4 facilities, or the establishment of a clear vision area, the
5 right-of-way and other property rights necessary for the project,
6 unless otherwise agreed upon, shall be acquired by condemnation
7 in the same manner as property is acquired for other highway
8 purposes.

9 Sec. 323. (1) A farm crossing shall be constructed and
10 maintained by the railroad at the expense of the party requesting
11 the crossing. Farm crossings shall be of such width and condi-
12 tion as shall permit expeditious and safe passage of large farm
13 machinery.

14 (2) A railroad may permit the establishment and use of other
15 private crossings on such terms as may be negotiated between the
16 requesting party and the railroad.

17 Sec. 325. (1) The department, after notice and hearing, may
18 order a railroad to erect and maintain such fencing along rail-
19 road right-of-way in agricultural areas as shall be necessary to
20 prevent livestock from entry upon that right-of-way. Such fenc-
21 ing shall not be required unless the other boundaries of the
22 property are fenced.

23 (2) In agricultural areas, the cost and expense of installa-
24 tion, maintenance, and repair of fencing shall be borne by the
25 railroad. However, if gates or cattle guards are necessitated by
26 the existence of a farm crossing, the cost and expense of
27 installation, maintenance, and repair of such gates or cattle

1 guards shall be considered a cost of the crossing to be borne by
2 the party requesting the gates or cattle guards.

3 (3) The owner or proprietors of the adjacent farm lands,
4 upon 30 days' written notice to the railroad, may erect or repair
5 the fence and then may recover from the railroad in any court of
6 competent jurisdiction the cost of the fence, together with rea-
7 sonable compensation for labor in the construction of the fence.
8 The railroad shall also be liable for damages caused by its
9 agents, engines, or cars to livestock by reason of the livestock
10 escaping due to the failure to construct or maintain a fence.

11 Sec. 327. (1) A railroad shall not permit a train to
12 obstruct vehicular traffic on a public street or highway for
13 longer than 10 minutes at any 1 time, except if the obstruction
14 is caused by accident, mechanical failure, or other circumstances
15 beyond the control of the railroad.

16 (2) A railroad shall not permit successive train movements
17 to obstruct vehicle traffic on a public street or highway until
18 all vehicular traffic previously delayed by such train movements
19 has been cleared and a period of 5 minutes has elapsed between
20 train movements.

21 (3) Each offense under this section shall be a separate vio-
22 lation punishable by a fine of not more than \$500.00.

23 Sec. 351. As used in sections 353 to 365, "operator" or
24 "operate" means a person who is in actual physical control of a
25 locomotive engine upon a railroad track.

26 Sec. 353. (1) A person who is under the influence of
27 intoxicating liquor or a controlled substance, or a combination

1 of intoxicating liquor and a controlled substance, shall not
 2 operate a locomotive engine upon the railroad tracks of this
 3 state. A peace officer may, without a warrant, arrest a person
 4 when the peace officer has reasonable cause to believe that the
 5 person, at the time of an accident, was the operator of a loco-
 6 tive engine involved in the accident and was operating the loco-
 7 motive engine upon the railroad tracks of this state while under
 8 the influence of intoxicating liquor or a controlled substance,
 9 or a combination of intoxicating liquor and a controlled
 10 substance.

11 (2) A person whose blood contains 0.10% or more by weight of
 12 alcohol shall not operate a locomotive engine upon the railroad
 13 tracks of this state.

14 (3) Except as otherwise provided, a person who violates this
 15 section is guilty of a misdemeanor, punishable by imprisonment
 16 for not more than 90 days, or a fine of not less than \$100.00 nor
 17 more than \$500.00, or both, together with costs of the
 18 prosecution.

19 (4) A person who violates this section or a local ordinance
 20 substantially corresponding to subsection (1) or (2) within 7
 21 years of a prior conviction may be sentenced to imprisonment for
 22 not more than 1 year, or a fine of not more than \$1,000.00, or
 23 both, together with costs of the prosecution. For purposes of
 24 this section, "prior conviction" means a conviction under this
 25 section, a local ordinance substantially corresponding to subsec-
 26 tion (1) or (2), or a law of another state substantially
 27 corresponding to subsection (1) or (2).

1 (5) A person who violates this section or a local ordinance
2 substantially corresponding to subsection (1) or (2) within 10
3 years of 2 or more prior convictions, as defined in subsection
4 (4), is guilty of a felony, punishable by imprisonment for not
5 more than 4 years, or a fine of not more than \$2,000.00, or both,
6 together with costs of the prosecution.

7 (6) As part of the sentence for a violation of this section
8 or a local ordinance substantially corresponding to subsection
9 (1) or (2), the court may order the person to perform service to
10 the community, as designated by the court, without compensation,
11 for a period not to exceed 12 days. The person shall reimburse
12 the state or appropriate local unit of government for the cost of
13 insurance incurred by the state or local unit of government as a
14 result of the person's activities under this subsection.

15 (7) Before imposing sentence for a violation of this section
16 or a local ordinance substantially corresponding to subsection
17 (1) or (2), the court shall order the person to undergo screening
18 and assessment by a person or agency designated by the office of
19 substance abuse services, to determine whether the person is
20 likely to benefit from rehabilitative services, including alcohol
21 or drug education and alcohol or drug treatment programs. As
22 part of the sentence, the court may order the person to partici-
23 pate in and successfully complete 1 or more appropriate rehabili-
24 tative programs. The person shall pay for the costs of the
25 screening, assessment, and rehabilitative services.

26 (8) Before accepting a plea of guilty under this section,
27 the court shall advise the accused of the statutory consequences

1 possible as the result of a plea of guilty in respect to the
2 penalty imposed for violation of this section.

3 Sec. 355. (1) A person shall not operate a locomotive
4 engine upon the railroad tracks of this state when, due to the
5 consumption of intoxicating liquor, a controlled substance, or a
6 combination of intoxicating liquor and a controlled substance,
7 the person has visibly impaired his or her ability to operate the
8 locomotive engine. If a person is charged with violating section
9 353, a finding of guilty is permissible under this section.

10 (2) Except as otherwise provided, a person who violates this
11 section is guilty of a misdemeanor, punishable by imprisonment
12 for not more than 90 days, or a fine of not more than \$300.00, or
13 both, together with costs of the prosecution.

14 (3) A person who violates this section or a local ordinance
15 substantially corresponding to this section within 7 years of a
16 prior conviction may be sentenced to imprisonment for not more
17 than 1 year, or a fine of not more than \$1,000.00, or both,
18 together with costs of the prosecution. For purposes of this
19 section, "prior conviction" means a conviction under this sec-
20 tion, section 353, a local ordinance substantially corresponding
21 to this section or section 353(1) or (2), or a law of another
22 state substantially corresponding to this section or section
23 353(1) or (2).

24 (4) As part of the sentence for a violation of this section
25 or a local ordinance substantially corresponding to this section,
26 the court may order the person to perform service to the
27 community, as designated by the court, without compensation, for

1 a period not to exceed 12 days. The person shall reimburse the
2 state or appropriate local unit of government for the cost of
3 insurance incurred by the state or local unit of government as a
4 result of the person's activities under this subsection.

5 (5) Before imposing sentence for a violation of this section
6 or a local ordinance substantially corresponding to this section,
7 the court shall order the person to undergo screening and assess-
8 ment by a person or agency designated by the office of substance
9 abuse services, to determine whether the person is likely to ben-
10 efit from rehabilitative services, including alcohol or drug edu-
11 cation and alcohol or drug treatment programs. As part of the
12 sentence, the court may order the person to participate in and
13 successfully complete 1 or more appropriate rehabilitative
14 programs. The person shall pay for the costs of the screening,
15 assessment, and rehabilitative services.

16 (6) Before accepting a plea of guilty under this section,
17 the court shall advise the accused of the statutory consequences
18 possible as a result of a plea of guilty in respect to the pen-
19 alty imposed for violation of this section.

20 Sec. 357. The owner of a locomotive engine or the person in
21 charge or in control of a locomotive engine, or a person acting
22 as a conductor of any train of cars, shall not authorize or know-
23 ingly permit the locomotive engine to be operated upon the rail-
24 road tracks of this state by a person who is under the influence
25 of intoxicating liquor or a controlled substance, or a combina-
26 tion of intoxicating liquor and a controlled substance. A person
27 who violates this section is guilty of a misdemeanor, punishable

1 by imprisonment for not more than 90 days, or a fine of not less
2 than \$100.00 nor more than \$500.00, or both, together with costs
3 of the prosecution.

4 Sec. 359. (1) The amount of alcohol or presence of a con-
5 trolled substance or both in the operator's blood at the time
6 alleged as shown by chemical analysis of that person's blood,
7 urine, or breath shall be admissible into evidence in a criminal
8 prosecution for any of the following:

9 (a) A violation of section 353, 355, or 357, or of a local
10 ordinance substantially corresponding to section 353(1) or (2),
11 355, or 357.

12 (b) Manslaughter resulting from the operation of a locomo-
13 tive engine while the operator is alleged to have been impaired
14 by or under the influence of intoxicating liquor or a controlled
15 substance or a combination of intoxicating liquor and a con-
16 trolled substance, or to have had a blood alcohol content of
17 0.10% or more by weight of alcohol.

18 (2) If a test is given, the results of the test shall be
19 made available to the person charged or the person's attorney
20 upon written request to the prosecution, with a copy of the
21 request filed with the court. The prosecution shall furnish the
22 report at least 2 days before the day of the trial and the
23 results shall be offered as evidence by the prosecution in a
24 criminal proceeding. Failure to fully comply with the request
25 shall bar the admission of the results into evidence by the
26 prosecution.

1 (3) Except in a prosecution relating solely to a violation
2 of section 353(2), the amount of alcohol in the operator's blood
3 at the time alleged as shown by chemical analysis of that
4 person's blood, urine, or breath shall give rise to the following
5 presumptions:

6 (a) If there was at the time 0.07% or less by weight of
7 alcohol in the person's blood, it shall be presumed that the
8 person was not under the influence of intoxicating liquor.

9 (b) If there was at the time in excess of 0.07% but less
10 than 0.10% by weight of alcohol in the person's blood, it shall
11 be presumed that the person's ability to operate a locomotive
12 engine was impaired within the provisions of section 355 due to
13 the consumption of intoxicating liquor.

14 (c) If there was at the time 0.10% or more by weight of
15 alcohol in the person's blood, it shall be presumed that the
16 person was under the influence of intoxicating liquor.

17 (4) A sample or specimen of urine or breath shall be taken
18 and collected in a reasonable manner. Only a licensed physician,
19 or a licensed nurse or medical technician under the direction of
20 a licensed physician and qualified to withdraw blood acting in a
21 medical environment, at the request of a peace officer, may with-
22 draw blood for the purpose of determining the amount of alcohol
23 or presence of a controlled substance or both in the person's
24 blood, as provided in this section. Liability for a crime or
25 civil damages predicated on the act of withdrawing blood and
26 related procedures shall not attach to a qualified person who
27 withdraws blood or assists in the withdrawal in accordance with

1 this section unless the withdrawal is performed in a negligent
2 manner.

3 (5) The tests shall be administered at the request of a
4 peace officer having reasonable grounds to believe the person has
5 committed a crime described in subsection (1). A person who
6 takes a chemical test administered at the request of a peace
7 officer, as provided in this section, shall be given a reasonable
8 opportunity to have a person of his or her own choosing adminis-
9 ter 1 of the chemical tests described in this section within a
10 reasonable time after his or her detention, and the results of
11 the test shall be admissible and shall be considered with other
12 competent evidence in determining the innocence or guilt of the
13 defendant. If the person charged is administered a chemical test
14 by a person of his or her own choosing, the person charged shall
15 be responsible for obtaining a chemical analysis of the test
16 sample. The person charged shall be informed that after taking a
17 test administered at the request of a peace officer he or she has
18 the right to demand that a person of his or her own choosing
19 administer 1 of the tests provided for in subsection (1), that
20 the results of the test shall be admissible and shall be consid-
21 ered with other competent evidence in determining the innocence
22 or guilt of the defendant, and that the person charged shall be
23 responsible for obtaining a chemical analysis of the test
24 sample.

25 (6) The person charged shall be advised that if the person
26 refuses the request of a peace officer to take a test described

1 in this section, a test shall not be given without a court
2 order.

3 (7) This section shall not be construed as limiting the
4 introduction of any other competent evidence, including a video
5 tape recording taken of, and with prior notice to the person,
6 bearing upon the question of whether or not the person was
7 impaired by or under the influence of intoxicating liquor or a
8 controlled substance, or a combination of intoxicating liquor and
9 a controlled substance, or whether the person had a blood alcohol
10 content of 0.10% or more by weight of alcohol.

11 (8) If a jury instruction regarding a defendant's refusal to
12 submit to a chemical test under this section is requested by the
13 prosecution or the defendant, the jury instruction shall be given
14 as follows:

15 "Evidence was admitted in this case which, if believed by
16 the jury, could prove that the defendant had exercised his or her
17 right to refuse a chemical test. You are instructed that such a
18 refusal is within the statutory rights of the defendant and is
19 not evidence of his or her guilt. You are not to consider such a
20 refusal in determining the guilt or innocence of the defendant."

21 (9) If after an accident the operator of a locomotive engine
22 involved in the accident is transported to a medical facility and
23 a sample of the operator's blood is withdrawn at that time for
24 the purpose of medical treatment, the result of a chemical analy-
25 sis of that sample shall be admissible in a criminal prosecution
26 for a crime described in subsection (1) to show the amount of
27 alcohol or presence of a controlled substance or both in the

1 person's blood at the time alleged, regardless of whether the
2 person had been offered or had refused a chemical test. The med-
3 ical facility or person performing the chemical analysis shall
4 disclose the results of the analysis to a prosecuting attorney
5 who requests the results for use in a criminal prosecution as
6 provided in this subsection. A medical facility or person dis-
7 closing information in compliance with this subsection shall not
8 be civilly or criminally liable for making the disclosure.

9 (10) If after an accident the operator of a locomotive
10 engine involved in the accident is deceased, a sample of the
11 decedent's blood shall be withdrawn by the medical examiner or
12 attending personnel of the medical facility in a manner directed
13 by the medical examiner for the purpose of determining blood
14 alcohol content or presence of a controlled substance or both.
15 The results of the blood testing shall be released to the depart-
16 ment of state police and medical examiner. A medical facility
17 disclosing information in compliance with this subsection shall
18 not be civilly or criminally liable for making the disclosure.

19 Sec. 361. (1) A person who operates a locomotive engine
20 upon the railroad tracks of this state is considered to have
21 given consent to chemical tests of his or her blood, breath, or
22 urine for the purpose of determining the amount of alcohol or
23 presence of a controlled substance of both in his or her blood
24 if:

25 (a) The person is arrested for a violation of section 353 or
26 355 or a local ordinance substantially corresponding to section
27 353(1) or (2) or 355.

1 (b) The person is arrested for manslaughter resulting from
2 the operation of a locomotive engine, and the peace officer had
3 reasonable grounds to believe that the person was operating the
4 locomotive engine while impaired by or under the influence of
5 intoxicating liquor or a controlled substance or a combination of
6 intoxicating liquor and a controlled substance, or while having a
7 blood alcohol content of 0.10% or more by weight of alcohol.

8 (2) A person who is afflicted with hemophilia, diabetes, or
9 a condition requiring the use of an anticoagulant under the
10 direction of a physician shall not be considered to have given
11 consent to the withdrawal of blood.

12 (3) The chemical tests shall be administered as provided in
13 section 359.

14 Sec. 363. If a person refuses the request of a peace offi-
15 cer to submit to a chemical test offered pursuant to section 359,
16 a test shall not be given without a court order. A written
17 report shall be forwarded by the peace officer to the federal
18 department of transportation. The report shall state that the
19 officer had reasonable grounds to believe that the person had
20 committed a crime described in section 361, and that the person
21 had refused to submit to the test upon the request of the peace
22 officer and had been advised of the consequences of the refusal.

23 Sec. 365. If a person is convicted of a violation of sec-
24 tion 353 or 355, or of a local ordinance substantially corre-
25 sponding to section 353(1) or (2) or 355, a report of the convic-
26 tion shall be forwarded by the court in which the conviction
27 occurred to the federal department of transportation. The form

1 of the report shall be prescribed and furnished by the Michigan
2 state transportation department.

3 Sec. 367. (1) Upon application in writing of a company
4 owning, leasing, using, or operating any railroad company in this
5 state, whether by steam, electricity, or other motive power,
6 accompanied by the statements of 3 reputable United States citi-
7 zens testifying to the moral character of the person mentioned in
8 the application, the director of the department of state police,
9 if the director finds the person to be suitable and qualified,
10 may appoint and commission the person to act as a police officer
11 for the company, upon the premises of the company, or elsewhere
12 within the state, when in the discharge of his or her duties as a
13 police officer for the company.

14 (2) A person shall not be eligible to receive an appointment
15 unless the person is 18 years of age or older and has completed a
16 minimum of 200 hours of training, which shall be certified by the
17 Michigan law enforcement training council created by the Michigan
18 law enforcement officers training council act of 1965, Act
19 No. 203 of the Public Acts of 1965, being sections 28.601 to
20 28.616 of the Michigan Compiled Laws. Every police officer so
21 appointed shall be known and designated as a railroad police
22 officer. A railroad police officer's commission shall be in
23 force until it becomes null and void or terminated as provided in
24 this act.

25 (3) A railroad police officer employed on or before
26 November 18, 1975 may continue that employment, and failure to

1 meet the training standards required by this act shall not be
2 grounds for dismissal or termination of employment.

3 Sec. 369. The cost of training an individual who is an
4 applicant for a railroad police officer commission to meet the
5 minimum training standards prescribed in section 367 shall be
6 borne solely by the railroad company seeking the appointment.

7 Sec. 371. An application for the appointment of a railroad
8 police officer shall be accompanied by a fee of \$2.00 and by a
9 photograph of and other identification information concerning the
10 person named in the application, including fingerprints of the
11 person, which fingerprints shall be classified by the bureau of
12 identification of the department of state police and shall remain
13 with that bureau as a permanent record.

14 Sec. 373. When the director of the department of state
15 police appoints a railroad police officer, the director shall
16 transmit the commission to the clerk of the county in which the
17 police officer resides and the county clerk, on receipt of the
18 commission, shall give notice of the commission to the person
19 appointed and to the company that made application for the
20 appointment.

21 Sec. 375. Before performing the duties of office and within
22 30 days after receiving notice from the clerk of appointment, a
23 railroad police officer appointed shall take and file with the
24 county clerk the oath prescribed by the state constitution of
25 1963. The clerk shall file the oath thus taken in the clerk's
26 office and, on the last day of December, March, June, and
27 September in each year, shall transmit to the director of the

1 department of state police a written list, containing the names
2 of all persons to whom commissions were delivered during the pre-
3 ceding quarter, the date of filing their oaths and bonds, and
4 their respective addresses, with his or her certificate that the
5 persons have fully complied with the provisions of law in regard
6 to their qualifications for the discharge of the duties of the
7 office of railroad police officer. The clerk, for services
8 required by this act, shall be entitled to receive \$1.00 from
9 each person qualified for the office of railroad police officer.
10 A charter county with a population of more than 2,000,000 may
11 impose by ordinance a different amount for the fee required by
12 this section. A charter county shall not impose a fee which is
13 greater than the cost of the service for which the fee is
14 charged.

15 Sec. 377. Every railroad police officer, who is appointed
16 and commissioned as provided in this act, shall have, exercise,
17 and possess, throughout the state, while in the discharge of his
18 or her duties as a railroad police officer, the powers of sher-
19 iffs, marshals, constables, and municipal police officers, except
20 in the service of civil process. A railroad police officer shall
21 enforce and compel obedience to the laws of this state and to the
22 ordinances of the cities, villages, and townships of this state
23 when engaged in the discharge of his or her duties as a railroad
24 police officer for the company.

25 Sec. 379. The keepers of jails, lockups, and station houses
26 in any county, city, village, or township shall receive all
27 persons arrested by a railroad police officer for the commission

1 of any offense against the laws of the United States, of this
2 state, or the ordinances of the city, village, or township, to be
3 dealt with according to law. The persons arrested shall be
4 received by the keepers of jails, lockups, or station houses on
5 the same basis, and shall have the same status, as persons
6 arrested by any other peace officer of this state.

7 Sec. 381. A railroad police officer appointed and commis-
8 sioned under this act, when on duty as provided in this act,
9 shall wear a metallic badge with the word "police" and the name
10 of the railroad company for which the railroad police officer is
11 appointed inscribed on the badge, and he or she shall exhibit the
12 badge on demand and before making an arrest.

13 Sec. 383. A railroad police officer appointed and commis-
14 sioned under this act, before entering upon the discharge of his
15 or her duties, shall give a surety bond, in the sum of \$1,000.00,
16 conditioned upon the faithful performance of those duties. A
17 bond shall be filed with, and approved by, the county clerk of
18 the county where the oath of office was taken and the commission
19 delivered to the railroad police officer.

20 Sec. 385. Upon filing the official oath and bond, and the
21 payment of the clerk's fee, as required by this act, the county
22 clerk shall deliver to the person the commission which shall cer-
23 tify that the person named in the commission has been commis-
24 sioned as a railroad police officer. The commission shall give
25 the name of the railroad company the railroad police officer rep-
26 resents, and shall designate the date on which the commission was
27 issued. The commission shall be in the form, size, and

1 description as the director of the department of state police may
2 determine.

3 Sec. 387. The compensation for a railroad police officer
4 shall be paid by the company for which the railroad police offi-
5 cer is appointed.

6 Sec. 389. When a company terminates the services of a rail-
7 road police officer, it shall file a notice to that effect with
8 the director of the department of state police and with the
9 county clerk for the county in which the railroad police officer
10 received his or her commission, stating the date on which serv-
11 ices shall be discontinued. The commission issued to the rail-
12 road police officer shall become null and void on the date
13 specified. The dismissal of a railroad police officer from
14 employment of the company shall render the commission null and
15 void. The director, on 5 days' notice to the company for whom a
16 railroad police officer was appointed, may revoke a commission
17 issued to the railroad police officer.

18 Sec. 401. This act shall apply to any individual, partner-
19 ship, association, or corporation, and their respective lessees,
20 trustees, or receivers, appointed by a court, while engaged in
21 the operation of a railroad within this state, or while owning,
22 leasing, or otherwise having under his or her or their jurisdic-
23 tion or control the land on which, or adjacent to which, there
24 may be located and operated any railroad track or sidetrack that
25 is a part of or is in anyway connected with a railroad.

26 Sec. 403. (1) Except as otherwise permitted by written
27 consent of the department, a person shall not construct and

1 thereafter maintain over or adjacent to any railroad track or
2 sidetrack that is a part of or is connected with a railroad,
3 bridge, or other movable or immovable obstruction that is within,
4 or any loading or unloading device the movable or immovable or
5 fixed parts of which are within, the clear space of 8 feet 6
6 inches from either side of a perpendicular extending through the
7 center line of a railroad track that has a radius of not less
8 than 400 feet lateral curvature or within the clear space of 22
9 feet 6 inches above the plane of the top of the rails of a rail-
10 road track. A track with less radius than 400 feet lateral cur-
11 vature shall be provided with a clear space of 9 feet from either
12 side of a perpendicular extending through the center line of the
13 track or 22 feet 6 inches above the plane of the top of the rails
14 of the track.

15 (2) This section shall not apply to highway or railroad
16 bridges, mail cranes or mail crane structures, any derail, switch
17 stand, signal, or other railroad appurtenance, materials used in
18 the construction, maintenance, or repair of railroad tracks when
19 temporarily placed, temporarily extended or connected car loading
20 or unloading devices that when not in use are removed or secured
21 so as to maintain the clearances prescribed in this section, or
22 to structures or materials below grade level. This section shall
23 not be construed to require the removal of any structure hereto-
24 fore constructed within the clearances specified in this
25 section.

26 Sec. 405. A person who desires to construct and thereafter
27 maintain, over or adjacent to any railroad track or sidetrack

1 that is a part of or is connected with a railroad, bridge, or
2 other immovable obstruction that is within, or any loading or
3 unloading device the immovable or fixed parts are within, the
4 clear space over or adjacent to a railroad track as described in
5 section 403, may make application to the department. The depart-
6 ment may authorize the construction and subsequent maintenance of
7 the bridge or other obstruction or loading or unloading device
8 within such lesser spaces as may be described in the application
9 if the department determines that compliance with the clear space
10 requirements prescribed in section 403 would be unreasonable,
11 unnecessary, or impracticable, and that the construction and sub-
12 sequent maintenance of the bridge or other immovable obstruction,
13 or loading or unloading device, within a lesser space, will not
14 create a condition unduly hazardous to the employees of the
15 person engaged in the operation of the track.

16 Sec. 407. A railroad company, except by written consent of
17 the department, shall not construct a railroad track or sidetrack
18 where the center line of that track or sidetrack is less than 14
19 feet from the center line of that track or sidetrack is less than
20 14 feet from the center line of any other parallel railroad track
21 or sidetrack. The distance between any such adjacent tracks may
22 be diminished or closed up, as may be necessary, for the con-
23 struction of crossings, crossovers, turnouts, or switches.
24 However, a parallel track constructed for a person other than a
25 railroad company shall not be less than 13 feet from the center
26 line of any other parallel railroad track or sidetrack.

1 Sec. 409. A railroad company that desires to construct a
2 railroad track or sidetrack where the center line of the track or
3 sidetrack is less than 14 feet from the center line of any other
4 parallel railroad track or sidetrack may apply to the
5 department. Upon the filing of an application, the department
6 may authorize the construction of a railroad track or sidetrack
7 within a lesser distance from an adjacent railroad track or side-
8 track as may be described in the application if in the judgment
9 of the department compliance with the 14-foot requirement would
10 be unreasonable, unnecessary, or impracticable, and construction
11 of the track or sidetrack within the lesser distance from an
12 adjacent track will not create a condition unduly hazardous to
13 the employees of the person or persons engaged in the operation
14 of the tracks. Nothing in this act shall be construed to require
15 the change of requirements between any existing railroad tracks
16 or sidetracks specified on or before the effective date of this
17 act.

18 Sec. 411. This act shall not be construed to apply to yards
19 and terminals of railroad companies used for passenger train
20 service, car shops, repair tracks, overhead clearance on mine
21 shaft head frames, temporary ore loading stock pile tracks, or to
22 manufacturing plants that do their own switching with a locomo-
23 tive crane.

24 Sec. 413. A person who violates this act is subject to a
25 criminal penalty of not less than \$50.00 or more than \$100.00.
26 If the person fails to correct a violation of this act when
27 ordered to do so by the department, the person is subject to an

1 additional criminal penalty of not less than \$50.00 or more than
2 \$100.00 for each additional 20-day period for failure to correct
3 the violation.

4 Sec. 421. As used in this act:

5 (a) "Department" means the state transportation department.

6 (b) "Safe space" means that space whose height extends from
7 the actual grade level to a distance 22 feet 6 inches above the
8 top of the rails, and whose width, along a railroad track or
9 sidetrack with a radius of not less than 400 feet lateral curva-
10 ture, extends 8 feet 6 inches on both sides of a perpendicular
11 from the center line of the track, or along a railroad track or
12 sidetrack with a radius of less than 400 feet lateral curvature,
13 extends 9 feet on both sides of a perpendicular from the center
14 line of the track.

15 (c) "Union" means any labor organization which has a con-
16 tract with an employer who is a common carrier and has legal con-
17 trol of any safe space and any of those members who work in the
18 safe space.

19 (d) "Person" includes this state, an individual, partner-
20 ship, association, or corporation, other than a railroad regu-
21 lated by the federal railroad administration pursuant to the fed-
22 eral railroad safety act, and their respective trustees or
23 receivers appointed by a court, while engaged in the operation of
24 a railroad within this state, or owning, leasing, or otherwise
25 having under their jurisdiction or control the land on which, or
26 adjacent to which, there may be located and operated a railroad

1 track or sidetrack which is part of or connected with a
2 railroad.

3 Sec. 423. A person shall not knowingly permit any scrap
4 iron, lumber, debris, or any other material that unreasonably
5 endangers an employee to remain or continue in the safe space
6 over which the person has legal control.

7 Sec. 425. (1) The department, on its own motion, may
8 inspect a safe space at any time to determine if this act is
9 being violated.

10 (2) The department shall make an inspection within 30 days
11 upon receipt of the written complaint by an employee or union
12 whose members are affected by a violation of this act, or upon
13 the written complaint by a person, including a common carrier,
14 affected by the violation, giving each party of interest a 15-day
15 notice of the date of inspection. The department may dispose of
16 a complaint by denial for lack of merit in fact or in law. The
17 department shall issue a report within 30 days after the inspec-
18 tion to each party of interest after the complaint is
19 investigated. If a party does not file a written objection to
20 the report within 30 days after receipt of the report, the report
21 shall become the order of the department.

22 (3) If a party is opposed to the report, the party may file
23 a written request for a hearing stating a basis for objection and
24 the department, after notice, shall hold a hearing and issue its
25 order.

26 Sec. 427. If an order issued pursuant to section 425 is not
27 complied with, the department, or a person aggrieved by the

1 violation of an order, including a state governmental agency, a
2 common carrier, or union may apply to the circuit court for the
3 county of Ingham or to the circuit court of a county in which the
4 department has found a violation of this act, for a court order
5 to enforce the department's order. A copy of the application for
6 a court order shall be sent by registered mail to the department
7 and to a party to whom the order applies. The circuit court, on
8 its own motion, may join the department as a party to an applica-
9 tion made to the court for the enforcement of an order.

10 Sec. 441. (1) The department shall administer this act and
11 investigate complaints alleging a violation of this act.

12 (2) Unless a specific penalty is otherwise provided in this
13 act, a railroad, road authority, or person that violates or fails
14 to comply with any provision of this act, or fails to obey or
15 comply with any lawful order issued or rule promulgated by the
16 department, is subject to a criminal penalty of not less than
17 \$50.00 and not more than \$1,000.00.

18 (3) An action to recover penalties for a violation of this
19 act, an order issued, or a rule promulgated by the department
20 pursuant to this act shall be instituted by the department on its
21 own motion or by complaint. If, after notice and hearing, the
22 department determines that there is a violation, an action may be
23 brought in the circuit court of any county in which the alleged
24 violator may be sued or in the circuit court of the county of
25 Ingham. The action shall be brought in the name of the state and
26 shall be commenced and prosecuted to final judgment by the
27 attorney general.

1 (4) In addition to the other remedies provided by this act
2 for the violation of this act, an order issued, or a rule promul-
3 gated by the department pursuant to this act, the department or
4 an interested person may compel compliance with this act and with
5 an order issued or a rule promulgated by the department by pro-
6 ceedings in mandamus, injunction, or other appropriate civil
7 remedies.

8 Sec. 451. The following acts and parts of acts are
9 repealed:

10 (a) Section 27 of chapter 1 of Act No. 283 of the Public
11 Acts of 1909, being section 221.27 of the Michigan Compiled
12 Laws.

13 (b) Sections 1 to 8 of Act No. 114 of the Public Acts of
14 1925, being sections 253.51 to 253.58 of the Michigan Compiled
15 Laws.

16 (c) Section 668 of the Michigan vehicle code, Act No. 300 of
17 the Public Acts of 1949, being section 257.668 of the Michigan
18 Compiled Laws.

19 (d) Section 7 of Act No. 329 of the Public Acts of 1969,
20 being section 320.27 of the Michigan Compiled Laws.

21 (e) Sections 1, 3, and 3a of Act No. 419 of the Public Acts
22 of 1919, being sections 460.51, 460.53, and 460.53a of the
23 Michigan Compiled Laws.

24 (f) Act No. 200 of the Public Acts of 1925, being
25 sections 460.101 to 460.102 of the Michigan Compiled Laws.

26 (g) Act No. 94 of the Public Acts of 1923, being
27 sections 460.351 to 460.352 of the Michigan Compiled Laws.

1 (h) Act No. 300 of the Public Acts of 1909, being
2 sections 462.2 to 462.50 of the Michigan Compiled Laws.

3 (i) Article I, sections 7 to 50 of article II, and articles
4 III to V of Act No. 198 of the Public Acts of 1873, being
5 sections 463.1 to 463.4, 464.7 to 464.50, 465.1 to 465.5, 466.1
6 to 466.6, and 467.1 to 467.36 of the Michigan Compiled Laws.

7 (j) Act No. 64 of the Public Acts of 1885, being
8 sections 467.101 to 467.103 of the Michigan Compiled Laws.

9 (k) Act No. 124 of the Public Acts of 1867, being
10 sections 467.151 to 467.152 of the Michigan Compiled Laws.

11 (l) Act No. 156 of the Public Acts of 1905, being
12 sections 467.201 to 467.202 of the Michigan Compiled Laws.

13 (m) Act No. 193 of the Public Acts of 1929, being
14 section 467.251 of the Michigan Compiled Laws.

15 (n) Act No. 137 of the Public Acts of 1956, being
16 sections 467.301 to 467.302 of the Michigan Compiled Laws.

17 (o) Act No. 115 of the Public Acts of 1921, being
18 sections 468.31 to 468.37 of the Michigan Compiled Laws.

19 (p) Act No. 142 of the Public Acts of 1875, being
20 section 468.51 of the Michigan Compiled Laws.

21 (q) Act No. 74 of the Public Acts of 1913, being
22 sections 468.71 to 468.73 of the Michigan Compiled Laws.

23 (r) Act No. 252 of the Public Acts of 1889, being
24 section 468.101 of the Michigan Compiled Laws.

25 (s) Act No. 38 of the Public Acts of 1875, being sections
26 468.121 to 468.122 of the Michigan Compiled Laws.

1 (t) Act No. 289 of the Public Acts of 1865, being
2 sections 468.151 to 468.153 of the Michigan Compiled Laws.

3 (u) Act No. 134 of the Public Acts of 1869, being section
4 468.201 of the Michigan Compiled Laws.

5 (v) Act No. 86 of the Public Acts of 1891, being sections
6 468.221 to 468.223 of the Michigan Compiled Laws.

7 (w) Act No. 240 of the Public Acts of 1929, being section
8 468.241 of the Michigan Compiled Laws.

9 (x) Act No. 138 of the Public Acts of 1863, being section
10 468.301 of the Michigan Compiled Laws.

11 (y) Act No. 160 of the Public Acts of 1905, being sections
12 468.351 to 468.356 of the Michigan Compiled Laws.

13 (z) Act No. 96 of the Public Acts of 1859, being sections
14 468.371 to 468.373 of the Michigan Compiled Laws.

15 (aa) Act No. 100 of the Public Acts of 1871, being sections
16 468.401 to 468.403 of the Michigan Compiled Laws.

17 (bb) Act No. 110 of the Public Acts of 1899, being sections
18 468.451 to 468.453 of the Michigan Compiled Laws.

19 (cc) Act No. 270 of the Public Acts of 1921, being sections
20 469.1 to 469.13 of the Michigan Compiled Laws.

21 (dd) Act No. 171 of the Public Acts of 1893, being sections
22 469.31 to 469.37 of the Michigan Compiled Laws.

23 (ee) Act No. 27 of the Public Acts of 1875, being section
24 469.51 of the Michigan Compiled Laws.

25 (ff) Act No. 189 of the Public Acts of 1921, being sections
26 469.61 to 469.65 of the Michigan Compiled Laws.

- 1 (gg) Act No. 102 of the Public Acts of 1927, being sections
2 469.81 to 469.85 of the Michigan Compiled Laws.
- 3 (hh) Act No. 77 of the Public Acts of 1913, being sections
4 469.101 to 469.103 of the Michigan Compiled Laws.
- 5 (ii) Act No. 158 of the Public Acts of 1923, being sections
6 469.111 to 469.113 of the Michigan Compiled Laws.
- 7 (jj) Act No. 9 of the Public Acts of 1895, being sections
8 469.121 to 469.124 of the Michigan Compiled Laws.
- 9 (kk) Act No. 118 of the Public Acts of 1887, being sections
10 469.131 to 469.133 of the Michigan Compiled Laws.
- 11 (ll) Act No. 167 of the Public Acts of 1871, being sections
12 469.141 to 469.144 of the Michigan Compiled Laws.
- 13 (mm) Act No. 178 of the Public Acts of 1901, being sections
14 469.151 to 469.152 of the Michigan Compiled Laws.
- 15 (nn) Act No. 234 of the Public Acts of 1907, being sections
16 469.181 to 469.182 of the Michigan Compiled Laws.
- 17 (oo) Act No. 401 of the Public Acts of 1919, being sections
18 469.191 to 469.192 of the Michigan Compiled Laws.
- 19 (pp) Act No. 52 of the Public Acts of 1909, being sections
20 469.201 to 469.204 of the Michigan Compiled Laws.
- 21 (qq) Act No. 123 of the Public Acts of 1923, being sections
22 469.211 to 469.213 of the Michigan Compiled Laws.
- 23 (rr) Act No. 275 of the Public Acts of 1887, being sections
24 469.221 to 469.222 of the Michigan Compiled Laws.
- 25 (ss) Act No. 55 of the Public Acts of 1919, being
26 sections 469.231 to 469.235 of the Michigan Compiled Laws.

- 1 (tt) Act No. 56 of the Public Acts of 1919, being sections
2 469.241 to 469.246 of the Michigan Compiled Laws.
- 3 (uu) Act No. 190 of the Public Acts of 1873, being sections
4 469.261 to 469.263 of the Michigan Compiled Laws.
- 5 (vv) Act No. 35 of the Public Acts of 1887, being sections
6 469.281 to 469.282 of the Michigan Compiled Laws.
- 7 (ww) Act No. 30 of the Public Acts of 1901, being sections
8 469.301 to 469.302 of the Michigan Compiled Laws.
- 9 (xx) Act No. 303 of the Public Acts of 1921, being sections
10 469.351 to 469.356 of the Michigan Compiled Laws.
- 11 (yy) Act No. 4 of the Public Acts of the Extra Session of
12 1900, being sections 469.381 to 469.382 of the Michigan Compiled
13 Laws.
- 14 (zz) Act No. 184 of the Public Acts of 1897, being sections
15 469.401 to 469.402 of the Michigan Compiled Laws.
- 16 (aaa) Act No. 245 of the Public Acts of 1917, being section
17 469.421 of the Michigan Compiled Laws.
- 18 (bbb) Act No. 142 of the Public Acts of 1895, being sections
19 469.451 to 469.452 of the Michigan Compiled Laws.
- 20 (ccc) Act No. 177 of the Public Acts of 1881, being section
21 469.461 of the Michigan Compiled Laws.
- 22 (ddd) Act No. 153 of the Public Acts of 1883, being sections
23 469.471 to 469.472 of the Michigan Compiled Laws.
- 24 (eee) Act No. 21 of the Public Acts of 1867, being sections
25 469.481 to 469.482 of the Michigan Compiled Laws.
- 26 (fff) Act No. 104 of the Public Acts of 1921, being sections
27 469.501 to 469.502 of the Michigan Compiled Laws.

- 1 (ggg) Act No. 37 of the Public Acts of 1949, being sections
2 469.521 to 469.522 of the Michigan Compiled Laws.
- 3 (hhh) Act No. 106 of the Public Acts of 1951, being sections
4 469.541 to 469.542 of the Michigan Compiled Laws.
- 5 (iii) Act No. 180 of the Public Acts of 1956, being section
6 469.601 of the Michigan Compiled Laws.
- 7 (jjj) Act No. 187 of the Public Acts of 1911, being sections
8 470.2 to 470.10 of the Michigan Compiled Laws.
- 9 (kkk) Act No. 114 of the Public Acts of 1941, being sections
10 470.51 to 470.61 of the Michigan Compiled Laws.
- 11 (lll) Act No. 156 of the Public Acts of 1941, being sections
12 470.101 to 470.109 of the Michigan Compiled Laws.
- 13 (mmm) Act No. 26 of the Public Acts of 1968, being sections
14 470.121 to 470.126 of the Michigan Compiled Laws.
- 15 (nnn) Act No. 75 of the Public Acts of 1945, being sections
16 470.151 to 470.153 of the Michigan Compiled Laws.
- 17 (ooo) Act No. 4 of the Public Acts of 1986, being sections
18 470.201 to 470.210 of the Michigan Compiled Laws.
- 19 (ppp) Act No. 244 of the Public Acts of 1881, being sections
20 471.1 to 471.47 of the Michigan Compiled Laws.
- 21 (qqq) Act No. 160 of the Public Acts of 1875, being section
22 473.91 of the Michigan Compiled Laws.