



HOUSE BILL No. 5739

May 4, 2000, Introduced by Reps. Kuipers, Richardville, Scranton, Jellema, Voorhees, Gosselin, Bishop, Mans, Kowall, Gilbert, Howell, Vander Roest, Patterson, Godchaux, Pappageorge, Jansen, DeVuyst and Birkholz and referred to the Committee on Transportation.

A bill to amend 1993 PA 354, entitled
"Railroad code of 1993,"
by amending section 391 (MCL 462.391).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 391. (1) A railroad shall not permit a train to
2 obstruct vehicular traffic on a public street or highway for
3 longer than 5 minutes at any 1 time, except the obstruction shall
4 not be considered a violation under the following circumstances:

5 (a) If the train is continuously moving in the same direc-
6 tion at not less than 10 miles per hour for not longer than 7
7 minutes.

8 (b) If the railroad can show that the incident occurred as a
9 result of a verifiable accident, mechanical failure, or unsafe
10 condition.

1 (2) A railroad shall not permit successive train movements
2 to obstruct vehicular traffic on a public street or highway until
3 all vehicular traffic previously delayed by such train movements
4 has been cleared.

5 (3) A railroad company shall not permit its employees to
6 allow the activation of active traffic control devices at a rail-
7 road grade crossing for more than 2 minutes if there is no inten-
8 tion to move a train or track equipment through the crossing
9 within 20 seconds to 60 seconds after the activation of the
10 devices.

11 (4) Each offense under this section shall be a separate vio-
12 lation punishable by a fine of not more than \$500.00 unless the
13 railroad is willfully, deliberately, and negligently blocking
14 vehicular traffic and then the fine shall be not more than
15 \$1,000.00 and the costs of prosecution. HOWEVER, IF THE TRAIN
16 OBSTRUCTS TRAFFIC FOR MORE THAN 7 MINUTES, THE FINE SHALL BE MORE
17 THAN \$500.00 BUT NOT MORE THAN \$10,000.00 FOR EACH OCCURRENCE.
18 IF THE OBSTRUCTION CONTINUES FOR MORE THAN 15 MINUTES, THE FINE
19 SHALL BE INCREASED BY \$5,000.00 FOR EACH ADDITIONAL 15 MINUTES
20 THE OBSTRUCTION CONTINUES.

21 (5) All fines civil or otherwise collected by a local unit
22 of government in excess of \$10,000.00 annually from the enforce-
23 ment of a local ordinance substantially similar to this section
24 shall be allocated as follows:

25 (a) Fifteen percent shall be retained by each local unit of
26 government for costs of enforcement of the ordinance.

1 (b) Eighty-five percent shall be deposited in a railroad
2 grade crossing safety fund. The revenue collected in this fund
3 shall be used solely for railroad grade crossing safety projects
4 in these local units of government.