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RAIL GRADE CROSSING FUNDS

House Bill 6523 as enrolled
Public Act 639 of 2002
Second Analysis (1-13-03)

Sponsor: Rep. Scott Shackleton
House Committee: Transportation
Senate Committee: Transportation and Tourism

THE APPARENT PROBLEM:

According to the Michigan Department of Transportation, all but seven of Michigan's 83 counties have active railroad lines, and there are an estimated 5,150 rail grade crossings where local roadways cross the railroad tracks. The rail crossings pose traffic and safety hazards for motorists, since trains cannot stop within short distances. (A freight train moving at 55 miles per hour, or an eight-car passenger train moving at 79 miles per hour, can take a mile or more to stop.) In fact, between 1999 and 2001, there were 417 highway-rail incidents at public and private railroad crossings in 52 of Michigan's counties. Counties with the highest number of accidents were Wayne (69), Monroe (34), Ottawa (24), Allegan (18), Genesee (18), Kalamazoo (16), Kent (15), Oakland (15), Macomb (13), Eaton (12), Ingham (12), Saginaw (12), St Joseph (12), Berrien (11), and St. Clair (11). See *BACKGROUND INFORMATION* below.

Although the number of accidents remains unacceptably high, the total number decreased more than 21 percent within the three-year period, a trend that held for automobiles, pick-up trucks, trucks, truck-trailers, vans, and pedestrians. However, fatalities and injuries continue: during the three-year period 39 people were killed in crossing accidents--15 in 1999, 13 in 2002, and 11 in 2001. In addition, during 2000, there were 51 injuries.

In order to encourage communities to close unnecessary crossings and reduce the safety risks, the department offers an incentive payment plan that provides up to $15,000 to close roads at some crossings, and then, if necessary, improve alternate crossing sites. However, the incentive does not provide enough money to install flashing light signals and half roadway gates at the alternate crossings, a safety project that customarily requires between $100,000 and $150,000.

The Federal Railroad Administration has established as a national goal a reduction in the number of at-grade rail crossings. Funding for rail crossing safety projects is provided through federal safety funds, and in particular from $3 million annually earmarked to the rail grade crossing account.

In order to increase the incentive available to local units of government to close rail crossings and improve traffic safety, legislation has been introduced.

THE CONTENT OF THE BILL:

House Bill 6523 would amend Public Act 51 of 1951, the Michigan Transportation Fund Act, to clarify the expenditure of rail grade crossing funds by officials in the Department of Transportation.

Currently the law requires that money deposited in the state Trunk Line Fund be appropriated for particular purposes and according to priorities listed in the statute, including for the transfer of funds to the Railroad Crossing Account to meet the cost (in whole or in part) of providing for the improvement, installation, and retirement of new or existing safety devices or other rail grade crossing improvements at crossings on public roads and streets under the jurisdiction of the state, counties, cities, or villages. Under the bill this provision would be retained, however the money would be used for "rail grade crossing improvement purposes."

Under the bill, "rail grade crossing improvement purposes" would mean one or more of the following: a) the installation and modernization of active and passive warning devices; b) the installation or improvement of grade crossing surfaces; c) modification, relocation, or modernization of railroad grade crossing active and passive warning devices necessitated by roadway improvement projects; d) test installations of innovative warning devices or other innovate applications; e) construction of new grade separations; f) a cash incentive payment for any public road or street crossing, in an amount no greater than the cost of installing flashing light signals and half roadway gates at the crossing; and g) any other work that would be eligible for funding under the federal Railroad-Highway Grade Crossing Improvement Program or other comparable programs.

In addition, the bill would eliminate a number of provisions that specify the manner in which grade crossing projects are now prioritized, and funded. Finally, the bill would eliminate a provision that specifies payments to road authorities for closing and physically removing a grade crossing. Currently, if the Department of Transportation and a road authority with jurisdiction over a crossing formally agree that a grade crossing should be eliminated by permanent closing of a public road or street, then the road authority that makes the closing receives $5,000 from the Railroad Crossing Account. Further, any connecting road improvements necessitated by the closure are reimbursed in an amount not to exceed $10,000. The bill would eliminate reference to these payments.

MCL 247.661

BACKGROUND INFORMATION:

A spokesperson for the Department of Transportation has indicated that if this legislation is enacted into law, the department likely will develop a protocol to prioritize the highest-traffic, highest-risk crossings, and direct the available funding to communities on that basis. The department spokesperson points out, however, that all but seven Michigan counties have active rail lines, so all counties would be eligible for rail grade closing assistance.

A complete list of accidents by county within Michigan during the three-year period 1999-2001 is available from the Federal Railroad Administration at www.safetydata.fra.dot.gov.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill would change the permitted uses of the account but not the total amount available for use on state trunkline or local road agency railroad crossing projects. As a result the bill would have no direct fiscal impact on state or local costs or revenues. The primary change to the act would be to increase the permitted amounts which may be paid to local road agencies for the closing of rail grade crossings. To the extent that the bill increased the number of closed crossings, it could reduce local costs related to maintenance of crossing warning devices. (11-21-02)

ARGUMENTS:

For:

This bill would change the way the Department of Transportation provides incentives to local communities that close local roads at railroad grade crossings. Many times a community has several crossings just blocks apart, and each poses traffic and safety hazards. Generally, some of those crossings can be closed—the road on either side of the tracks re-designed as cul-de-sacs. If a community elects to close a crossing under the current law, the department can provide them with a $5,000 cash incentive payment, and then also pay up to $10,000 to cover closing costs. The bill would allow an incentive of up to $150,000—an amount that includes, on average, the cost to install half roadway gates and flashing light signals at another crossing. The legislation would, then, reduce the number of high-accident crossings within a community, and could also improve the conditions for safety at the crossings that remained open elsewhere in the community, if the local government officials elected to use their cash incentive for that purpose.

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.