

HOUSE BILL No. 6156

May 30, 2002, Introduced by Reps. Ruth Johnson and Stewart 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-~~ \$1,000.00
13 unless the railroad is willfully, deliberately, and negligently
14 blocking vehicular traffic and then the fine shall be not more
15 than ~~-\$1,000.00-~~ \$4,000.00 and the costs of prosecution.

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

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

22 (b) Eighty-five percent shall be deposited in a railroad
23 grade crossing safety fund. The revenue collected in this fund
24 shall be used solely for railroad grade crossing safety projects
25 in these local units of government.