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BILL ANALYSIS



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House Bill 6368 (as reported without amendment)

Sponsor: Representative Kathy Angerer

House Committee: Transportation

Senate Committee: Transportation

CONTENT

The bill would amend the Michigan Vehicle Code to revise a requirement for a diagnostic review of a fatality at a railroad grade crossing, by deleting population criteria, limiting the requirement to fatalities involving a vehicle, and making exceptions to the requirement.

Under the Code, if there is a fatality at a railroad grade crossing in a city, village, or township with a population of at least 60,000, or in a county with a population of at least 150,000, the Michigan Department of Transportation (MDOT) must undertake a diagnostic review, if there has been no review at the crossing in the last two years.

The bill instead would require MDOT to convene a diagnostic study team review if there were a fatality resulting from a train-vehicle crash at a public railroad grade crossing, if there had been no review at the crossing in the last two years (regardless of the local unit's population).

Under the bill, a diagnostic study team review would not be required if the initial law enforcement investigation of the fatality indicated that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide.

Under the Code, the review must be scheduled within 120 days. The bill provides, instead, that the review would have to be conducted within 120 days after MDOT was made aware of the fatality.

Currently, if the diagnostic review confirms that warning devices, such as flashing lights and gates, are needed, MDOT must order those improvements. Under the bill, if the diagnostic study team reached consensus that warning device enhancements were needed, MDOT would have to order them.

MCL 257.667a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The fiscal impact of the bill cannot be determined at this time due to the uncertainty of the number of diagnostic study team reviews that would be required. The elimination of the population triggers would increase the required number of studies. However, this increase could be at least partially offset by an exemption for incidents involving alcohol or controlled substances, a disregard of existing warning devices, or suicide.

Date Completed: 12-13-06

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