

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6546**

A bill to amend 1993 PA 354, entitled
"Railroad code of 1993,"
by amending section 109 (MCL 462.109), as amended by 2002 PA 658,
and by adding section 450.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) "Railroad" means a person, partnership,
2 association, or corporation, their respective lessees, trustees, or
3 receivers, appointed by a court, or other legal entity operating in
4 this state either as a common carrier for hire or for private use
5 as a carrier of persons or property upon cars operated upon
6 stationary rails and includes any person, partnership, association,
7 corporation, trustee, or receiver appointed by a court or any other
8 legal entity owning railroad tracks.

9 (2) "Road authority" means a governmental agency having

1 jurisdiction over public streets and highways. Road authority
2 includes the department, any other state agency, and county, city,
3 and village governmental agencies responsible for the construction,
4 repair, and maintenance of streets and highways.

5 (3) "Serious impairment of a body function" means that term as
6 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.58c.

8 (4) "Street railway" means an organization formed under the
9 laws of this state for the purpose of operating a street railway
10 system other than a railroad train for transporting persons or
11 property. A street railway system is operated upon rails
12 principally within a municipality utilizing streetcars, trolleys,
13 and trams for the transportation of persons or property. Such
14 organizations may accumulate, store, manufacture, conduct, use,
15 sell, furnish, and supply electricity and electric power. **STREET**
16 **RAILWAY DOES NOT INCLUDE A STREET RAILWAY ORGANIZED UNDER THE**
17 **NONPROFIT STREET RAILWAY ACT, 1867 PA 35, MCL 472.1 TO 472.31.**

18 (5) "Street railway system" means the facilities, equipment,
19 and personnel required to provide and maintain a public
20 transportation service. **STREET RAILWAY SYSTEM DOES NOT INCLUDE A**
21 **STREET RAILWAY SYSTEM UNDER THE NONPROFIT STREET RAILWAY ACT, 1867**
22 **PA 35, MCL 472.1 TO 472.31.**

23 (6) "Traffic control device" means a sign, signal, marking, or
24 other device placed on or adjacent to a street or highway by the
25 road authority having jurisdiction over that street or highway to
26 regulate, warn, or guide traffic.

27 (7) "Watchperson" means a railroad employee who is stationed

House Bill No. 6546 as amended December 11, 2008

1 at an at-grade crossing to signal to operators of vehicles
2 approaching the crossing of the impending movement of a train or
3 other railroad on-track equipment over the crossing.

4 **SEC. 450. THIS ACT DOES NOT APPLY TO A STREET RAILWAY**
5 **ORGANIZED UNDER THE NONPROFIT STREET RAILWAY ACT, 1867 PA 35, MCL**
6 **472.1 TO 472.31.**

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 94th Legislature are
9 enacted into law:

10 <<(a) Senate Bill No. 1104.>>
 <<~~(a)~~ (b) >> Senate Bill No. 1588.
11 <<~~(b)~~ (c) >> Senate Bill No. 1589.
12 <<~~(e)~~ (d) >> Senate Bill No. 1590.
13 <<~~(d)~~ (e) >> Senate Bill No. 1592.