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BILL



ANALYSIS

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Senate Bill 115 (as enacted)
Sponsor: Senator Ray Basham
Senate Committee: Transportation
House Committee: Transportation

PUBLIC ACT 106 of 2010

Date Completed: 8-3-10

RATIONALE

Highway-railroad grade crossings can be dangerous both for trains and for motorists crossing the tracks. In 2009, there were 1,905 incidents at railroad crossings nationwide, resulting in 245 deaths and 707 injuries, according to the Federal Railroad Administration. For safety reasons, Federal regulations require locomotive engineers to warn motorists that there is an approaching train by sounding the horn before entering an intersection, except in designated quiet zones. Historically, engineers had to sound the horn one quarter of a mile in advance of a crossing, repeating a pattern of two long, one short, and one long blast as the train approached the highway. A whistle post, consisting of a black W on a white diamond-shaped background, was placed along the track at the appropriate place to notify the engineer that there was a crossing ahead and as a reminder to sound the horn.

The Federal Railroad Administration found that for slow-moving trains, the quarter-mile requirement was excessive. Under 2005 revisions to the regulations, the warning must be given 15 to 20 seconds before the train enters the crossing, rather than a quarter-mile ahead. Trains that are traveling 60 miles an hour or faster still must sound the horn one quarter of a mile before the intersection, even if the warning period is less than 15 seconds; if the engineer cannot accurately estimate the time before entering the intersection, the horn may be sounded up to 25 seconds in advance.

The revised regulations do not include a specific requirement to erect whistle posts

ahead of each grade crossing, although states may enact requirements in addition to the Federal standard if they choose. It was suggested that Michigan should impose such a requirement, to ensure the safety of public railroad crossings.

CONTENT

The bill amended the Railroad Code to require a railroad to erect and maintain a whistle post in advance of a public crossing or multiple consecutive crossings to notify the engineer of an approaching public crossing.

The bill took effect on July 1, 2010.

MCL 462.318

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill will increase the safety of highway railroad crossings, by ensuring that whistle posts are erected and maintained before each of the 5,365 public crossings in Michigan. Sounding the horn before entering an intersection is the most effective way to prevent accidents, particularly at ungated crossings. In bad weather or conditions of low visibility, however, the operator may have difficulty seeing the crossing ahead or estimating the distance to the next crossing. The whistle posts will give engineers advance warning of an

approaching highway and serve as a signal to sound the horn. Several states reportedly have enacted similar requirements. The bill will impose only minimal costs on railroad owners, since most crossings already have whistle posts. The owner of the line will be responsible for putting up and maintaining the signs even if more than one railroad company uses the track.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.