

PROCEEDING THROUGH INACTIVE RAILROAD TRACK CROSSING

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House Bills 4319 and 4320

Sponsor: Rep. Aric Nesbitt

Committee: Transportation and Infrastructure

Complete to 4-20-15

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Acts 128 & 129 of 2015)

SUMMARY:

Both bills, generally speaking, would rewrite provisions that describe the circumstances under which buses and similar vehicles need not stop at railroad crossings.

House Bill 4319 would amend the Michigan Vehicle Code (MCL 257.669). House Bill 4320 would amend the Pupil Transportation Act (MCL 257.1857), the act that regulates school buses; the amendments would put new language in school bus provisions to make them more like the provisions in the Vehicle Code.

Under the Vehicle Code, certain vehicles must stop before crossing a railroad track, activate vehicle hazard lights, and listen and look in both directions for an approaching train before crossing. This applies, for example, to the driver of a motor vehicle transporting 16 or more passengers and a vehicle carrying passengers for hire. However, a stop need not be made at an "abandoned" railroad track crossing. House Bill 4319 would say instead that a stop need not be made at an "inactive" railroad track crossing.

To be "inactive," a railroad track must have been covered or removed, and all signs, signals, and other warning devices must have been removed. However, unlike under current law, the track need not have been considered abandoned under federal law.

Also currently, a stop need not be made at an industrial or spur line railroad grade crossing marked with a sign reading "Exempt." House Bill 4319 would remove the underlined words to make the provision apply to all crossings marked as exempt. Under the code, "exempt" signs can only be erected with the consent of the Michigan Department of Transportation and only after notice and an opportunity for a hearing have been provided to all railroads operating over the crossing. House Bill 4319 would require only that the primary railroad be notified.

House Bill 4320 would put the same standards described above in the Pupil Transportation Act, the act that applies to school buses. Under that bill, the term "inactive" would replace "abandoned," and the language regarding railroad crossings with "Exempt" signs would be newly added to the act.

FISCAL IMPACT:

The fiscal impact would be very minimal, according to the Department of Transportation.

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