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BILL ANALYSIS



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House Bills 4319 and 4320 (as passed by the House)
Sponsor: Representative Aric Nesbitt
House Committee: Transportation and Infrastructure
Senate Committee: Transportation

Date Completed: 6-9-15

CONTENT

House Bills 4319 and 4320 would amend the Michigan Vehicle Code and the Pupil Transportation Act, respectively, to revise exceptions to the requirement that certain vehicles stop and follow specific procedures before crossing a railroad track. House Bill 4319 would apply to the driver of a motor vehicle transporting at least 16 passengers or hazardous materials or carrying passengers for hire. House Bill 4320 would apply to a school bus driver.

The bills are described below in further detail.

House Bill 4319

Under the Vehicle Code, before crossing a railroad track at grade, the driver of a motor vehicle transporting at least 16 passengers, carrying passengers for hire, or transporting hazardous materials must activate the vehicle hazard warning lights and stop the vehicle between 50 and 15 feet from the nearest rail. While stopped, the driver must listen and look in both directions for an approaching train and for signals indicating a train's approach, and may proceed only when he or she can do so safely. A violation of these requirements is a civil infraction.

The Code describes situations in which a stop does not have to be made, including at an abandoned railroad track grade crossing. "Abandoned railroad track" means a railroad track that meets all of the following requirements:

- The track has been abandoned pursuant to Federal law.
- The track has been covered or removed.
- All signs, signals, and other warning devices are removed.

The bill would refer to an "inactive" railroad track grade crossing rather than an "abandoned" one. The second and third criteria in the definition of "abandoned railroad track" would apply to an inactive railroad track; the bill would delete the reference to abandonment pursuant to Federal law.

The Code also provides that a stop does not have to be made at an industrial or spur line railroad grade crossing marked with a sign reading "exempt". The bill would delete the reference to an industrial or spur line. The Code specifies that exempt signs may be erected only by or with the consent of the Michigan Department of Transportation (MDOT) after notice to and an opportunity to be heard by all railroads operating over that industrial or spur line.

The bill instead would require notice to and an opportunity to be heard by the primary railroad operating over that crossing.

House Bill 4320

The Pupil Transportation Act contains railroad crossing requirements applicable to bus drivers similar to those prescribed in the Vehicle Code, and includes a similar exception in the case of an abandoned railroad track grade crossing. The bill would refer to an inactive railroad track grade crossing rather than an abandoned one.

Additionally, the bill would add an exception identical to the one contained in the Vehicle Code, as it would be amended by House Bill 4319, for a railroad grade crossing marked as "exempt", subject to the same requirements regarding MDOT consent, notice, and the opportunity to be heard.

A violation of the Act's railroad crossing requirements is a civil infraction.

MCL 257.669 (H.B. 4319)
257.1857 (H.B. 4320)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: John Maxwell

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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.