

SENATE BILL No. 645

November 2, 2017, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to promote the safety and security of rail fixed guideway public transportation systems operating within this state; to designate the office of rail within the state transportation department as the state safety oversight entity for this state; to provide for the powers and duties of the state safety oversight entity; and to provide for the enforcement of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Corrective action plan" means a plan developed by a rail
3 transit agency that describes the actions that the rail transit
4 agency will take to minimize, control, correct, or eliminate risks
5 or hazards, and the schedule for taking those actions.

6 (b) "Covered rail fixed guideway public transportation system"

1 means a transit system operating within this state that is subject
2 to the state safety oversight requirements under 49 CFR 659 and 49
3 CFR 674.

4 (c) "Department" means the state transportation department.

5 (d) "Hazard" means a real or potential condition that can
6 cause injury, illness, or death; damage to or loss of facilities,
7 equipment, rolling stock, or infrastructure of a rail fixed
8 guideway public transportation system; or damage to the
9 environment.

10 (e) "Investigation" means a process of determining the causal
11 and contributing factors of an accident, incident, or hazard to
12 prevent recurrence and mitigate risk.

13 (f) "Rail fixed guideway public transportation system" means a
14 fixed guideway system, including a fixed guideway system that is in
15 the process of engineering or construction, that uses rail, is
16 operated for the purpose of public transportation, is within the
17 jurisdiction of a state, and is not subject to the jurisdiction of
18 the Federal Railroad Administration. Rail fixed guideway public
19 transportation system includes, but is not limited to, a rapid
20 rail, heavy rail, light rail, monorail, trolley, streetcar,
21 inclined plane, funicular, and automated guideway system.

22 (g) "Rail transit agency" means an entity that provides
23 services on a rail fixed guideway public transportation system.

24 (h) "State safety oversight entity" means the office of rail
25 within the state transportation department designated under section
26 5.

27 Sec. 3. The state safety oversight entity has the power and

1 duty to supervise and regulate covered rail fixed guideway public
2 transportation systems operating within this state in compliance
3 with all applicable federal laws and regulations, including, but
4 not limited to, 49 USC 5329, 49 CFR 659, and 49 CFR 674, to the
5 extent necessary to fulfill obligations under federal law,
6 including investigative, reporting, and safety standards
7 enforcement requirements.

8 Sec. 5. (1) In accordance with Executive Order No. 2003-14,
9 the office of rail within the state transportation department is
10 designated as the state safety oversight entity as required by 49
11 USC 5329(e) (4).

12 (2) The state safety oversight entity has all of the following
13 powers and duties, only to the extent necessary to fulfill its
14 obligations under federal law and to protect employees, patrons,
15 the general public, and physical assets:

16 (a) Enter and inspect the property of the operator of a
17 covered rail fixed guideway public transportation system without
18 prior notice to the operator.

19 (b) Audit a covered rail fixed guideway public transportation
20 system for compliance with federal and state laws and regulations
21 regarding the safety of rail fixed guideway public transportation
22 systems and compliance with rail transit agency rules, plans, and
23 procedures.

24 (c) Audit a covered rail fixed guideway public transportation
25 system for compliance with federal and state laws regarding the
26 security and emergency preparedness of rail fixed guideway public
27 transportation systems and compliance with rail transit agency

1 rules, plans, and procedures.

2 (d) Audit and inspect a covered rail fixed guideway public
3 transportation system for an identified hazard, occurrence, or
4 trend at the direction of the state safety oversight entity, the
5 Federal Transit Administration, or the National Transportation
6 Safety Board.

7 (e) Investigate an accident, incident, or hazard at a covered
8 rail fixed guideway public transportation system. The state safety
9 oversight entity may conduct an investigation described in this
10 subdivision independently, may lead or conduct the investigation
11 with the participation of a rail transit agency, or may review and
12 approve investigative reports generated by a rail transit agency.

13 (f) Require the operator of a covered rail fixed guideway
14 public transportation system to initiate a corrective action plan
15 to mitigate a hazard.

16 (g) Direct the operator of a covered rail fixed guideway
17 public transportation system to mitigate a hazard by a specified
18 date and time.

19 (h) Oversee the implementation of a corrective action plan by
20 a covered rail fixed guideway public transportation system and
21 provide verification or approval of completion or resolution of the
22 hazard.

23 (i) Take action, either through an administrative hearing or
24 in a court of competent jurisdiction, to compel the operator of a
25 covered rail fixed guideway public transportation system to
26 mitigate a safety hazard or to prevent the operation of all or part
27 of a covered rail fixed guideway public transportation system that

1 the state safety oversight entity has determined to be unsafe.

2 (j) Audit, review, approve, and oversee the operator of a
3 covered rail fixed guideway public transportation system for
4 compliance with a public transportation agency safety plan adopted
5 under 49 USC 5329(d).

6 (k) Enforce the laws and rules of this state related to the
7 operation and maintenance of a covered rail fixed guideway public
8 transportation system in this state, to the extent that enforcement
9 is consistent with federal law.

10 (l) Promulgate rules and regulations as may be necessary to
11 comply with 49 USC 5329, 49 CFR 659, 49 CFR 670, and 49 CFR 674.

12 Sec. 7. (1) The state safety oversight entity is legally and
13 financially independent of the covered rail fixed guideway public
14 transportation systems in this state.

15 (2) A covered rail fixed guideway public transportation system
16 shall not fund state safety oversight activities.

17 (3) The activities of the state safety oversight entity shall
18 be governed by a conflict of interest policy.

19 Enacting section 1. This act takes effect 90 days after the
20 date it is enacted into law.