



Senate Fiscal Agency
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House Bill 4252 (Substitute H-1 as passed by the House)
Sponsor: Representative Tim Sneller
House Committee: Transportation
Senate Committee: Transportation and Infrastructure

Date Completed: 3-9-22

CONTENT

The bill would amend the Railroad Code to do the following:

- **Modify the amounts a road authority would have to pay annually for maintenance to a railroad for each public railroad grade crossing with certain active traffic control devices not covered by a railroad-road authority agreement.**
- **Increase by 6.64% the amounts a road authority would have to pay for each public railroad grade crossing with certain active traffic control devices, beginning January 1, 2024, and on January 1 of each even-numbered year thereafter.**

The bill would take effect July 1, 2022.

Under the Code, the Michigan Department of Transportation (MDOT) may prescribe active traffic control devices to warn of the approach of trains about to cross a street or highway at public railroad grade crossings consisting of signals with signs, circuitry, or crossing gates and other appurtenances as depicted in the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) and in accordance with Section 301 of the Code.

(The MMUTCD provides the State's standards for all traffic devices installed on any street, highway, bikeway, or private road open to public travel. Section 301 of the Code requires MDOT to assess the physical conditions and safety needs of grade crossings of railroad tracks, by request or of its own interest, by scheduling a diagnostic team study and to come to a mutual agreement with the diagnostic team concerning the physical conditions, safety needs, and future actions to be taken concerning the study. The Section also specifies that a railroad or road authority may fund the cost of action taken as a result of a study first with Federal funds and second with State funds obtained through the railroad grade crossing account of the State Trunkline Fund.)

Except as otherwise provided, the Code requires the cost of installation, alteration, or modernization of active traffic control devices to be at equal expense of the railroad and road authority. After initial installation, all active traffic control devices, circuitry, and appurtenances at crossings must be maintained, enhanced, renewed, and replaced by the railroad at its own expense, except that the road authority must pay annually the amounts as shown in the table below for maintenance to the railroad for each crossing with certain active traffic control devices not covered by existing or future railroad-road authority agreements. The bill would modify the amounts that the road authority would have to pay, also as shown in the table below.

Type of active traffic control device	Current law	House Bill 4252 (H-1)
Flashing signals on a single track	\$1,271	\$1,427
Flashing signals and gates on a single track	\$1,978	\$2,867
Flashing signals with cantilever arm on a single track	\$1,481	\$2,105
Flashing signals with cantilever arm with gates on a single track	\$2,389	\$3,239
Flashing signals and gates on multiple tracks	\$2,257	\$3,394
Flashing signals with cantilever arms and gates on a multiple track	\$2,398	\$4,352
Flashing signals on a multiple track	\$1,269	\$1,698
Flashing signals with cantilever arms on a multiple track	\$1,375	\$2,167

("Road authority" means a governmental agency having jurisdiction over public streets and highways and includes MDOT, any other State agency, and county, city, and village governmental agencies responsible for the construction, repair, and maintenance of streets and highways.)

In addition, the bill would increase by 6.64% the amounts a road authority would have to pay as described above, beginning January 1, 2024, and on January 1 of each even-numbered year thereafter.

The Code requires MDOT to complete a study to determine the cost of maintenance of active traffic control devices and to forward a copy of the study to the members of the House and Senate committees that consider railroad legislation, by January 1, 2010, and every 10 years thereafter. The Department must consult with the railroad and local road authority representatives when completing the study to determine the cost of maintenance. The bill would delete these requirements.

MCL 462.315

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a minor negative fiscal impact on the Department and minor to modest negative fiscal impact on local road agencies, depending the number of rail crossings located within a particular local agency's jurisdiction. The cost sharing amounts for maintenance at some types of crossings would double; at others, the increase would be just over 10%. The bill would affect about 2,500 rail grade crossings, but data are not available for an estimated cost per local road agency.

The Department would save on some minor administrative costs, as it no longer would have to conduct the study currently required under Section 315 of the Railroad Code.

Fiscal Analyst: Michael Siracuse

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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.