RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS
Act 63 of 2018

AN ACT 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.

History: 2018, Act 63, Eff. June 12, 2018.

The People of the State of Michigan enact:

247.781 Definitions.

Sec. 1. As used in this act:

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

(b) "Covered rail fixed guideway public transportation system" means a transit system operating within this state that is subject to the state safety oversight requirements under 49 CFR 659 and 49 CFR 674.

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

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

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

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

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

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

History: 2018, Act 63, Eff. June 12, 2018.

247.783 State safety oversight entity; powers and duties.

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

History: 2018, Act 63, Eff. June 12, 2018.

247.785 Office of rail; designation as state safety oversight entity; powers and duties; limitation.

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

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

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

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

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

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and compliance with rail transit agency rules, plans, and procedures.

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

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

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

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

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

(i) Take action, either through an administrative hearing or in a court of competent jurisdiction, to compel the operator of a covered rail fixed guideway public transportation system to mitigate a safety hazard or to prevent the operation of all or part of a covered rail fixed guideway public transportation system that the state safety oversight entity has determined to be unsafe.

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

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

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

History: 2018, Act 63, Eff. June 12, 2018.

247.787 State safety oversight entity; legal and financial independence; funding; limitation; activities; conflict of interest policy.

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

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

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

History: 2018, Act 63, Eff. June 12, 2018.

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