

RAILROADS (EXCERPT)

Act 300 of 1909

462.2 Michigan railroad commission; qualifications and duties of commissioners; removal; pecuniary interest prohibited; oath; compensation and expenses; chairperson; meetings; quorum; vacancy; investigations, inquiries, and hearings; employees and appointments; offices; rules; conferences.

Sec. 2. (1) The commissioners shall have the following qualifications: One shall be an attorney having knowledge of and experience in law relating to common carriers; the others shall have knowledge of traffic and transportation matters. Each of the commissioners shall devote to the duties of his office all the time necessary to insure the prompt and complete performance of all official duties, and the commission shall, so far as possible, arrange so that at all times during business hours, at least 1 member shall be in attendance at the principal office of the commission every business day in the year.

(2) The governor may at any time remove a commissioner for any neglect of duty or malfeasance in office. Before such removal, he shall give the commissioner a copy of the charges against him, and shall fix a time when he can be heard in his own defense, which shall not be less than 10 days thereafter, and the hearing shall be open to the public. If he shall be removed, the governor shall file in the office of the secretary of state a complete statement of the charges made against the commissioner and his finding thereon, with a record of the proceedings, it being herein provided and declared that such discretionary power in the governor to make such removal is a sound and reasonable discretion to be exercised for the good of the state, and not arbitrarily.

(3) A person so appointed shall not be pecuniarily interested in a railroad or in the business of transporting persons or property in this state or elsewhere, and if a commissioner shall voluntarily become so interested, his office shall ipso facto, become vacant. If a commissioner becomes so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interests; failing so to do, his office shall become vacant, and the governor shall proceed as provided for in subsection (2).

(4) Before entering upon the duties of his office, each of the commissioners shall take and subscribe the constitutional oath of office.

(5) The compensation of commissioners and the schedule for reimbursement of expenses shall be established annually by the legislature.

(6) The commissioners appointed under this act shall forthwith, after their appointment and qualification, meet at the city of Lansing and organize by electing 1 of their members chairman. On January 15 in each odd numbered year the commissioners shall meet at the offices of the commission and elect a chairman, who shall serve for 2 years and until his successor is elected. A majority of the commissioners shall constitute a quorum to transact business, and a vacancy shall not impair the right of the remaining commissioners to exercise all of the powers of the commission so long as the majority remains. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner when so directed by the commission or its chairman. All such investigations, inquiries or hearings of a commissioner shall be and be deemed to be the investigations, inquiries, and hearings of the commission, and every decision and order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the decision and order of the commission. An interested party shall be entitled to a rehearing before the full commission on request served upon the commission within 5 days after service of the order upon the party. In the absence of a quorum of the commission at the time appointed for a hearing before the commission, the hearing may be continued to a later date by a single member of the commission present or, in the absence of a member, by the secretary.

(7) The commission may appoint a secretary at a salary to be established annually by the legislature and a chief clerk at a salary to be established annually by the legislature, and employ not more than 5 clerks, and such inspectors, examiners and experts as may be necessary to perform what may be required of them, and shall fix their compensation. It shall be the duty of any such inspector, on the order of the commission, and he shall have the right to inspect all equipment, cars, power houses, trolley lines, tracks, and property of every common carrier as defined in this act. Each such inspector shall likewise have the right to inspect freight in cars or warehouses of those common carriers, and all waybills, bills of lading, and shipping receipts of such transportation companies, so that they may determine whether the classification and rating of the freight is in conformity with the published tariffs and classifications of the transportation companies. The inspectors shall be employed at a fixed compensation.

(8) The secretary shall take and subscribe to an oath similar to that of the commissioners, and shall keep full and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of a commissioner shall be ineligible to the office of secretary. The secretary shall devote his entire time to the office.

(9) The commission may appoint a chief inspecting engineer at a salary to be established annually by the legislature, to be fixed by the commission, whose duty it shall be under the instructions of the commission, to make such inspections and reports as may be ordered by the commission as regards the public safety, health, and convenience, and which the commission may deem essential to full and thorough information as to physical condition of the properties of the various common carriers of the state and the proper enforcement of the police regulations enacted for the control and management of the same. The engineer shall have such general knowledge of the requirements of railroad operation, signal appliances, and safety devices as shall fit him to perform the duties imposed upon him by the provisions of this act.

(10) The commission shall be known collectively as "Michigan railroad commission," and in that name may sue and be sued. It shall have a seal with the words "Michigan railroad commission," and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the court may take judicial notice.

(11) The commission shall have its offices at Lansing, and shall be provided suitable offices, necessary office furniture, supplies, stationery, books, periodicals, maps, printing, and all its necessary expenses shall be audited and paid as other necessary state expenses are audited and paid. The commission may hold meetings at other places than its offices when the convenience of the parties so requires. The commissioners, secretary, clerks, and inspectors and such experts as may be employed, shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the commission, such expenditures to be sworn to by the person who incurred the expense and to be approved by the chairman of the commission. Members of the commission, when traveling on official business of the commission pertaining to railroads, and employees of the commission when traveling on official business of the commission pertaining to railroads and by the direction of the commission, shall be carried free in performance of their duties, on all railroads within this state, upon all trains and cars, and upon any parts of those trains or cars. Any such person who shall suffer himself to be carried free on any train or car by any such railroad company, when not traveling on official business of the commission and not by direction of the commission, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment in the discretion of the court.

(12) The commission shall have the power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of common carriers and other parties before it, and all hearings shall be open to the public.

(13) The commission may confer by correspondence, by attending conventions, or otherwise, with the railroad commissioners of other states, with the interstate commerce commission, or with any other bodies considering any matters pertaining to common carriers.

History: 1909, Act 300, Eff. Sept. 1, 1909;—CL 1915, 8110;—CL 1929, 11018;—CL 1948, 462.2;—Am. 1975, Act 73, Imd. Eff. May 20, 1975.

Administrative rules: R 247.3101 et seq.; R 460.1 et seq.; R 460.2011 et seq.; and R 460.2051 et seq. of the Michigan Administrative Code.