

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.265 Stringing wire over and across railway right-of-way; procedures; construction of aerial crossings; dispute between parties; order.

Sec. 265. (1) A corporation or person shall not string any wire, electrical or other, over and across a railroad or street railway right-of-way unless 1 of the following procedures is followed:

(a) For crossings within the right-of-way of a public street, highway, road, or alley, notification shall first be given to the railroad company and railroad authority of the place and the manner in which the corporation or person desires to string any wire 30 calendar days prior to performance of the work unless the parties otherwise agree.

(b) For crossings at any other location not within the right-of-way of a public street, highway, road, or alley, notification shall first be given to the railroad company and railroad authority in writing of the place and the manner in which the corporation or person desires to string the wire and written or telegraphic permission shall be received from the railroad company and railroad authority prior to performance of the work. The railroad company shall respond positively or negatively to the request within 90 calendar days after the receipt of the request.

(2) Any aerial crossings shall be constructed in accordance with specifications of the Michigan public service commission and all applicable codes and laws.

(3) In case of a dispute emanating from subsections (1) and (2) which the parties cannot resolve within a reasonable time, either party may petition the department for a hearing. The department shall have jurisdiction to settle the dispute between the parties.

(4) Upon proof of violation of or failure to comply with subsections (1) and (2), a court of competent jurisdiction may issue an order immediately enjoining the violation.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994.