

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.325 Fencing in agricultural areas; other areas.

Sec. 325. (1) The department, after notice and hearing, may order a railroad to erect and maintain such fencing along railroad right-of-way in agricultural areas as shall be necessary to prevent livestock from entry upon that right-of-way. Such fencing shall not be required unless the other boundaries of the property are fenced.

(2) In agricultural areas, the cost and expense of installation, maintenance, and repair of fencing shall be borne by the railroad. However, if gates or cattle guards are necessitated by the existence of a farm crossing, the cost and expense of installation, maintenance, and repair of such gates or cattle guards shall be considered a cost of the crossing to be borne by the party requesting the gates or cattle guards.

(3) The owner or proprietors of the adjacent farm lands, upon 30 days' written notice to the railroad, may erect or repair the fence and then may recover from the railroad in any court of competent jurisdiction the cost of the fence, together with reasonable compensation for labor in the construction of the fence. The railroad shall also be liable for damages caused by its agents, engines, or cars to livestock by reason of the livestock escaping due to failure to construct or maintain a fence.

(4) The responsibility for and cost of installation, maintenance, and repair of fences in all other areas shall be borne by the property owner adjacent to the railroad unless the fencing is necessitated by the construction of new or the expansion of existing rail facilities, in which case the costs shall be borne by the railroad. The installation of fencing shall be consistent with the clearance requirement of this act. Conflicts between the parties shall be submitted to and decided by the department by order.

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