

RAILROADS (EXCERPT)
Act 300 of 1909

462.35 Rules regarding maximum speed limits; order; effective date of speed limit.

Sec. 35. (1) The state transportation department shall promulgate rules establishing the standards by which the director of the department shall determine maximum speed limits for railroad locomotives when used in passenger train operations and for passenger railroad trains. The rules shall provide that the director base his or her determinations on engineering, traffic, and safety inspections; on federal railroad safety standards; and on state on-site inspection criteria provided for in the rules.

(2) The speed limits established by the director shall designate expressly those portions of the railroad routes in this state to which the speed limits shall apply for passenger train operations. The maximum speed limit for passenger train operations may vary on specified portions of a route on the basis of safety and other factors.

(3) Before making a determination establishing a maximum speed limit, the director of the state transportation department shall give consideration to local governmental comments. After determining the maximum speed limit, the director of the state transportation department shall issue an order notifying each city, village, and township of the effective date of the speed limit, which date shall not be less than 30 days following the date of the order. The speed limit shall take effect on the specified date unless an appeal, by resolution of the local governing body or by the operating railroad, is filed with the state transportation commission before the proposed effective date of the speed limit as is set forth in the order. If a timely appeal is filed, the order shall not take effect within that city, village, or township unless the order is approved or modified by resolution of the state transportation commission following consideration of the appeal by the commission. If the commission approves or modifies an order by resolution, the effective date of the speed limit shall be established in the resolution of the commission, and the director shall issue a revised order with regard to that city, village, or township.

History: Add. 1984, Act 10, Imd. Eff. Feb. 16, 1984.