

## RAILROADS (EXCERPT)

### Act 300 of 1909

#### **462.6 Switch connection with private side track; order of commission; rules; spur track; payment of cost and expenses; disagreement.**

Sec. 6. (a) Any railroad, subject to the provisions of this act, upon application of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection with any private side track, when such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of same, and shall furnish cars and transport to the best of its ability any traffic tendered to, over or from such private side track, without discrimination in favor of or against any such shipper: Provided, This shall not be construed to compel a railroad to remove from or deliver on a private side track traffic tendered in less than car lots: Provided further, That shipments of live stock, perishable property and explosives shall have precedence over all other classes of merchandise. If any railroad shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper, any shipper may make complaint to the commission, as provided by section 22 of this act, and the commission shall make investigation of the same, and it shall determine as to the safety, practicability and justification thereof, and shall fix a reasonable compensation therefor, and the commission shall make an order as provided in section 22 of this act, directing the railroads to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the commission, other than orders for the payment of money. The commission shall have power, and is hereby authorized, to fix and establish reasonable switching rules and regulations, and establish reasonable limits for said switching and reasonable rates therefor, including rules and regulations regarding absorption of switching rates;

(b) Every railroad shall provide a reasonable, adequate and suitable spur track to and to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock or other industry or enterprise, wherever such spur track does not necessarily exceed 2 miles in length and is practically indispensable to the successful operation of any such industry or enterprise, and shall connect such spur track with its main track and operate the same in connection therewith: Provided, That such railroad may require the person or persons, firm, corporation or association primarily to be served thereby, to pay the legitimate cost and expense of acquiring by condemnation or purchase where necessary the rights of way for such spur track, and of constructing the same, in which case the total estimated cost thereof shall be deposited with the railroad before the railroad shall be required to incur any expense whatever therefor. No railroad shall, however, be required to provide a spur track where it is unusually unsafe and dangerous: Provided, That in the event of the failure of said shipper and the said railroad to agree, the necessity for, reasonableness of, and practical safety of such spur track and connection and the operation thereof shall be decided by the said public utilities commission upon complaint and hearing as provided in section 22 of this act.

**History:** 1909, Act 300, Eff. Sept. 1, 1909;—CL 1915, 8114;—Am. 1921, Act 390, Eff. Aug. 18, 1921;—CL 1929, 11022;—CL 1948, 462.6.

**Compiler's note:** For provisions of section 22, referred to in this section, see MCL 462.22.