

Legislative Analysis



TRANSIT POLICE OFFICERS AND STREETCARS

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House Bill 5368 as introduced
Sponsor: Rep. Tyrone A. Carter

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5369 as introduced
Sponsor: Rep. Graham Filler

Committee: Judiciary
Complete to 3-10-20

SUMMARY:

House Bill 5368 would amend the Michigan Commission on Law Enforcement Standards (MCOLES) Act, and House Bill 5369 would amend several chapters of the Michigan Vehicle Code, to include transit police officers as, respectively, law enforcement officers and police officers under those acts. HB 5369 also would add to the Vehicle Code regulations for streetcars, streetcar tracks, street railways, and street railway systems, including a new chapter concerning streetcars.

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Among other things, the MCOLES Act prescribes licensing standards for *law enforcement officers* in Michigan that require an individual to meet certain minimum levels of training, education, physical ability, psychological and character fitness, reading and writing proficiency, and other categories before he or she can be employed as a law enforcement officer in this state.¹ The act defines *law enforcement officer*, for its purposes, to mean an individual employed by a law enforcement agency in one of several positions specified by the act, including, for example, arson investigators, railroad police officers, the sergeants at arms of the legislature, conservation officers of the Department of Natural Resources, and investigators of the attorney general under the Health Care False Claims Act.

The bill would amend the definition of *law enforcement officer* under the MCOLES Act to include a *transit police officer* employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act. Under the bill, the training standards and other applicable provisions of the MCOLES Act that now generally apply to a law enforcement officer would generally apply to a *transit police officer* described above.

MCL 28.602

¹ See https://www.michigan.gov/documents/mcoles/Standards_List-2-14-2020_681784_7.pdf

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The Michigan Vehicle Code currently defines *police officer*, for its purposes, as any of six listed positions, including an officer of the Department of State Police; an officer of a city, village, or township police department; a sheriff or sheriff's deputy; a village or township marshal; and a peace officer licensed under the MCOLES Act.

The bill would amend the definition to include a *transit police officer* employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act who is licensed under the MCOLES Act. The duties, responsibilities, and powers that the Vehicle Code now generally provides to a police officer would, under the bill, generally be provided to a *transit police officer* described above.

Streetcars and street railways

The bill would further amend the Vehicle Code to add or amend definitions of *streetcars*, *streetcar tracks*, *street railways*, and *street railway systems* to separate and differentiate these systems from railroads, railroad tracks, and railroad trains. (Definitions of the latter terms would be amended to exclude streetcars.)

Streetcar would mean a car other than a railroad train for transporting persons or property operated on stationary rails, including a streetcar operated as part of a street railway system. (The term currently means a car other than a railroad train for transporting persons or property and operated upon rails, principally within a municipality.)

Streetcar track would mean a stationary rail owned by a street railway that is part of a street railway system.

Street railway would mean a nonprofit corporation organized under Part 5 of the Recodified Tax Increment Financing Act for the purpose of operating a street railway system other than a railroad train for transporting individuals or property. (The term would include a nonprofit corporation incorporated by one or more members of the board of directors of a street railway to finance a street railway system or to assist the street railway in acquiring, owning, constructing, furnishing, equipping, completing, operating, improving, or maintaining a street railway system.)

Street railway system would mean the facilities, equipment, and personnel required to provide and maintain a public transportation system operated on rails at grade or above or below ground within a city, village, or township utilizing streetcars, trolleys, light rail vehicles, or trams for the transportation of individuals or property. (The term would include necessary power feeds, signals, and stops or stations within a public right-of-way, but would not include facilities and improvements that are not required to maintain a public transportation system.)

Blocking, delaying, or interfering with the movement of streetcars

The bill would amend various provisions of the Vehicle Code that now generally deal with vehicles and vehicular traffic to prevent, or provide for the removal of, vehicles or other impediments that could block, delay, or otherwise interfere with the movement of streetcars on a streetcar track, including provisions concerning the following:

- Vehicles that are broken down or involved in accidents (section 618a)
- Parked vehicles, bicycles, and electric skateboards with handlebars (sections 660d and 674)
- Standing or unattended vehicles or bicycles (section 673)
- Impeding traffic with a barricade, object, device, or oneself (section 676b)
- Impeding traffic with a low-speed vehicle, moped, electric personal assistive mobility device, electric skateboard, or motorcycle (section 660)
- Circumstances (such as potential to block a streetcar) that would allow for travel in lanes other than the generally prescribed far right-hand lane (sections 634 and 660a)

The bill would allow the governing body of a county, city, township, village, or interlocal entity created under the Urban Cooperation Act to prohibit operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on a street that includes streetcar tracks. The bill would also allow a unit of the public body that employs transit police officers to implement and administer a program to authorize and use persons other than police officers as volunteers to issue citations for certain parking violations, including parking in a manner that blocks, delays, or otherwise interferes with the movement of a streetcar on a streetcar track.

Chapter VIA

Finally, the bill would add a new Chapter VIA (Streetcars) to provide regulations related to traffic, streetcar passenger conduct, and the removal of vehicles, bicycles, or other property that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.

Under the bill, a person could not do any of the following:

- Board or attempt to board a streetcar for a purpose other than buying a fare; interfere with the collection or verification of a fare; fail to carry or refuse to provide proof of payment of a fare while on a streetcar or in a streetcar station; or help anyone else to do these things.
- Enter, remain, occupy, or use a streetcar station for a purpose other than waiting for, boarding, or disembarking from a streetcar or other public transit vehicle or buying a fare.
- Smoke any substance, use an e-cigarette, carry lighted tobacco, or spit on a streetcar or in a station.
- Bring an animal, other than a service animal, on a streetcar or in a station.
- Litter on a streetcar or in a station.
- Eat, drink, or carry an open container of food or beverage on a streetcar or in a station. This would not apply to children under two years of age; it would not restrict or prohibit a nursing mother from nursing her child.

- Bring onto a streetcar or into a station a shopping cart or a package or other object that blocks the streetcar’s aisle or doors.
- Play a musical instrument, radio, or an electronic audio or video playback device without the use of earphones audible only to the person playing the device.
- If unauthorized, make excessive or unnecessary noise, including boisterous, disruptive, or otherwise loud conduct that may interfere with the streetcar’s operation or its employees or annoy other passengers.

A person who violated any of the above would be responsible for a civil infraction.

The bill would require the driver of a bicycle or vehicle proceeding on a streetcar track in front of a streetcar to remove the bicycle or vehicle from the streetcar track as soon as practicable after a signal from the streetcar operator. The driver of a bicycle or vehicle could not drive on or cross the streetcar track within an intersection in front of a streetcar that had started to cross the intersection. The driver of a bicycle or vehicle could not, when passing a streetcar, turn in front of the streetcar in a way that impeded or interfered with its movement. A person who violated any of the above would be responsible for a civil infraction.

Finally, the bill would allow a law enforcement agency to immediately remove, at the owner’s expense, a bicycle, vehicle, cargo, or other personal property that is determined to be parked or standing on a street in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. The street railway or law enforcement agency that removed the items would only be liable for claims of gross negligence.

Law enforcement agency would mean the Department of State Police, the county sheriff’s office, the police department of a local unit of government, or the transit police unit of a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act.

MCL 257.42 et seq. and proposed MCL 257.790 et seq.

BACKGROUND:

The bills would include under the definitions of law enforcement officer and police officer, respectively, a *transit police officer* employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act of 1967 between a city and an authority under the Metropolitan Transportation Authorities Act.

It is our understanding that this reference applies only to transit police of the Detroit Transportation Corporation (DTC), the operator of the Detroit People Mover.

The Detroit People Mover project was initially a project of the Southeastern Michigan Transportation Authority (SEMTA). In 1985, DTC was organized to oversee completion of the project and to administer ongoing operations of the Detroit People Mover.

DTC was organized through a 1985 interlocal agreement between SEMTA and the city of Detroit under provisions of the Urban Cooperation Act. The interlocal agreement provided for a six-member board, five members representing the city of Detroit and one member from SEMTA. The board currently consists of five members representing the city and one member representing SMART. DTC is considered a component unit of the city of Detroit for financial reporting purposes.

It is our understanding that DTC transit police also provide security for the private nonprofit M-1Rail/Q-Line through contractual agreement.

The bills do not apply to any entities other than the DTC transit police.

(Note: M-1 Rail is private nonprofit street railway that operates the Q-Line streetcar in downtown Detroit under the Recodified Tax Increment Financing Act.)

FISCAL IMPACT:

The bills have no apparent fiscal impact on state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.