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House Bill 5369 (H-1 as passed by the House)  
Sponsor: Representative Graham Filler (H.B. 5369)  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 12-7-20

### **CONTENT**

**The bill would amend the Vehicle Code to do the following:**

- **Require the owner or another occupant of a motor vehicle involved in an accident to remove it away from a streetcar track if it were located in a place that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.**
- **Allow a law enforcement agency to remove or dispose of a motor vehicle and cargoes of vehicles involved in an accident if it were blocking a streetcar could delay or interfere with the movement of a streetcar on a streetcar track.**
- **Allow the driver of a vehicle to drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes were occupied by a street car or drive in any left-hand lane lawfully available to traffic moving in the same direction to avoid blocking, delaying, or otherwise interfering with the movement of a streetcar on a streetcar track.**
- **Prohibit a person from operating an electric personal assistance mobility device, low speed vehicle, electric skateboard, or moped from blocking, delaying, or otherwise interfering with the movement of a streetcar on a streetcar track.**
- **Allow the governing body of a county, city, village, entity created under the Urban Cooperation Act, or township to prohibit the use of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on a street that included streetcar tracks.**
- **Prohibit an individual from parking a bicycle or an electric skateboard equipped with handlebars on a highway or street in such a manner as to block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.**
- **Prohibit a vehicle from being parked on a streetcar track or in a manner that blocked, delayed, or otherwise interfered with the movement of a streetcar on a streetcar track.**
- **Modify various definitions.**

**The bill also would add Chapter 6A (Streetcars) to the Code to do the following:**

- **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 operator of the streetcar.**
- **Prohibit a person from boarding a streetcar for a purpose other than purchasing a streetcar fare.**

- **Prohibit a person from entering, remaining, occupying, or using a station that was part of a street railway system, including a shared station, except for certain purposes.**
- **Prescribe permitted and prohibited conduct on a streetcar.**
- **Allow a street authority to remove or cause to be removed a bicycle, vehicle, cargo, or personal property from the street to the nearest garage or other place of safety if it determined that the property was 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, and require the owner of the property to reimburse the street authority for all documented reasonable costs incurred in its removal, storage, and return.**

### Definitions

The Code defines "police officer" as any of the following:

- A sheriff or sheriff's deputy.
- A village or township marshal.
- An officer of the police department of any city, village, or township.
- An officer of the Michigan State Police.
- A peace officer who is trained and licensed or certified under the Michigan Commission on Law Enforcement Standards (MCOLES) Act.
- For purposes of enforcing Sections 215, 255, 631(1) other than for speed by noncommercial vehicle operators, 717, 719, 719a, 720, 722, 724, 725, and 726, a duly authorized agent of a county road commission meeting the requirements of Section 726c.

The bill would refer to a peace officer or law enforcement officer who is licensed under the MCOLES Act.

Additionally, "police officer" also would 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 was licensed under the MCOLES Act.

"Railroad" means a carrier of people or property upon cars, other than street cars, operated upon stationary rails. Under the bill, the term would mean a carrier of people or property on cars operated on stationary rails. The term would not include a streetcar on a street railway system. "Streetcar" means a car other than a railroad train for transporting people or property operated on rails, principally within a municipality. Under the bill, the term would mean a car other than a railroad train for transporting people or property operated on stationary rails, including a streetcar operated as part of a street railway system.

"Railroad track" means every pair or group of pairs, as the case may be, of any railroad or traction company, except municipal streetcar companies. Under the bill, the term would mean a stationary rail owned or used by a railroad. The term would not include a stationary rail used by a streetcar or that was party of a street railway system.

"Railroad train" means a steam engine, electric or other motor with or without cars coupled thereto, operated upon rails, except streetcars. Under the bill, the term would mean an engine or other motor, with or without cars coupled to the engine or motor, operated on railroad tracks.

The bill would define "streetcar track" as a stationary rail owned by a street railway that is part of a street railway system.

"Street railway" would mean that term as defined in Section 507 of the Recodified Tax Increment Financing act: a nonprofit corporation organized for the purpose of operating a street railway system other than a railroad train for transporting individuals or property. The term includes a nonprofit corporation incorporated under the Nonprofit Corporation Act by a street railway, or by one or more members of the board of directors of a street railway for the purpose of assisting the street railway in acquiring, owning, constructing, furnishing, equipping, completing, operating, improving, or maintaining a street railway system or for the purpose of financing a street railway system.

"Street railway system" would mean that term as defined in Section 507 of the Recodified Tax Increment Financing Act: 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 also includes necessary power feeds, signals, and stops or stations within a public right-of-way. The term excludes facilities and improvements that are not required to maintain a public transportation system

### Vehicle Accident

Under the Code, unless the operator of a motor vehicle involved in an accident knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident, the operator or any other occupant of the motor vehicle who possesses a valid driver license must remove the motor vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway if both of the following apply:

- Moving the motor vehicle may be done safely.
- The motor vehicle is capable of being normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway.

Under the bill, the operator or any other occupant also would have to remove the motor vehicle, if it were located in a place that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, away from the streetcar track if both of the circumstances above applied.

The Code allows a law enforcement agency, without consent of the owner or operator and with the assistance of the Michigan Department of Transportation, other road agencies, fire department, emergency management, or other local public safety agencies, street railway or towing or recovery companies under the direction of any of those agencies to remove and dispose of motor vehicles and cargoes of vehicles involved in accidents, including personal property, from the main traveled portion of a roadway and the right-of-way if the vehicle, cargo, or personal property is blocking the roadway or right-of-way or may otherwise endanger public safety.

Under the bill, a law enforcement agency also could remove and dispose of motor vehicles and cargoes of vehicles involved in accidents from the main traveled portion of a roadway and the right-of-way with the assistance of street railway companies, and could do so if the motor vehicle, cargo, or personal property were blocking a streetcar or could delay or interfere with the movement of a streetcar on a streetcar track.

The Code requires the owner or carrier, if any, of a motor vehicle, cargo, or personal property removed or disposed of as described above to reimburse the public agency, departments, and

towing companies, if any, for all documented reasonable costs incurred in that removal and disposal. The bill also would require the owner or carrier, if any, to reimburse a street railway.

#### Two-Lane Roadways for Travel in One Direction

The Code specifies that upon a roadway having two or more lanes for travel in one direction, the driver of a vehicle must drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.

Under the bill, a driver could drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes were occupied by a streetcar or drive in any left-hand lane lawfully available to traffic moving in the same direction to avoid blocking, delaying, or otherwise interfering with the movement of a streetcar on a streetcar track.

#### Mopeds, Motorcycles, & Quadricycles

The Code requires a person operating an electric personal assistive mobility device, low speed vehicle, electric skateboard, or moped upon a roadway to ride as near to the right side of the roadway as practicable, and to exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction. The bill would prohibit a person operating an electric personal assistance mobility device, low speed vehicle, electric skateboard, or moped from blocking, delaying, or otherwise interfering with the movement of a streetcar on a streetcar track.

The Code specifies that a motorcycle is entitled to full use of a lane, and a motor vehicle may not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This provision does not apply to motorcycles operated two abreast in a single lane. Under the bill, that provision also would not apply to the operation of a motorcycle in a manner that blocked, delayed, or otherwise interfered with the movement of a streetcar on a streetcar track.

The Code allows the governing body of a county, city, village, entity created under the Urban Cooperation Act, or township to prohibit the operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles in an area open to pedestrian traffic adjacent to a waterfront or on a trail under its jurisdiction or in a downtown or central business district. The bill also would allow those entities to prohibit the use of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on a street that included streetcar tracks.

#### Operating a Bicycle on a Highway or Street

The Code requires a person operating a bicycle upon a highway or street at less than the existing speed of traffic to ride as close as practicable to the right-hand curb or edge of the roadway except under certain circumstances. The bill would include among those exceptions when riding as close as practicable to the right-hand curb or edge of the roadway would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.

#### Parking a Bicycle or Electric Skateboard

The Code prohibits an individual from parking a bicycle or an electric skateboard equipped with handlebars on a highway or street in such a manner as to obstruct the movement of a

legally parked motor vehicle. The bill also would prohibit an individual from parking a bicycle or an electric skateboard equipped with handlebars on a highway or street in such a manner as to block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.

#### Removal of Illegally Stopped Vehicles

Under the Code, if a police officer finds a vehicle standing on a highway in violation of the provision of Chapter 6 (Obedience to and Effect of Traffic Laws), the officer may remove it, or require the driver or other person in charge of the vehicle to move it to a position off the paved or improved or main traveled part of the highway. If a police officer finds a vehicle unattended on any highway where it is an obstruction to traffic the officer may provide for its removal to the nearest garage or other place of safety. The necessary costs for removal are a lien on the vehicle and the person into whose custody it is given may retain it until the expenses involved are paid.

Instead, under the Code, if a police officer found a bicycle or vehicle standing on a highway in violation of the provision of Chapter 6, or standing on a highway in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, the officer could remove it, or require the driver or other person in charge of the bicycle or vehicle to move it to a position off the paved or improved or main traveled part of the highway, including any portion that included streetcar tracks.

If a police officer found a bicycle or vehicle unattended on any highway where it was an obstruction to traffic, or unattended in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, the officer could provide for its removal to the nearest garage or other place of safety. The necessary costs for removal would be a lien on the bicycle or vehicle and the person into whose custody it is given could retain it until the expenses involved are paid.

#### Prohibited Parking

The Code prohibits a vehicle from being parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in certain prescribed places. The bill would include among the list of prohibited places where a vehicle may be parked on a streetcar track or in a manner that blocked, delayed, or otherwise interfered with the movement of a streetcar on a streetcar track.

#### Volunteers to Issue Citations

Under the Code, except as otherwise provided, a law enforcement agency or a local unit of government may implement and administer a program to authorize and use people other than police officers as volunteers to issue citations for certain prescribed violations.

The bill would include among the list of prescribed violations parking in a manner that blocked, delayed, or otherwise interfered with the movement of a streetcar on a streetcar track in violation of Section 674(1)(bb), which the bill would add, or a local ordinance substantially corresponding to that section.

#### Chapter 6A (Streetcars)

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 operator of the streetcar. If a streetcar had started to cross an

intersection, the driver of a bicycle or vehicle could not drive on or cross the streetcar track within the intersection in front of the streetcar. The driver of a bicycle or vehicle, when overtaking and passing a streetcar, could not turn in front of a streetcar so as to interfere with or impede the movement of the streetcar.

A person who violated these provisions would be responsible for a civil infraction.

A person could not do any of the following:

- Board or attempt to board a streetcar for a purpose other than purchasing a streetcar fare, unless the person had purchased or was in the process of purchasing the fare or fare medium required by the street railway for the use of the street railway system.
- Interfere with the collection or verification of a fare or fare medium for the use of a street railway system.
- While on a streetcar or in a station that was part of a street railway system, fail to carry or refuse to provide on request by an officer, employee, or agent of a street railway or police officer, proof of payment of the fare required by the street railway for the use of the street railway system.
- Aid another person in violating any of the provisions described above.

A person who violated these provisions would be responsible for a civil infraction.

A person could not enter, remain, occupy, or use a station that was part of a street railway system, including a shared station, for a purpose other than one or more of the following:

- Waiting for or boarding the next arriving streetcar or other public transit vehicle at a shared station.
- Disembarking from a streetcar or other public transit vehicle at a shared station.
- Purchasing a fare or fare medium for the use of the street railway system or other public transit system.
- Performing an activity that the person was licensed to perform or was authorized to perform under a State permit.
- Waiting for up to 10 minutes for another passenger to disembark from a streetcar.

"Shared station" would mean a station that is part of a street railway system and that is used by both a street railway and a public transit provider pursuant to an agreement between the street railway and the public transit provider.

A person would violate the above provision only after remaining, occupying, or using the station for a period of time that exceeded the period of time necessary for the person to engage in an activity described above. A person who violated this provision would be responsible for a civil infraction.

A person could not smoke any substance, use an e-cigarette, carry lighted tobacco, or spit within or on a streetcar or station that is a part of a street railway system. A person who violated this provision would be responsible for a civil infraction.

A person could not bring, carry, or transport an animal other than a service animal or qualified animal on a streetcar or in any area of a station used by a street railway system. A person who violated this provision would be responsible for a civil infraction. "Qualified animal" would mean an animal that is not more than 25 pounds and is controlled in a cage. "Service animal" would mean that term as defined in Section 502c of the Michigan Penal Code. (Under that section, "service animal" means either of the following: that term as defined in 28 CFR 36.104 (any dog that is individually trained to do work or perform tasks for the benefit of an individual

with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability) or a miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.)

A person two years of age or older could not eat, drink, or carry an open container of food or beverage on a streetcar or within a station that was part of a street railway system. This provision would not restrict or otherwise prohibit a nursing mother from nursing her child. A person who violated this provision would be responsible for a civil infraction.

A person could not dispose of garbage, papers, gum, refuse, or another form of trash, on a streetcar or in a station that is part of a street railway system, except in receptacles designated for that purpose on the streetcar or in the station. A person who violated this provision would be responsible for a civil infraction.

A person could not bring or carry on a streetcar or into a station used by a street railway system either of the following:

- A package or other object of a size that could not be positioned in a manner that permitted the passage of people in the aisle of a streetcar or the entry and exit of people through the doors of a streetcar, or both.
- A commercial shopping cart.

A person could not do either of the following on a streetcar or within a station that was part of a street railway system:

- Except as otherwise provided, play a musical instrument, radio, or an electronic audio or video playback device, except when used with an earphone attachment audible only to the person playing the radio, or an electronic audio or video playback device.
- Without authorization from the street railway system, make excessive or unnecessary noise, including boisterous, disruptive, or unreasonably loud conduct that could interfere with the operation or safe use of the street railway system, annoy users of the street railway system, or negatively impact the functions of officers, employees, or agents of the street railway, or of police officers.

A street railway system could issue a permit for a person to play live music within a station. A person with a permit could play live music as provided in the permit. A person who violated this provision would be responsible for a civil infraction.

If a street authority determined that a bicycle, vehicle, cargo, or other personal property was 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 authority immediately could remove or cause to be removed the bicycle, vehicle, cargo, or personal property from the street to the nearest garage or other place of safety. If the street authority were a street railway, the street railway could not remove a bicycle, vehicle, cargo, or personal property under this subsection without first obtaining authorization from a police officer. The street authority would have to report the place to which a bicycle, vehicle, cargo, or personal property was removed to the nearest law enforcement agency as soon as practicable.

"Street authority" would mean a law enforcement agency or a street railway. "Law enforcement agency" would mean any of the following:

- The Department of State Police.
- The county sheriff's office.
- The police department of a local unit of government.

-- 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.

"Local unit of government" would a State university or college or a county, city, village, or township.

A street authority that removed or caused the removal of property (as described above), and any of the street authority's officers, employees, or agents, or anyone acting in good faith, and within the scope of, the authority conferred above, would not be liable for any damages or claims that could arise from the exercise or the failure to exercise any authority granted as described above, except for an act or omission amounting to gross negligence. As used in this provision, "gross negligence" would mean that term as defined in Section 606a: conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

The owner or carrier, if any, of a bicycle, vehicle, cargo, or personal property removed so as not to interfere with the movement of a streetcar on a streetcar track would have to reimburse the street authority for all documented reasonable costs incurred in its removal, storage, and return.

MCL 257.42 et al.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.