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SNOWMOBILE RAILROAD CROSSINGS

House Bill 5473 as enrolled
Public Act 30 of 1998
Second Analysis (3-19-98)

Sponsor: Rep. Michael A. Prusi
Committee: Conservation, Environment,
and Recreation

THE APPARENT PROBLEM:

To ensure safety, state law prohibits the operation of a snowmobile on a railroad or a railroad right-of-way. However, some snowmobile trails span territory where trains travel railroad tracks several times each day. Occasionally the trails and tracks intersect, raising the possibility of snowmobile-train accidents, and snowmobile driver injury.

Further, federal law and rules require that any crossing of a rail bed and railroad tracks be constructed and maintained by the railroad company that owns the track and right-of-way. Railroads are sometimes reluctant to provide crossings, especially for snowmobiles, both because they increase the risk of injury, and because of the possibility of increased construction, maintenance, and litigation costs.

In Marquette County, an unauthorized railroad crossing that has been part of a snowmobile trail for 11 years was recently scheduled to be closed by the Wisconsin Central Railroad because of an accident. The closed crossing would affect all snowmobilers using an 8-mile stretch of east-west connector trail (called Trail 8) in the Upper Peninsula. The crossing has been scheduled to close because the sight-lines of the snowmobilers who approach the crossing are obstructed by the terrain, and railroad officials have feared for snowmobilers' safety. During the last year, all of the local stakeholders have considered a number of relocation and reconstruction options for an alternate crossing, some of which would be expensive. (For example, an underground culvert would cost approximately \$150,000 to construct.)

There are over 5,800 miles of designated snowmobile trails in the state of Michigan, some of which have recently encountered reroutes or temporary closings because of ongoing disputes over the crossing of railroad grades by snowmobile trails. To enable snowmobile trails throughout Michigan to cross

railroad tracks more safely, some have proposed that a state law be enacted to allow crossings in certain circumstances.

THE CONTENT OF THE BILL:

House Bill 5473 would amend the Natural Resources and Environmental Protection Act to eliminate or ease certain prohibitions concerning snowmobiling. Generally, the bill would allow snowmobile trails to cross an at-grade crossing, or along a railroad right-of-way, if the crossing has been approved in writing by the owner of the right-of-way and each railroad company using the tracks. (However, a snowmobile trail or crossing could not be constructed on a right-of-way designated by the federal government as a high speed rail corridor.) Specifically, the bill would delete all references in the law concerning demonstration snowmobile trails located on railroad rights-of-way operated by the Lake State Railroad Company, the Detroit and Mackinaw Railway Company, and the Wisconsin Central Limited Railroad. Instead, the bill refers to the department's snowmobile trail grant program sponsors.

Under current law, snowmobile trails near railroad rights-of-way must be demarcated by signs and fences. The bill would eliminate the requirement for fencing. In addition, the bill would require that an at-grade crossing of the railroad right-of-way 1) be aligned as close as possible to 90 degrees to the railroad track being crossed, 2) be located where approach grades to the crossing are minimal, and 3) be located where the vision of a person operating a snowmobile will be unobstructed as he or she approaches the railroad tracks. House Bill 5473 also would require that an at-grade crossing of a railroad right-of-way be constructed and maintained by the railroad operator, at the sole cost of the trail operator. In addition, the

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bill would require that the trail operator indemnify the railroad right-of-way owner and the railroad operator against any claims associated with or arising from or incidental to the construction, maintenance, operation, and use of the trail or at-grade snowmobile trail crossing. Finally, the bill includes language specifying that a person who participates in the sport of snowmobiling "accepts the risks associated with that sport," and listing certain risks, including injuries and collisions, and risks associated with operating a snowmobile in the vicinity of a railroad right-of-way.

MCL 324.82126

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that House Bill 5473 would have no state or local revenue impact. (1-29-98)

ARGUMENTS:

For:

There are over 5,800 miles of designated snowmobile trails in the state of Michigan, many of which have recently encountered reroutes or temporary closings because of ongoing disputes over the crossing of railroad grades by snowmobile trails. This legislation will enable stakeholders in these disputes to develop crossings that are safer, since the bill makes explicit certain siting and grade guidelines when the crossings are located and constructed.

For:

In some parts of Michigan, snowmobilers constitute a robust part of the winter tourist economy. In this regard, snowmobiles are similar to other off-road recreational vehicles: tourists congregate in natural remote areas to experience the enjoyment of driving them along clear-cut trails located in woodlands. Since the Off-Road Vehicle (ORV) Act currently allows for recreational travel across designed railroad crossings, snowmobiles should be able to do the same. This legislation provides snowmobilers the same trail crossing travel options that ORV operators already exercise.

Against:

Snowmobile trails and train tracks should mix seldom, if ever: the risk of fatal injury to a snowmobiler, whose ability to hear an oncoming train is often impaired by the noise of his or her own machine or helmet, is simply too high.

Analyst: J. Hunault

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