



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

INCREASE RAILROAD FINES FOR TRAINS BLOCKING CROSSINGS

House Bill 5536
Sponsor: Rep. Raymond Basham
Committee: Transportation

Complete to 3-24-00

A SUMMARY OF HOUSE BILL 5536 AS INTRODUCED 3-22-00

House Bill 5536 would amend the Railroad Code of 1993 to increase the fines assessed against a railroad when a train blocks a railroad crossing.

Currently a railroad cannot permit a train to obstruct vehicle traffic on a public street or highway for longer than five minutes, although the law allows for an exception if the train was continuously moving at 10 or more miles per hour for up to seven minutes, or if the railroad can show that the incident occurred as a result of an accident, mechanical failure, or unsafe condition. The act also prohibits a railroad from permitting successive train movements to obstruct traffic, until all traffic previously delayed has been cleared. In addition, a railroad company cannot permit its employees to activate the traffic control devices at a railroad grade crossing for more than two minutes if there is no intention to move a train or track equipment through the crossing within 20 to 60 seconds.

Under the law, each offense of these rules is treated as a separate violation, and it is punishable by a fine of not more than \$500. However, if the railroad is willfully and negligently blocking vehicle traffic, the fine can be up to \$1,000 and the cost of prosecution. Finally, the law provides that all fines collected by a local unit of government in excess of \$10,000 each year are allocated so that 15 percent is retained by the local unit for enforcement costs, and 85 percent is deposited in a railroad grade crossing safety fund, to be used solely for grade crossing safety projects.

House Bill 5536 would increase fines for violations as follows: a) for a first offense, a fine of not more than \$500; b) for a second offense if the it occurred within five days of the first, a fine of more than \$500 but not more than \$5,000; and c) for a third or subsequent offense if it occurred within five days of the previous offense, a fine of more than \$500 but not more than \$10,000. Further, if the railroad willfully and negligently blocked vehicle traffic, the fine would be not more than \$10,000 and the cost of prosecution.

MCL 462.391

Analyst: J. Hunault

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