



HOUSE BILL No. 5536

March 22, 2000, Introduced by Rep. Basham and referred to the Committee on Transportation.

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 391 (MCL 462.391).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 391. (1) A railroad shall not permit a train to
2 obstruct vehicular traffic on a public street or highway for
3 longer than 5 minutes at any 1 time, except the obstruction shall
4 not be considered a violation under the following circumstances:

5 (a) If the train is continuously moving in the same direc-
6 tion at not less than 10 miles per hour for not longer than 7
7 minutes.

8 (b) If the railroad can show that the incident occurred as a
9 result of a verifiable accident, mechanical failure, or unsafe
10 condition.

1 (2) A railroad shall not permit successive train movements
2 to obstruct vehicular traffic on a public street or highway until
3 all vehicular traffic previously delayed by such train movements
4 has been cleared.

5 (3) A railroad company shall not permit its employees to
6 allow the activation of active traffic control devices at a rail-
7 road grade crossing for more than 2 minutes if there is no inten-
8 tion to move a train or track equipment through the crossing
9 within 20 seconds to 60 seconds after the activation of the
10 devices.

11 (4) Each offense under this section shall be a separate vio-
12 lation punishable ~~by a fine of not more than \$500.00 unless~~ AS
13 FOLLOWS:

14 (A) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500.00.

15 (B) FOR A SECOND OFFENSE IF THE SECOND OFFENSE OCCURRED
16 WITHIN 5 DAYS OF THE FIRST OFFENSE, A FINE OF MORE THAN \$500.00
17 BUT NOT MORE THAN \$5,000.00.

18 (C) FOR A THIRD OR SUBSEQUENT OFFENSE IF THE THIRD OR SUBSE-
19 QUENT OFFENSE OCCURRED WITHIN 5 DAYS OF THE PREVIOUS OFFENSE, A
20 FINE OF MORE THAN \$500.00 BUT NOT MORE THAN \$10,000.00.

21 (5) IF the railroad is willfully, deliberately, and negli-
22 gently blocking vehicular traffic, ~~and then~~ the fine shall be
23 not more than ~~\$1,000.00~~ \$10,000.00 and the costs of
24 prosecution.

25 (6) ~~(5)~~ All fines civil or otherwise collected by a local
26 unit of government in excess of \$10,000.00 annually from the

1 enforcement of a local ordinance substantially similar to this
2 section shall be allocated as follows:

3 (a) Fifteen percent shall be retained by each local unit of
4 government for costs of enforcement of the ordinance.

5 (b) Eighty-five percent shall be deposited in a railroad
6 grade crossing safety fund. The revenue collected in this fund
7 shall be used solely for railroad grade crossing safety projects
8 in these local units of government.