



**House
Legislative
Analysis
Section**

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RAILROAD GRADE MAINTENANCE

House Bill 5475

Sponsor: Rep. Judson Gilbert II

Committee: Transportation

Complete to 12-6-01

A SUMMARY OF HOUSE BILL 5475 AS INTRODUCED 11-29-01

House Bill 5475 would amend the Railroad Code of 1993 to require written permission from both a railroad and a road authority in order to begin grade maintenance work, alter the responsibility for some of that work, and prohibit either from charging the other a fee for the work.

Currently under the law, a railroad that owns tracks across a public street or highway at grade bears the cost to construct and maintain all railroad roadbed, track, and railroad culverts within the confines of the street, as well as for all the streets or sidewalks lying between the rails and also outside the rails, extending one foot beyond the ties. The road authority bears the cost to construct, improve, and maintain the remainder of the street or highway.

House Bill 5475 would alter this provision to specify that the road authority would bear the cost to construct, maintain, or improve the streets and sidewalks lying between the rails, and to repair the portion between the rails and the remainder of the street or highway. The bill would also prohibit the railroad from beginning such work without the written approval of the road authority. Likewise, under the bill the road authority would be prohibited from beginning work without the written approval of the railroad. Finally, the bill specifies that neither the railroad nor the road authority could charge any type of fee in connection with this work, including but not limited to, access fees or inspection fees.

MCL 462.309

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