

AMEND RAILROAD CODE (GRADE CROSSING COST)



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FISCAL ANALYSIS

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HOUSE BILL 5475 (H-2) AS REPORTED

Sponsor: Rep. Judson Gilbert

House Committee: Transportation

FLOOR ANALYSIS - 4/17/02

Analyst(s): William Hamilton

SUMMARY

The bill would amend Section 309 of the Railroad Code of 1993 (MCL 462.309) which governs responsibility for the construction and improvement of railroad grade crossings. Section 309 currently makes the railroad responsible for grade crossing construction and improvement in the area of the crossing lying between the rails and for a distance of 1 foot beyond the end of the ties. Section 309 makes the road authority responsible for the roadway next to the grade crossing starting 1-foot beyond the end of the ties. In this case "road authority" means the Michigan Department of Transportation, the county road commission, or the city or village, as applicable. HB 5475 would add a new subsection 7 which would permit a road authority, at its discretion and at its sole cost and expense, to perform any work described in Section 309 (including work for which the railroad would normally be responsible). The language is permissive and would not establish new responsibilities for road authorities. As a result, the new subsection would have no fiscal impact on state or local units of government.

The bill also adds a new subsection 8 which would prohibit either the railroad or road authority from charging an access fee, an inspection fee, or right of entry fee in connection with the performance of rail grade crossing work governed by Section 309. It is our understanding that such fees are rarely assessed and prohibiting against such fees would not have a material fiscal impact on state or local units of government.