

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5475 (Substitute H-2 as passed by the House)  
Sponsor: Representative Judson Gilbert II  
House Committee: Transportation  
Senate Committee: Transportation and Tourism

Date Completed: 5-13-02

### **CONTENT**

The bill would amend the Railroad Code to require a road authority to give notice to and receive approval from a railroad company before performing construction, maintenance, and repairs near railroad tracks.

Section 309 of the Code provides that a railroad company owning tracks across a public street or highway must construct and then maintain, renew, and repair all railroad roadbed, track, and railroad culverts within the confines of the street or highway, and the streets or sidewalks lying between the rails and outside the rails for a distance of one foot beyond the end of the ties. The railroad company must perform this work at its own expense. Section 309 further provides that the road authority must construct, improve, maintain, renew, and repair the remainder of the street or highway, at the road authority's expense. The section contains additional provisions regarding maintenance of existing crossings, alteration in elevation, repairs between curb lines or shoulder lines, and sidewalk repair or construction.

The bill states that nothing in Section 309 would prohibit a road authority, at its discretion and sole cost and expense, from performing any of the work described in the section, provided that the road authority gave notice to and received approval from the railroad.

The bill also would prohibit the railroad and the road authority from charging any type of access fee, inspection fee, or right of entry fee in connection with the performance of work described in this section.

MCL 462.309

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would permit a local road agency, at its discretion and cost, to perform work at an "at-grade" rail crossing, which would increase local costs. This cost would be completely borne by local road authorities as the bill would prohibit the railroads or the authorities from assessing fees for this work. The bill would not require local agencies to perform this work, but would allow them to assume this responsibility, which currently belongs to the railroads.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.