

Legislative Analysis



AMEND RAILROAD CODE: CROSSING CLOSURES

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House Bill 4190

Sponsor: Rep. David Robertson

Committee: Transportation

Complete to 6-28-05

A SUMMARY OF HOUSE BILL 4190AS INTRODUCED 2-3-05

House Bill 4190 would amend Section 307 of the Railroad Code of 1993. Under Section 307 a new public street, highway, or new nonmotorized trail may not be constructed across any railroad tracks, and new railroad tracks may not be constructed across any public street, highway, or nonmotorized trail until approval is granted by the Michigan Department of Transportation. Current law requires the department to grant permission for a new crossing if the proposed grade crossing is found [by the department] to be necessary, feasible, and made reasonably safe for crossing at grade. The section also indicates that the department shall require the installation of traffic control devices as it judges to be appropriate. The section also says that "*when a crossing necessitated by a new roadway across an existing track is permitted, the department shall simultaneously, after investigation and hearing, order the abolishment of 1 or more existing grade crossings having less than 100 vehicles a day within the same road authority jurisdiction, if the involved road authority and railroad may waive hearing thereon.*"

In those circumstances in which a new roadway crossing is permitted across an existing track, House Bill 4190, as introduced, would give the department authority to order the abolishment of 1 or more existing crossings within the same road authority jurisdiction when an existing crossing has fewer than 1,000 vehicles a day – an increase from the current 100 vehicle a day threshold. However, House Bill 4190 would prohibit the department from ordering the abandonment of an existing crossing having fewer than 1,000 vehicles a day if the crossing "provides the sole access to the property."

FISCAL IMPACT:

The bill has no apparent direct fiscal impact on the state or on local units of government.

BACKGROUND INFORMATION:

There are approximately 5,000 public "at-grade" crossings in Michigan of which 2,360 have active warning devices, including 934 with gates. The department estimates that approximately 2,150 have average daily traffic of 500 or less. The department's goal is 25 percent closure.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.