

# HOUSE BILL No. 6546

October 15, 2008, Introduced by Reps. Leland, Johnson, Donigan, Clemente and Gaffney and referred to the Committee on Transportation.

A bill to amend 1993 PA 354, entitled  
"Railroad code of 1993,"  
by amending section 109 (MCL 462.109), as amended by 2002 PA 658,  
and by adding section 450.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 109. (1) "Railroad" means a person, partnership,  
2       association, or corporation, their respective lessees, trustees, or  
3       receivers, appointed by a court, or other legal entity operating in  
4       this state either as a common carrier for hire or for private use  
5       as a carrier of persons or property upon cars operated upon  
6       stationary rails and includes any person, partnership, association,  
7       corporation, trustee, or receiver appointed by a court or any other  
8       legal entity owning railroad tracks.

9       (2) "Road authority" means a governmental agency having

1 jurisdiction over public streets and highways. Road authority  
2 includes the department, any other state agency, and county, city,  
3 and village governmental agencies responsible for the construction,  
4 repair, and maintenance of streets and highways.

5 (3) "Serious impairment of a body function" means that term as  
6 defined in section 58c of the Michigan vehicle code, 1949 PA 300,  
7 MCL 257.58c.

8 (4) "Street railway" means an organization formed under the  
9 laws of this state for the purpose of operating a street railway  
10 system other than a railroad train for transporting persons or  
11 property. A street railway system is operated upon rails  
12 principally within a municipality utilizing streetcars, trolleys,  
13 and trams for the transportation of persons or property. Such  
14 organizations may accumulate, store, manufacture, conduct, use,  
15 sell, furnish, and supply electricity and electric power. **STREET**  
16 **RAILWAY DOES NOT INCLUDE A STREET RAILWAY ORGANIZED UNDER THE**  
17 **NONPROFIT STREET RAILWAY COMPANY ACT, 1867 PA 35, MCL 472.1 TO**  
18 **472.31.**

19 (5) "Street railway system" means the facilities, equipment,  
20 and personnel required to provide and maintain a public  
21 transportation service. **STREET RAILWAY SYSTEM DOES NOT INCLUDE A**  
22 **STREET RAILWAY SYSTEM UNDER THE NONPROFIT STREET RAILWAY COMPANY**  
23 **ACT, 1867 PA 35, MCL 472.1 TO 472.31.**

24 (6) "Traffic control device" means a sign, signal, marking, or  
25 other device placed on or adjacent to a street or highway by the  
26 road authority having jurisdiction over that street or highway to  
27 regulate, warn, or guide traffic.

1           (7) "Watchperson" means a railroad employee who is stationed  
2 at an at-grade crossing to signal to operators of vehicles  
3 approaching the crossing of the impending movement of a train or  
4 other railroad on-track equipment over the crossing.

5           **SEC. 450. THIS ACT DOES NOT APPLY TO A STREET RAILWAY**  
6 **ORGANIZED UNDER THE NONPROFIT STREET RAILWAY COMPANY ACT, 1867 PA**  
7 **35, MCL 472.1 TO 472.31.**