

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.441 Administration of act; investigation of complaints; violation or noncompliance; penalty; inspections; hearing; action to recover penalties; enforcement; remedies.

Sec. 441.

(1) The department shall administer this act and investigate complaints alleging a violation of this act.

(2) Unless a specific penalty is otherwise provided in this act, a railroad, road authority, or person that violates or fails to comply with any provision of this act, or fails to obey or comply with any lawful order issued or rule promulgated by the department, is subject to a civil fine of not more than \$1,000.00 for each day of noncompliance following exhaustion of administrative and legal remedies.

(3) The department may make inspections at any time to determine if this act or the rules promulgated under this act are being violated and upon discovering a violation of this act or the rules may issue a citation to the alleged violator with a specified date for compliance. If the violations in the citation are not corrected by the specified date, a hearing will be conducted pursuant to chapter 4 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.271 to 24.287 of the Michigan Compiled Laws.

(4) Unless other procedures are specified, an action to recover penalties for a violation of this act, an order issued, or a rule promulgated by the department pursuant to this act shall be instituted by the department on its own motion or by complaint. If, after notice and hearing, the violation still exists, an action may be brought in the circuit court of any county in which the alleged violator may be sued or in the circuit court of the county of Ingham. Enforcement of orders, collection of civil fines, and actions to prosecute violations of this act or department orders to a final judgment shall be the responsibility of the department and the attorney general.

(5) In addition to the other remedies provided by this act for the violation of this act, an order issued, or a rule promulgated by the department pursuant to this act, the department or an affected party may compel compliance with this act and with an order issued or a rule promulgated by the department by proceedings in mandamus, injunction, or other appropriate civil remedies.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994