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INCREASE RAILROAD FINES

House Bill 4286

Sponsor: Rep. Eileen DeHart

Committee: Transportation

Complete to 2-18-99

A SUMMARY OF HOUSE BILL 4286 AS INTRODUCED 2-17-99

House Bill 4286 would amend the Railroad Code of 1993 to increase the fines for trains that repeatedly block traffic on a public street or highway. The bill specifies that if an offense is the third or subsequent violation within a seven-day period, the fine would be \$5,000 for each offense plus the costs of prosecution. If the offense is the tenth or subsequent violation within a seven-day period, the fine would be \$25,000 for each offense plus prosecution costs.

Currently, the law says a train cannot obstruct vehicular traffic for longer than five minutes at any one time unless a) the train is continually moving in the same direction at not less than ten miles per hour for not longer than seven minutes, or b) the railroad can show that traffic obstruction is a result of an accident or unsafe conditions. In addition, railroad employees are prohibited under law from activating a traffic control device at a railroad grade crossing for more than two minutes if there is no intention to move a train or track equipment through the crossing within 20 to 60 seconds after activating the device. Each violation is a separate offense, and a violation is punishable by a fine of not more than \$500 unless the railroad is willfully, deliberately, and negligently blocking traffic, in which case the fine cannot be more than \$1,000 plus the cost of prosecution. Fines collected by a local unit in excess of \$10,000 annually must be allocated so that 15 percent is retained by the local unit of government, and 85 percent is deposited in a railroad grade crossing fund.

MCL 462.391

Analyst: J. Hunault

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