

HOUSE BILL No. 4286

February 17, 1999, Introduced by Reps. DeHart, Schermesser, Hale, Dennis, Kelly, Scott and Bogardus and referred to the Committee on Transportation.

A bill to amend 1993 PA 354, entitled
"Railroad code of 1993,"
by amending section 391 (MCL 462.391).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 391. (1) A railroad shall not permit a train to
2 obstruct vehicular traffic on a public street or highway for
3 longer than 5 minutes at any 1 time ~~—, except the obstruction~~
4 ~~shall not be considered a violation under the following~~
5 ~~circumstances—~~ UNLESS EITHER OF THE FOLLOWING CONDITIONS IS MET:
6 (a) ~~—If the—~~ THE train is continuously moving in the same
7 direction at not less than 10 miles per hour for not longer than
8 7 minutes.
9 (b) ~~—If the—~~ THE railroad can show that the incident
10 occurred as a result of a verifiable accident, mechanical
11 failure, or unsafe condition.

1 (2) A railroad shall not permit successive train movements
2 to obstruct vehicular traffic on a public street or highway until
3 all vehicular traffic previously delayed by ~~such~~ THOSE train
4 movements has been cleared.

5 (3) A railroad company shall not permit its employees to
6 allow the activation of active traffic control devices at a rail-
7 road grade crossing for more than 2 minutes if there is no inten-
8 tion to move a train or track equipment through the crossing
9 within 20 seconds to 60 seconds after the activation of the
10 devices.

11 (4) Each offense under this section ~~shall be~~ IS a separate
12 violation punishable by a fine of not more than \$500.00 unless
13 the railroad is willfully, deliberately, and negligently blocking
14 vehicular traffic and then the fine shall be not more than
15 \$1,000.00 ~~and~~ PLUS the costs of prosecution. IF THE OFFENSE IS
16 THE THIRD OR SUBSEQUENT VIOLATION WITHIN A 7-DAY PERIOD, THE FINE
17 SHALL BE \$5,000.00 FOR EACH OFFENSE PLUS THE COSTS OF
18 PROSECUTION. IF THE OFFENSE IS THE TENTH OR SUBSEQUENT VIOLATION
19 WITHIN A 7-DAY PERIOD, THE FINE SHALL BE \$25,000.00 FOR EACH
20 OFFENSE PLUS THE COSTS OF PROSECUTION.

21 (5) All fines civil or otherwise collected by a local unit
22 of government in excess of \$10,000.00 annually from the enforce-
23 ment of a local ordinance substantially similar to this section
24 shall be allocated as follows:

25 (a) Fifteen percent shall be retained by each local unit of
26 government for costs of enforcement of the ordinance.

1 (b) Eighty-five percent shall be deposited in a railroad
2 grade crossing safety fund. The revenue collected in this fund
3 shall be used solely for railroad grade crossing safety projects
4 in these local units of government.