

# Legislative Analysis



## MICHIGAN VEHICLE CODE – RAIL GRADE CROSSING DIAGNOSTIC TEAM REVIEW

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### House Bill 6368

**Sponsor: Rep. Kathy Angerer**

**Committee: Transportation (Discharged and Passed the House 12-05-06)**

**Complete to 12-6-06**

### SUMMARY OF HOUSE BILL 6368 AS PASSED THE HOUSE 12-05-06

House Bill 6368 would amend Section 667a of the Michigan Vehicle Code (Public Act 300 of 1949), which establishes requirements for railroad grade crossings and for a diagnostic study team review of railroad grade crossing accidents. Under current law, the Michigan Department of Transportation is required to conduct a diagnostic team review if there is a fatality at a railroad crossing in a city, village, or township with a population of 60,000 or more, or in a county of 150,000 or more, and there had not been a diagnostic team review at the crossing in the previous two years.

In addition to adding some technical and clarifying language, the bill would eliminate the limiting clause: "*in a city, village, or township with a population of 60,000 or more, or in a county of 150,000 or more.*" Under provisions of the bill, the department would not be required to perform a diagnostic study team review if the initial law enforcement investigation indicated that the motorist's consumption of alcohol or a controlled substance, or his or her disregard of an existing traffic control device, contributed to the fatality, or if the fatality was a suicide.

### **BACKGROUND INFORMATION:**

The rail grade crossing program is administered by the Michigan Department of Transportation's Freight Services and Safety Division (within the Bureau of Multi-modal Transportation Services). There are two sections within the division with responsibility for the program, the Rail Safety Section and the Local Grade Crossing Program (LGCP).

Division costs are funded from the Michigan Transportation Fund (MTF), appropriated at \$1.8 million in FY 2005-06.

The Division's Rail Safety Section conducts "Diagnostic Study Team Reviews," (DSTRs). DSTRs are generated based on recommendation of the Local Grade Crossing Program's annual prioritization process, to assess the impact of a planned highway project that would affect the crossing, or in response to a crossing fatality as required by provisions of the Michigan Vehicle Code. In addition to the Rail Safety Section, representatives of the railroad and road authority are members of the team and participate in the assessment of safety needs at the crossing. Team recommendations involving

safety enhancements are confirmed by administrative orders. These orders may be legally enforced against either the railroad or the road agency.

The Section also investigates requests for the establishment of new crossings and issues reports of those investigations. If a request for a new crossing is granted, the report will also indicate what warning devices should be installed at the crossing. Approvals for new crossings are also confirmed by administrative orders.

Administrative orders are issued by the director or the director's designee (the director of the Bureau of Multi-modal Transportation Services) under the authority of the Railroad Code of 1993 (PA 354 of 1993), a recodification of the prior Railroad Code. These orders can compel the railroad and/or the road agency (including the department with regard to state trunklines) to install safety enhancements at the crossing, such as lights and gates.

The Rail Safety Section conducts 80 to 90 DSTRs each year.

An eleven year history of railroad grade crossing accidents is shown below:

Year	Fatalities	No. Injured	Total Incidents
1994	28	90	159
1995	6	62	118
1996	17	69	133
1997	14	73	144
1998	10	37	95
1999	9	41	105
2000	12	48	126
2001	7	35	89
2002	7	30	89
2003	7	26	98
2004	8	30	91

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