

RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS (EXCERPT)
Act 63 of 2018

***** 247.785.new THIS NEW SECTION IS EFFECTIVE JUNE 12, 2018 *****

247.785.new Office of rail; designation as state safety oversight entity; powers and duties; limitation.

Sec. 5. (1) In accordance with Executive Order No. 2003-14, the office of rail within the state transportation department is designated as the state safety oversight entity as required by 49 USC 5329(e)(4).

(2) The state safety oversight entity has all of the following powers and duties, only to the extent necessary to fulfill its obligations under federal law and to protect employees, patrons, the general public, and physical assets:

(a) Enter and inspect the property of the operator of a covered rail fixed guideway public transportation system without prior notice to the operator.

(b) Audit a covered rail fixed guideway public transportation system for compliance with federal and state laws and regulations regarding the safety of rail fixed guideway public transportation systems and compliance with rail transit agency rules, plans, and procedures.

(c) Audit a covered rail fixed guideway public transportation system for compliance with federal and state laws regarding the security and emergency preparedness of rail fixed guideway public transportation systems and compliance with rail transit agency rules, plans, and procedures.

(d) Audit and inspect a covered rail fixed guideway public transportation system for an identified hazard, occurrence, or trend at the direction of the state safety oversight entity, the Federal Transit Administration, or the National Transportation Safety Board.

(e) Investigate an accident, incident, or hazard at a covered rail fixed guideway public transportation system. The state safety oversight entity may conduct an investigation described in this subdivision independently, may lead or conduct the investigation with the participation of a rail transit agency, or may review and approve investigative reports generated by a rail transit agency.

(f) Require the operator of a covered rail fixed guideway public transportation system to initiate a corrective action plan to mitigate a hazard.

(g) Direct the operator of a covered rail fixed guideway public transportation system to mitigate a hazard by a specified date and time.

(h) Oversee the implementation of a corrective action plan by a covered rail fixed guideway public transportation system and provide verification or approval of completion or resolution of the hazard.

(i) Take action, either through an administrative hearing or in a court of competent jurisdiction, to compel the operator of a covered rail fixed guideway public transportation system to mitigate a safety hazard or to prevent the operation of all or part of a covered rail fixed guideway public transportation system that the state safety oversight entity has determined to be unsafe.

(j) Audit, review, approve, and oversee the operator of a covered rail fixed guideway public transportation system for compliance with a public transportation agency safety plan adopted under 49 USC 5329(d).

(k) Enforce the laws and rules of this state related to the operation and maintenance of a covered rail fixed guideway public transportation system in this state, to the extent that enforcement is consistent with federal law.

(l) Promulgate rules and regulations as may be necessary to comply with 49 USC 5329, 49 CFR 659, 49 CFR 670, and 49 CFR 674.

History: 2018, Act 63, Eff. June 12, 2018.