

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.391 Obstruction of vehicular traffic; offenses as separate violations; penalty; allocation of fines.

Sec. 391.

(1) A railroad shall not permit a train to obstruct vehicular traffic on a public street or highway for longer than 5 minutes at any 1 time, except the obstruction shall not be considered a violation under the following circumstances:

(a) If the train is continuously moving in the same direction at not less than 10 miles per hour for not longer than 7 minutes.

(b) If the railroad can show that the incident occurred as a result of a verifiable accident, mechanical failure, or unsafe condition.

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

(3) A railroad company shall not permit its employees to allow the activation of active traffic control devices at a railroad grade crossing for more than 2 minutes if there is no intention to move a train or track equipment through the crossing within 20 seconds to 60 seconds after the activation of the devices.

(4) Each offense under this section shall be a separate violation punishable by a fine of not more than \$500.00 unless the railroad is willfully, deliberately, and negligently blocking vehicular traffic and then the fine shall be not more than \$1,000.00 and the costs of prosecution.

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

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

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

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