EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1975-1

247.822 Transfer of railroad regulation functions from public service commission to department of state highways and transportation.

WHEREAS, it is necessary to centralize certain railroad functions of state government in order to provide a coordinated response to the transportation problems facing the State of Michigan; and

WHEREAS, the efficient, economical and safe operation of railroads is an integral part of the development of a viable transportation system for Michigan; and

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963, empowers the Governor to make changes in the Executive Branch of Government and in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Public Service Commission is vested by law with certain regulatory powers and duties with regard to rates, services and safety of railroads operating within Michigan.

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to Article V, Section 2, of the Michigan Constitution hereby order the following:

1. The statutory authority, powers, duties, functions, and responsibilities of the Public Service Commission with regard to railroad regulation under the following statutory provisions are hereby transferred to the State Highway Commission:

- Sections 1 and 2 of Act No. 275 of the Public Acts of 1887, being Sections 469.221 and 469.222 of the Compiled Laws of 1970.
- Section 1-3 of Act No. 158 of the Public Acts of 1923, being Sections 469.111-469.113 of the Compiled Laws of 1970.
- Sections 1 and 2 of Act No. 234 of the Public Acts of 1907, being Sections 469.181 and 469.182 of the Compiled Laws of 1970.
- Sections 1-4 of Act No. 52 of the Public Acts of 1909, being Sections 469.201-469.204 of the Compiled Laws of 1970.
- Sections 1-3 of Act No. 118 of the Public Acts of 1887, being Sections 469.131-469.133 of the Compiled Laws of 1970.
- Sections 1-4 of Act No. 102 of the Public Acts of 1927, being Sections 469.81-469.84 of the Compiled Laws of 1970.
- Sections 1-3 of Act No. 77 of the Public Acts of 1913, being Sections 469.101-469.103 of the Compiled Laws of 1970.
Compiled Laws of 1970.


Sections 1 and 2 of Act No. 142 of the Public Acts of 1895, being Sections 469.451 and 469.452 of the Compiled Laws of 1970.


Sections 1 and 2 of Act No. 283 of the Public Acts of 1909, being Section 220.1 and 221.27 of the Compiled Laws of 1970.

2. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available, to the Public Service Commission for railroad regulation functions are transferred to the State Highway Commission.

3. All quasi-judicial decision making powers of the Public Service Commission related to the functions transferred by this Order shall be vested in and performed by the State Highway Commission except that the adjudication powers of the Public Service Commission with respect to grade separations under 1925 PA 114, being Sections 1 through 5, inclusive, of the Compiled Laws of 1970, shall be exercised by the Treasurer of the Mackinac Bridge Authority.

4. All rules and orders of the agencies and entities transferred by this Executive Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

5. All hearings currently in progress before the Public Service Commission involving functions transferred by this order and not decided by the Public Service Commission on the effective date of this order shall continue to be heard by the Public Service Commission and decisions in such matters shall be made by the Public Service Commission. If a petition or any similar document has been filed but no hearing has actually commenced on the matter for which the petition or other document has been filed, the hearing shall be conducted by the Highway Commission or the Treasurer of the Mackinac Bridge Authority.

6. After the effective date of this order the State Highway Commission shall make such departmental organizational changes as may be administratively necessary to complete the integration of transportation functions contemplated by this order.

7. Where the Public Service Commission's powers to regulate utilities are derived from any statutory provision referring to its powers to regulate railroads, Public Service Commission's powers to regulate...
utilities shall remain intact.

8. There being an immediate and urgent need to revise the basic railroad regulation statutes of this state to reflect modern day problems and concerns and provide statutory implementation of the comprehensive railroad development plans and programs of the Department of Highways and Transportation, there is hereby established a special inter-agency task force to consist of representation from Department of Commerce, Attorney General, Executive Office and Department of Highways and Transportation to draft revised railroad regulatory legislation to reflect the concerns indicated above. The chairman of this inter-agency task force shall be the Director of the Department of Highways and Transportation.

In fulfillment of the requirements of Article V, Section 2, of the Michigan Constitution, the provisions of this Executive Order shall become effective January 1, 1976.
