

HOUSE BILL No. 4331

February 22, 2001, Introduced by Reps. Vander Roest, Meyer, Kuipers, Bishop, Richardville, Pappageorge, Kooiman, Ruth Johnson and Birkholz 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 OR AN EMPLOYEE OF A RAILROAD shall
2 not permit a train to obstruct vehicular traffic on a public
3 street or highway for longer than 5 minutes at any 1 time, except
4 the obstruction shall not be considered a violation under the
5 following circumstances:

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

9 (b) If the railroad OR THE EMPLOYEE OF THE RAILROAD can show
10 that the incident occurred as a result of a verifiable accident,
11 mechanical failure, or unsafe condition.

1 (2) A railroad OR AN EMPLOYEE OF A RAILROAD shall not permit
2 successive train movements to obstruct vehicular traffic on a
3 public street or highway until all vehicular traffic previously
4 delayed by such train 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 a separate vio-
12 lation punishable by a fine of not more than \$500.00 unless the
13 railroad OR AN EMPLOYEE OF THE RAILROAD is willfully, deliberate-
14 ly, and negligently blocking vehicular traffic and then the fine
15 shall be not more than \$1,000.00 and the costs of prosecution.

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

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

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