

Legislative Analysis



TRANSIT POLICE OFFICERS AND STREETCARS

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House Bill 4540 as reported from committee
Sponsor: Rep. Tyrone A. Carter

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4541 as reported from committee
Sponsor: Rep. Graham Filler

Committee: Government Operations
Complete to 5-3-21

SUMMARY:

House Bills 4540 and 4541 would newly include certain transit police officers as law enforcement officers for purposes of the Michigan Commission on Law Enforcement Standards (MCOLES) Act and as police officers for purposes of the Michigan Vehicle Code. House Bill 4541 also would add provisions to the Michigan Vehicle Code to regulate certain streetcars, streetcar tracks, street railways, and street railway systems. At present, the bills would apply only to transit officers of the Detroit Transportation Corporation, the operator of the Detroit People Mover, who also provide security for the M-1Rail/Q-Line through contractual agreement (see **Background**, below).

House Bill 4540

The MCOLES Act prescribes licensing standards that require an individual to meet certain minimum levels of training, education, physical ability, psychological and character fitness, reading and writing proficiency, and other qualities before he or she can be employed as a *law enforcement officer* in Michigan.¹ The act defines *law enforcement officer* to mean an individual employed by a law enforcement agency in one of several positions specified by the act, including, for example, police officers, arson investigators, the sergeants at arms of the legislature, and conservation officers of the Department of Natural Resources.

The bill would amend this definition of *law enforcement officer* to include a *transit police officer* employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act (see **Background**, below). Under the bill, the training standards and other applicable provisions of the MCOLES Act that now generally apply to law enforcement officers would also generally apply to *transit police officers*.

MCL 28.602

House Bill 4541

The Michigan Vehicle Code currently defines *police officer* as a sheriff or sheriff's deputy; a village or township marshal; an officer of a city, village, or township police department; an officer of the Department of State Police; a peace officer licensed under the MCOLES Act; or, under specified circumstances, a duly authorized agent of a county road commission.

¹ See https://www.michigan.gov/documents/mcoles/Standards_List-2-14-2020_681784_7.pdf

The bill would amend this definition of *police officer* to also include a *transit police officer* who is licensed under the MCOLES Act and is employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act. The duties, responsibilities, and powers that the Michigan Vehicle Code now generally provides to police officers would also generally be provided to *transit police officers*.

Streetcars and street railways

The bill would also add or amend definitions for the terms *streetcar*, *streetcar track*, *street railway*, and *street railway system* to distinguish these systems from railroads, railroad tracks, and railroad trains. (As defined, those latter terms already exclude streetcars and municipal streetcar companies. Their definitions would be amended to specifically exclude streetcars, streetcar tracks, and streetcar railway systems.)

Streetcar would mean a car that is not a railroad train and that is operated on stationary rails to transport people or property. It would include a streetcar operated as part of a street railway system. (The term is currently defined as “a car other than a railroad train for transporting persons or property and operated upon rails, principally within a municipality.”)

Streetcar track would mean a stationary rail owned by a street railway that is part of a street railway system.

Street railway would mean a nonprofit corporation organized under Part 5 of the Recodified Tax Increment Financing Act for the purpose of operating a street railway system (other than a railroad train) for transporting people or property. The term would include a nonprofit corporation incorporated by one or more members of the board of directors of a street railway to finance a street railway system or to assist the street railway in acquiring, owning, constructing, furnishing, equipping, completing, operating, improving, or maintaining a street railway system.

Street railway system would mean the facilities, equipment, and personnel required to provide and maintain a public transportation system operated on rails at grade or above or below ground in a city, village, or township using streetcars, trolleys, light rail vehicles, or trams for the transportation of people or property. The term would include necessary power feeds, signals, and stops or stations within a public right-of-way, but would not include facilities and improvements that are not required to maintain a public transportation system.

Blocking, delaying, or interfering with the movement of streetcars

The bill would amend several provisions of the Michigan Vehicle Code that address vehicles and vehicular traffic in order to prohibit, and provide for the removal of, vehicles or other impediments that could block, delay, or otherwise interfere with the movement of streetcars on a streetcar track, including provisions that deal with the following:

- Parked vehicles, bicycles, and electric skateboards with handlebars (sections 660d and 674).
- Standing or unattended vehicles or bicycles (section 673).
- Vehicles that are broken down or involved in accidents (section 618a).

- Impeding traffic with a barricade, object, device, or oneself (section 676b).
- Impeding traffic with a low-speed vehicle, moped, electric personal assistive mobility device, electric skateboard, or motorcycle (section 660).
- Circumstances (such as potential to block a streetcar) that would allow for travel in lanes other than the generally prescribed far right-hand lane (sections 634 and 660a).

The bill would allow the governing body of a county, a city, a township, a village, or an interlocal entity created under the Urban Cooperation Act to prohibit operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on a street with streetcar tracks. The bill would also allow a unit of the public body that employs transit police officers, as defined above, to authorize and use nonpolice volunteers to issue citations for certain parking violations, including parking in a way that blocks, delays, or otherwise interferes with the movement of a streetcar on a streetcar track.

Chapter VIA

The bill would add Chapter VIA (Streetcars) to the code to provide regulations related to traffic, streetcar passenger conduct, and the removal of vehicles, bicycles, or other property that could block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track.

Conduct on a streetcar or in a station

Under the bill, a person could not do any of the following:

- Board or attempt to board a streetcar for a purpose other than buying a fare; interfere with the collection or verification of a fare; fail to carry or refuse to provide proof of fare payment while on a streetcar or in a streetcar station; or help anyone else do these things.
- Enter, use, or remain in a streetcar station for a purpose other than waiting for, boarding, or disembarking from a streetcar or other public transit vehicle, buying a fare, performing a licensed or authorized activity, or waiting (for up to 10 minutes) for another passenger to disembark from a streetcar.
- Smoke (any substance), use an e-cigarette (vape), or carry lighted tobacco on a streetcar or in a station.
- Spit on a streetcar or in a station.
- Litter on a streetcar or in a station.
- Eat, drink, or carry an open container of food or beverage on a streetcar or in a station. (This would not apply to children who are under two years old and would not restrict or prohibit a nursing mother from nursing her child.)
- Bring onto a streetcar or into a station a shopping cart or a package or other object that blocks the streetcar's aisle or doors.
- Bring an animal, other than a *service animal* or a *qualified animal*, onto a streetcar or into a station. (*Service animal* would mean a guide dog, signal dog, miniature horse, or other animal that has been individually trained to do work or perform tasks for the benefit of a person with a disability. *Qualified animal* would mean an animal that weighs 25 pounds or less and is controlled in a cage.)
- Engage in disruptive conduct that interferes with the streetcar's operation or has a negative impact on streetcar employees or the police.

A person who violated any of the above provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$100 and costs of up to \$100.

In addition, the bill would allow a street railway system to issue a permit that would allow a person to play live music in a station.

Required and prohibited conduct for drivers and bicyclists

The driver of a bicycle or vehicle proceeding on a streetcar track in front of a streetcar would have to move the bicycle or vehicle off the track as soon as practicable after a signal from the streetcar operator. The driver of a bicycle or vehicle could not drive on or cross the streetcar track within an intersection in front of a streetcar that had started to cross the intersection. The driver of a bicycle or vehicle could not, when passing a streetcar, turn in front of the streetcar in a way that impeded or interfered with its movement.

A person who violated any of the above provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$100 and costs of up to \$100. For a moving violation resulting in an at-fault collision with another vehicle, the civil fine would be increased by \$25 (but still could not be more than \$100).

Removal of property

Finally, the bill would allow a *law enforcement agency* or street railway to immediately remove or cause to be removed, at the owner's expense, a bicycle, vehicle, cargo, or other personal property that is determined to be parked or standing on a street in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. A street railway removing property would first have to obtain authorization from a police officer or notify a law enforcement agency. The agency or street railway would have to take the property to the nearest garage, storage facility, or other place of safety and report its location to the nearest law enforcement agency as soon as practicable. The agency or street railway removing the items would be liable only for damages or claims arising from an act or omission amounting to gross negligence in doing so.

Law enforcement agency would mean the Department of State Police, the county sheriff's office, the police department of a local unit of government, or the transit police unit of a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act.

MCL 257.42 et seq. and proposed MCL 257.790 to 750.792

BACKGROUND:

The bills would include in the definitions of law enforcement officer and police officer, respectively, a transit police officer employed by a public body corporate created pursuant to an interlocal agreement under the Urban Cooperation Act between a city and an authority under the Metropolitan Transportation Authorities Act. This reference applies only to transit police of the Detroit Transportation Corporation (DTC), the operator of the Detroit People Mover.

The Detroit People Mover project was initially a project of the Southeastern Michigan Transportation Authority (SEMTA). In 1985, DTC was organized to oversee completion of the project and to administer ongoing operations of the Detroit People Mover. DTC was organized through a 1985 interlocal agreement between SEMTA and the city of Detroit under provisions of the Urban Cooperation Act. The interlocal agreement provided for a six-member board, five

members representing the city of Detroit and one member from SEMTA. The board currently consists of five members representing the city and one member representing SMART. DTC is considered a component unit of the city of Detroit for financial reporting purposes. Presently, the bills do not apply to any entities other than the DTC transit police.

DTC transit police also provide security for the private nonprofit M-1Rail/Q-Line through contractual agreement. M-1 Rail is private nonprofit street railway that operates the Q-Line streetcar in Detroit under the Recodified Tax Increment Financing Act.

As introduced, the bills are similar to House Bills 5368 and 5369 of the 2019-20 legislative session. Those bills were passed by the House of Representatives and were reported from the Senate Judiciary and Public Safety committee.

FISCAL IMPACT:

House Bill 4540 would not have a significant fiscal impact on the Department of State Police or on other units of state or local government. There may be an ancillary impact from potential increases in statewide training costs or for benefit payments under the Public Safety Officers Benefit Program. The latter would apply if there were more instances of officers being killed or permanently disabled in the line of duty (the program provides a \$25,000 payment if an officer is killed or permanently and totally disabled in the line of duty). These ancillary impacts are contingent on a variety of factors and may or may not be incurred.

House Bill 4541 would have no apparent fiscal impact on state or local government.

POSITIONS:

Representatives of the following entities testified in support of the bills (4-15-21):

- M-1 Rail
- Detroit Transit Police
- Quicken Loans

The following entities indicated support for the bills (4-22-21):

- Michigan Public Transit Association
- City of Detroit
- Detroit Transportation Corporation
- Detroit Police Lieutenants and Sergeants Association
- Detroit Police Officers Association
- Amalgamated Transit Union

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.