



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5640 (as reported without amendment)
House Bill 5641 (as reported without amendment)
House Bill 5643 (Substitute S-1 as reported)
Sponsor: Representative Triston Cole (H.B. 5640)
Representative Ben Frederick (H.B. 5641)
Representative Tim Sneller (H.B. 5643)
House Committee: Transportation and Infrastructure
Senate Committee: Transportation

CONTENT

House Bill 5640 would amend the Michigan Vehicle Code to require a person operating or moving certain vehicles or equipment (such as a caterpillar tractor, shovel, derrick, or other structure or object upon rollers) to stop a certain distance from the nearest rail of a railroad track and listen and look in both directions along the track for other on-track equipment and for signals indicating the approach of other on-track equipment before crossing.

House Bill 5641 would amend the Code to define "other on-track equipment", which would mean any car, rolling stock, or other device that, alone or coupled to another device, is operated on stationary rails.

House Bill 5643 (S-1) would amend the Code to do the following:

- Revise the definition of "electric skateboard".
- Prohibit an electric skateboard that did not have handlebars from operating on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.
- Prohibit an electric skateboard equipped with handlebars from being operated on a highway or street with a speed limit of more than 40 miles per hour except to cross that street or highway.
- Extend various bicycle parking requirements to electric skateboards equipped with handlebars.
- Require a person driving a vehicle who approached a railroad crossing to stop until it was safe to proceed when warned or signaled of approaching other on-track equipment.
- Specify that there would be no basis for a civil action against a railroad that operated other on-track equipment, the Michigan Department of Transportation (MDOT), a county road commission, or a local authority, or an employee or agent of those entities, if the other on-track equipment did not trigger the activation of a signal device, and employees of the railroad had followed all applicable railroad operating rules.
- Require the driver of a motor vehicle transporting 16 or more passengers, a motor vehicle carrying passengers for hire, or a motor vehicle transporting hazardous materials to stop a certain distance from the nearest rail of a railroad track and listen and look in both directions along a track for other on-track equipment and for signals indicating the approach of other on-track equipment.

MCL 257.670 (H.B. 5640)
Proposed MCL 257.36c (H.B. 5641)
MCL 257.13f et al. (H.B. 5643)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

House Bill 5640 would have no fiscal impact on State or local government.

House Bill 5641 would have no fiscal impact on State or local government.

House Bill 5643 (S-1) potentially would result in a savings to the Department of Transportation and local units of government from reduced liability; however, those savings cannot be estimated and may be nonexistent.

The bill would shield the Department and local units of government from liability under a narrow set of circumstances: when an accident occurs on a railroad track involving on-track equipment resulting in injury when employees of the railroad have followed all operating rules. It is not known how often injuries have occurred under those circumstances in the past.

The bill would have no fiscal impact on local government and an indeterminate, though likely minimal, fiscal impact on the State. The bill could increase the number of civil infractions, although there is no way to know if that would be the case. An increase in civil infraction revenue would increase revenue dedicated to public libraries.

Date Completed: 12-3-18

Fiscal Analyst: Abbey Frazier
Michael Siracuse

SAS\Floor\hb5640

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.