

Legislative Analysis



RAIL GRADE CROSSING SURFACE IMPROVEMENTS

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House Bill 4757

Sponsor: Rep. Paul Muxlow

Committee: Transportation and Infrastructure

Complete to 6-9-14

SUMMARY OF HOUSE BILLS 4757 AS INTRODUCED 5-22-13

House Bill 4757 would amend Section 10 of 1951 PA 51 (Act 51) to create an earmark of up to \$3.0 million annually from the Michigan Transportation Fund (MTF) for a new grade crossing surface account within the State Trunkline Fund (STF). The bill would also amend Section 11 of the act to establish and define the grade crossing surface account "for expenditure for rail grade crossing surface improvement purposes at rail grade crossing on public roads and streets under the jurisdiction of counties, cities, or villages."

The bill would also amend Section 11f, a section that established criteria for distribution of funds under the local federal match program established in Section 11e of Act 51 in 2008. The amendments to this section do not appear substantive; the local federal match program has not been active since 2008. The amendments to this section appear to be technical in nature.

FISCAL IMPACT:

The bill would not increase state transportation revenue or expense. The bill would change the distribution of MTF funds by creating a new \$3.0 million targeted program. This would reduce the amount distributed to other recipients of MTF funding, effectively reducing the amount available to the Comprehensive Transportation Fund by \$300,000; the distribution to county road commissions by \$1.1 million; and the amount available to cities and villages by \$588,600. However, the new targeted grade crossing surface program would be used exclusively on rail crossings on roads under county, city, and village jurisdiction.

Although the bill would create the grade crossing surface account within the STF, it would effectively reduce the amount available for other STF trunkline programs by \$1.1 million.

BACKGROUND INFORMATION:

Railroad tracks often intersect public roads. Or, from the railroad perspective, public roads often intersect railroad tracks. While there are many railroad bridges carrying rail track over public roads, and many bridges carrying public roads over rail track, there are

still a great many railroad/public road crossings "at grade." In fact, there are approximately 5,000 at-grade railroad crossings of public roads in Michigan.

There is currently an Act 51 earmark of up to \$3.0 million from the MTF for a rail grade crossing account. While the \$3.0 million figure is a maximum, the full \$3.0 million is appropriated each year. This program is targeted for rail grade crossing safety programs. Projects under this program include signal installations and upgrades, track relocation, and, in some cases, crossing elimination. In some cases, rail grade crossing funds are used to match federal funds for rail grade crossing improvements.

In addition to the capital funds for rail grade crossing safety improvements, Section 315 of the Michigan Railroad Code establishes cost-sharing provisions related to the maintenance of signals and gates at rail grade crossings. This section was recently amended by 2012 PA 421.

The provisions of Act 51 and the Michigan Railroad Code cited above relate only to rail grade crossing *safety programs*. There is currently no targeted funding for the improvement of the grade crossing wearing surface.

Section 309 of the Michigan Vehicle Code currently requires the railroad owner to maintain at-grade crossings "at its sole cost and expense." Specifically, the railroad is responsible for the maintenance of the railroad roadbed, track, and railroad culverts within the confines of the street or highway, and "the streets and sidewalks lying between the rails and for a distance outside the rails of one foot beyond the end of the ties."

The surface condition of rail grade crossings may deteriorate through heavy vehicular traffic creating "speed bump" conditions for motorists.

The bill would limit use of the grade crossing surface account to "rail grade crossing surface improvement purposes at rail grade crossing on public roads and streets under the jurisdiction of counties, cities, or villages." Funding from this account would not be available for Michigan Department of Transportation trunkline projects – of the 5,000 at-grade public road crossings in Michigan, fewer than 300 are on state trunkline highways.

DETAILED ANALYSIS:

House Bill 4757 would amend Section 10 of Act 51 to create an earmark of up to \$3.0 million annually from the MTF for a new grade crossing surface account within the STF. The bill would also amend **Section 11** of the act to establish and define the grade crossing surface account "for expenditure for rail grade crossing surface improvement purposes at rail grade crossing on public roads and streets under the jurisdiction of counties, cities, or villages."

The amendments to Section 11 also establish selection criteria. Specifically, the department would be required to consider vehicular traffic volumes, relative crossing

surface condition, the ability of the railroad and local road authority to make coordinated improvements, and the availability of funding."

Under provisions of the bill, the grade crossing surface account would provide 60% of project cost, with the remaining 40% funded by the railroad company. The bill would also limit funding under the grade crossing surface account to items of work that are normally the responsibility of the railroad under Section 309 of the Railroad Code, and further stipulates that "maintenance of the roadway approaches to the crossing will continue to be the responsibility of the party with the jurisdiction over that roadway."

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