

REQUIRED CLEARANCES NEAR RAILROAD TRACKS



Compiled by the
Michigan Department of Transportation
Office of Rail
Rail Safety Section



The Michigan Department of Transportation's (MDOT's) Office of Rail is responsible for administering the provisions of the Railroad Code of 1993 (P.A. 354). This includes governing clearances in the vicinity of railroad tracks and safe space along railroad rights-of-way. This document has been prepared to provide information and clarification concerning the provisions of this law.

CLOSE CLEARANCE IN THE VICINITY OF RAILROAD TRACKS

P.A. 354, Section 339, was enacted by the Michigan Legislature to provide for the safety of railroad employees, the Section:

- establishes minimum clearances at which bridges, structures, and other obstructions may be constructed or placed over or adjacent to railroad tracks;
- prescribes the minimum spacing between adjacent railroad tracks;
- establishes the process by which applications for less-than-standard clearances may be considered and approved by MDOT;
- prescribes penalties for violations of the Act.

Section 339 is applicable to all individuals, partnerships, associations, and corporations engaged in the operation of a railroad. The provisions of the Act also apply to all individuals, partnerships, associations, and corporations that own, lease, or otherwise have jurisdiction or control of land on which, or adjacent to which, railroad tracks or sidetracks are located and operated.

Minimum Clear Space Requirements for Bridges, Structures, Poles, and Other Obstructions

Unless authorized by written approval from MDOT's Office of Rail, , all bridges, structures, poles, or obstructions must be located:

- at least 8 feet 6 inches from either side of a perpendicular extending through the center line of a railroad track with a radius of not less than 400 feet lateral curvature;
- at least 9 feet from either side of a perpendicular extending through the center line of a railroad track with a radius of less than 400 feet lateral curvature;
- at least 22 feet 6 inches above the top of the rail head.

Diagrams of the minimum clearances required by Section 339 are included in Appendix I and Appendix II.

The above clear space requirements do not apply to the following:

- temporarily-placed materials for railroad construction, maintenance or repair;
- temporary car loading or unloading devices which are removed when not in use or are secured so as to maintain the required clearances;
- structures and materials that are below grade level.

Minimum Distances Between Parallel and Adjacent Railroad Tracks

In accordance with Section 339, a distance of at least 14 feet from the center line of each railroad track must be maintained between parallel railroad tracks or adjacent sidetracks, unless authorized by written approval from MDOT's Office of Rail. An exception to this requirement provides that the distance between adjacent tracks may be diminished to the extent necessary for construction of crossings, crossovers, turnouts, and switches. Section 339 does not change the distance requirements between any railroad tracks or sidetracks existing on or before January 14, 1994.

Applications for Variances from Clearances

In order to comply with Section 339, persons desiring to construct within a less-than-standard clearance must file an application for a variance. While MDOT may grant variances, its authority to do so is limited to instances in which the agency determines that:

- compliance with the prescribed distances would be unreasonable, unnecessary, or impracticable; and
- a variance from the prescribed distances will not create a condition hazardous to railroad employees.

Forms to request a variance from standard clearances and a close clearance inspection can be obtained through MDOT's Office of Rail website (www.michigan.gov/mdotrailfreight). Once the forms are completed and returned to MDOT's Office of Rail, an inspection will be scheduled. After the inspection, MDOT will issue a Proposed Order to all parties of interest. The Proposed Order indicates whether the variance is feasible and outlines any safety measures that must be implemented and verified prior to final approval of the variance. If objections to the Proposed Order are not filed within 30 days after its issuance, the Proposed Order becomes a legal Order of the Department.

Signage for Less Than Standard Clearances

Warning signs for less-than-standard clearances shall have black letters on a white reflectorized background, and shall contain the words "WARNING CLOSE CLEARANCE" or similar wording, as recommended by the MDOT Railroad Safety Inspector, with letters at least 3 inches in height.

Penalties for Violation of Section 339

A person subject to this Act, who violates Section 339, shall be liable for a civil penalty of not more than \$1,500, to be collected by the prosecuting attorney of the county where the violation occurred. If a person thereafter fails to correct a violation of this section when ordered by the Department, the same person shall be liable for the same fine, to be collected as provided above for each calendar day's delay thereafter in his or her failure to correct the violation of this section.

SAFE SPACE ALONG RAILROAD RIGHTS-OF-WAY

P.A. 354, Section 402, was enacted by the Michigan Legislature to provide for the safety of railroad employees when walking on railroad rights-of-way in the performance of their duties. The provisions of Section 402 are applicable to all individuals, partnerships, or corporations that are engaged in the operation of a railroad. In addition, this applies to all individuals, partnerships, corporations that own, lease, or otherwise have jurisdiction or control of land on which, or adjacent to which, railroad tracks or sidetracks are located and operated.

Conditions Prohibited by Section 402

Section 402 provides that no person shall knowingly permit any scrap iron, lumber, debris, vegetation exceeding a height of 4 inches, marked unevenness of terrain, or any material or condition which unreasonably endangers any employee, to remain or continue in the "safe space" over which the person has full or partial legal control. "Safe space" means the area encompassed within the following distances:

- from the actual grade level to a distance of 22 feet 6 inches above the top of the rail head.
- a distance of 8 feet 6 inches on both sides of a perpendicular from the center line of a railroad track with a radius of not less than 400 feet lateral curvature;
- a distance of 9 feet on both sides of a perpendicular from the center line of a railroad track with a radius of less than 400 feet lateral curvature.

A diagram of the "safe space" area is included in Appendix I.

Inspections Concerning Alleged Safe Space Violations

MDOT's Office of Rail, conducts safe space violation inspections in response to written complaints from:

- any railroad employee;
- a union whose members are affected by a violation of Section 402;
- any person, including a common carrier, that is affected by a violation of Section 402.

In the absence of a complaint, MDOT's Office of Rail, may also conduct an inspection to determine if Section 402 is being violated.

The form to request an inspection to review an alleged safe space violation can be obtained through MDOT's Office of Rail, website (www.michigan.gov/mdotrailfreight). After the inspection, MDOT will issue a Proposed Order to all parties of interest. The Proposed Order outlines any safety measures that must be implemented. If objections to the Proposed Order are not filed within 30 days after its issuance, the Proposed Order becomes a legal Order of the Department.

Compliance Enforcement

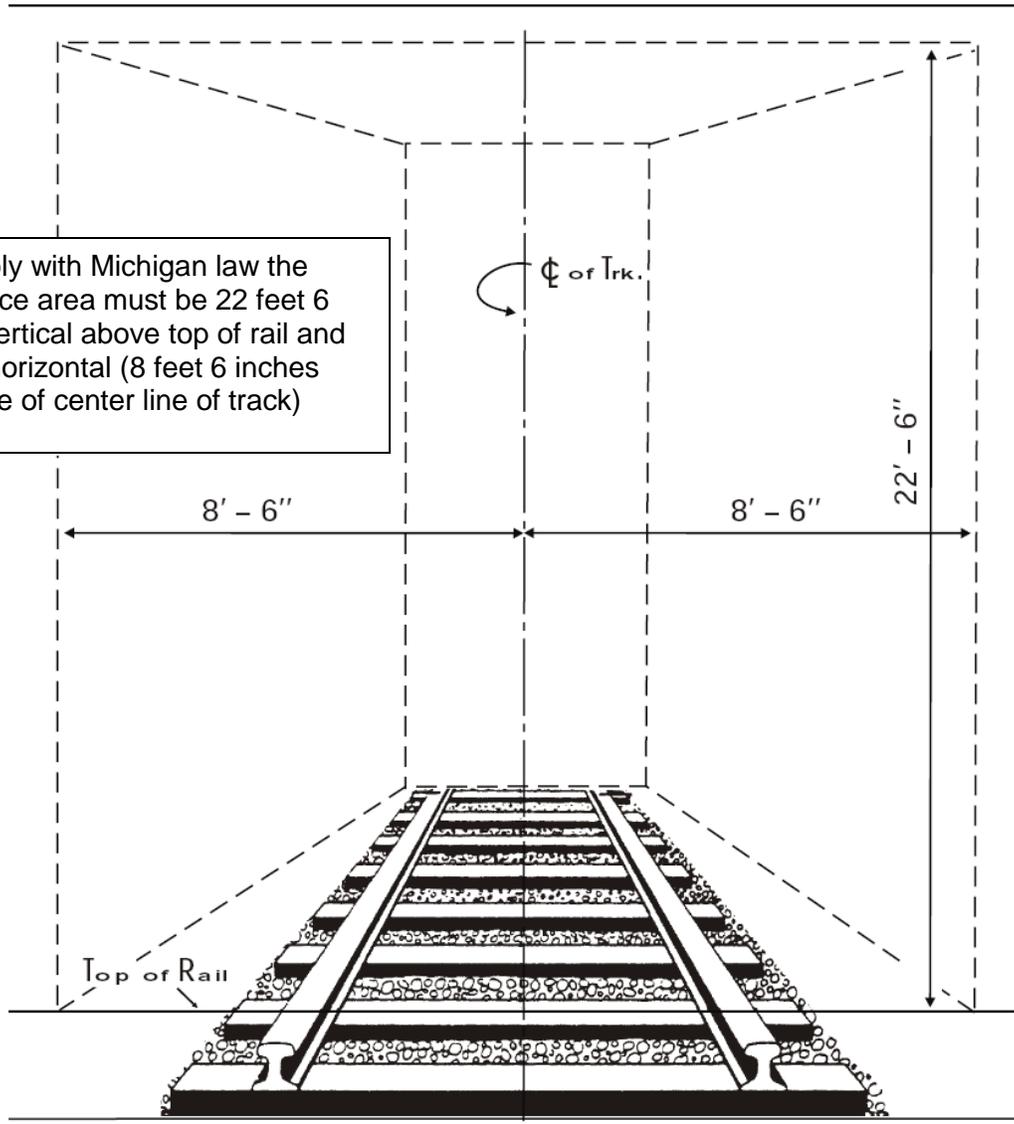
Any person aggrieved by noncompliance with a Department Order concerning a violation of Section 402 may file a petition in Circuit Court for a court order to enforce compliance.

To obtain forms or for additional information contact:

Michigan Department of Transportation
Office of Rail
Rail Safety Section
425 West Ottawa
Lansing, Michigan 48909
(517) 373-8235 phone
(517) 373-0856 fax
www.michigan.gov/mdotrailfreight

Appendix 1

To comply with Michigan law the safe space area must be 22 feet 6 inches vertical above top of rail and 17 feet horizontal (8 feet 6 inches each side of center line of track)



APPENDIX II

