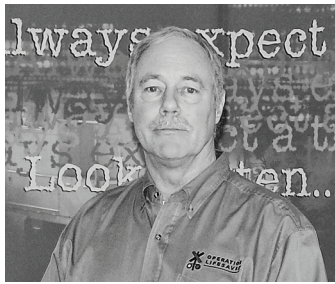


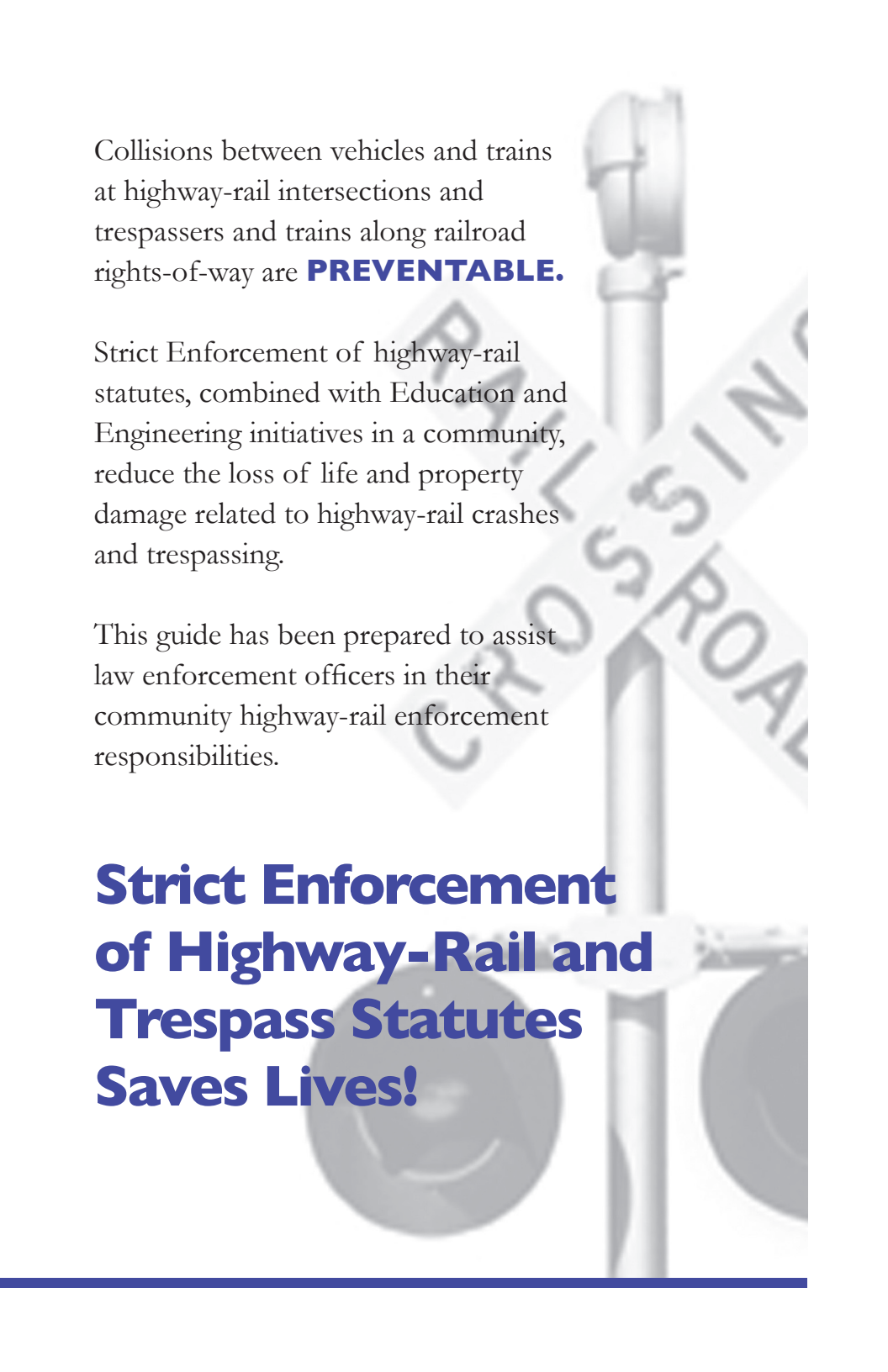
# MICHIGAN'S ENFORCEMENT GUIDE

FOR LAW ENFORCEMENT'S RESPONSE TO RAILROAD INCIDENTS





*This guide is dedicated to the memory of  
retired Norfolk Southern Railroad Special Agent and  
Michigan Operation Lifesaver Assistant State Coordinator  
David H. Cornelius.  
(1949-2015)*

A faded background image of a railroad crossing sign and signal. The sign is diamond-shaped with the words 'RAILROAD CROSSING' written across it. The signal is a vertical post with a light fixture at the top and two circular lights at the bottom.

Collisions between vehicles and trains at highway-rail intersections and trespassers and trains along railroad rights-of-way are **PREVENTABLE.**

Strict Enforcement of highway-rail statutes, combined with Education and Engineering initiatives in a community, reduce the loss of life and property damage related to highway-rail crashes and trespassing.

This guide has been prepared to assist law enforcement officers in their community highway-rail enforcement responsibilities.

## **Strict Enforcement of Highway-Rail and Trespass Statutes Saves Lives!**

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# RAILROAD COMPANY EMERGENCY PHONE NUMBERS

## **Adrian & Blissfield Rail Road (ADBF)**

24 Hour (800) 555-2580

## **AMTRAK (ATK)**

24 Hour Police (800) 331-0008

## **Ann Arbor Railroad (AA)**

24 Hour Hallett Tower (419) 726-3237

## **Canadian Pacific Railway (CP)**

24 Hour Police (800) 716-9132

## **Charlotte Southern Railroad (CHS)**

24 Hour (800) 555-2580

## **CN (CN)**

24 Hour Police (800) 465-9239

## **Conrail (CR)**

Norfolk Police (800) 799-0994

## **Coopersville & Marne Railway (CPMY)**

24 Hour Jerry Ricard (616) 994-8296

## **CSX Transportation (CSX)**

24 Hour Police (800) 232-0144

## **Delray Connecting Railroad (DC)**

24 Hours William Bacon (313) 498-5700

## **Detroit Connecting Railroad (DCON)**

24 Hour (800) 555-2580

## **Escanaba & Lake Superior Railroad (ELS)**

Office (800) 562-4829

After Hours: (906) 630-2013 for Bob Anderson

## **Grand Elk Railroad (GDLK)**

24 Hour Dispatch (866) 386-9321

## **Grand Rapids Eastern Railroad (GRE)**

24 Hour (866) 527-3499

## **Great Lakes Central Railroad (GLC)**

Office (800) 622-7245

## **Huron & Eastern Railway (HE)**

24 Hour (866) 527-3499



**Indiana & Ohio Railway (IO)**

24 Hour (800) 979-4958

**Indiana Northeastern Railroad (IN)**

Office (517) 439-4677

Julie Gordon (517) 398-0005

Troy Strane (517) 278-4614

**Jackson & Lansing Railroad (JAIL)**

24 Hour (800) 555-2580

**Lake State Railway (LSRC)**

24 Hour Dispatch (989) 757-7560

**Lake Superior & Ishpeming (LSI)**

24 Hour (906) 475-4781

Trainmaster 24 hrs. (906) 475-5252

**Lapeer Industrial Railroad (LIRR)**

24 Hour (800) 555-2580

**Marquette Rail (MQT)**

24 Hour (866) 527-3499

**Michigan Shore Railroad (MS)**

24 Hour (866) 527-3499

**Michigan Southern Railroad (MSO)**

(800) 914-3808

**Mid-Michigan Railroad (MM)**

24 Hour (866) 527-3499

**Mineral Range Inc. (MRA)**

(906) 485-1100

**Norfolk Southern Corp (NS)**

24 Hour Police (800) 799-0994

**Southern Michigan Railroad Society (SMRS)**

Mark Beekel (517) 403-5563

**West Michigan Railroad (WMI)**

24 Hour: (800) 914-3808



# CIVIL INFRACOCTIONS

## GRADE CROSSING VIOLATIONS

### MCL 257.667

#### **Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.**

- (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:
  - (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
  - (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.
  - (c) A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.
  - (d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- (2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.
- (3) A person who violates this section is responsible for a civil infraction.

### MCL 257.668

#### **Designating certain grade crossings as “stop” crossings or “yield” crossings; signs; duties of driver; cost of yield sign installations; action for negligence; failure to stop or yield as civil infraction.**

- (1) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as “stop” crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is so designated and signposted, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.
- (2) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as is the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall



maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless such devices or signs were ordered by public authority, shall not be a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

- (3) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

### **MCL 257.669**

#### **Vehicles required to activate hazard warning lights and stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; “inactive railroad track” defined; violation as civil infraction.**

- (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180, before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- (2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, “inactive railroad track” means a railroad track that meets all of the following requirements:
  - (i) The track has been covered or removed.
  - (ii) All signs, signals, and other warning devices are removed.
- (4) A stop shall not be made at a railroad grade crossing marked with a sign reading “exempt”. Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.
- (5) A person who violates this section is responsible for a civil infraction.



# CIVIL INFRACTIONS

## **MCL 257.669a**

### **Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.**

- (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.
- (2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.
- (3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.
- (4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.
- (5) A person who violates this section is responsible for a civil infraction.

## **MCL 257.670**

### **Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.**

- (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.
- (2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.
- (3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.
- (5) A person who violates this section is responsible for a civil infraction.



## **MCL 257.674**

### **Prohibited parking; exceptions; bus loading zone; violation as civil infraction. states in part;**

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
  - (i) Within 50 feet of the nearest rail of a railroad crossing.
- (4) A person who violates this section is responsible for a civil infraction.

## **UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES**

### **R 28.1711**

#### **Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.**

- (1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.
- (2) A person who violates this rule is responsible for a civil infraction.



# SCHOOL BUS VIOLATIONS

## MCL 257.1857

### **Driver of school bus at railroad track grade crossing; requirements; “inactive railroad track” defined; exemptions; violation as civil infraction; fine; processing.**

- (1) Except as provided in subsections (2), (3), (4), and (5), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- (2) A stop need not be made at a railroad track grade crossing where a uniformed police officer or a traffic-control signal directs traffic to proceed.
- (3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, “inactive railroad track” means a railroad track that meets both of the following requirements:
  - (a) The track has been completely paved over or removed.
  - (b) All signs, signals, and other warning devices are removed.
- (4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.
- (5) A stop shall not be made at a railroad grade crossing marked with a sign reading “exempt”. Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.
- (6) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.



# RAILROAD CODE VIOLATIONS

## AUTHORITY AND POWERS OF ARREST

### MISDEMEANORS

#### **MCL 462.253**

#### **Person using abusive, profane, or indecent language or exhibiting violent conduct; powers of conductor.**

A person who uses abusive, profane, or indecent language or exhibits violent conduct may be taken into custody by the conductor of the train and removed to a safe and secure place on the train until its arrival at some usual stopping place, where he or she may be put off the train and put into the custody of some proper officer for prosecution if necessary. For this purpose railroad conductors, while in charge of trains, are hereby invested with the powers of sheriffs and peace officers.

#### **MCL 462.255**

#### **Conduct as misdemeanor; penalty; powers of conductor or freight agent; duties of police officer; jurisdiction of court.**

- (1) A person who, while riding in the car of a freight, passenger, or other train on any railroad in this state, uses or utters indecent, obscene, or profane language in the hearing of other passengers, riotously or boisterously conducts himself or herself to the annoyance of other passengers, or who obtains or attempts to obtain money or property from any passenger or person by means of any game or device, shall, on conviction, be guilty of a misdemeanor, punishable by a fine of not to exceed \$100.00, or imprisonment for not to exceed 90 days, or both.
- (2) Railroad conductors are hereby invested with the powers of sheriffs and constable in regard to offenses under this section occurring upon trains or cars in their charge, and may arrest and detain a person who violates this section until the car or train arrives at a usual stopping place, where the conductor may deliver the person to a police officer with a written statement specifying generally the offense or offenses the person has committed.
- (3) If a police officer is not present to receive the person, the conductor may deliver him or her to the ticket or freight agent at that stopping place, with the statement. The freight agent shall detain the offender in his or her custody, and may exercise the powers of sheriffs and constables in regard to persons charged with crimes in doing so, until a police officer may be obtained to take charge of the offender.
- (4) The police officer shall institute a complaint against the person for the alleged offense before the district or municipal court of the judicial district or municipality in which the offense was committed. The court shall have jurisdiction to try the offender and to impose the penalties authorized by this section.

#### **MCL 462.377**

#### **Railroad police officer; duties and powers.**

Every railroad police officer, who is appointed and commissioned as provided in this act, shall have, exercise, and possess, throughout the state, while in the discharge of his or her duties as a railroad police officer, the powers of sheriffs, marshals, constables, and municipal police officers except in the service of civil process. A railroad police officer shall enforce and compel obedience to the laws of this state and to the ordinances of the cities, villages, and townships of this state when engaged in the discharge of his or her duties as a railroad police officer for the company.



# MISDEMEANOR VIOLATIONS

## TRESPASS



- Unlike Michigan's general trespass statute, Michigan's Railroad Trespass statute does not require that a trespasser be warned or prohibited from entering onto railroad property in order to enforce the statute.
- Peace officers have authority to enforce railroad trespass on railroad property and need not obtain permission from a railroad in order to do so.

### MCL 462.273

**Walking, riding, driving, or being upon or along right-of-way or yard; permission required; "right-of-way" defined; being upon, entering, or damaging buildings, rolling stock, or equipment; applicability of section; violation as misdemeanor; penalty.**

- (1) Except in the case of a right-of-way designated as a demonstration snowmobile trail in section 82126 of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.82126 of the Michigan Compiled Laws, a person shall not walk, ride, drive, or be upon or along the right-of-way or yard of a railroad company operating its lines within this state, or go upon or cross the right-of-way or yard at a place other than a public or private crossing, unless having first obtained written permission from the owner or occupant railroad, its agent or servant.
- (2) For purposes of this section, "right-of-way" means the track or roadbed owned by a railroad and that property owned by a railroad which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing, the existence of railroad tracks, or appropriate signs.
- (3) A person shall not be upon, enter, or damage any buildings, rolling stock, or equipment of any railway company operating its lines within this state.
- (4) This section shall not apply to any of the following:
  - (a) Passengers on trains or employees of a railroad company while engaged in the performance of the duties of their employment.
  - (b) An authorized representative of the railroad employees.
  - (c) A person going upon the right-of-way or tracks to save human life or to protect property.
  - (d) A person going or being upon or in the station grounds or depot of the railroad company as a passenger or for the purpose of transacting business with the railroad company.
  - (e) A person, members of his or her family, or his or her employees going upon the right-of-way or tracks for the purpose of crossing from 1 part to another of a farm he or she may own or lease, where the farm lies on both sides of the right-of-way.
  - (f) A person having written permission to go upon the right-of-way or tracks granted by the railroad company, a person using officially abandoned rights-of-way for recreational purposes, the Michigan public



service commission, the state transportation department, the interstate commerce commission, or the federal railroad administration.

- (g) A registered land surveyor or his or her employees for the purpose of making land surveys.
- (5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days, or by a fine of not more than \$100.00, or both.

## DERAILMENT

### MCL 462.257

#### **Conduct as felony or misdemeanor; penalties.**

- (1) A person who causes or attempts to cause the derailment of an engine, cars, or track vehicle used on railroad tracks by the placing of an impediment upon the track of a railroad, whether the engine, cars, or track vehicle are thrown from the track or not, or who by any other means whatsoever shall willfully endanger or attempt to endanger the lives of persons engaged in the work of the railroad, or persons traveling on the engine or cars of the railroad, is guilty of a felony and subject to imprisonment for life, or any number of years, in the discretion of the court. It shall not be necessary for the people to allege or prove that the person intended to injure or endanger the life of any particular person or persons.
- (2) A person who throws a stone, brick, or other missile at a train or track vehicle is guilty of a misdemeanor punishable by a fine of not less than \$100.00 or more than \$500.00, or imprisonment for not less than 10 or more than 90 days, or both.

### MCL 462.267

#### **Light or banner attached to switch or derailing device; prohibited conduct; violation as misdemeanor; penalty.**

- (1) A person not authorized by a railroad company shall not destroy, remove, change, extinguish, or tamper with in any manner, any light or banner attached to or connected with any switch or derailing device maintained by a railroad company.
- (2) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than \$100.00, or more than \$500.00, or by imprisonment for not less than 10 days or more than 60 days.

### MCL 750.518

#### **Boarding railroad train while in motion.**

Boarding railroad train while in motion—Any person who shall jump or step on board of any railroad train, locomotive or car when in motion except employees and passengers at railway stations shall be guilty of a misdemeanor.



# FELONY VIOLATIONS

## **MCL 445.427**

**Record of purchase transaction; preparation and maintenance; duration; location; availability for inspection; contents; exception; use of electronic record-keeping system.**

**Sec. 7. states in part;**

- (1) Subject to subsection (4), and except as otherwise provided in this section, a scrap metal dealer shall prepare and maintain a separate, accurate, and legible record of each purchase transaction. The dealer shall maintain the records described in this section for at least 1 year; the dealer shall keep the records in a location that is readily accessible to a local, state, or federal law enforcement agency, or to railroad police in investigation of stolen railroad property, for inspection during normal business hours; and the dealer shall make the records, or copies of those records, available on request to any local, state, or federal law enforcement agency.

## **MCL 445.430**

**Sale or purchase of certain property prohibited.**

**Sec. 10. states in part;**

A person shall not knowingly sell or attempt to sell to a scrap metal dealer, and a scrap metal dealer shall not knowingly purchase or offer to purchase, any of the following types of property:

- (d) Metal articles or materials removed from property owned by a railroad company or from a railroad right-of-way. This subdivision does not apply if the seller is the owner of the metal articles or materials; is the manufacturer of the metal articles or materials; is a contractor engaged in the business of repairing railroad equipment; or is a person that has written authorization from that owner, manufacturer, or contractor to sell those metal articles or materials.

## **MCL 445.433**

**Violation of MCL 445.427 or 445.429 as misdemeanor; malfunction as affirmative defense; conduct as felony; penalties; report by department of state police.**

**Sec. 13. states in part;**

- (2) In connection with a purchase transaction, each of the following is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both, for a first offense and is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both, for a second or subsequent offense:
- (a) A scrap metal dealer that purchases scrap metal or an item of property described in section 10 and knew or should have known that it was stolen.
- (b) A person that sells scrap metal or an item of property described in section 10 to a scrap metal dealer and knew or should have known that it was stolen.

## **MCL 750.383a**

**Destruction of certain property used in connection with appliance or component of electric, telecommunication, or natural gas infrastructure that is property of utility; violation; penalty; "utility" defined.**

A person, without lawful authority, shall not willfully cut, break, obstruct, injure, destroy, tamper with or manipulate, deface, or steal any machinery, tools, equipment, telephone line or post, telegraph line or post, telecommunication line, tower, or post, electric line, post, tower or supporting structures, electric wire, insulator, switch, or signal, natural gas pipeline, water pipeline, steam heat pipeline or the valves or other appliances or equipment appertaining to or used in connection with those lines, or any other appliance or component of the electric, telecommunication, or natural gas infrastructure that is the property of a utility. A person who violates this section is guilty of a felony

# FELONY VIOLATIONS





punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. As used in this section, “utility” includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, telecommunication, radio, railway, railroad, airplane, transportation, communication or other system, whether or not publicly owned, that is operated for the public use.

### **MCL 750.394**

#### **Train, car, or vehicle, throwing, propelling, or dropping stone or object; violation; penalty; “serious impairment” defined.**

- (1) A person shall not throw, propel, or drop a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle.
- (2) A person who violates this section is guilty of a crime as follows:
  - (a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
  - (b) Except as provided in subdivision (c), (d), or (e), if the violation causes property damage, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.
  - (c) If the violation causes injury to any person, other than serious impairment or death, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.
  - (d) If the violation causes serious impairment to any person, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.
  - (e) If the violation causes death to any person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.
- (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.
- (4) As used in this section, “serious impairment” means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

### **MCL 750.511**

#### **Attempt to wreck or endanger safety of passengers.**

Attempt to wreck railroad trains or endanger safety of passengers—Any person who shall place upon any railroad any timber, stone, iron or other obstruction, or who shall change any switch or track, or who shall loosen or displace any rail of the track of such railroad, or who shall change the brakes upon any car or cars standing on any railroad track in this state or who shall break down or displace, destroy or injure any bridge, culvert or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be guilty of a felony, punishable by imprisonment in the state prison for life or for any term of years.

### **MCL 750.512**

#### **Uncoupling locomotive or cars.**

Uncoupling locomotive or cars—Any person, not being employed on any railroad, who shall wilfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid, abet, or procure the doing of the same, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.



# NATURAL RESOURCES & ENVIRONMENTAL PROTECTION ACT

## OFF-ROAD VEHICLES

### **MCL 324.81133**

**Operation of ORV; prohibited acts; crash helmet and protective eyewear required; exception; assumption of risk. SEC. 81133**

**states in part;**

(1) An individual shall not operate an ORV:

(m) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as provided for in section 81127.

(3) Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risks do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities.



**YOU'RE ON THE WRONG TRACK**

### **MCL 324.81147**

**Violation of part as misdemeanor or civil violation; penalties; restoration; impoundment; disposition of seized ORV or personal property.**

(1) Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$1,000.00, or both, for each violation.



## FELONY VIOLATIONS

# SNOWMOBILES



**YOU'RE ON THE WRONG TRACK**

## **MCL 324.82126**

**Operation of snowmobile; prohibitions; exemption; construction, operation, and maintenance of snowmobile trail; conditions; demarcation of trail by signing; “operate” defined; prohibited conduct; assumption of risk; violation of subsection SEC. 82133**

(2) as civil infraction; fine, states in part;

(1) A person shall not operate a snowmobile under any of the following circumstances:

(i) On a railroad or railroad right-of-way. This prohibition does not apply to railroad personnel, public utility

personnel, law enforcement personnel while in the performance of their duties, or persons using a snowmobile trail located on or along a railroad right-of-way, or an at-grade snowmobile trail crossing of a railroad right-of-way, that has been expressly approved in writing by the owner of the right-of-way and each railroad company using the tracks and that meets the conditions imposed in subsections (4) and (5). A snowmobile trail or an at-grade snowmobile trail crossing shall not be constructed on a right-of-way designated by the federal government as a high-speed rail corridor. Each person who participates in the sport of snowmobiling accepts the risks associated with that sport insofar as the dangers are obvious and inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with signs, fences, or other snowmobiles or snow-grooming equipment. Those risks do not include injuries to persons or property that can result from the use of a snowmobile by another person in a careless or negligent manner likely to endanger person or property. When a snowmobile is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of snowmobiling additionally assumes risks including, but not limited to, entanglement with tracks, switches, and ties and collisions with trains and other equipment and facilities.

## **MCL 324.82133**

**Violation of part; misdemeanor.**

Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor.

**MISDEMEANOR VIOLATIONS**



# VIOLATIONS BY THE RAILROAD

## OBSTRUCTION OF TRAFFIC

### **MCL 462.391**

#### **Obstruction of vehicular traffic; offenses as separate violations; penalty; allocation of fines.**

- (1) A railroad shall not permit a train to obstruct vehicular traffic on a public street or highway for longer than 5 minutes at any 1 time, except the obstruction shall not be considered a violation under the following circumstances:
  - (a) If the train is continuously moving in the same direction at not less than 10 miles per hour for not longer than 7 minutes.
  - (b) If the railroad can show that the incident occurred as a result of a verifiable accident, mechanical failure, or unsafe condition.

NOTE: A decision on March 21, 2002, by the Sixth Federal Circuit Court of Appeals ruled that issuing citations to railroad companies for this section is unconstitutional. Therefore, no enforcement action is to be taken under subsection (1). CSX TRANSPORTATION, INC., Plaintiff, v. CITY OF PLYMOUTH and Jennifer M. Granholm, Attorney General of the State of Michigan, Defendants. Docket No. No. 98-73615.

- (2) A railroad shall not permit successive train movements to obstruct vehicular traffic on a public street or highway until all vehicular traffic previously delayed by such train movements has been cleared.
- (3) A railroad company shall not permit its employees to allow the activation of active traffic control devices at a railroad grade crossing for more than 2 minutes if there is no intention to move a train or track equipment through the crossing within 20 seconds to 60 seconds after the activation of the devices.
- (4) Each offense under this section shall be a separate violation punishable by a fine of not more than \$500.00 unless the railroad is willfully, deliberately, and negligently blocking vehicular traffic and then the fine shall be not more than \$1,000.00 and the costs of prosecution.
- (5) All fines civil or otherwise collected by a local unit of government in excess of \$10,000.00 annually from the enforcement of a local ordinance substantially similar to this section shall be allocated as follows:
  - (a) Fifteen percent shall be retained by each local unit of government for costs of enforcement of the ordinance.
  - (b) Eighty-five percent shall be deposited in a railroad grade crossing safety fund. The revenue collected in this fund shall be used solely for railroad grade crossing safety projects in these local units of government.



# VIOLATIONS BY RAILROAD EMPLOYEES

## INVESTIGATING ALCOHOL/DRUG RELATED INCIDENTS

### FEDERAL REGULATIONS PERTAINING TO OPERATING A TRAIN UNDER THE INFLUENCE

#### U.S. Department of Transportation Federal Railroad Admin

#### HIGHWAY–RAIL GRADE CROSSING ACCIDENTS

- The Federal Railroad Administration (FRA) regulates rail safety in the U.S. As part of its safety mission, FRA conducts alcohol and drug tests on train crews who have been involved in major accidents.
- FRA's alcohol and drug testing regulations (Title 49, Code of Federal Regulations Part 219) exempt a train crew who has been involved in a highway-rail grade crossing accident from Federal testing.
- Why? Because trains have much longer stopping distances than cars, trucks, and other motor vehicles. At 55 mph, it can take a train more than a mile to stop. For this reason, the crew has little or no chance to avoid an impact by the time they have spotted a person or vehicle stopped on the tracks.
- FRA regulations preempt state and local regulations requiring testing of railroad employees after train accidents, but there is an exception for enforcement of state and local criminal laws.
- Local police may test a train crew under their own authority if they have probable cause to believe that the crew contributed to the cause or severity of a highway-rail grade crossing accident. As explained above, the train crew's involvement in a fatal crash should not be the lone factor in determining whether probable cause for testing exists.
- For more information, visit <http://www.fra.dot.gov/Page/P0345>, or contact Jerry Powers, (202) 493-6313; or Patricia Sun, (202) 493-6060.

#### Title 49 – Transportation

#### Chapter II – Federal Railroad Administration, Department Of Transportation

#### Part 219 – Control Of Alcohol And Drug Use

#### Subpart C – Post-Accident toxicological Testing

#### Sec. 219.201

#### Events for which testing is required. states in part;

(a)(4)(b) Exceptions. No test may be required in the case of a collision between railroad rolling stock and a motor vehicle or other highway conveyance at a rail/highway grade crossing. No test may be required in the case of an accident/incident the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.



# VIOLATIONS BY RAILROAD EMPLOYEES

## MICHIGAN LAW AND ENFORCING ALCOHOL/DRUG RELATED INCIDENTS

**An officer seeking alcohol or drug related charges against an employee of the railroad under any circumstances involving a rail-related incident should first consult with their local prosecutor and do so jointly with the involved railroad police authority.**

If it is determined that it is appropriate to charge the employee under state law the following guidelines should be followed:

Providing a peace officer had reasonable grounds to believe that a person was operating a locomotive engine while under the influence, a person who operates a locomotive engine on the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine if:

- The person is arrested for OUIL, Per Se, or Impaired, or
- The person is arrested for manslaughter resulting from the operation of a locomotive engine.

### CHEMICAL TEST PROCEDURES MCL 462.359

#### Sec. 359

- The officer chooses the type of test to be given.
- The person charged shall be advised that if he or she refuses the request of a peace officer to take a chemical test, a test shall not be given without a court order.
- A person who takes a chemical test shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described within a reasonable time after his or her detention. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer one of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.
- A written report shall be forwarded by the peace officer to the United States Department of Transportation.
- The report shall state: that the officer had reasonable grounds to believe that the person had committed a crime (OUIL, Per Se, or Impaired), and the results of the test.



## **UNDER THE INFLUENCE MCL 462.353**

### **Locomotive engine; operation by person under influence of alcoholic liquor or controlled substance.**

- (1) A person who is under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whose ability to operate a locomotive engine is visibly impaired due to the consumption of alcoholic liquor or a controlled substance or both shall not operate a locomotive engine upon the railroad tracks of this state. A peace officer may, without a warrant, arrest a person when the peace officer has probable cause to believe that the person, at the time of an accident, was the operator of a locomotive engine involved in the accident and was operating the locomotive engine upon the railroad tracks of this state while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- (2) A person who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a locomotive engine upon the railroad tracks of this state.
- (3) Except as otherwise provided, a person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution.
- (4) A person who violates this section within 7 years of a prior conviction may be sentenced to imprisonment for not more than 1 year, or a fine of not less than \$200.00 or more than \$1,000.00, or both, together with costs of the prosecution.
- (5) A person who violates this section within 10 years of 2 or more prior convictions is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not less than \$500.00 or more than \$5,000.00, or both, together with costs of the prosecution.
- (6) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.
- (7) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.
- (8) As part of the sentence for a violation of this section, the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 45 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.
- (9) Before imposing sentence for a violation of this section, the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including





# VIOLATIONS BY RAILROAD EMPLOYEES

alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

- (10) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to the penalty imposed for violation of this section.
- (11) As used in this section, “prior conviction” means a conviction under this section, a local ordinance substantially corresponding to subsection (1) or (2), or a law of another state or the United States substantially corresponding to subsection (1) or (2).

## **MCL 462.357**

### **Locomotive engine; authorization or knowledge of operation by person under influence of alcoholic liquor or controlled substance.**

The owner of a locomotive engine or the person in charge or in control of a locomotive engine, or a person acting as a conductor of any train of cars, shall not knowingly authorize or knowingly permit the locomotive engine to be operated upon the railroad tracks of this state by a person who is impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance or who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution.

## **CHEMICAL TEST REFUSAL**

### **MCL 462.363**

- Michigan law requires a police officer to advise a person who refuses to submit to a chemical test of the consequences of their refusal.
- Most railroads have a strict employment policy that an employee refusing to submit to a chemical test requested by a police officer having reasonable suspicion that the employee was under the influence of alcohol or drugs will result in a suspension of employment.
- The Code of Federal Regulations, Title 49, § 219.213 provides that an employee who refuses to cooperate in providing a blood or urine sample to the railroad following an accident or incident other than a car/train collision shall be withdrawn from covered service and shall be deemed disqualified for covered services for a period of nine (9) months.
- A written report shall be forwarded by the peace officer to the United States Department of Transportation. The report shall state that the officer had reasonable grounds to believe that:
  - The person had committed a crime (OUIL, Per Se, or Impaired),
  - That the person had refused to submit to the test on the request of the peace officer, and
  - The person had been advised of the consequences of the refusal.
- The officer should request a search warrant for the person’s blood per local prosecutor policy.



## **ALCOHOL/DRUG RELATED INCIDENTS**



## **MCL 462.363**

### **Refusal to submit to chemical test; report.**

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 359, a test shall not be given without a court order. A written report shall be forwarded by the peace officer to the federal department of transportation. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 361, and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal.

## **DECEASED OPERATOR MCL 462.359 (10)**

- If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining BAC or the presence of a controlled substance or both.
- In the absence of railroad police or authorities, the investigating officer shall inform the medical examiner that two samples of blood need to be withdrawn; one to be submitted to the Michigan Department of State Police using the standard alcohol specimen collection kit, and the other to be submitted to the Federal Railroad Administration in a specimen kit provided by the involved railroad, pursuant to the Code of Federal Regulations, Title 49, §219.207.

## **ENFORCEMENT**

- Reports of violations of this statute shall be turned over to the local prosecuting attorney for review for possible criminal charges.
- To make an arrest, the following procedures have been established:
  - Determine who was operating the train.
  - Perform standard sobriety tests.
  - A preliminary breath test may be administered; however a refusal is not a violation.
  - Lodge the offender in the county where the offense occurred, or
  - Turn the offender over to his or her supervisor, or the investigating railroad authorities.
  - Interim bond shall not be taken.



# VIOLATIONS BY RAILROAD EMPLOYEES

## CHEMICAL TESTS MCL 462.359

### **Chemical test and analysis of operator's blood, urine, or breath.**

- (1) The amount of alcohol or presence of a controlled substance or both in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:
  - (a) A violation of section 353 or 357 or of a local ordinance substantially corresponding to section 353(1) or (2) or 357.
  - (b) Manslaughter or murder resulting from the operation of a locomotive engine while the operator is alleged to have been impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or to have had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.
- (3) Except in a prosecution relating solely to a violation of section 353(2), the amount of alcohol in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall give rise to the following presumptions:
  - (a) If there was at the time less than 0.04% grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was not impaired by or under the influence of intoxicating liquor.
  - (b) If there was at the time 0.04% grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was impaired by or under the influence of intoxicating liquor.
- (4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood,



as provided in this section. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws blood or analyzes blood or assists in the withdrawal or analysis in accordance with this section unless the withdrawal or analysis is performed in a negligent manner.

- (5) The tests shall be administered at the request of a peace officer having probable cause to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention. The results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer 1 of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant, and that the person charged is responsible for obtaining a chemical analysis of the test sample.
- (6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order, but the officer may seek to obtain the court order.
- (7) This section shall not be construed as limiting the introduction of any other competent evidence, including a video tape recording taken of, and with prior notice to the person, bearing upon the question of whether or not the person was impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whether the person had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:  
"Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."



# VIOLATIONS BY RAILROAD EMPLOYEES

- (9) If after an accident the operator of a locomotive engine involved in the accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment, the result of a chemical analysis of that sample is admissible in any criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.
- (10) If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or presence of a controlled substance or both. The results of the blood testing shall be released to a prosecuting attorney for use in a criminal prosecution as provided in this section. A medical facility disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.
- (11) The obtaining or analysis of a person's blood, breath, or urine under this section shall not be performed in a manner prohibited by the federal railroad administration, United States department of transportation.

## **MCL 462.36 I**

### **Chemical tests of blood, breath, or urine; consent; administration.**

- (1) A person who operates a locomotive engine upon the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:
- (a) The person is arrested for a violation of section 353 or a local ordinance substantially corresponding to section 353(1) or (2).
- (b) The person is arrested for murder or manslaughter resulting from the operation of a locomotive engine, and the peace officer had probable cause to believe that the person was operating the locomotive engine while impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or while having a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.



- (2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.
- (3) The chemical tests shall be administered as provided in section 359.



# TRAFFIC CRASH REPORTING

## TRAFFIC CRASH REPORTING UD-10

### Traffic Crash Report

The accurate reporting of crashes involving trains is essential to grade crossing safety experts. Proper coding of the Michigan Traffic Crash Report (UD-10) assures the necessary distribution of crash data to the agencies which require this information for crash analysis and statistical purposes. The following section will help assure consistent reporting of motor vehicle/train crashes. The State of Michigan will be implementing a revised UD-10 Traffic Crash Report that will take effect January 1st, 2016. The current UD-10 instruction manual can be found at [www.michigan.gov/crash](http://www.michigan.gov/crash).

The following information pertains specifically to crashes involving trains. Areas not specifically covered in this publication should be completed as in any other crash report.

#### 1. Number of Units

Enter the total number of units (Motor Vehicles, Pedestrians, Bicyclists, and Engineers [Train]) that were physically involved in the crash.

#### 2. Crash Type

When a motor vehicle collides with a train, the Single Motor Vehicle Crash Type shall be selected.

#### 3. Area

Select Area 16--Railroad Crossing Related.

#### 4. Location

Railroad crossings have an Emergency Notification System (ENS) sign attached to the railroad crossing support or the cross-buck at the grade crossing. The ENS sign lists the owner of the rail line, railroad emergency phone number and the National Inventory (NI) number of the crossing. When locating crashes at or near a railroad crossing, the NI number can be used as a reference point just as a street name could.

The NI number has a maximum of six numbers followed by a letter and is displayed in this format: 233-106 P. When using the NI in the Location area, record it as the Intersecting Road Name on the UD-10 with the following format: 233106P.

#### 5. Driver (Engineer)

A train is not defined as a motor vehicle, and therefore the engineer does not have the legal responsibility to have a driver's license on their person while operating the train. Leave the Driver's License Number blank on the UD-10. The engineer must provide their railroad engineer certificate. Enter the engineer's information from this certificate in the fields provided on the UD-10.

#### 6. Unit Type

Select Unit Type E (Train).

#### 7. Position

If the Unit Type is E (Train), enter E in the right hand box for their seating position.

#### 8. Sequence of Events for the Motor Vehicle

Under Collision with Non-Fixed Object select 19--Engineer (Railroad/Train). Under Collision with Fixed Object select 40--Railroad Crossing Signal.



# FRONT OF FORM UD-10

Revised September 16, 2015

**State of Michigan Traffic Crash Report**

|   |  |   |  |
|---|--|---|--|
| MSP UD-10 (Rev. 01/2016)<br>Authority: 1949 PA 300, Sec. 257.622<br>Compliance Required<br>Penalty: \$100 and/or 90 days  |  | PSB<br>Incident # _____ of _____<br>File Class _____  |  |
| ORI _____ Department Name _____   |  | Investigator(s) _____ Badge # _____   |  |
| Crash Date _____ Crash Time _____ No. of Units _____ 1  |  | Crash Type: <input type="radio"/> Single Motor Vehicle <input type="radio"/> Head On <input type="radio"/> Head On/Left Turn <input type="radio"/> Angle <input type="radio"/> Backing <input type="radio"/> Rear End <input type="radio"/> Rear End/Left Turn <input type="radio"/> Rear End/Right Turn <input type="radio"/> Sidewalk <input checked="" type="radio"/> 2 <input type="radio"/> Name <input type="radio"/> Sidewalk Opposite <input type="radio"/> Other <input type="radio"/> Unknown |  |
| Special Circumstances: <input type="radio"/> None <input type="radio"/> Hit and Run <input type="radio"/> School Bus <input type="radio"/> Fleeting Police <input type="radio"/> Unknown <input type="radio"/> Animal |  | Special Checks: <input type="radio"/> Fast <input type="radio"/> Corrected Copy <input type="radio"/> Weather <input type="radio"/> Light <input type="radio"/> Road Surface Condition <input type="radio"/> Total Lines  |  |
| County _____ City/Town _____ 3 Traffic Control _____ Relation to Roadway _____  |  | Work Zone-Type: <input type="radio"/> Const./ Maint. <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Utility <input type="radio"/> No  |  |
| Location  |  |   |  |
| Prefix _____ Primary Road Name _____  |  | Road Type _____ Suffix _____  |  |
| Distance _____ Direction: <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West <input type="radio"/> Beginning of Ramp <input type="radio"/> End of Ramp     |  | Speed Limit _____   |  |
| Prefix _____ Intersecting Road Name _____   |  | Road Type _____ Suffix _____  |  |
| Unit Number _____ Driver's License State / Number _____   |  | Date of Birth _____   |  |
| Name _____  |  | Unit Type: <input type="radio"/> MV <input type="radio"/> B <input checked="" type="radio"/> 6 <input type="radio"/> E (Train) Sex: <input type="radio"/> M <input type="radio"/> F   |  |
| Street Address _____  |  | City _____ State _____ ZIP _____ Phone _____  |  |
| Position _____ Restraint _____ Airbag _____ Ejected _____ Condition at Time of Crash _____  |  | Injury: <input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> E <input type="radio"/> F <input type="radio"/> G <input type="radio"/> H <input type="radio"/> I <input type="radio"/> J <input type="radio"/> L <input type="radio"/> M <input type="radio"/> N <input type="radio"/> O <input type="radio"/> P <input type="radio"/> R   |  |
| Crash Issued: <input type="radio"/> Hazardous <input type="radio"/> Other   |  | Total Occupants _____ Hospital Code _____ Ambulance Code _____  |  |
| Alcohol Suspected: <input type="radio"/> Yes <input type="radio"/> No   |  | Test Results: _____   |  |
| Contributing Factor: <input type="radio"/> Yes <input type="radio"/> No   |  | Interlock Device: <input type="radio"/> Yes <input type="radio"/> No  |  |
| Drug Suspected: <input type="radio"/> Yes <input type="radio"/> No  |  | Test Results: _____   |  |
| Contributing Factor: <input type="radio"/> Yes <input type="radio"/> No   |  | Results: <input type="radio"/> Pending  |  |
| Vehicle   |  |   |  |
| Vehicle Registration _____ State _____  |  | Insurance Company _____ Policy Number _____   |  |
| VIN _____ Towed By _____  |  | Towed To _____  |  |
| Year _____ Make _____ Model _____ Color _____   |  | Special Vehicles _____ Vehicle Use _____ 11   |  |
| Engine Type _____ 12 Location of Greatest Damage _____  |  | 1st Impact _____  |  |
| Extent of Damage _____  |  | Vehicle Direction _____ Private Trailer Type _____ Vehicle Defect _____   |  |
| Name _____  |  | Ejected <input type="radio"/>   |  |
| Street Address _____  |  | Sex: <input type="radio"/> M <input type="radio"/> F <input type="radio"/> Trapped <input type="radio"/>  |  |
| City _____ State _____ ZIP _____  |  | Phone _____ Injury: <input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D   |  |
| Date of Birth _____ Position _____ Restraint _____ Airbag _____   |  | Hospital Code _____ Ambulance Code _____  |  |
| Name _____  |  | Ejected <input type="radio"/>   |  |
| Street Address _____  |  | Sex: <input type="radio"/> M <input type="radio"/> F <input type="radio"/> Trapped <input type="radio"/>  |  |
| City _____ State _____ ZIP _____  |  | Phone _____ Injury: <input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D   |  |
| Date of Birth _____ Position _____ Restraint _____ Airbag _____   |  | Hospital Code _____ Ambulance Code _____  |  |
| Owner: <input type="radio"/> Owner Name _____ Phone _____   |  | Address _____   |  |
| Uninjured Passenger: <input type="radio"/> Uninjured Passenger Name _____   |  | Age _____ Pos. _____ Rest. _____  |  |
| Witness: <input type="radio"/> Owner Name _____   |  | Address _____   |  |
| Uninjured Passenger: <input type="radio"/> Uninjured Passenger Name _____   |  | Age _____ Pos. _____ Rest. _____  |  |
| Witness: <input type="radio"/> Witness Name _____   |  | Address _____   |  |
| Reported Date _____   |  | Reported Time _____   |  |
| UD-10 SERIAL NUMBER _____   |  | Serial Override Number _____  |  |
| Damaged Property _____  |  | Owner & Phone _____ 13  |  |

## 9. Vehicle Registration (Locomotive)

Record the engine number from the lead engine of the train. The registration can be located in the engine crew compartment.

## 10. Vehicle Description

Record the information from the Inspection Certificate, which is located in the engine crew compartment.

## 11. Vehicle Use

Select Vehicle Use 11--Other.

## 12. Vehicle Type

Select Vehicle Type 10--Other for Engineer/Train.



# BACK OF FORM UD-10

|   |   |   |   |   |
|---|---|---|---|---|
| Unit Number   | Driver's License State / Number   | Date of Birth   | Unit Type<br><input type="radio"/> MV <input type="radio"/> B <input type="radio"/> P <input type="radio"/> E (Train) | Sex<br><input type="radio"/> M <input type="radio"/> F  |
| Name  |   |   | <input type="radio"/> Driver is Owner   | License Type<br><input type="radio"/> D <input type="radio"/> C <input type="radio"/> M   |
| Street Address  |   |   | Endorsements<br><input type="radio"/> CV <input type="radio"/> F <input type="radio"/> R                              |   |
| City  | State   | Zip   | Phone Number  | Injury<br><input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D   |
| Position  | Restraint   | Airbag  | Ejected<br><input type="radio"/> Condition at Time of Crash<br>1' 2'  | Driver Distracted By  |
| Total Occupants   |   | Hospital Code   |   | Ambulance Code  |
| Citation Issued<br><input type="radio"/> Hazardous<br><input type="radio"/> Other   |   | Hazardous Action<br>Assign Prior  |   | Sequence of Events<br>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20  |
| Alcohol Suspected : Contributing Factor<br><input type="radio"/> Yes <input type="radio"/> No<br><input type="radio"/> Yes <input type="radio"/> No |   | Test Type : <input type="radio"/> Breath <input type="radio"/> Blood <input type="radio"/> Urine<br><input type="radio"/> Field <input type="radio"/> PBT <input type="radio"/> Refused <input type="radio"/> Not Offered |   | Test Results<br><input type="radio"/> Results Pending<br><input type="radio"/> Results Reviewing<br><input type="radio"/> Results Yes<br><input type="radio"/> Results No |
| Drug Suspected : Contributing Factor<br><input type="radio"/> Yes <input type="radio"/> No<br><input type="radio"/> Yes <input type="radio"/> No    |   | Test Type : <input type="radio"/> Blood <input type="radio"/> Urine<br><input type="radio"/> Field <input type="radio"/> Refused <input type="radio"/> Not Offered  |   | Test Results<br><input type="radio"/> Results Pending<br><input type="radio"/> Results Reviewing<br><input type="radio"/> Results Yes<br><input type="radio"/> Results No |
| <b>Vehicle</b>  |   |   |   |   |
| Vehicle Registration  | State   | Insurance Company   | Policy Number   |   |
| Towed By  |   |   | Towed To  |   |
| VIN   | Year  | Make  | Model   | Color   |
| Special Vehicles  |   | Vehicle Use   |   |   |
| Vehicle Type  | Location of Greatest Damage   | 1 <sup>st</sup> Impact  | Extent of Damage  | Vehicle Direction   |
| Private Trailer Type  | Vehicle Defect  |   |   |   |
| Name  |   |   |   |   |
| Street Address  |   |   |   |   |
| City  | State   | ZIP   | Phone   | Sex<br><input type="radio"/> M <input type="radio"/> F  |
| Date of Birth   | Position  | Restraint   | Airbag  | Ejected<br><input type="radio"/> Trapped<br><input type="radio"/>   |
| Hospital Code   |   | Ambulance Code  |   |   |
| Name  |   |   |   |   |
| Street Address  |   |   |   |   |
| City  | State   | ZIP   | Phone   | Sex<br><input type="radio"/> M <input type="radio"/> F  |
| Date of Birth   | Position  | Restraint   | Airbag  | Ejected<br><input type="radio"/> Trapped<br><input type="radio"/>   |
| Hospital Code   |   | Ambulance Code  |   |   |
| <input type="radio"/> Owner   | Name  |   |   | Address   |
| <input type="radio"/> Uninjured Passenger   | Phone   | Age   | Pos.  | Rest.   |
| <input type="radio"/> Witness   | Name  |   |   | Address   |
| <input type="radio"/> Owner   | Name  |   |   | Address   |
| <input type="radio"/> Uninjured Passenger   | Phone   | Age   | Pos.  | Rest.   |
| <input type="radio"/> Witness   | Name  |   |   | Address   |
| Job #   | Carrier Name  |   |   |   |
| Address   |   |   |   |   |
| City  | State   | ZIP   |   |   |
| GVWR / GCWR<br><input type="radio"/> 10,000 LBS or Less <input type="radio"/> 10,001 - 26,000 LBS <input type="radio"/> 26,001 LBS or More          |   |   |   |   |
| Vehicle Configuration   | Cargo Body Type   | HAZMAT  | HAZMAT ID   | HAZMAT Class  |
| <input type="radio"/> Placard   | <input type="radio"/> Cargo Spill   |   |   |   |
| USDOT   | MC  | MPLC  |   |   |
| CDL Type<br><input type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> None                                      | Endorsements<br><input type="radio"/> H <input type="radio"/> P <input type="radio"/> T <input type="radio"/> N <input type="radio"/> S <input type="radio"/> X |   |   |   |
| Medical Card<br><input type="radio"/> Yes <input type="radio"/> No  | Exempt<br><input type="radio"/> Farm<br><input type="radio"/> Other   |   |   |   |
| <b>14</b>   |   |   |   |   |
| UD -10 Serial Number  |   |   |   |   |
| Crash Diagram   |   |   |   |   |
|   |   |   |   |   |

### 13. Damaged Property/Public

Describe the damaged property, if any, and select "Yes" if there was damage to a railroad sign or signal.

### 14. Remarks/Narrative

Provide a narrative that explains how the crash occurred and also any remarks that may be significant to re-creating the events of the crash. A narrative is required for all crashes involving a fatality, while ensuring not to include any personal information.

### 15. Diagram

The diagram should provide a simple drawing of how the crash occurred. The diagram need not be to scale, but should provide a basic visual of the crash scene. As with the narrative, a diagram is required on all fatal crashes and should not include any personal information.





# **UD-10 QUESTIONS?**

Call the

**CRIMINAL JUSTICE INFORMATION  
CENTER**

**517.241.1699**

Or visit the Web Site at:

**[www.michigan.gov/crash](http://www.michigan.gov/crash)**

**Be Safe at Highway-Rail  
Intersections.**

**SEE TRACKS? THINK TRAIN.**



# GRADE CROSSING COLLISION INFORMATION CHECKLIST

## ENGINEER INFORMATION

- Name (From railroad Engineer Certificate)
- Terminal address
- Terminal phone number
- Time of collision
- Train speed estimate at collision
- Engineer certificate or card

## CONDUCTOR INFORMATION

- Name (From railroad Conductor Certificate)
- Terminal address
- Terminal phone number
- Consist (list of train contents)

## TRAIN INFORMATION

- Lead engine number
- Train ID number (from Conductor)
- Number of Cars in Train
- Railroad company name/ address
- Owner of the railroad tracks
- Name of railroad company operating train
- Additional crew members

## ENGINE INFORMATION

- Headlight/ ditch light working/ damaged?
- Horn working?
- Bell working?
- On board camera/ video available? (Contact railroad involved)
- If there are other locomotives in train, do they have cameras? If so, were they activated?

## MISCELLANEOUS INFORMATION

- RR car number on crossing?
- Distance to last RR car from POI?
- Witnesses

## CROSSING SIGNALS

- Light/ gate/ bell combination?
- Light/ bell combination?
- Passive warning (cross bucks/ yield sign/ stop sign)?
- Lights flashing/ bell ringing upon your arrival?
- Crossing gates down? (If devices not working upon arrival, explain)

## OTHER CROSSING CHARACTERISTICS

- Advance warning signs in place? \*  
\* Distance from this sign to nearest rail?
- Crossing surface (rubber, asphalt, etc.)
- Pavement markings?
- DOT/ NI crossing number? (located on ENS sign on cross buck or signal post)
- Width of right of way (ft.)
- Visual obstructions on driver approach?
- Citation given? Or charges if warranted?

**AT THIS POINT, IF NO FURTHER INFORMATION IS REQUIRED, CONSIDER RELEASING THE TRAIN**



**INFORMATION CHECKLIST**

# HAZARDOUS MATERIALS INCIDENTS

## EMERGENCY RESPONSE TO RAILROAD INCIDENTS

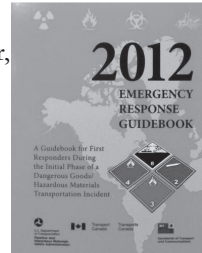
Law Enforcement officers responding to a crash or incident involving a train or the railroad, and there is a hazardous material release, fire or explosion that occurred, or may occur, or which holds a potential for endangering life or property, should:

- Notify the local fire department through dispatch, and contact railroad to stop all train traffic on all tracks.
- Identify the railroad which operates the tracks by way of the DOT Emergency Notification System (ENS) sign located at the crossing or nearest crossing and provide all information to the dispatcher.

(See Photo)



- Identify the rail car or locomotive involved by utilizing the unique individual car Reporting Marks located on both ends and both sides of the railcar. (See Photo)
- Attempt to identify the product by utilizing the U.N. Identification Number from the placards located on both sides and both ends of the railcar. This information may be stenciled on the sides of the railcar in some cases. You may also identify the products through the shipping papers, which are located with the Conductor of the train or within the cab of the Locomotive.
- In most cases the railroad will be able to fax or email copies of the consist, to the first responders, as the Conductor by federal law cannot give up their paperwork.
- Using information from the “Emergency Response Guidebook” regarding suggested precautions for the particular material involved, necessary actions shall be taken to reduce the immediate risk to life and property.



Michigan Intelligence Operations Center  
Email: [MIOC@michigan.gov](mailto:MIOC@michigan.gov)  
Website: [www.michigan.gov/MIOC](http://www.michigan.gov/MIOC)

MIOC Operations Desk  
Phone: (517) 241-8000

## RESPONDING TO VEHICLE-RELATED RELEASES IN MICHIGAN

Information for police and fire departments and other agencies responding to vehicle-related spills, and involvement by the Department of Environmental Quality (DEQ) in such incidents.

### TYPES OF SPILLS

Transportation-related spills occur frequently on Michigan's roads, highways, and railways. Releases from these accidents may include diesel fuel, gasoline, motor oil, transmission fluids, and anti-freeze. Accidents involving tankers, fuel oil delivery trucks, and other similar haulers may result in significant releases.

HAZARDOUS MATERIALS INCIDENTS



# HAZARDOUS MATERIALS INCIDENTS

Based on the nature and size of a release and the threat to public health, safety, or the environment, fire or police responders may seek input from the DEQ Remediation & Redevelopment Division (RRD).

## REPORTING SPILLS

The party responsible for the release has the obligation to clean up the spill. For very small spills, minimal or no remediation may be necessary; if there is any question about this determination, the on-scene incident commander should contact the appropriate DEQ/RRD district office. If remediation is necessary, the cleanup of any size spill is less expensive and involved if addressed promptly. If the release is serious and prompt cleanup is needed, the on-scene incident commander may choose to contact a cleanup contractor directly. If necessary, the RRD can also help by establishing contact with the vehicle owner. Often, the insurance carrier of the owner of the vehicle involved will cover the cleanup and payment of costs associated with a transportation release.

## SPILL INFORMATION

Obtain the following information to assist in cleanup of an environmental spill:  
Vehicle Owner Owner's Representative Driver of Vehicle

Name:

Address:

Phone:

**Specific Release Location:** (street address, city, county, mile marker) and exact area where loss occurred (ditch, road shoulder, median, pavement, near or in surface water or wetlands)

---

**Material(s) released** and estimated quantity released:

---

**Date and time** release was discovered:

**Cause of release:**

Any **actions taken** in response to the loss and by whom:

---

Name and phone number of **insurance carrier**, if available:

---

Name of on-scene commander/contact:

Phone number (cellular if available):

**Note: The liable party has reporting obligations that are not satisfied by this form. For complete information about reporting releases, contact your nearest DEQ District Office. Information on spill release reporting can also be accessed from the DEQ Home Page at: [michigan.gov/deq](http://michigan.gov/deq) (enter Spill Release Reporting in search).**

## CONTACT INFORMATION

When requesting DEQ/RRD involvement, spills should be reported directly to the applicable DEQ district office during normal business hours (8 AM-5 PM). Please fax this form to the district office and provide additional follow-up information, such as photographs or sketches, as available. After hours and on weekends, releases can be reported by calling the **DEQ's Pollution Emergency Alerting System (PEAS) hotline at 800-292-4706.**

HAZARDOUS MATERIALS INCIDENTS





Email: [operationslts@michigan.gov](mailto:operationslts@michigan.gov)  
(MIOC)  
517-241-8000

Detroit and Southeast Michigan  
Information & Intelligence Center  
(DSEMIIC)  
Phone: (313) 967-4600  
Email: [DSEMIIC@michigan.gov](mailto:DSEMIIC@michigan.gov)  
Law Enforcement (LE) Only

MiCrimInt Central  
Help/Contact Info  
Phone: (517) 241-1569  
Email: [MCISAdmin@michigan.gov](mailto:MCISAdmin@michigan.gov)  
Law Enforcement (LE) Only

MICHTIP (For Public Use)  
Reporting Suspicious Activity  
Phone: (855) MICHTIP (642-4847)  
Website: [www.michigan.gov/michtip](http://www.michigan.gov/michtip)



# NOTES OF INTEREST

## NOTES OF INTEREST MCL Definitions

### **257.12 “Driver” defined**

“Driver” means every person who drives or is in actual physical control of a vehicle.

### **257.25 “License” defined.**

“License” means any driving privileges, license, temporary instruction permit, commercial learner’s permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

### **257.31 I Possession of operator’s or chauffeur’s license or receipt when operating motor vehicle required; display; identification.**

The licensee shall have his or her operator’s or chauffeur license, or the receipt described in section 311a, in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any police officer, who shall identify himself or herself as such.

### **257.33 “Motor vehicle” defined.**

“Motor vehicle” means every vehicle that is self-propelled, but for purposes of chapter 4 of this act motor vehicle does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under this act. Motor vehicle does not include an electric patrol vehicle being operated in compliance with the electric patrol vehicle act, 1997 PA 55, MCL257.1571 to 257.1577. Motor vehicle does not include an electric personal assistive mobility device. Motor vehicle does not include an electric carriage. Motor vehicle does not include a commercial quadricycle.

### **257.79 “Vehicle” defined.**

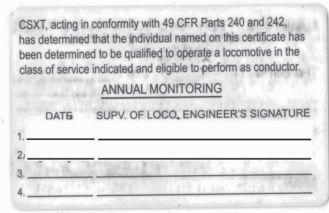
“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

### **257.49 “Railroad train” defined.**

“Railroad train” means a steam engine, electric or other motor with or without cars coupled thereto, operated upon rails, except street cars.



## Railroad Engineer or Conductor Certifications



**A train is not defined as a motor vehicle, and therefore the engineer does not have the legal responsibility to have a driver's license on their person while operating the train. The information on the engineer's certificate is used to complete the fields provided on the UD-10 Traffic Crash Report.**

### How to Identify a Crossing

The Association of American Railroads and the U.S. Department of Transportation developed a crossing identification system jointly. This system gives each at-grade and separated crossing a unique identity by the assignment of an inventory number. The number, composed of six numerals and one letter, is usually attached to the crossbuck or signal mast (see below). The abbreviation of the railroad responsible for the crossing may be found above the number. The DOT inventory number should be included in your report.

### ENS - EMERGENCY NOTIFICATION SYSTEM



In case of a crossing emergency:

1. Locate the 800 number sign in close proximity to the crossing, if available.
2. Notify railroad of crossing DOT inventory number.
3. Inform dispatcher as to the nature of the emergency. They will contact nearby train crew, if train needs to be stopped.

### Penalties for CDL Vehicle Operators Convicted of Railroad Crossing Violations P.A. 534 of 2002

Under Federal Motor Carrier Regulations (FMCSRs) states must take action to disqualify drivers who commit certain violations while driving a commercial motor vehicle (CMV). The following highway-rail intersection violations and disqualification periods for drivers operating vehicles requiring CDL's are noted. It covers the regulations listed in Parts 383 and 391 of the FMCSR's. Note: This list would not be accurate for drivers operating vehicles between 10,001 and 26,000 pounds (which do not require CDL's).



# NOTES OF INTEREST

Disqualifying Rail Intersection Violations:

1. Failing to slow down.
2. Failing to stop.
3. Failing to check for clear track.
4. Failing to obey traffic control devices or law enforcement officials.
5. Crossing without having sufficient undercarriage clearance.
6. Crossing without having sufficient space on the other side to clear the tracks without stopping.

Disqualification Periods for CDL Drivers:

\*A 60-day CDL suspension for the first railroad crossing violation while operating a CMV

\*A 120-day CDL suspension for a second railroad crossing violation within 36 months while operating a CMV.

\*A 1-year suspension for three or more railroad violations within 36 months while operating a CMV.

**If you are interested in providing Emergency Responders with a highway-rail safety program contact the national website [www.oli.org](http://www.oli.org). Programs are provided at no charge.**





# NOTES

# NOTES

# MICHIGAN'S RAILROAD SYSTEM

## RAILROADS OPERATING IN MICHIGAN

- CN Canadian National Railway
- CSX CSX Transportation
- NS Norfolk Southern Railway
- Other Railroads

### DETROIT AREA INSET



Produced by  
Michigan Center for Shared Solutions  
Department of Technology, Management, and Budget

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[www.michigan.gov/ctsb](http://www.michigan.gov/ctsb)  
Ph: (517) 373-7910





How tomorrow moves



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