



michigan municipal league

# Liability & Property Pool Workers' Compensation Fund

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## RISK CONTROL SOLUTIONS

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A Service of the Michigan Municipal League Liability and Property Pool and  
the Michigan Municipal League Workers' Compensation Fund

### RAILROAD CROSSINGS

#### Overview

The State of Michigan currently has thirty-two railroad companies operating over 5,800 public grade crossings. Of these crossings, 2,400 have active traffic control devices that consist of flashing light signals, half-roadway gates or a combination of such devices. The remaining 3,400 crossings have passive control devices or no devices at all. Passive control devices include railroad crossing signs, stop signs, and other signs.

State law in Michigan gives the Michigan Department of Transportation (MDOT) the power to determine safety needs at public grade crossings and to order improvements when necessary. MDOT's Freight Services and Safety Division routinely monitors all public crossings. This activity includes evaluating existing traffic control devices, crossing conditions, and other relevant information. This may result in MDOT advising the municipality that it needs to correct deficiencies. This monitoring process allows MDOT to check that the municipality that has control over the roadway maintains public grade crossings according to established statutes.

To assure the safety of highway and railway users, the municipality and the railroad company have the right to jointly occupy the right of way to conduct their respective duties. The railroad company is responsible for the active control devices, and the municipality is responsible for the passive control devices. However, they share responsibility for the traffic control function.

#### Guidelines for Reducing Your Risk

Failure to appropriately evaluate, monitor and correct deficiencies may result in a lawsuit against a municipality should an accident occur at a public grade crossing. Even though MDOT has an active inspection program, municipalities should regularly inspect and monitor all public grade crossings within their jurisdictions. When these periodic inspections identify deficiencies, municipalities should take appropriate corrective action.

To reduce the potential of a public grade crossing accident, municipalities should take the following actions:

- o Secure a current evaluation of each public grade crossing within their jurisdictions from MDOT Freight Services & Safety Division of Urban Transportation at 517/335-2592. The MDOT evaluation lists all the traffic control devices that are necessary at the crossing and any recommendations that MDOT personnel may have made during previous evaluations.
- o Check, during the regular monitoring and inspection of each public grade crossing, that each traffic control device that MDOT cites in its evaluation is in place and in good condition. If the crossing has active control devices, municipal inspectors should evaluate them from both sides of the crossing while they are working.

- o Take photographs of the public grade crossing, if possible, at the time of the inspection or following any improvements to it. The photographs will serve to document what warning signs and devices are in place. Municipalities should label the photographs clearly with the location of the crossing as well as the date and time of the photos.
- o Replace any missing or damaged traffic control devices **immediately**.
- o Place public grade crossing pavement markings properly. Markings should be easy to see in all lighting conditions when approaching by vehicle. Repair faded or deteriorated pavement markings so that approaching drivers can identify them easily.
- o Make sure that tree branches, bushes, or other vegetation do not obstruct the traffic control devices for vehicles approaching the railway crossing.
- o Contact MDOT's Railroad Coordination & Engineering Section -- Engineering Services Division at 517/373-2285 to schedule a site evaluation if your inspection identifies any of the following:
  - Unguarded public grade crossings,
  - Public grade crossings that have experienced an increase in rail and/or or road traffic,
  - Crossings that have received specific complaints regarding safety, or
  - Public grade crossings that have experienced accidents.

Government funds are available to make improvements as part of a federal program to reduce the number of public and private grade crossing accidents in the United States. Visit the Federal Railroad Administration on the Web at <http://www.fra.org>.

Michigan Operation Lifesaver, Inc. is a non-profit public information program that provides free programs and speakers regarding highway-rail safety messages. Municipalities are encouraged to utilize this resource to build awareness about highway-rail crossing safety and the dangers along railroad right of ways within their local communities. Contact Stuart Lindsay, State Coordinator, (517) 373-3980 or Darnell Oldham, State Coordinator, at (517) 335-2573 or visit Operation Lifesaver's Website at <http://www.oli.org>.

If you need additional information or assistance, contact MDOT at the following telephone numbers:

	Important Phone Numbers	
MDOT Railroad Coordination & Engineering Section--		
Engineering Services Division		517-373-2285
MDOT Freight Services & Safety Division of Urban Transportation		517 335-2592
MML Risk Management Services		734/662-3246 or 800/653-2483
Loss Control Services		800/482-0626
Operation Lifesaver		517/373-3980

**Note:**

This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their own procedures with an expert or an attorney who is knowledgeable about the topic.