

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1975-1

247.822 Transfer of railroad regulation functions from public service commission to department of state highways and transportation.

WHEREAS, it is necessary to centralize certain railroad functions of state government in order to provide a coordinated response to the transportation problems facing the State of Michigan; and

WHEREAS, the efficient, economical and safe operation of railroads is an integral part of the development of a viable transportation system for Michigan; and

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963, empowers the Governor to make changes in the Executive Branch of Government and in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Public Service Commission is vested by law with certain regulatory powers and duties with regard to rates, services and safety of railroads operating within Michigan.

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to Article V, Section 2, of the Michigan Constitution hereby order the following:

1. The statutory authority, powers, duties, functions, and responsibilities of the Public Service Commission with regard to railroad regulation under the following statutory provisions are hereby transferred to the State Highway Commission:

Sections 1 and 2 of Act No. 275 of the Public Acts of 1887, being Sections 469.221 and 469.222 of the Compiled Laws of 1970.

Sections 1-6 of Act 56 of the Public Acts of 1919, being Sections 469.241-469.246 of the Compiled Laws of 1970.

Section 1-3 of Act No. 158 of the Public Acts of 1923, being Sections 469.111-469.113 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 234 of the Public Acts of 1907, being Sections 469.181 and 469.182 of the Compiled Laws of 1970.

Sections 1-4 of Act No. 52 of the Public Acts of 1909, being Sections 469.201-469.204 of the Compiled Laws of 1970.

Sections 1-3 of Act 123 of the Public Acts of 1923, being Sections 469.211-469.213 of the Compiled Laws of 1970.

Sections 1-9 of Act No. 156 of the Public Acts of 1941, being Sections 470.101-470.109 of the Compiled Laws of 1970.

Sections 1-3 of Act No. 118 of the Public Acts of 1887, being Sections 469.131-469.133 of the Compiled Laws of 1970.

Sections 1-4 of Act No. 167 of the Public Acts of 1871, being Sections 469.141-469.144 of the Compiled Laws of 1970.

Sections 1-10 of Act No. 187 of the Public Acts of 1911, being Sections 470.1-470.10 of the Compiled Laws of 1970.

Sections 1-4 of Act No. 102 of the Public Acts of 1927, being Sections 469.81-469.84 of the Compiled Laws of 1970.

Sections 1-3 of Act No. 75 of the Public Acts of 1945, being Sections 470.151-470.153 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 153 of the Public Acts of 1883, being Sections 469.471 and 469.472 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 37 of the Public Acts of 1949, being Sections 469.521 and 469.522 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 137 of the Public Acts of 1956, being Sections 467.301 and 467.302 of the Compiled Laws of 1970.

Sections 1-3 of Act No. 144 of the Public Acts of 1909, being Sections 460.301-460.303 of the Compiled Laws of 1970.

Sections 1-5 of Act No. 303 of the Public Acts of 1921, being Sections 469.351-469.355 of the Compiled Laws

of 1970.

Sections 1-3 of Act No. 77 of the Public Acts of 1913, being Sections 469.101-469.103 of the Compiled Laws of 1970.

Section 1 of Act No. 193 of the Public Acts of 1929, being Section 467.251 of the Compiled Laws of 1970.

Sections 3 and 3a of Act No. 419 of the Public Acts of 1919, being Sections 460.53 and 460.53a of the Compiled Laws of 1970.

Sections 2-50 of Act No. 300 of the Public Acts of 1909, being Sections 462.2-462.50 of the Compiled Laws of 1970.

Sections 1-4 of Act No. 198 of the Public Acts of 1873, being Sections 463.1-463.4 of the Compiled Laws of 1970.

Sections 1-13 of Act No. 270 of the Public Acts of 1921, being Sections 469.1-469.13 of the Compiled Laws of 1970.

Section 1 of Act No. 180 of the Public Acts of 1956, being Section 469.601 of the Compiled Laws of 1970.

Sections 1-6 of Act No. 26 of the Public Acts of 1968, being Sections 470.121-470.126 of the Compiled Laws of 1970.

Sections 1-5 of Act No. 55 of the Public Acts of 1919, being Sections 469.231-469.235 of the Compiled Laws of 1970.

Sections 1-5 of Act No. 189 of the Public Acts of 1921, being Sections 469.61-469.65 of the Compiled Laws of 1970.

Sections 1-3 of Act No. 383 of the Public Acts of 1913, being Sections 469.491-469.493 of the Compiled Laws of 1970.

Sections 1-7 of Act No. 171 of the Public Acts of 1893, being Sections 469.31-469.37 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 142 of the Public Acts of 1895, being Sections 469.451 and 469.452 of the Compiled Laws of 1970.

Section 1 of Act No. 245 of the Public Acts of 1917, being Section 469.421 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 106 of the Public Acts of 1951, being Sections 469.541 and 469.542 of the Compiled Laws of 1970.

Sections 1-47 of Act No. 244 of the Public Acts of 1881, being Sections 471.1-471.47 of the Compiled Laws of 1970.

Sections 1 and 2 of Act No. 401 of the Public Acts of 1919, being Sections 469.191 and 469.192 of the Compiled Laws of 1970.

Sections 1-24 of Act No. 114 of the Public Acts of 1925, being Sections 253.51-253.74 of the Compiled Laws of 1970.

Sections 6, 7 and 8 of Act No. 3 of the Public Acts of 1939, being Sections 460.6, 460.7 and 460.8 of the Compiled Laws of 1970.

Sections 1-33 of Act No. 92 of the Public Acts of 1893, being Sections 253.1-253.33 of the Compiled Laws of 1970.

Sections 1-4 of Act No. 295 of the Public Acts of 1937, being Sections 247.311-247.314 of the Compiled Laws of 1970.

Sections 1 and 27 of Act No. 283 of the Public Acts of 1909, being Section 220.1 and 221.27 of the Compiled Laws of 1970.

2. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available, to the Public Service Commission for railroad regulation functions are transferred to the State Highway Commission.

3. All quasi-judicial decision making powers of the Public Service Commission related to the functions transferred by this Order shall be vested in and performed by the State Highway Commission except that the adjudication powers of the Public Service Commission with respect to grade separations under 1925 PA 114, being Sections 1 through 5, inclusive, of the Compiled Laws of 1970, shall be exercised by the Treasurer of the Mackinac Bridge Authority.

4. All rules and orders of the agencies and entities transferred by this Executive Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

5. All hearings currently in progress before the Public Service Commission involving functions transferred by this order and not decided by the Public Service Commission on the effective date of this order shall continue to be heard by the Public Service Commission and decisions in such matters shall be made by the Public Service Commission. If a petition or any similar document has been filed but no hearing has actually commenced on the matter for which the petition or other document has been filed, the hearing shall be conducted by the Highway Commission or the Treasurer of the Mackinac Bridge Authority.

6. After the effective date of this order the State Highway Commission shall make such departmental organizational changes as may be administratively necessary to complete the integration of transportation functions contemplated by this order.

7. Where the Public Service Commission's powers to regulate utilities are derived from any statutory provision referring to its powers to regulate railroads, Public Service Commission's powers to regulate utilities shall remain intact.

8. There being an immediate and urgent need to revise the basic railroad regulation statutes of this state to reflect modern day problems and concerns and provide statutory implementation of the comprehensive railroad development plans and programs of the Department of Highways and Transportation, there is hereby established a special inter-agency task force to consist of representation from Department of Commerce, Attorney General, Executive Office and Department of Highways and Transportation to draft revised railroad regulatory legislation to reflect the concerns indicated above. The chairman of this inter-agency task force shall be the Director of the Department of Highways and Transportation.

In fulfillment of the requirements of Article V, Section 2, of the Michigan Constitution, the provisions of this Executive Order shall become effective January 1, 1976.

History: 1975, E.R.O. No. 1975-1, Eff. Jan. 1, 1976

Admin Rule: R 247.3101 et seq. of the Michigan Administrative Code.