



HOUSE BILL No. 5546

May 11 1994 Introduced by Rep Porreca and referred to the Committee on Transportation

A bill to amend sections 668 and 669 of Act No 300 of the Public Acts of 1949 entitled as amended Michigan vehicle code, section 668 as amended by Act No 101 of the Public Acts of 1980 and section 669 as amended by Act No 188 of the Public Acts of 1990 being sections 257 668 and 257 669 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 668 and 669 of Act No 300 of the
2 Public Acts of 1949 section 668 as amended by Act No 101 of the
3 Public Acts of 1980 and section 669 as amended by Act No 188 of
4 the Public Acts of 1990, being sections 257 668 and 257 669 of
5 the Michigan Compiled Laws, are amended to read as follows
6 Sec 668 (1) The state transportation department with
7 respect to highways under its jurisdiction, the county road

1 commissions and local authorities with reference to highways
2 under their jurisdiction, may designate certain grade crossings
3 of railways by highways as stop crossings and erect signs at
4 the crossings notifying drivers of vehicles upon the highway to
5 come to a complete stop before crossing the railway tracks When
6 a crossing is so designated and signposted the driver of a vehi-
7 cle shall stop not more than 50 feet but not less than 10 feet
8 from the railway tracks The driver shall then traverse the
9 crossing when it may be done in safety

10 (2) The state transportation department with respect to
11 highways under its jurisdiction, the county road commissions and
12 local authorities with reference to highways under their juris-
13 diction, may designate certain grade crossings of railways by
14 highways as yield crossings and erect signs at the crossings
15 notifying drivers of vehicles upon the highway to yield Yield
16 signs may be mounted on the same post as is the crossbuck sign
17 Drivers of vehicles approaching a yield sign at the grade cross-
18 ing of a railway shall maintain a reasonable speed based upon
19 existing conditions and shall yield the right-of-way The cost
20 of yield sign installations shall be borne equally by the rail-
21 road and the governmental authority under whose jurisdiction the
22 highway rests The erection of or failure to erect, replace, or
23 maintain a stop or yield sign or other railroad warning device,
24 unless such devices or signs were ordered by public authority,
25 shall not be a basis for an action of negligence against the
26 state transportation department, county road commissions the
27 railroads, or local authorities

1 (3) THE STATE TRANSPORTATION DEPARTMENT WITH RESPECT TO
2 HIGHWAYS UNDER ITS JURISDICTION, THE COUNTY ROAD COMMISSIONS, AND
3 LOCAL AUTHORITIES WITH REFERENCE TO HIGHWAYS UNDER THEIR JURIS-
4 DICTION, MAY DESIGNATE CERTAIN GRADE CROSSINGS OF RAILWAYS BY
5 HIGHWAYS AS EXEMPT CROSSINGS AND ERECT SIGNS AT THE CROSSINGS
6 NOTIFYING DRIVERS OF VEHICLES EXEMPT SIGNS MAY BE MOUNTED ON
7 THE SAME POST AS IS THE CROSSBUCK SIGN DRIVERS OF VEHICLES
8 APPROACHING AN EXEMPT SIGN AT THE GRADE CROSSING OF A RAILWAY
9 SHALL MAINTAIN A REASONABLE SPEED BASED UPON EXISTING
10 CONDITIONS AN EXEMPT SIGN AT A RAILWAY GRADE CROSSING BY A
11 HIGHWAY SHALL PERMIT THE DRIVER OF A VEHICLE TO TRAVERSE THE
12 CROSSING WITHOUT STOPPING OR YIELDING

13 (4) ~~-(3)-~~ A person who fails to stop or yield as required by
14 this section is responsible for a civil infraction

15 Sec 669 (1) Except as provided in subsections (2) (3)
16 and (4) the driver of a motor vehicle carrying passengers for
17 hire before crossing a railroad track at grade shall stop the
18 vehicle within 50 feet but not less than 10 feet or not less than
19 15 feet in the case of a vehicle carrying hazardous materials on
20 which a placard is required to be posted pursuant to 49
21 C F R 171 parts 100 to 199 from the nearest rail and while
22 stopped shall listen and look in both directions along the track
23 for an approaching train and for signals indicating the approach
24 of a train, and shall not proceed until the driver can do so
25 safely After stopping as required in this subsection and upon
26 proceeding when it is safe to do so the driver of the vehicle
27 shall cross only in a gear of the vehicle that does not require

1 changing gears while traversing the crossing The driver shall
2 not shift gears while crossing the track or tracks

3 (2) A stop need not be made at a railroad track grade cross-
4 ing where a police officer or a traffic-control signal directs
5 traffic to proceed

6 (3) A stop need not be made at an abandoned railroad track
7 grade crossing As used in this subsection, 'abandoned railroad
8 track' means a railroad track which meets all of the following
9 requirements

10 (i) The track has been abandoned pursuant to ~~Act No 56 of~~
11 ~~the Public Acts of 1919 being sections 469 241 to 469 246 of the~~
12 ~~Michigan Compiled Laws section 14 of Act No 300 of the Public~~
13 ~~Acts of 1909 as amended being section 462 14 of the Michigan~~
14 ~~Compiled Laws or~~ federal law

15 (ii) The track has been covered or removed

16 (iii) All signs signals and other warning devices are
17 removed

18 (4) A stop shall not be made at a railroad track grade
19 crossing on a freeway or limited access highway where the cross-
20 ing is protected by a clearly visible signal crossing gate or
21 barrier at a time when the signal crossing gate or barrier is
22 not activated

23 (5) A STOP NEED NOT BE MADE AT A RAILROAD TRACK GRADE CROSS-
24 ING WHERE THE APPROPRIATE GOVERNMENTAL AUTHORITY WITH JURISDIC-
25 TION OVER THE HIGHWAY OR ROADWAY HAS ERECTED APPROPRIATE SIGNS
26 ALLOWING DRIVERS OF VEHICLES TO PROCEED OVER THE CROSSING AT A
27 REASONABLE RATE OF SPEED WITHOUT STOPPING OR YIELDING

1 (6) ~~-(5)-~~ A person who violates this section on or after
2 August 1, 1979, is responsible for a civil infraction