

SENATE BILL NO. 43

January 26, 2023, Introduced by Senators CHERRY, GEISS, BELLINO, CHANG, DAMOOSE, WOJNO, KLINEFELT, SANTANA and BAYER and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1917 PA 165, entitled

"An act to authorize highway officials to close roads under construction, improvement or repair, or any portion of a highway whereon a bridge is being constructed or repaired; to require such officials to place in good repair and to mark by proper signs suitable detours around roads, or portions of roads, which are closed hereunder; to provide suitable barriers, and lights shall be maintained at the end of such roads or portions of roads which are thus closed and at the intersections thereof with other roads; to require the removal of signs and barriers located and placed hereunder; and to provide a penalty for a violation of the provisions hereof,"

by amending section 1 (MCL 247.291) and by adding sections 1a and 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~The~~**Subject to section 1a, the** officials in charge of
 2 constructing, improving, or repairing highways may close any
 3 highway or portion thereof, ~~which~~**of highway that** is under process
 4 of construction, improvement, or repair or upon which is located
 5 any bridge ~~which~~**that** is being constructed or repaired. ~~No~~**A**
 6 highway ~~shall~~**or portion of highway must not** be closed under the
 7 ~~provisions of~~ this act until **after** suitable barriers have been
 8 erected at the ends of the **closed** highway or ~~of the closed~~ portion
 9 thereof, ~~of highway~~, and also at the point of intersection of ~~such~~
 10 **the closed** highway or portion thereof ~~of highway~~ with other
 11 highways. ~~Suitable barriers are those which conform to the manual~~
 12 ~~of uniform traffic control devices adopted pursuant to section 608~~
 13 ~~of Act No. 300 of the Public Acts of 1949, being section 257.608 of~~
 14 ~~the Compiled Laws of 1948. For the purposes of this act "highway"~~
 15 ~~includes roads and streets.~~

16 **Sec. 1a. (1) Except as otherwise provided in subsection (2),**
 17 **if the state transportation department closes any freeway or**
 18 **portion of freeway under its jurisdiction for construction,**
 19 **improvement, or repair of that freeway, a portion of freeway, or a**
 20 **bridge located upon that freeway or portion of freeway, both of the**
 21 **following apply:**

22 **(a) If the freeway is closed completely to traffic, it must be**
 23 **closed using concrete barriers or equivalent crashworthy temporary**
 24 **traffic barriers.**

25 **(b) If the freeway is not closed completely to traffic and a**
 26 **portion of the freeway is closed at any time between a half hour**

1 after sunset to a half hour before sunrise for work scheduled to be
2 done at that time in a contract between a contractor and the state
3 transportation department, concrete barriers or equivalent
4 crashworthy temporary traffic barriers must separate any road
5 workers who are present from traffic.

6 (2) This section does not apply if the freeway or portion of
7 freeway described in subsection (1) is closed for not more than 3
8 days for an emergency repair that must be made immediately by
9 employees, contractors, or agents of the state transportation
10 department to protect the safety of motorists.

11 Sec. 1b. As used in this act:

12 (a) "Crashworthy" means that term as defined in the Michigan
13 manual on uniform traffic control devices.

14 (b) "Freeway" means that term as defined in section 18a of the
15 Michigan vehicle code, 1949 PA 300, MCL 257.18a.

16 (c) "Highway" includes roads and streets.

17 (d) "Michigan manual on uniform traffic control devices" means
18 the manual on uniform traffic control devices adopted under section
19 608 of the Michigan vehicle code, 1949 PA 300, MCL 257.608.

20 (e) "Suitable barrier" means a barrier that conforms to the
21 Michigan manual on uniform traffic control devices.