

**SUBSTITUTE FOR
HOUSE BILL NO. 5643**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 667, 668, and 669 (MCL 257.667, 257.668, and
257.669), sections 667 and 668 as amended by 2002 PA 534 and
section 669 as amended by 2015 PA 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 667. (1) When a person driving a vehicle approaches a
2 railroad grade crossing under any of the following circumstances,
3 the driver shall stop the vehicle not more than 50 feet but not
4 less than 15 feet from the nearest rail of the railroad, and shall
5 not proceed until the driver can do so safely:
6 (a) A clearly visible electric or mechanical signal device
7 gives warning of the immediate approach of a railroad train **OR**
8 **OTHER ON-TRACK EQUIPMENT.**

(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 **OR OTHER ON-TRACK EQUIPMENT**.

(c) A railroad train **OR OTHER ON-TRACK EQUIPMENT** approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the **RAILROAD** train **OR ON-TRACK EQUIPMENT** by reason of its speed or nearness to the crossing is an immediate hazard.

(d) An approaching railroad train **OR OTHER ON-TRACK EQUIPMENT** 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.

Sec. 668. (1) The state transportation department with respect to highways under its jurisdiction ~~—AND~~ the county road commissions ~~—and~~ local authorities with ~~reference~~ **RESPECT** 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 **AS PROVIDED IN THIS SUBSECTION**, 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

1 safety.

2 (2) The state transportation department with respect to
3 highways under its jurisdiction ~~—AND~~ the county road commissions ~~—~~
4 and local authorities with ~~reference~~ **RESPECT** to highways under
5 their jurisdiction ~~—~~ may designate certain grade crossings of
6 railways by highways as yield crossings, and erect signs at the
7 crossings notifying drivers of vehicles upon the highway to yield.
8 Yield signs may be mounted on the same post as ~~is~~ the crossbuck
9 sign. Drivers of vehicles approaching a yield sign at the grade
10 crossing of a railway shall maintain a reasonable speed based upon
11 existing conditions and shall yield the right-of-way. The cost of
12 yield sign installations shall be borne equally by the railroad and
13 the governmental authority under whose jurisdiction the highway
14 rests. The erection of or failure to erect, replace, or maintain a
15 stop or yield sign or other railroad warning device, unless ~~such~~
16 ~~devices or signs were~~ **THE DEVICE OR SIGN WAS** ordered by public
17 authority, ~~shall~~ **IS** not ~~be~~ a basis for an action of negligence
18 against the state transportation department, county road
19 commissions, the railroads, or local authorities.

20 (3) **IF OTHER ON-TRACK EQUIPMENT DOES NOT TRIGGER THE**
21 **ACTIVATION OF AN ELECTRIC OR MECHANICAL SIGNAL DEVICE, AND**
22 **EMPLOYEES OF THE RAILROAD HAVE FOLLOWED ALL APPLICABLE RAILROAD**
23 **OPERATING RULES, THERE IS NO BASIS FOR A CIVIL ACTION AGAINST THE**
24 **RAILROAD THAT OPERATED THE OTHER ON-TRACK EQUIPMENT, THE STATE**
25 **TRANSPORTATION DEPARTMENT, A COUNTY ROAD COMMISSION, OR A LOCAL**
26 **AUTHORITY, OR AN EMPLOYEE OR AGENT OF THE RAILROAD THAT OPERATED**
27 **THE OTHER ON-TRACK EQUIPMENT, THE STATE TRANSPORTATION DEPARTMENT,**

1 **A COUNTY ROAD COMMISSION, OR A LOCAL AUTHORITY.**

2 **(4)** ~~(3)~~—A person who fails to stop or yield as required by
3 this section is responsible for a civil infraction.

4 Sec. 669. (1) Except as provided in subsections (2), (3), and
5 (4), the driver of a motor vehicle transporting 16 or more
6 passengers including the driver, a motor vehicle carrying
7 passengers for hire, or a motor vehicle that is required to be
8 marked or placarded under 49 CFR parts 100 to 180, before crossing
9 a railroad track at grade, shall activate the vehicle hazard
10 warning lights and stop the vehicle within 50 feet but not less
11 than 15 feet from the nearest rail. While stopped, the driver shall
12 listen and look in both directions along the track for an
13 approaching **RAILROAD** train **OR OTHER ON-TRACK EQUIPMENT** and for
14 signals indicating the approach of a **RAILROAD** train **OR OTHER ON-**
15 **TRACK EQUIPMENT**, and shall not proceed until the driver can do so
16 safely. After stopping as required in this subsection, and upon
17 proceeding when it is safe to do so, the driver of the vehicle
18 shall cross only in a gear of the vehicle that does not require
19 changing gears while traversing the crossing. The driver shall not
20 shift gears while crossing the track or tracks.

21 (2) A stop need not be made at a railroad track grade crossing
22 where a police officer or a traffic-control signal directs traffic
23 to proceed.

24 (3) A stop need not be made at an inactive railroad track
25 grade crossing. As used in this subsection, "inactive railroad
26 track" means a railroad track that meets all of the following
27 requirements:

1 **(A)** ~~*(i)*~~ The track has been covered or removed.

2 **(B)** ~~*(ii)*~~ All signs, signals, and other warning devices are
3 removed.

4 (4) A stop shall not be made at a railroad grade crossing
5 marked with a sign reading "exempt". Exempt signs may be erected
6 only by or with the consent of the state transportation department
7 after notice to and an opportunity to be heard by the primary
8 railroad operating over that crossing.

9 (5) A person who violates this section is responsible for a
10 civil infraction.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.