

HOUSE BILL No. 5643

February 27, 2018, Introduced by Reps. Sneller, Ellison, Faris, Lucido, Zemke, Cochran, Neeley, Yancey, Sabo and Greimel and referred to the Committee on Transportation and Infrastructure.

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

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.**

9 (b) A crossing gate is lowered or a flagman gives or continues
10 to give a signal of the approach or passage of a railroad train **OR**

1 **OTHER ON-TRACK EQUIPMENT.**

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

7 (d) An approaching railroad train **OR OTHER ON-TRACK EQUIPMENT**
8 is plainly visible and is in hazardous proximity to the crossing.

9 (2) A person shall not drive a vehicle through, around, or
10 under a crossing gate or barrier at a railroad crossing while the
11 gate or barrier is closed or is being opened or closed or against
12 the direction of a police officer.

13 (3) A person who violates this section is responsible for a
14 civil infraction.

15 Sec. 668. (1) The state transportation department with respect
16 to highways under its jurisdiction ~~AND~~ the county road
17 commissions ~~and~~ local authorities with ~~reference~~ **RESPECT** to
18 highways under their jurisdiction ~~may~~ designate certain grade
19 crossings of railways by highways as "stop" crossings, and erect
20 signs at the crossings notifying drivers of vehicles upon the
21 highway to come to a complete stop before crossing the railway
22 tracks. When a crossing is ~~so~~ designated and signposted **AS PROVIDED**
23 **IN THIS SUBSECTION**, the driver of a vehicle shall stop not more
24 than 50 feet but not less than 15 feet from the railway tracks. The
25 driver shall then traverse the crossing when it may be done in
26 safety.

27 (2) The state transportation department with respect to

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

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

27 **(4)** ~~(3)~~—A person who fails to stop or yield as required by

1 this section is responsible for a civil infraction.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.