

## MICHIGAN VEHICLE CODE (EXCERPT)

### Act 300 of 1949

#### SPECIAL STOPS REQUIRED

#### **257.667 Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.**

Sec. 667. (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or 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.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

#### **257.667a Installation and use of unmanned traffic monitoring devices at railroad grade crossing; civil infraction; evidence; diagnostic study team review required where fatality at public railroad grade crossing; exception.**

Sec. 667a. (1) The department of state police or the state transportation department; the county board of commissioners, board of county road commissioners, or county sheriff; or other local authority having jurisdiction over a highway or street may authorize the installation and use of unmanned traffic monitoring devices at a railroad grade crossing with flashing signals and gates on a highway or street under their respective jurisdictions. Each device shall be sufficiently marked or identified or a sign shall be placed at the approach to the crossing indicating that the crossing is monitored by an unmanned traffic monitoring device.

(2) Beginning 31 days after the installation of an unmanned traffic monitoring device at a railroad grade crossing described in subsection (1), a person is responsible for a civil infraction as provided in section 667 if the person violates a provision of that section on the basis of evidence obtained from an unmanned traffic monitoring device. However, for the first 30 days after the installation of an unmanned traffic monitoring device, a person shall be issued a written warning only. It is an affirmative defense to a charge of violating section 667 that the mechanical warning devices at the crossing were malfunctioning.

(3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, is prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images of the violation shall be destroyed 90 days after final disposition of the citation.

(4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For

purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation.

(5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail under this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed under this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose.

(6) If there is a fatality resulting from a train-vehicle crash at a public railroad grade crossing, the state transportation department shall convene a diagnostic study team review, if there has not been a diagnostic study team review at the crossing in the last 2 years. However, a diagnostic study team review is not required if the initial law enforcement investigation of the fatality indicates that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide. The diagnostic study team review shall be conducted within 120 days after the state transportation department is made aware of the fatality. If the diagnostic study team review reaches consensus that warning device enhancements are needed, the state transportation department shall order those improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual prioritization of grade crossing safety improvements.

**History:** Add. 2000, Act 367, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2006, Act 600, Imd. Eff. Jan. 3, 2007.

**257.668 Designating certain grade crossings as "stop" crossings or "yield" crossings; signs; duties of driver; cost of yield sign installations; action for negligence; exception for on-track equipment; failure to stop or yield as 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 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 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 safety.

(2) The state transportation department with respect to highways under its jurisdiction and the county road commissions and local authorities with respect to highways under their jurisdiction may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless the device or sign was ordered by public authority, is not a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

(3) If other on-track equipment does not trigger the activation of an electric or mechanical signal device, and employees of the railroad have followed all applicable railroad operating rules, there is no basis for a civil action against the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority, or an employee or agent of the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority.

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1961, Act 179, Eff. Sept. 8, 1961;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 101, Imd. Eff. Apr. 27, 1980;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

**257.669 Vehicles required to activate hazard warning lights and stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; "inactive railroad track" defined; violation as civil infraction.**

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

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

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

(a) The track has been covered or removed.

(b) All signs, signals, and other warning devices are removed.

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 235, Imd. Eff. July 21, 1965;—Am. 1967, Act 99, Eff. Sept. 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2015, Act 128, Imd. Eff. July 15, 2015;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

#### **257.669a Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.**

Sec. 669a. (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.

(2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.

(3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.

(4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.

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

**History:** Add. 2002, Act 534, Eff. Oct. 1, 2002.

#### **257.670 Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.**

Sec. 670. (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 392, Eff. Mar. 19, 2019.

**257.671 Designation of through highways; designation of stop, yield, or merge intersections; stop, yield, or merge signs; violation as civil infraction.**

Sec. 671. (1) The state highway commission with respect to highways under its jurisdiction, the county road commission, and local authorities with reference to other highways under their jurisdiction, subject to the approval of the state highway commission if a state trunk line highway, may designate through highways and erect stop, yield, or merge signs at specified entrances thereto or may designate any intersection as a stop, yield, or merge intersection and erect like signs at 1 or more entrances to the intersections.

(2) Every stop, yield, or merge sign shall be reflectorized or illuminated at night. Every stop, yield, or merge sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(3) A person who fails to obey a stop, yield, or merge sign erected pursuant to this section is responsible for a civil infraction.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979.