



HOUSE BILL No. 4105

January 17, 1995, 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:

Section 1. Sections 668 and 669 of Act No. 300 of the Public Acts of 1949, 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, are amended to read as follows:

Sec. 668. (1) The state transportation department with 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 OTHERWISE provided in ~~subsections~~
16 ~~(2), (3), and (4)~~ THIS SECTION, the driver of a motor vehicle
17 carrying passengers for hire before crossing a railroad track at
18 grade, shall stop the vehicle within 50 feet but not less than 10
19 feet or not less than 15 feet in the case of a vehicle carrying
20 hazardous materials on which a placard is required to be posted
21 pursuant to 49 C.F.R. 171 parts 100 to 199, from the nearest rail
22 and while stopped shall listen and look in both directions along
23 the track for an approaching train and for signals indicating the
24 approach of a train, and shall not proceed until the driver can
25 do so safely. After stopping as required in this subsection, and
26 upon proceeding when it is safe to do so, the driver of the
27 vehicle shall cross only in a gear of the vehicle that does not

1 require changing gears while traversing the crossing. The driver
2 shall 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.