

**SUBSTITUTE FOR  
SENATE BILL NO. 43**

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

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

15 **Sec. 1a. (1) Except as otherwise provided in subsections (2)**  
16 **and (3), if the state transportation department closes any freeway**  
17 **or portion of freeway under its jurisdiction for construction,**  
18 **improvement, or repair of that freeway, a portion of freeway, or a**  
19 **bridge located upon that freeway or portion of freeway, both of the**  
20 **following apply:**

21 (a) If the freeway is closed completely to traffic, it must be  
22 closed using concrete barriers or equivalent crashworthy temporary  
23 traffic barriers. Ramp access to the freeway may be closed with  
24 barricades, concrete barriers, or other equivalent crashworthy  
25 temporary traffic barriers to maintain access for construction  
26 traffic and emergency services.

27 (b) If the freeway is not closed completely to traffic and a  
28 portion of the freeway is closed at any time between a half hour  
29 after sunset to a half hour before sunrise for work scheduled to be

1 done at that time in a contract between a contractor and the state  
2 transportation department, concrete barriers or equivalent  
3 crashworthy temporary traffic barriers must separate any road  
4 workers who are performing work from traffic.

5 (2) This section does not apply if the freeway or portion of  
6 freeway described in subsection (1) is closed for not more than 3  
7 days for an emergency repair, utility crossing, maintenance, or  
8 other short-duration operation.

9 (3) The state transportation department may exercise its  
10 engineering judgment in designing and placing concrete barriers or  
11 equivalent crashworthy temporary traffic barriers and associated  
12 traffic control devices for each closure of a freeway or portion of  
13 freeway to account for site-specific conditions, including, but not  
14 limited to, roadway grade, equipment malfunctions, emergency  
15 service, law enforcement needs, crash history, or work duration. If  
16 the engineering judgment determines that the use of concrete  
17 barriers would cause additional risks for road users, additional  
18 safety measures to protect road workers must be included in the  
19 contract between the contractor and the state transportation  
20 department.

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

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

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

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

27 (d) "Michigan manual on uniform traffic control devices" means  
28 the manual on uniform traffic control devices adopted under section  
29 608 of the Michigan vehicle code, 1949 PA 300, MCL 257.608.

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