

## REQUIRE USE OF CERTAIN TRAFFIC CONTROL DEVICES WHEN CLOSING A FREEWAY FOR CONSTRUCTION

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<http://www.house.mi.gov/hfa>

**House Bill 5734 as introduced**  
**Sponsor: Rep. Jack O'Malley**  
**Committee: Transportation**  
**Complete to 3-8-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5734 would amend 1915 PA 165, which governs construction road closures, to require the Michigan Department of Transportation (MDOT) to use crash-tested barriers when completely closing a freeway to traffic and to use concrete barriers separating road workers from traffic if a portion of a freeway is closed at night.

The act currently allows officials to close a *highway* or part of a highway under construction, improvement, or repair. A highway must not be closed until *suitable barriers* have been erected at the ends of the closed highway and at the points where it intersects with other highways.

*Highway* includes roads and streets.

*Suitable barrier* means a barrier that conforms to the Michigan Manual on Uniform Traffic Control Devices.<sup>1</sup>

The bill would retain the above provisions and add that, except for emergency repairs, if MDOT completely closes a *freeway* or part of a freeway to traffic to construct, improve, or repair the freeway or a bridge located on the freeway, the freeway must be closed using *crashworthy* temporary traffic barriers.

*Freeway* would mean a divided arterial highway for through traffic with full control of access and with all crossroads separated in grade from pavements for through traffic.

*Crashworthy* would mean (as defined in the Michigan Manual on Uniform Traffic Control Devices) a characteristic of a roadside appurtenance that has been successfully crash tested in accordance with a national standard such as the National Cooperative Highway Research Program (NCHRP) Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features."<sup>2</sup>

If a portion of a freeway that is not completely closed to traffic were closed at any time between half an hour after sunset to half an hour before sunrise, except for emergency repairs, concrete barriers would have to separate any road workers who are present from traffic.

MCL 247.291

<sup>1</sup> [https://mdotcf.state.mi.us/public/tands/Details\\_Web/mmutedcompleteinteractive.pdf](https://mdotcf.state.mi.us/public/tands/Details_Web/mmutedcompleteinteractive.pdf)

<sup>2</sup> [https://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_350-a.pdf](https://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_350-a.pdf)

**FISCAL IMPACT:**

A fiscal analysis is in progress.

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Fiscal Analyst: William E. Hamilton

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.