



THE USE OF GREEN LIGHTS DURING ROADWAY MAINTENANCE

A Liability Guideline for County Road Commissions

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Liability

Strategic Risk Management Guideline

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Green Lights:

How to properly use your newfound legal right.

A few months ago, Governor Snyder signed House Bill 5247, a piece of legislation that enables State, County, or Municipal vehicles to use green lights while engaged in certain roadway maintenance activity. We helped to lead the charge for these new rights, and fought to keep them unique to Road Commissions and other public entities with similar responsibilities. We are firmly convinced that public safety will be maximized by ensuring that our Members, and those like them, are the only ones using green lights on the roadway.

The purpose of this Guideline is to provide you with information regarding your new rights. We want to make sure that you are using green lights properly and in a manner consistent with your obligations to the motoring public.

1. The Law: What Changed.

The portion of the Motor Vehicle Code amended by House Bill 5247, MCL 257.698, says this:

The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law, or under the following circumstances:

... Flashing, rotating, or oscillating amber or green lights, placed in a position as to be visible throughout an arc of 360 degrees, shall be used by a State, County, or Municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations.” MCL 257.698(5)(d).

As a result of these changes, the Motor Vehicle Code now allows governmental entities, including Road Commissions, the ability to operate flashing, oscillating, or rotating green lights while doing roadway maintenance, as long as the lights, or any combination of them, is visible throughout an arc of 360°. You are not obligated to use a green light. Instead, you

Relevant Portion of the Motor Vehicle Code

...

(5) The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law, or under the following circumstances:

...

(d) Flashing, rotating, or oscillating amber or green lights, placed in a position as to be visible throughout an arc of 360 degrees, shall be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service.

MCL 257.698(5)(d)

can continue to use amber alone, or amber and green together. That being said, scientific literature that we reviewed – and shared with the members of your State Legislature – suggests that green lights are much easier to see than amber alone. As such, we encourage you to take full advantage of your newfound right to use them.

We encourage you to use your green lights whenever the vehicle on which they are mounted is actively working on the roadway surface. During the winter months, this could include when you are snowplowing, salting, or engaging in other activity that is designed to manage snow or ice on the roadway. During warmer months, green lights can be used whenever you are blading a gravel roadway, pulling shoulders, or otherwise actively tending to the right-of-way.

Please note, however, that you are only allowed to use green lights while you are “engaged” in the removal of ice, snow, or other material from the highway; or involved in other non-winter operations. In other words, you must be actively maintaining the roadway surface to use your green lights. You should not run them when you leave the garage, or are otherwise simply driving through your county.

2. The Law: What Hasn’t Changed.

Other important portions of State and Federal law have not changed. For example, MCL 257.688, which governs the

placement and location of lights and reflectors on trucks and other vehicles, remains the same; as do the relevant portions of the Federal Motor Carrier’s Safety Administration’s regulations.

So, this new change in the law does not allow you to swap out red or white lights on your truck with a green light. Nor does it allow you to replace every amber light with a green light. The use of green lights is permissible only if, while flashing, oscillating, or rotating, those lights, or any combination of them, is visible throughout an arc of 360°. This can be accomplished, for example, by placing a green light on the top of your truck; or by placing green lights on the front, rear, side, and top so that, in combination, they cover a 360° arc.

All other lights on your truck should stay the same.

3. Final Thoughts.

The motoring public, which already benefits from all of your hard work, will be made even safer by your ability to use green lights during roadway maintenance. These lights make your trucks much more visible – in nearly all weather conditions – than amber lights alone. Additionally, because the use of green lights is limited to Road Commissions and other similarly situated entities, as opposed to commercial snowplowers, we hope that their use will ultimately condition the motoring public to be more cautious around your vehicles. This will further

protect your employees, and reduce the number of accidents on our roadways.

As a liability insurance pool, we will continue to fight for new rights benefiting our Members. Our ability to obtain those rights, however, will largely depend upon the manner in which our Members use those already afforded to them. Put another way, if you use your green lights responsibly and effectively, the State Legislature will be more willing to help us down the road.

As always, if you have any specific questions or concerns regarding the usage of green lights, please let us know. We are happy to assist you, or obtain additional guidance from one of the liability professionals under our direction. In the meantime, congratulations on being the beneficiary of this new legal right. You have earned it.