**MCL257.638**

**From:** Lissa Chiappelli <ldchiappelli@gmail.com>
**Date:** June 20, 2016 at 3:26:24 PM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **MCL257.638**
**Reply-To:** madcm@googlegroups.com

I have an inquiry from a OCSO deputy as to the above referenced statute. The deputy is of the understanding that it is permissible to overtake and pass another vehicle in compliance with the statute using the center lane, as long as the lane is clearly visible and free of oncoming traffic to make the pass safe. He likewise asserts that this type of passing is permissible under MCL 257.642(1)(b).  The immediate reaction I had was this is an accident waiting to happen if someone coming from the opposite direction made a decision to make a left turn quickly and would be met by an oncoming vehicle. In any event, I told the deputy I would look into it and thought with the vast knowledge base of those who received this email, I would be able to give him my opinion of the interpretation of this statute.
Thank you for reading,
Elizabeth Chiappelli
Magistrate 52/2

Sent from my iPhone



**From:** "Milroy,Michael" <michael.milroy@kentcountymi.gov>
**Date:** June 20, 2016 at 4:14:25 PM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **RE: MCL257.638**
**Reply-To:** madcm@googlegroups.com

I have concluded that the center lane shall not be used for passing and overtaking or travel by a driver except to make an immediate left turn.   A center turn lane should not be considered a “lane” for the purposes of vehicle travel because it is so designated and marked for a specific purpose.  The vehicle is only permitted in the lane for a reasonable distance to accomplish the left turn.  The third “center” lane that Section 642 of the MVC is referring to is usually found in a rural areas where a passing lane has been created that permit vehicles to pass the slower moving vehicles and equipment.

The bottom line is that I believe it to be a civil infraction to use the turn lane as a passing lane.  I am not going to interpret Section 642 as allowing this movement.  This would include using the turn lane to merge as well.  I think that the traffic control devices (the lane markings) as designated by the Manual for Traffic Control Devices prohibit passing in the turn lane.  The Manual specifically states that it shall not be used for passing and overtaking.

Milroy
63rd District Court



**From:** "Steve Doak" <sdoak@berriencounty.org>
**Date:** June 20, 2016 at 4:49:54 PM EDT
**To:** <madcm@googlegroups.com>
**Subject:** **RE: MCL257.638**
**Reply-To:** madcm@googlegroups.com

I agree



**From:** Sheldonlarky via MADCM <madcm@googlegroups.com>
**Date:** June 20, 2016 at 4:51:38 PM EDT
**To:** madcm@googlegroups.com
**Subject:** **Re: MCL257.638**
**Reply-To:** madcm@googlegroups.com

I too agree.

 Shel Larky

52-4 District Court