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BILL ANALYSIS

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Senate Bill 117 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Senator Nancy Cassis

Committee: Transportation

Date Completed: 6-5-07

### **RATIONALE**

Public Act 85 of 2006, which took effect on November 9, 2006, amended the Michigan Vehicle Code to establish uniform methods for determining speed limits on State highways, among other things. The Act provides for the Department of Michigan State Police (MSP) to determine certain speed limits based the number of access points, or driveways, on a given stretch of road. Evidently, as a result of these changes, some unpaved roads that previously were posted at 25 miles per hour (mph) had their speed limits raised to as high as 55 mph. Some residents, specifically in Oakland County, are concerned that the higher speed limits on those gravel roads will create dangerous conditions for drivers and pedestrians. It has been suggested that in those areas, the speed limits that were posted on November 9, 2006, should be reinstated, pending traffic and engineering studies to be conducted by the MSP.

### **CONTENT**

The bill would amend the Michigan Vehicle Code to provide that, beginning on the bill's effective date, a speed limit that was posted as of November 9, 2006, in a residence district on a dirt or gravel road located in a city, village, or township would be effective in a county with a population of more than 900,000 but fewer than 1.5 million individuals, unless the speed limit was re-established as provided in the Code.

(Under the Code, if the county road commission, the township board, and the Department of State Police unanimously determine upon the basis of an engineering and traffic investigation that the speed of

vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist on any part of the highway, then acting unanimously they may establish a reasonable and safe speed limit on that county highway that is effective at the times indicated when appropriate speed limit signs are erected on the highway.)

Under the bill, "residence district" would mean the territory contiguous to a highway not comprising a business district when the frontage on that highway for at least 300 feet is occupied mainly by dwellings, or by dwellings and buildings for use in business.

The bill would not apply after December 1, 2012, or upon completion of a traffic and engineering study of all the dirt and gravel roads addressed under the bill, whichever occurred first. The Department of State Police would have to notify the legal division of the Legislative Service Bureau when all the traffic and engineering studies were completed.

(According to U.S. Census Bureau population estimates, Oakland County is the only county in Michigan that would meet the population requirements in the bill.)

MCL 257.627

### **BACKGROUND**

#### Public Act 85 of 2006

As amended by Public Act 85 of 2006, the Michigan Vehicle Code establishes the following speed limits on highways in the State:

- 25 mph on all highways in a business district.
- 25 mph in public parks or land platted under the Land Division Act or the Condominium Act, unless a different speed is fixed and duly posted.
- 25 mph on a highway segment with 60 or more vehicular access points within a half-mile.
- 35 mph on a highway segment with 45 to 59 vehicular access points within a half-mile.
- 45 mph on a highway segment with 30 to 44 vehicular access points within a half mile.

The Code designates 55 miles per hour as the "general speed limit"—that is, the maximum speed limit on all highways or parts of highways for which the Code does not otherwise set a maximum speed limit.

#### Traffic & Engineering Studies

The Michigan Department of State Police conducts traffic studies to determine the patterns of traffic flow on a particular section of highway, and to evaluate whether the speed limit is set properly. Those studies are conducted when the weather is clear and traffic is moving freely. In addition, the study sites are selected to avoid factors that could influence driving behavior, such as railroad crossings, curves, and intersections. By choosing a clear section of road during ideal driving conditions, the MSP attempts to capture the actual rate of traffic flow absent any disruptions.

A traffic study consists of clocking the speed of each car passing a particular point on the highway. The speeds are then plotted on a chart to show the overall traffic pattern. The ideal pattern shows a low variance in speed among drivers, indicating that most vehicles are moving at roughly the same speed, minimizing conflicts between drivers.

Research has indicated that a speed limit that is set incorrectly can create traffic patterns with a high variance in speeds, where some individuals obey the low speed limits, while others travel at a significantly faster speed. According to the MSP, a slow driver is among the most dangerous on the road, because every vehicle approaching from the rear must react to the slower car, by either slowing down or passing,

depending on the conditions. Each time a driver is forced to react to the actions of another driver, there is potential for an accident. The ideal traffic pattern minimizes these conflicts between drivers by creating a smoother flow of traffic.

After collecting the data from the traffic study, the MSP can determine the average speed traveled, as well as the 85<sup>th</sup> percentile speed, which is the speed at or below which 85% of the vehicles are traveling. In most cases, setting the speed limit at the 85<sup>th</sup> percentile speed will ensure optimum traffic flow.

#### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Under the Michigan Vehicle Code as amended by Public Act 85, highways with fewer than 30 vehicular access points within a half-mile are subject to the general speed limit of 55 mph, unless otherwise provided in the Code. These provisions affect unpaved roads as well as other roads, without regard to the fact that dirt and gravel roads present very different driving conditions and potential hazards than those on paved roads. It is easier to lose control of a vehicle on a gravel road, and the driving surface deteriorates quickly, particularly in winter or after heavy rains. In addition, many gravel roads are hilly or winding, creating potential dangers for motorists traveling at high speeds. Because gravel roads rarely have broad shoulders or sidewalks alongside them, there may be pedestrians walking along the edge of the road as well.

According to testimony before the Senate Transportation Committee, many gravel roads in Oakland County are highly traveled, more akin to city streets than rural county roads. Many are used by school buses, which pick up children as early as 6:30 in the morning. The presence of children waiting for a bus in the early morning hours when visibility is limited suggests the need for lower speed limits on these roads. Also, some of the roads reportedly are frequented by horseback riders, who should be approached at a slower speed. For all of these reasons, many residents object to the

recently increased speeds on these gravel roads.

Although the speed limit on these roads was increased as of November 9, 2006, the Oakland County Road Commission has not yet removed the speed limit signs. The bill would statutorily re-establish the posted limits, which were set by local governmental officials who are more familiar with the driving conditions in the area, and are in a better position to determine the safest speed limit, than State officials are. Under the bill, those limits could be modified as provided in the Code, based on a traffic and engineering study conducted by the MSP, which would represent a more scientific and rigorous approach than the current method of setting the limit based only on the number of access points. The bill would remain in effect until December 1, 2012, or until the MSP completed traffic studies on all roads covered by the bill, whichever came first.

#### **Opposing Argument**

A speed limit is the maximum allowable speed under the law, but there is no requirement to drive at that speed. Weather conditions, visibility, the state of the road, and other factors may dictate the maximum safe speed. The law requires a person to maintain a safe and prudent speed based on existing conditions, regardless of the speed limit. These provisions already offer protection for residents who live on gravel roads (and other roads), allowing police officers to issue citations to motorists who drive recklessly or too fast given the conditions. The bill would create an unnecessary exception to the standardized methods of determining speed limits in the State.

In addition, the bill would not improve the safety of the gravel roads in question. There is a perception that increasing the speed limit increases the actual speed of traffic, reducing safety on the road. According to the MSP, however, increasing an improperly set speed limit actually can create safer conditions by reducing conflicts between motorists. Most people drive at a reasonable speed, based on their experience as drivers. If the speed limit does not reflect the actual driving conditions, many people will ignore the limit. In that respect, lowering the speed limit does not improve safety; rather, it creates a false sense of

security for residents along the road, suggesting that the rate of traffic flow is slower than it actually is. The optimum speed limit reduces variance, allowing for smoother flow of traffic.

**Response:** Posting a 55 mph limit implies that it is safe to travel at that speed, and inexperienced drivers in particular might accept that limit as the appropriate speed, regardless of the conditions. Restoring the previously established speed limits would improve safety, because the lower limits are a more accurate reflection of the prevailing driving conditions on those roads.

#### **Opposing Argument**

It is difficult to conduct an accurate traffic study on gravel roads because of their variable conditions. According to the MSP, studies done by the Department have indicated that the current method of determining speed limits based on vehicular access points correlates very well with speed limits determined on the basis of traffic studies. The limits provided under the Code are scientifically based, and are designed to produce smooth flow of traffic, while protecting the safety of motorists and residents. Speed studies are time-consuming and expensive, and there is no reason to expect that those studies would produce a different result.

**Response:** If there are difficulties conducting traffic and engineering studies on gravel roads, perhaps the Code should permit other entities, as well as the MSP, to conduct the studies.

#### **Opposing Argument**

The uniform statewide standards established in Public Act 85 were designed to eliminate inconsistencies and local variations in speed limits, and to prevent artificially low limits from being set as speed traps for unsuspecting motorists. The bill would detract from that effort by creating exceptions for particular gravel roads in one county. There is no reason that Oakland County should be treated differently from the rest of the State.

**Response:** The bill is limited to Oakland County because the complaints regarding the new higher speed limits have come from residents in that county. As Oakland County has grown, larger numbers of residences have been appearing along its gravel roads, while traffic has been increasing. Speed limits were imposed on the roads to address these changes, and the

bill would restore those speed limits. Officials and residents in other counties evidently have not expressed similar concerns.

Legislative Analyst: Curtis Walker

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Debra Hollon

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.