

HOUSE BILL No. 4415

March 28, 2017, Introduced by Reps. Webber, Leutheuser and Lucido and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 627 and 628 (MCL 257.627 and 257.628), section
627 as amended by 2016 PA 445 and section 628 as amended by 2016 PA
447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) A person operating a vehicle on a highway shall
2 operate that vehicle at a careful and prudent speed not greater
3 than nor less than is reasonable and proper, having due regard to
4 the traffic, surface, and width of the highway and of any other
5 condition existing at the time. A person shall not operate a
6 vehicle upon a highway at a speed greater than that which will
7 permit a stop within the assured, clear distance ahead. A violation

1 of this subsection shall be known and may be referred to as a
2 violation of the basic speed law or "VBSL".

3 (2) Except as provided in subsection (1), it is lawful for the
4 operator of a vehicle to operate that vehicle on a highway at a
5 speed not exceeding the following:

6 (a) 15 miles per hour on a highway segment within the
7 boundaries of a mobile home park, as that term is defined in
8 section 2 of the mobile home commission act, 1987 PA 96, MCL
9 125.2302.

10 (b) 25 miles per hour on a highway segment within a business
11 district.

12 (c) 25 miles per hour on a highway segment within the
13 boundaries of a public park. A local authority may decrease the
14 speed limit to not less than 15 miles per hour in a public park
15 under its jurisdiction.

16 (d) 25 miles per hour on a highway segment within the
17 boundaries of a residential subdivision, including a condominium
18 subdivision, consisting of a system of interconnected highways with
19 no through highways and a limited number of dedicated highways that
20 serve as entrances to and exits from the subdivision.

21 (e) 25 miles per hour on a highway segment with 60 or more
22 vehicular access points within 1/2 mile.

23 (f) 30 miles per hour on a highway segment with not less than
24 50 vehicular access points but no more than 59 vehicular access
25 points within 1/2 mile.

26 (g) 35 miles per hour on a highway segment with not less than
27 45 vehicular access points but no more than 49 vehicular access

1 points within 1/2 mile.

2 (h) 40 miles per hour on a highway segment with not less than
3 40 vehicular access points but no more than 44 vehicular access
4 points within 1/2 mile.

5 (i) 45 miles per hour on a highway segment with not less than
6 30 vehicular access points but no more than 39 vehicular access
7 points within 1/2 mile.

8 (3) A person operating a truck with a gross weight of 10,000
9 pounds or more, a truck-tractor, a truck-tractor with a semi-
10 trailer or trailer, or a combination of these vehicles shall not
11 exceed a speed of 35 miles per hour during the period when reduced
12 loadings are being enforced in accordance with this chapter.

13 (4) Where the posted speed limit is greater than 65 miles per
14 hour, a person operating a school bus, a truck with a gross weight
15 of 10,000 pounds or more, a truck-tractor, or a truck-tractor with
16 a semi-trailer or trailer or a combination of these vehicles shall
17 not exceed a speed of 65 miles per hour on a limited access freeway
18 or a state trunk line highway.

19 (5) All of the following apply to the speed limits described
20 in subsection (2):

21 (a) A highway segment adjacent to or lying between 2 or more
22 areas described in subsection (2)(a), (b), (c), or (d) shall not be
23 considered to be within the boundaries of those areas.

24 (b) A highway segment of more than 1/2 mile in length with a
25 consistent density of vehicular access points equal to the number
26 of vehicular access points described in subsection (2)(e), (f),
27 (g), (h), or (i) shall be posted at the speed limit specified in

1 the adjoining segment. A separate determination shall be made for
2 each adjoining highway segment where vehicular access point density
3 is different.

4 (c) A speed limit may be posted on highways less than 1/2 mile
5 in length by prorating in 1/10 mile segments the vehicular access
6 point density described in subsection (2)(e), (f), (g), (h), or
7 (i).

8 (6) A person operating a vehicle on a highway, when entering
9 and passing through a work zone described in section 79d(a) where a
10 normal lane or part of the lane of traffic has been closed due to
11 highway construction, maintenance, or surveying activities, shall
12 not exceed a speed of 45 miles per hour unless a different speed
13 limit is determined for that work zone by the state transportation
14 department, a county road commission, or a local authority, based
15 on accepted engineering practice. The state transportation
16 department, a county road commission, or a local authority shall
17 post speed limit signs in each work zone described in section
18 79d(a) that indicate the speed limit in that work zone and shall
19 identify that work zone with any other traffic control devices
20 necessary to conform to the Michigan manual of uniform traffic
21 control devices. A person shall not exceed a speed limit
22 established under this section or a speed limit established under
23 section 628.

24 (7) The state transportation department, a county road
25 commission, or a local authority shall decrease the speed limit in
26 a hospital highway zone by up to 10 miles per hour upon request of
27 a hospital located within that hospital highway zone. The state

1 transportation department, county road commission, or local
2 authority may decrease the speed limit in a hospital highway zone
3 by more than 10 miles per hour if the decrease is supported by an
4 engineering and safety study. The state transportation department,
5 county road commission, or local authority shall post speed limit
6 signs in a hospital highway zone that indicate the speed limit in
7 that hospital highway zone and shall identify that hospital highway
8 zone with any other traffic control devices necessary to conform to
9 the Michigan manual of uniform traffic control devices. If a change
10 in a sign, signal, or device, is necessitated by a speed limit
11 decrease described in this subsection, the hospital requesting the
12 decrease shall pay the cost of doing so. As used in this
13 subsection, "hospital highway zone" means a portion of state trunk
14 line highway maintained by the state transportation department that
15 has a posted speed limit of at least 50 miles per hour and has 2 or
16 fewer lanes for travel in the same direction, traverses along
17 property owned by a hospital, contains an ingress and egress point
18 from hospital property, and extends not more than 1,000 feet beyond
19 the boundary lines of hospital property in both directions in a
20 municipality.

21 (8) Subject to subsection (17), the maximum speed limit on all
22 limited access freeways upon which a speed limit is not otherwise
23 fixed under this act is 70 miles per hour, which shall be known as
24 the "limited access freeway general speed limit". The minimum speed
25 limit on all limited access freeways upon which a minimum speed
26 limit is not otherwise fixed under this act is 55 miles per hour.

27 (9) Subject to subsection (17), the speed limit on all trunk

1 line highways and all county highways upon which a speed limit is
2 not otherwise fixed under this act is 55 miles per hour, which
3 shall be known as the "general speed limit".

4 (10) Except as otherwise provided in this subsection **AND**
5 **SECTION 628**, the speed limit on all county highways with a gravel
6 or unimproved surface upon which a speed limit is not otherwise
7 fixed under this act is 55 miles per hour, which shall be known as
8 the "general gravel road speed limit". Upon request of a
9 municipality located within a county with a population of 1,000,000
10 or more, the county road commission in conjunction with the
11 requesting municipality may lower the speed limit to 45 miles per
12 hour on the requested road segment and if a sign, signal, or device
13 is erected or maintained, taken down, or regulated as a result of a
14 request by a municipality for a speed limit of 45 miles per hour,
15 the municipality shall pay the costs of doing so. If a municipality
16 located within a county with a population of 1,000,000 or more
17 requests a speed different than the speed described in this
18 subsection, the county road commission in conjunction with the
19 department of state police and the requesting municipality may
20 conduct a speed study of free-flow traffic on the fastest portion
21 of the road segment in question for the purpose of establishing a
22 modified speed limit. A speed study conducted under this subsection
23 shall be completed between 3 and 14 days after a full gravel road
24 maintenance protocol has been performed on the road segment. A full
25 gravel road maintenance protocol described in this subsection shall
26 include road grading and the application of a dust abatement
27 chemical treatment. Following a speed study conducted under this

1 subsection, the speed limit for the road segment shall be
2 established at the nearest multiple of 5 miles per hour to the
3 eighty-fifth percentile of speed of free-flow traffic under ideal
4 conditions for vehicular traffic, and shall not be set below the
5 fiftieth percentile speed of free-flow traffic under ideal
6 conditions for vehicular traffic. A speed study conducted under
7 this subsection shall be the responsibility of the department of
8 state police, and if a sign, signal, or device is erected or
9 maintained, taken down, or regulated as a result of a request by a
10 municipality under this subsection, the municipality shall pay the
11 costs of doing so.

12 (11) A public record of all traffic control orders
13 establishing statutory speed limits authorized under this section
14 shall be filed with the office of the clerk of the county in which
15 the county highway is located or at the office of the city or
16 village clerk or administrative office of the airport, college, or
17 university in which the local highway is located, and a certified
18 copy of the traffic control order shall be evidence in every court
19 of this state of the authority for the issuance of that traffic
20 control order. The public record filed with the county, city, or
21 village clerk or administrative office of the airport, college, or
22 university shall not be required as evidence of authority for
23 issuing a traffic control order in the case of signs temporarily
24 erected or placed at points where construction, maintenance, or
25 surveying activities ~~is~~**ARE** in progress. A traffic and engineering
26 investigation is not required for a traffic control order for a
27 speed limit established under subsection (2). A traffic control

1 order shall, at a minimum, contain all of the following
2 information:

3 (a) The name of the road.

4 (b) The boundaries of the segment of the road on which the
5 speed limit is in effect.

6 (c) The basis upon which the speed limit is in effect.

7 (d) The section of law, including a reference to the
8 subsection, under which the speed limit is established.

9 (12) Except for speed limits described in subsections (1),
10 (2)(d), and (9), speed limits established under this section are
11 not valid unless properly posted. In the absence of a properly
12 posted sign, the speed limit in effect is the basic speed law
13 described in subsection (1). Speed limits established under
14 subsection (2)(b), (e), (f), (g), (h), and (i) are not valid unless
15 a traffic control order is filed as described in subsection (11).

16 (13) Nothing in this section prevents the establishment of a
17 modified speed limit after a speed study as described in section
18 628. A modified speed limit established under section 628
19 supersedes a speed limit established under this section.

20 (14) All signs erected or placed under this section shall
21 conform to the Michigan manual on uniform traffic control devices.

22 (15) If upon investigation the state transportation department
23 or county road commission and the department of state police
24 determine that it is in the interest of public safety, they may
25 order city, village, airport, college, university, and township
26 officials to erect and maintain, take down, or regulate speed limit
27 signs, signals, and devices as directed. In default of an order,

1 the state transportation department or county road commission may
2 cause designated signs, signals, and devices to be erected and
3 maintained, removed, or regulated in the manner previously directed
4 and pay the costs for doing so out of the designated highway fund.
5 An investigation, including a speed study, conducted under this
6 subsection shall be the responsibility of the department of state
7 police.

8 (16) A person who violates a speed limit established under
9 this section is responsible for a civil infraction.

10 (17) No later than ~~1 year after the effective date of the~~
11 ~~amendatory act that added this subsection,~~ **JANUARY 5, 2018**, the
12 state transportation department and the department of state police
13 shall increase the speed limits on at least 600 miles of limited
14 access freeway to 75 miles per hour if an engineering and safety
15 study and the eighty-fifth percentile speed of free-flowing traffic
16 under ideal conditions of that section contain findings that the
17 speed limit may be raised to that speed, and the department shall
18 increase the speed limit of 900 miles of trunk line highway to 65
19 miles per hour if an engineering and safety study and the eighty-
20 fifth percentile speed of free-flowing traffic under ideal
21 conditions of that section contain findings that the speed limit
22 may be raised to that speed.

23 (18) As used in this section:

24 (a) "Traffic control order" means a document filed with the
25 proper authority that establishes the legal and enforceable speed
26 limit for the highway segment described in the document.

27 (b) "Vehicular access point" means a driveway or intersecting

1 roadway.

2 Sec. 628. (1) If the county road commission, the township
3 board, and the department of state police unanimously determine
4 upon the basis of an engineering and traffic investigation that the
5 speed of vehicular traffic on a county highway is greater or less
6 than is reasonable or safe under the conditions found to exist upon
7 any part of the highway, then acting unanimously they may establish
8 a reasonable and safe maximum or minimum speed limit on that county
9 highway that is effective at the times determined when appropriate
10 signs giving notice of the speed limit are erected on the highway.
11 A township board may petition the county road commission or the
12 department of state police for a proposed change in the speed
13 limit. A township board that does not wish to continue as part of
14 the process provided by this subsection shall notify in writing the
15 county road commission. A public record of a traffic control order
16 establishing a modified speed limit authorized under this
17 subsection shall be filed at the office of the county clerk of the
18 county in which the limited access freeway or state trunk line
19 highway is located, and a certified copy of a traffic control order
20 shall be evidence in every court of this state of the authority for
21 the issuance of that traffic control order. ~~As used in this~~
22 ~~subsection, "county road commission" means the board of county road~~
23 ~~commissioners elected or appointed under section 6 of chapter IV of~~
24 ~~1909 PA 283, MCL 224.6, or, in the case of a charter county with a~~
25 ~~population of 2,000,000 or more with an elected county executive~~
26 ~~that does not have a board of county road commissioners, the county~~
27 ~~executive.~~ **THIS SUBSECTION DOES NOT APPLY TO GRAVEL COUNTY HIGHWAYS**

1 **UNDER SUBSECTION (5) .**

2 (2) In the case of a county highway, a township board may
3 petition the county road commission, or in counties where there is
4 no road commission but there is a county board of commissioners,
5 the township board may petition the county board of commissioners
6 for any of the following:

7 (a) A proposed change in the speed limit without the necessity
8 of a speed study consistent with the methods prescribed for
9 establishing speed limits under section 627.

10 (b) A proposed change in the speed limit consistent with the
11 provisions for establishing speed limits under this section.

12 (c) The posting of an advisory sign or device for the purpose
13 of drawing the attention of vehicle operators to an unexpected
14 condition on or near the roadway that is not readily apparent to
15 road users.

16 **(3) THE FOLLOWING ENTITIES MAY ESTABLISH A REASONABLE AND SAFE**
17 **MAXIMUM OR MINIMUM SPEED LIMIT ON A GRAVEL COUNTY HIGHWAY AS**
18 **FOLLOWS:**

19 **(A) THE COUNTY ROAD COMMISSION, THE TOWNSHIP BOARD OF THE**
20 **TOWNSHIP IN WHICH THE ROAD IS LOCATED, AND THE DEPARTMENT OF STATE**
21 **POLICE, BY A MAJORITY VOTE THAT INCLUDES THE TOWNSHIP BOARD.**

22 **(B) IF THE TOWNSHIP BOARD PROVIDES NOTICE IN WRITING TO THE**
23 **COUNTY ROAD COMMISSION AND THE DEPARTMENT OF STATE POLICE THAT THE**
24 **TOWNSHIP BOARD DOES NOT WANT TO PARTICIPATE IN THE PROCESS UNDER**
25 **SUBDIVISION (A), THE VOTE OF BOTH THE COUNTY ROAD COMMISSION AND**
26 **THE DEPARTMENT OF STATE POLICE.**

27 **(4) A SPEED LIMIT ESTABLISHED UNDER SUBSECTION (3) BECOMES**

1 EFFECTIVE WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED LIMIT
2 ARE ERECTED UPON THE HIGHWAY.

3 (5) ~~(3)~~—The state transportation department and the department
4 of state police shall jointly determine any modified maximum or
5 minimum speed limits on limited access freeways or trunk line
6 highways consistent with the requirements of this section. A public
7 record of a traffic control order establishing a modified speed
8 limit authorized under this subsection shall be filed at the office
9 of the county clerk of the county in which the limited access
10 freeway or trunk line highway is located, and a certified copy of a
11 traffic control order shall be evidence in every court of this
12 state of the authority for the issuance of that traffic control
13 order.

14 (6) ~~(4)~~—A local road authority shall determine any modified
15 speed limits on local highways consistent with the requirements of
16 this section. A public record of a traffic control order
17 establishing a modified speed limit authorized under this
18 subsection shall be filed at the office of the city or village or
19 administrative office of the airport, college, or university in
20 which the local highway is located, and a certified copy of the
21 traffic control order shall be evidence in every court of this
22 state of the authority for the issuance of that traffic control
23 order.

24 (7) ~~(5)~~—A speed limit established under this section shall be
25 determined by an engineering and safety study and by the eighty-
26 fifth percentile speed of free-flowing traffic under ideal
27 conditions of a section of highway rounded to the nearest multiple

1 of 5 miles per hour. A speed limit established under this act shall
2 not be posted at less than the fiftieth percentile speed of free-
3 flowing traffic under optimal conditions on the fastest portion of
4 the highway segment for which the speed limit is being posted.

5 (8) ~~(6)~~—If a highway segment includes 1 or more features with
6 a design speed that is lower than the speed limit determined under
7 subsection ~~(5)~~, ~~(7)~~, the road authority may post advisory signs.

8 (9) ~~(7)~~—If upon investigation the state transportation
9 department or county road commission and the department of state
10 police find it in the interest of public safety, they may order
11 township, city, or village officials to erect and maintain, take
12 down, or regulate the speed limit signs, signals, or devices as
13 directed, and in default of an order the state transportation
14 department or county road commission may cause the designated
15 signs, signals, and devices to be erected and maintained, taken
16 down, regulated, or controlled, in the manner previously directed,
17 and pay for the erecting and maintenance, removal, regulation, or
18 control of the sign, signal, or device out of the highway fund
19 designated.

20 (10) ~~(8)~~—Signs posted under this section shall conform to the
21 Michigan manual on uniform traffic control devices.

22 (11) ~~(9)~~—A person who violates a speed limit established under
23 this section is responsible for a civil infraction.

24 (12) ~~(10)~~—As used in this section:

25 (a) "County road commission" means any of the following:

26 (i) The board of county road commissioners elected or
27 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

1 (ii) In the case of the dissolution of the county road
2 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
3 the county board of commissioners.

4 (iii) In the case of a charter county with a population of
5 1,500,000 or more with an elected county executive that does not
6 have a board of county road commissioners, the county executive.

7 (iv) In the case of a charter county with a population of more
8 than 750,000 but less than 1,000,000 with an elected county
9 executive that does not have a board of county road commissioners,
10 the department of roads.

11 (b) "Design speed" means that term as used and determined
12 under "A Policy on Geometric Design of Highways and Streets", sixth
13 ed., 2011, or a subsequent edition, issued by the American
14 Association of State Highway and Transportation Officials.

15 (c) "Local road authority" means the governing body of a city,
16 village, airport, college, or university.

17 (d) "Traffic control order" means a document filed with the
18 proper authority that establishes the legal and enforceable speed
19 limit for the highway segment described in the document.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.