

HOUSE BILL NO. 4441

April 10, 2019, Introduced by Rep. Lightner and referred to the Committee on Transportation.

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

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



1 vehicle upon a highway at a speed greater than that which will
2 permit a stop within the assured, clear distance ahead. A violation
3 of this subsection shall be known and may be referred to as a
4 violation of the basic speed law or "VBSL".

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

8 (a) 15 miles per hour on a highway segment within the
9 boundaries of a mobile home park, as that term is defined in
10 section 2 of the mobile home commission act, 1987 PA 96, MCL
11 125.2302.

12 (b) 25 miles per hour on a highway segment within a business
13 district.

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

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

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

25 (f) 30 miles per hour on a highway segment with not less than
26 50 vehicular access points but no more than 59 vehicular access
27 points within 1/2 mile.

28 (g) 35 miles per hour on a highway segment with not less than
29 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~~ **is** not
23 ~~be~~ 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~~ **must** be posted at the speed limit specified
28 in the adjoining segment. A separate determination ~~shall~~ **must** be
29 made for each adjoining highway segment where vehicular access

1 point density is different.

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

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

22 (7) The state transportation department, a county road
23 commission, or a local authority shall decrease the speed limit in
24 a hospital highway zone by up to 10 miles per hour upon request of
25 a hospital located within that hospital highway zone. The state
26 transportation department, county road commission, or local
27 authority may decrease the speed limit in a hospital highway zone
28 by more than 10 miles per hour if the decrease is supported by an
29 engineering and safety study. The state transportation department,



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

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

23 (9) Subject to subsection (17), the speed limit on all trunk
24 line highways and all county highways upon which a speed limit is
25 not otherwise fixed under this act is 55 miles per hour, which
26 shall be known as the "general speed limit".

27 (10) Except as otherwise provided in this subsection, the
28 speed limit on all county highways with a gravel or unimproved
29 surface upon which a speed limit is not otherwise fixed under this

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



regulated as a result of a request by a municipality under this subsection, the municipality shall pay the costs of doing so.

(11) A public record of all traffic control orders establishing statutory speed limits authorized under this section ~~shall~~**must** be filed with the office of the clerk of the county in which the county highway is located or at the office of the city or village clerk or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order ~~shall be~~**is** evidence in every court of this state of the authority for the issuance of that traffic control order. The public record filed with the county, city, or village clerk or administrative office of the airport, college, or university ~~shall~~**must** not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities is in progress. A traffic and engineering investigation is not required for a traffic control order for a speed limit established under subsection (2). A traffic control order ~~shall~~**must**, at a minimum, contain all of the following information:

(a) The name of the road.

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

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

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

(12) Except for speed limits described in subsections (1), (2)(d), and (9), speed limits established under this section are not valid unless properly posted. In the absence of a properly



1 posted sign, the speed limit in effect is the basic speed law
2 described in subsection (1). Speed limits established under
3 subsection (2) (b), (e), (f), (g), (h), and (i) are not valid unless
4 a traffic control order is filed as described in subsection (11).

5 (13) Nothing in this section prevents the establishment of a
6 modified speed limit after a speed study as described in section
7 628. A modified speed limit established under section 628
8 supersedes a speed limit established under this section.

9 (14) All signs erected or placed under this section ~~shall~~ **must**
10 conform to the Michigan manual on uniform traffic control devices.

11 (15) If upon investigation the state transportation department
12 or county road commission and the department of state police
13 determine that it is in the interest of public safety, they may
14 order city, village, airport, college, university, and township
15 officials to erect and maintain, take down, or regulate speed limit
16 signs, signals, and devices as directed. In default of an order,
17 the state transportation department or county road commission may
18 cause designated signs, signals, and devices to be erected and
19 maintained, removed, or regulated in the manner previously directed
20 and pay the costs for doing so out of the designated highway fund.
21 An investigation, including a speed study, conducted under this
22 subsection ~~shall be~~ **is** the responsibility of the department of
23 state police.

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

26 (17) No later than ~~1 year after the effective date of the~~
27 ~~amendatory act that added this subsection,~~ **January 5, 2018**, the
28 state transportation department and the department of state police
29 shall increase the speed limits on at least 600 miles of limited



1 access freeway to 75 miles per hour if an engineering and safety
2 study and the eighty-fifth percentile speed of free-flowing traffic
3 under ideal conditions of that section contain findings that the
4 speed limit may be raised to that speed, and the department shall
5 increase the speed limit of 900 miles of trunk line highway to 65
6 miles per hour if an engineering and safety study and the eighty-
7 fifth percentile speed of free-flowing traffic under ideal
8 conditions of that section contain findings that the speed limit
9 may be raised to that speed.

10 (18) As used in this section:

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

14 (b) "Vehicular access point" means a driveway or intersecting
15 roadway.

