

HOUSE BILL NO. 4137

February 26, 2025, Introduced by Reps. Slagh, Rogers, Kunse and Bierlein and referred to Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2024 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the county road commission, the township
2 board, and the department of state police unanimously determine
3 upon the basis of an engineering and traffic investigation that the
4 speed of vehicular traffic on a county highway is greater or less
5 than is reasonable or safe under the conditions found to exist upon
6 any part of the highway, then acting unanimously they may establish

1 a reasonable and safe maximum or minimum speed limit on that county
2 highway that is effective at the times determined when appropriate
3 signs giving notice of the speed limit are erected on the highway.
4 A township board may petition the county road commission or the
5 department of state police for a proposed change in the speed
6 limit. A township board that does not wish to continue as part of
7 the process provided by this subsection shall notify in writing the
8 county road commission. A public record of a traffic control order
9 establishing a modified speed limit authorized under this
10 subsection must be filed at the office of the county clerk of the
11 county in which the ~~limited access freeway or state trunk line~~
12 **county** highway is located, and a certified copy of a traffic
13 control order is evidence in every court of this state of the
14 authority for the issuance of that traffic control order. As used
15 in this subsection, "county road commission" means the board of
16 county road commissioners elected or appointed under section 6 of
17 chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter
18 county with a population of 1,500,000 or more with an elected
19 county executive that does not have a board of county road
20 commissioners, the county executive.

21 (2) In the case of a county highway, a township board may
22 petition the county road commission, or in counties where there is
23 no road commission but there is a county board of commissioners,
24 the township board may petition the county board of commissioners
25 for any of the following:

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

29 (b) A proposed change in the speed limit consistent with the

1 provisions for establishing speed limits under this section.

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

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

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

25 (5) A speed limit established under this section must be
26 determined in accordance with traffic engineering practices that
27 provide an objective analysis of the characteristics of the highway
28 and, **except as otherwise provided in this subsection**, by the
29 eighty-fifth percentile speed of free-flowing traffic under ideal

conditions on the fastest portion of the highway segment for which the speed limit is being posted. The speed limit must be in multiples of 5 miles per hour and, **except as otherwise provided in this subsection, must be** rounded to a multiple that is within 5 miles per hour of the eighty-fifth percentile speed. A speed limit established under this section may be set below the eighty-fifth percentile speed **subject to both of the following:**

(a) A speed limit may be set as low as 5 miles per hour below the eighty-fifth percentile speed without an engineering and safety study as described in subdivision (b).

(b) A speed limit may be set to lower than 5 miles per hour below the eighty-fifth percentile speed only if an engineering and safety study demonstrates a situation with hazards to public safety that are not reflected by the eighty-fifth percentile speed, but a speed limit must not be set below the fiftieth percentile speed.

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

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

1 (8) Signs posted under this section must conform to the
2 Michigan manual on uniform traffic control devices.

3 (9) An individual who violates a speed limit established under
4 this section is responsible for a civil infraction.

5 (10) As used in subsections (2) to (9), "county road
6 commission" means any of the following:

7 (a) The board of county road commissioners elected or
8 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

9 (b) In the case of the dissolution of the county road
10 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
11 the county board of commissioners.

12 (c) In the case of a charter county with a population of
13 1,500,000 or more with an elected county executive that does not
14 have a board of county road commissioners, the county executive.

15 (d) In the case of a charter county with a population of more
16 than 750,000 but less than 1,000,000 with an elected county
17 executive that does not have a board of county road commissioners,
18 the department of roads.

19 (11) As used in this section:

20 (a) "Design speed" means that term as used and determined
21 under "A Policy on Geometric Design of Highways and Streets",
22 seventh ed., 2018, issued by the American Association of State
23 Highway and Transportation Officials.

24 (b) "Local road authority" means the governing body of a city,
25 village, airport, college, or university.

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