

**SUBSTITUTE FOR
HOUSE BILL NO. 5385**

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

1 permit a stop within the assured, clear distance ahead. A violation
2 of this subsection shall be known and may be referred to as a
3 violation of the basic speed law or "VBSL".

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

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

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

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

17 (d) 25 miles per hour on a highway segment within **OR**
18 **IMMEDIATELY ADJACENT TO** the boundaries of ~~a~~ **LAND THAT IS ZONED FOR**
19 ~~residential subdivision, including a condominium subdivision,~~
20 ~~consisting of a system of interconnected highways with no through~~
21 ~~highways and a limited number of dedicated highways that serve as~~
22 ~~entrances to and exits from~~ **USE BY** the subdivision. **GOVERNING BODY**
23 **OF THE LOCAL JURISDICTION WITHIN WHICH THE LAND IS LOCATED UNDER**
24 **THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO**
25 **125.3702, UNLESS A DIFFERENT SPEED IS FIXED AND POSTED. THIS**
26 **SUBDIVISION DOES NOT APPLY TO A HIGHWAY SEGMENT THAT IS PART OF THE**
27 **MAJOR STREET SYSTEM AS DESIGNATED BY A LOCAL JURISDICTION AND**

1 **APPROVED BY THE STATE TRANSPORTATION COMMISSION UNDER 1951 PA 51,**
2 **MCL 247.651 TO 247.675.**

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

5 (f) 30 miles per hour on a highway segment with not less than
6 50 vehicular access points but no more than 59 vehicular access
7 points within 1/2 mile.

8 (g) 35 miles per hour on a highway segment with not less than
9 45 vehicular access points but no more than 49 vehicular access
10 points within 1/2 mile.

11 (h) 40 miles per hour on a highway segment with not less than
12 40 vehicular access points but no more than 44 vehicular access
13 points within 1/2 mile.

14 (i) 45 miles per hour on a highway segment with not less than
15 30 vehicular access points but no more than 39 vehicular access
16 points within 1/2 mile.

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

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

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

3 ~~— (a) A highway segment adjacent to or lying between 2 or more~~
4 ~~areas described in subsection (2) (a), (b), (c), or (d) shall not be~~
5 ~~considered to be within the boundaries of those areas.~~

6 (A) ~~(b)~~ A highway segment of more than 1/2 mile in length with
7 a consistent density of vehicular access points equal to the number
8 of vehicular access points described in subsection (2) (e), (f),
9 (g), (h), or (i) shall be posted at the speed limit specified in
10 the adjoining segment. A separate determination shall be made for
11 each adjoining highway segment where vehicular access point density
12 is different.

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

17 (6) A person operating a vehicle on a highway, when entering
18 and passing through a work zone described in section 79d(a) where a
19 normal lane or part of the lane of traffic has been closed due to
20 highway construction, maintenance, or surveying activities, shall
21 not exceed a speed of 45 miles per hour unless a different speed
22 limit is determined for that work zone by the state transportation
23 department, a county road commission, or a local authority, based
24 on accepted engineering practice. The state transportation
25 department, a county road commission, or a local authority shall
26 post speed limit signs in each work zone described in section
27 79d(a) that indicate the speed limit in that work zone and shall

1 identify that work zone with any other traffic control devices
2 necessary to conform to the Michigan manual of uniform traffic
3 control devices. A person shall not exceed a speed limit
4 established under this section or a speed limit established under
5 section 628.

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

1 the boundary lines of hospital property in both directions in a
2 municipality.

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

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

13 (10) Except as otherwise provided in this subsection, the
14 speed limit on all county highways with a gravel or unimproved
15 surface upon which a speed limit is not otherwise fixed under this
16 act is 55 miles per hour, which shall be known as the "general
17 gravel road speed limit". Upon request of a municipality, ~~located~~
18 ~~within a county with a population of 1,000,000 or more,~~ the county
19 road commission **FOR THE COUNTY IN WHICH THE MUNICIPALITY IS**
20 **LOCATED**, in conjunction with the requesting municipality, may lower
21 the speed limit to 45 miles per hour on the requested road segment
22 and if a sign, signal, or device is erected or maintained, taken
23 down, or regulated as a result of a request by a municipality for a
24 speed limit of 45 miles per hour, the municipality shall pay the
25 costs of doing so. If a municipality ~~located within a county with a~~
26 ~~population of 1,000,000 or more~~ requests a speed different than the
27 speed described in this subsection, the county road commission in

1 **WHICH THE MUNICIPALITY IS LOCATED, IN** conjunction with the
2 department of state police and the requesting municipality, may
3 conduct ~~a~~**AN ENGINEERING AND SAFETY STUDY AND** speed study of free-
4 flow traffic on the fastest portion of the road segment in question
5 for the purpose of establishing a modified speed limit. A speed
6 study conducted under this subsection shall be completed between 3
7 and 14 days after a full gravel road maintenance protocol has been
8 performed on the road segment. A full gravel road maintenance
9 protocol described in this subsection shall include road grading
10 and the application of a dust abatement chemical treatment.
11 Following ~~a~~**AN ENGINEERING AND SAFETY STUDY AND** speed study
12 conducted under this subsection, the speed limit for the road
13 segment shall be ~~established at~~**DETERMINED BY AN ENGINEERING AND**
14 **SAFETY STUDY AND BY THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-**
15 **FLOWING TRAFFIC UNDER IDEAL CONDITIONS OF A SECTION OF HIGHWAY**
16 **ROUNDED TO** the nearest multiple of 5 miles per hour, ~~to the eighty-~~
17 ~~fifth percentile of speed of free-flow traffic under ideal~~
18 ~~conditions for vehicular traffic,~~ and shall not be set below the
19 fiftieth percentile speed of ~~free-flow~~**FREE-FLOWING** traffic under
20 ~~ideal~~**OPTIMAL** conditions ~~for vehicular traffic.~~**ON THE FASTEST**
21 **PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED LIMIT IS BEING**
22 **POSTED.** A speed study conducted under this subsection shall be the
23 responsibility of the department of state police, and if a sign,
24 signal, or device is erected or maintained, taken down, or
25 regulated as a result of a request by a municipality under this
26 subsection, the municipality shall pay the costs of doing so.

27 (11) A public record of all traffic control orders

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

18 (a) The name of the road.

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

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

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

24 (12) Except for speed limits described in subsections (1),
25 (2)(d), and (9), speed limits established under this section are
26 not valid unless properly posted. In the absence of a properly
27 posted sign, the speed limit in effect is the basic speed law

1 described in subsection (1). Speed limits established under
2 subsection (2)(b), (e), (f), (g), (h), and (i) are not valid unless
3 a traffic control order is filed as described in subsection (11).

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

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

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

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

25 (17) No later than 1 year after the effective date of the
26 amendatory act that added this subsection, the state transportation
27 department and the department of state police shall increase the

1 speed limits on at least 600 miles of limited access freeway to 75
2 miles per hour if an engineering and safety study and the eighty-
3 fifth percentile speed of free-flowing traffic under ideal
4 conditions of that section contain findings that the speed limit
5 may be raised to that speed, and the department shall increase the
6 speed limit of 900 miles of trunk line highway to 65 miles per hour
7 if an engineering and safety study and the eighty-fifth percentile
8 speed of free-flowing traffic under ideal conditions of that
9 section contain findings that the speed limit may be raised to that
10 speed.

11 (18) As used in this section:

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

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

17 Sec. 628. (1) If the county road commission, the township
18 board, and the department of state police unanimously determine
19 upon the basis of an engineering and traffic investigation that the
20 speed of vehicular traffic on a county highway is greater or less
21 than is reasonable or safe under the conditions found to exist upon
22 any part of the highway, then acting unanimously they may establish
23 a reasonable and safe maximum or minimum speed limit on that county
24 highway that is effective at the times determined when appropriate
25 signs giving notice of the speed limit are erected on the highway.
26 A township board may petition the county road commission or the
27 department of state police for a proposed change in the speed

1 limit. A township board that does not wish to continue as part of
2 the process provided by this subsection shall notify in writing the
3 county road commission. A public record of a traffic control order
4 establishing a modified speed limit authorized under this
5 subsection shall be filed at the office of the county clerk of the
6 county in which the limited access freeway or state trunk line
7 highway is located, and a certified copy of a traffic control order
8 shall be evidence in every court of this state of the authority for
9 the issuance of that traffic control order. As used in this
10 subsection, "county road commission" means the board of county road
11 commissioners elected or appointed under section 6 of chapter IV of
12 1909 PA 283, MCL 224.6, or, in the case of a charter county with a
13 population of 2,000,000 or more with an elected county executive
14 that does not have a board of county road commissioners, the county
15 executive.

16 (2) In the case of a county highway, a township board may
17 petition the county road commission, or in counties where there is
18 no road commission but there is a county board of commissioners,
19 the township board may petition the county board of commissioners
20 for any of the following:

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

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

26 (c) The posting of an advisory sign or device for the purpose
27 of drawing the attention of vehicle operators to an unexpected

1 condition on or near the roadway that is not readily apparent to
2 road users.

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

23 (5) A speed limit established under this section shall be
24 determined by an engineering and safety study and by the eighty-
25 fifth percentile speed of free-flowing traffic under ideal
26 conditions of a section of highway rounded to the nearest multiple
27 of 5 miles per hour. A speed limit established under this act **MAY**

1 BE POSTED BETWEEN THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING
2 TRAFFIC UNDER IDEAL CONDITIONS OF A SECTION OF HIGHWAY ROUNDED TO
3 THE NEAREST MULTIPLE OF 5 MILES PER HOUR AND THE FIFTIETH
4 PERCENTILE SPEED OF FREE-FLOWING TRAFFIC UNDER OPTIMAL CONDITIONS
5 ON THE FASTEST PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED
6 LIMIT IS BEING POSTED. A SPEED LIMIT ESTABLISHED UNDER THIS ACT
7 shall not be posted at less than the fiftieth percentile speed of
8 free-flowing traffic under optimal conditions on the fastest
9 portion of the highway segment for which the speed limit is being
10 posted ROUNDED TO THE NEAREST MULTIPLE OF 5 MILES PER HOUR, UNLESS
11 THE NEAREST MULTIPLE OF 5 MILES PER HOUR IS LESS THAN THE FIFTIETH
12 PERCENTILE SPEED OF FREE-FLOWING TRAFFIC UNDER OPTIMAL CONDITIONS
13 ON THE FASTEST PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED
14 LIMIT IS BEING POSTED.

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

18 (7) If upon investigation the state transportation department
19 or county road commission and the department of state police find
20 it in the interest of public safety, they may order township, city,
21 or village officials to erect and maintain, take down, or regulate
22 the speed limit signs, signals, or devices as directed, and in
23 default of an order the state transportation department or county
24 road commission may cause the designated signs, signals, and
25 devices to be erected and maintained, taken down, regulated, or
26 controlled, in the manner previously directed, and pay for the
27 erecting and maintenance, removal, regulation, or control of the

1 sign, signal, or device out of the highway fund designated.

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

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

6 (10) As used in this section:

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

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

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

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

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

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

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

26 (d) "Traffic control order" means a document filed with the
27 proper authority that establishes the legal and enforceable speed

- 1 limit for the highway segment described in the document.
- 2 Enacting section 1. This amendatory act takes effect 90 days
- 3 after the date it is enacted into law.