

## GRAVEL ROAD SPEED LIMIT

### House Bill 4651 as passed by the House Second Analysis (5-13-98)

**Sponsor: Rep. Mary Schroer**  
**Committee: Transportation**

#### ***THE APPARENT PROBLEM:***

As population density increases in townships, so too does vehicle travel. Township roads, seldom paved, become busy thoroughfares, often extending through townships to remoter areas of the county. The road often begins in or near a residential suburb where the streets are paved, curbed, guttered, lighted, and usually signed to specify maximum allowable speeds under safe conditions. However, although township roads may also serve as neighborhood roads, they are neither routinely paved nor posted with speed limit signs.

Under state law, the speed limit on gravel county roads is usually 55 miles per hour. Some drivers believe that limit is too low, especially in remote county road systems throughout the Upper Peninsula. Other drivers, however, are equally certain that the 55 mile per hour limit is too high, noting that growing residential neighborhoods abutting more formally appointed suburbs provide homes for families where traffic speed threatens safety.

The task of setting speed limits on county roads (which are usually gravel) is a shared responsibility requiring the cooperation of state and county officials. Specifically, the Department of State Police is responsible for conducting speed and safety studies, and the county board of road commissioners is charged with setting the speed limit. When a group of citizens wants a portion of a gravel road signed and posted with a maximum safe speed limit, they routinely approach their township or county elected officials. If their request is reasonable, the elected officials convey their request to the county board of road commissioners (also sometimes elected); the road commission requests that a survey be undertaken by the Michigan Department of State Police Office of Traffic Safety. (The law does not require the state police to act upon such requests.) Depending on the survey results (which are designed to provide speed and trip data) the local unit of government adopts a traffic control order, specifying the speed limit and the placement of the signs.

Although traffic surveys are straightforward events as research undertakings go, experts in traffic safety point out that weather conditions change a gravel road-- rapidly, and regularly. Any maximum safe speed fluctuates considerably, as do the conditions. While the same can be said of weather conditions' effect on paved roadways, arguably the effects are not so varied on paved streets as on gravel roads. (Paved roads seldom "wash out," for example.) Because the range of possible safe speeds is so great (due to weather condition effects), state and local road agencies are reluctant (and some insist unable) to declare maximum safe speeds without incurring the risk of considerable insurance liability exposure.

This response from safety officials and traffic engineers at the state and local levels of government has frustrated citizens who live in township neighborhoods where the traffic moves too fast. Instead of high speed traffic they can envision driver compliance when speed limits are posted; and, the possibility of tougher enforcement when limits are violated. These citizens are determined to improve their safety with more certain, although likely more variable and differentiated, speed rules. One way to accomplish that aim is to grant county road commissions more influence in the decision making process for setting speed limits for gravel roads.

#### ***THE CONTENT OF THE BILL:***

House Bill 4651 would amend the Michigan Vehicle Code to establish a new decision-making process that would allow a county to determine and to post a speed limit on gravel roads. Currently, the speed limit on these roads usually is 55 miles per hour, although the limit varies, since it is set by the state and local road agencies who have jurisdiction over the particular road. Under the bill, the county could set the gravel road speed limit either higher or lower than 55 miles per hour, as follows.

Specifically, House Bill 4651 would provide that in the case of a gravel road, a township board could adopt a resolution requesting that the county road commission conduct a traffic investigation on a road, and the road commission would be required to comply. If the commission determined that the speed limit was unreasonable or unsafe, the county road commission would be allowed to post a speed limit that is less than 55 miles per hour. However, in the case of a "residence district", the speed limit could be lowered without a traffic investigation. Under the bill, a "residence district" would be defined to mean either (a) a gravel road at least one mile long with road frontage of 150 feet or less along both sides of the roadway that is under review, or (b) a gravel road at least three-quarters of a mile long that serves as an entrance or exit to a subdivision containing 20 or more residences. (The bill specifies that this definition would apply notwithstanding the act's definition of "residence district", which is "the territory contiguous to a highway not comprising a business district when the frontage of such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business".)

If a county road commission were to find that it was not in the public interest to reduce the speed limit, House Bill 4651 would allow a township to appeal that decision by resolution to the road commission within 30 days. The commission would be required to hold a public hearing on that appeal within 30 days of receiving the resolution. The hearing panel, convened to determine whether the county road commission's decision would be upheld, would have three members comprising a county road commission representative, a township board representative, and a MDOT regional transportation service center representative. The panel would be required to present its ruling within seven days after the hearing, and that ruling would be final. The public hearing convened by the panel would be conducted in compliance with the notice provisions of the open meetings act.

MCL 257.628

### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, House Bill 4651 would increase local costs related to the required investigations. (5-12-98)

### **ARGUMENTS:**

#### **For:**

The bill would help to address the problem of slowing down the traffic on township roads in the instances where township roads have become more like neighborhood roads, despite the fact that they are not yet paved. Population growth in townships is real and apparently unrelenting. According to the Michigan Townships Association, 42 percent of the state's population growth as measured in the 1990 census occurred in townships. By the year 2000, that is expected to rise to 50 percent. Since Michigan has a county road system, it makes sense that the county road commissions take responsibility for posting lower speeds on gravel roads. If county road commissions could set speed limits directly and without the intervention of state officials, or without meeting a requirement to relate speed policy to traffic studies and warrants undertaken by the state police, then local government could fashion policies having more variability, and they could do so in a manner that is more timely and responsive to citizens. This bill would forgo the required state police involvement in conducting a "traffic investigation." It creates a more responsive and streamlined process than the currently required "engineering and traffic investigation."

#### **For:**

This bill is good policy because it allows a local unit of government to designate a residence district without costly and time-consuming traffic or engineering investigations. If the primary problem is speeding traffic in residential neighborhoods where the roads are unpaved, then the best legislative and legal way to reduce speeds and to make these developing neighborhoods safer would be to allow a county to designate a residence district, and then to automatically post the prima facie speed limit that is set by law for roads within a residence district: 25 miles per hour. This legislation allows that approach.

#### **Against:**

Posting an appropriate and uniform speed limit on a gravel road is difficult because the driving conditions on a gravel road change in various weather conditions. Therefore, posting a uniform speed invites insurance claims in the case of accidents. Local governments, including counties, do not wish to assume all the increased risk. This bill could substantially increase

county road commissions' discretionary authority in the setting of speed limits, but it also could increase their liability and insurance costs. Shifting the responsibility for posting speed signs on gravel roads to county government will not address what is, perhaps, the primary problem: Litigation costs that come after accidents on roads that are unpaved and inappropriately signed.

***Against:***

A representative of the townships association points out that the appeals panel would be constituted in such a way as to allow the appearance of a conflict of interest: two of the three panel members--the members representing a township and a county road commission--likely would have been involved in the decision that is on appeal, and would likely have voted their opposite views. In effect, the decision on appeal would be made by the third panel member, a representative of the state transportation department. Township government officials have precise rules that must be followed to ensure fairness during appeals, in order to avoid even the appearance of conflicts of interest when they empanel fair and impartial groups to hear public appeals. An appeals panel constituted in the manner specified in this bill raises concerns with some township officials.

***POSITIONS:***

The County Road Association of Michigan supports the bill. (5-12-98)

The Michigan Townships Association does not oppose the bill. (5-12-98)

The Michigan State Police has no position on the bill. (5-13-98)

Analyst: J. Hunault

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.