



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

TOWNSHIP ROAD SPEEDS

**House Bill 4206 as enrolled
Public Act 167 of 2000
Second Analysis (6-12-00)**

**Sponsor: Rep. Rick Johnson
House Committee: Transportation
Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEM:

Two unrelated county road speed problems have become apparent in rural townships throughout Michigan. In both instances, the families in residential areas and their local township officials want to reduce road speeds, customarily set at 55 miles per hour, in order to slow automobile traffic and increase pedestrian safety.

One problem occurs along county roads where high density residential areas periodically occur along either side of the highway, extending for more than one mile. In these kinds of residential areas, the development is linear rather than deep. For example, one might expect this kind of residential development along the shoreline of a lake.

The second problem occurs in rural Michigan townships where large parcels have been divided by and developed as 'splits' (as only one example, an 80 acre farm split into five or six large parcels), without regard for the platting restrictions set in the Land Division Act. Because these residential areas are not developed as subdivisions under the law, they are not posted with the 25 mile per hour speed limit that is customary in residential subdivisions. Nonetheless, these rural residential areas resemble a very low density subdivision: typically, there is one point of access to the residential area, and it is designed as a single dead-end or no-outlet road less than one mile long; although the road is sometimes branched internally, the single road extends from a county road running perpendicular at one end.

In order to lower the speed on county roads of the kinds described above, current law requires that a county road commission authorize an engineering and traffic investigation, and then that the traffic investigation be conducted by the Office of Traffic Safety, a division of the Michigan Department of State Police. (See *BACKGROUND INFORMATION*, below.)

Some have argued that the process to set safe speeds on township roads that have residential lots along both sides could be shortened, and the costs reduced, if the requirement for an engineering and traffic investigation were eliminated. They further argue that rural residential subdivisions should be posted with 25 mile per hour speed limits, despite the fact that they are not developed under the subdivision control laws.

THE CONTENT OF THE BILL:

House Bill 4206 would amend the Michigan Vehicle Code to allow county road commissioners to change road speeds on county roads without engineering and traffic studies, in two separate instances.

Specifically, House Bill 4206 would specify that in the case of a county highway of not less than one mile with residential lots having road frontage of 300 feet or less along either side of the highway that is under review for a proposed speed limit change, the township board could petition the county road commission for a proposed change in the speed limit. Under the bill, the county road commission could approve the proposed speed limit change without the necessity of an engineering and traffic investigation. (In charter counties where there is no road commission, the township board would petition the county commission.)

In addition, House Bill 4206 specifies that the speed limit on a county highway or an interconnected group of county highways of not more than one mile in total length that connect with the county road system by a single entrance and exit would be 25 miles per hour unless a different speed limit is fixed and posted.

MCL 257.628

House Bill 4206 (6-12-00)

BACKGROUND INFORMATION:

Traffic Safety Studies to Set Speed Limits. Currently, the task of setting speed limits on county roads 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 county 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, in turn, requests that a survey be undertaken by the Michigan Department of State Police Office of Traffic Safety, although the law does not require the state police to act upon such requests. Depending on the survey results--typically an automated traffic tally which is designed to provide speed and trip data--the local unit of government (either township trustees or county commissioners) can adopt a traffic control order to specify the speed limit and the placement of the signs, and then convey that traffic control order to the county road commission.

What's a Safe Speed? Setting safe speeds on county roads in townships is often fraught with controversy. Citizens disagree about safe maximum and minimum speeds. Under state law, the speed limit on county roads outside of residential neighborhoods 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.

What's more, township roads are often gravel roads. And although traffic surveys are straightforward and uncomplicated 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.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill has no direct fiscal impact on state or local government. (2-23-99)

The Senate Fiscal Agency notes that the bill would result in administrative cost savings to local units of government and state government associated with the elimination of the requirement to conduct speed and safety studies in order to set speed limits. The fiscal impact would be contingent upon the number of petitions for proposed speed limit changes contemplated by local government that would not require engineering and traffic studies. (5-23-00)

ARGUMENTS:

For:

The bill would help to slow down the traffic on county roads when those roads pass through residential areas where the traffic moves too fast. Slower traffic would make conditions safer for school children who board buses, often before daylight, in rural residential areas. The bill also would streamline the local government decision-making process, currently in place, that is used to change road speeds. The legislation gives elected township and county officials an opportunity to more directly address their constituents' requests to reduce county road speeds, and to do so in a more timely manner.

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.