

SENATE BILL NO. 236

February 3, 1999, Introduced by Senators NORTH and KOIVISTO and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation commission or
2 county road commission, with respect to highways under its juris-
3 diction, and the director of the department of state police
4 jointly determine upon the basis of an engineering and traffic
5 investigation that the speed of vehicular traffic on a state
6 trunk line or county highway is greater or less than is reason-
7 able or safe under the conditions found to exist at an intersec-
8 tion or other place or upon a part of the highway, the officials
9 acting jointly may determine and declare a reasonable and safe
10 maximum or minimum speed limit on that state trunk line, county

1 highway, or intersection ~~which~~ THAT shall be effective at the
2 times determined when appropriate signs giving notice of the
3 speed limit are erected at the intersection or other place or
4 part of the highway. If a superintendent of a school district
5 determines that the speed of vehicular traffic on a state trunk
6 line or county highway, which is within 1,000 feet of a school in
7 the school district of which that person is the superintendent,
8 is greater or less than is reasonable or safe, the officials
9 shall include the superintendent of the school district affected
10 in acting jointly in determining and declaring a reasonable and
11 safe maximum or minimum speed limit on that state trunk line or
12 county highway. The maximum speed limit on all highways or parts
13 of highways upon which a maximum speed limit is not otherwise
14 fixed pursuant to this act shall be 55 miles per hour. IN THE
15 CASE OF A GRAVEL ROAD, IF A TOWNSHIP BOARD ADOPTS A RESOLUTION
16 REQUESTING THAT THE COUNTY ROAD COMMISSION CONDUCT A TRAFFIC
17 INVESTIGATION ON THAT ROAD, THE INVESTIGATION SHALL BE
18 CONDUCTED. IF THE COUNTY ROAD COMMISSION DETERMINES THAT THE
19 SPEED LIMIT ON THAT GRAVEL ROAD OR A PORTION OF THE ROAD IS
20 GREATER THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO
21 EXIST, THE COUNTY ROAD COMMISSION MAY POST A SPEED LIMIT OF LESS
22 THAN 55 MILES PER HOUR ON THAT ROAD OR PORTION OF THE ROAD. IN A
23 RESIDENCE DISTRICT, THE SPEED LIMIT MAY BE LOWERED WITHOUT THE
24 NECESSITY OF A TRAFFIC INVESTIGATION. NOTWITHSTANDING SECTION
25 51, AS USED IN THIS SUBSECTION, "RESIDENCE DISTRICT" MEANS EITHER
26 OF THE FOLLOWING:

1 (A) A GRAVEL ROAD OF NOT LESS THAN 1 MILE WITH RESIDENTIAL
2 LOTS WITH ROAD FRONTAGE OF 150 FEET OR LESS ALONG BOTH SIDES OF
3 THE ROAD FOR THE LENGTH OF THAT PART OF THE ROAD THAT IS UNDER
4 REVIEW FOR A PROPOSED REDUCED SPEED LIMIT.

5 (B) A GRAVEL ROAD OF NOT LESS THAN 3/4 OF A MILE THAT SERVES
6 AS AN ENTRANCE AND EXIT TO A SUBDIVISION CONTAINING NOT LESS THAN
7 20 RESIDENCES.

8 (2) IF AFTER AN INVESTIGATION THE COUNTY ROAD COMMISSION
9 FINDS THAT IT IS NOT IN THE PUBLIC INTEREST TO POST A REDUCED
10 SPEED LIMIT, THE TOWNSHIP MAY APPEAL THE DECISION OF THE COUNTY
11 ROAD COMMISSION BY RESOLUTION WITHIN 30 DAYS AFTER THE DATE OF
12 THE DECISION. THE COUNTY ROAD COMMISSION, WITHIN 30 DAYS AFTER
13 RECEIPT OF SUCH A RESOLUTION, SHALL HOLD A HEARING TO DETERMINE
14 WHETHER TO UPHOLD THE DECISION OF THE COUNTY ROAD COMMISSION.
15 THE HEARING PANEL SHALL CONSIST OF A REPRESENTATIVE OF THE COUNTY
16 ROAD COMMISSION, A REPRESENTATIVE OF THE TOWNSHIP BOARD, AND A
17 REPRESENTATIVE OF THE STATE TRANSPORTATION DEPARTMENT'S REGIONAL
18 TRANSPORTATION SERVICE CENTER. THE PANEL SHALL TAKE TESTIMONY
19 AND RECEIVE DOCUMENTATION CONCERNING THE DECISION OF THE COUNTY
20 ROAD COMMISSION. THE PANEL SHALL REVIEW ALL TESTIMONY AND DOCU-
21 MENTATION AND PRESENT ITS DECISION TO UPHOLD OR MODIFY THE COUNTY
22 ROAD COMMISSION'S DECISION WITHIN 7 DAYS AFTER THE HEARING. THIS
23 DECISION IS FINAL. A HEARING HELD BY THE PANEL SHALL BE A PUBLIC
24 MEETING CONDUCTED IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976
25 PA 267, MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE,
26 AND PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY
27 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

1 (3) ~~-(2)-~~ If upon investigation the state transportation
2 commission or county road commission and the director of the
3 department of state police find it in the interest of public
4 safety, they may order the township board, or city or village
5 officials to erect and maintain, take down, or regulate the speed
6 control signs, signals, or devices as directed, and in default of
7 an order the state transportation commission or county road com-
8 mission may cause the designated signs, signals, and devices to
9 be erected and maintained, taken down, regulated, or controlled,
10 in the manner previously directed, and pay for the erecting and
11 maintenance, removal, regulation, or control of the sign, signal,
12 or device out of the highway fund designated.

13 (4) ~~-(3)-~~ A public record of all speed control signs, sig-
14 nals, or devices authorized under this section shall be filed in
15 the office of the county clerk of the county in which the highway
16 is located, and a certified copy shall be prima facie evidence in
17 all courts of the issuance of the authorization. The public
18 record with the county clerk shall not be required as prima facie
19 evidence of authorization in the case of signs erected or placed
20 temporarily for the control of speed or direction of traffic at
21 points where construction, repairs, or maintenance of highways is
22 in progress, or along a temporary alternate route established to
23 avoid the construction, repair, or maintenance of a highway, if
24 the signs are of uniform design approved by the state transporta-
25 tion commission and the director of the department of state
26 police and clearly indicate a special control, when proved in
27 court that the temporary traffic-control sign was placed by the

1 state transportation commission or on the authority of the state
2 transportation commission and the director of the department of
3 state police or by the county road commission or on the authority
4 of the county road commission, at a specified location.

5 (5) ~~(4)~~ A person who fails to observe an authorized speed
6 or traffic control sign, signal, or device is responsible for a
7 civil infraction.

8 (6) ~~(5)~~ Except as otherwise provided in this section, the
9 maximum speed limit on all freeways shall be 65 miles per hour
10 except that the state transportation department may designate not
11 more than 170 miles of freeway in this state on which the speed
12 limit may be less than 65 miles per hour. The director of the
13 state transportation department, in consultation with the depart-
14 ment of state police, beginning July 31, 1996, shall establish
15 five areas of freeway miles as test zones on which the speed
16 limit may be increased to 70 miles per hour in order to conduct a
17 study to determine whether any of those miles of freeway on which
18 the speed limit is 65 miles per hour on ~~the effective date of~~
19 ~~the 1996 amendatory act that amended this section~~ JUNE 25, 1996
20 may be increased to 70 miles per hour. Tests shall be conducted
21 from August 1, 1996 through October 31, 1996. The study shall be
22 completed by December 15, 1996 and shall be based on traffic con-
23 gestion and other traffic safety issues as determined by the
24 director of the department of state police or his or her designee
25 and on engineering criteria as determined by the director of the
26 state transportation department or his or her designee. If the
27 study indicates that certain miles of freeway are eligible for

1 increase, the speed limit on those miles of freeway may be
2 increased to 70 miles per hour. The minimum speed limit on all
3 freeways shall be 45 miles per hour except if reduced speed is
4 necessary for safe operation or in compliance with law or in com-
5 pliance with a special permit issued by an appropriate
6 authority.

7 (7) ~~-(6)-~~ The maximum rates of speed allowed pursuant to
8 this section are subject to the maximum rates established pursu-
9 ant to section 629b, section 627(5) to (7) for certain vehicles
10 and vehicle combinations, and section 629(4).

11 (8) ~~-(7)-~~ A citation or civil infraction determination for
12 exceeding a lawful maximum speed limit of 55 miles per hour by
13 driving 65 miles per hour or less shall not be considered by any
14 person in establishing automobile insurance eligibility or auto-
15 mobile insurance rates.