

## TOWNSHIP TRAFFIC SPEED RESTRICTIONS

### House Bill 4022 (Substitute H-2) First Analysis (5-2-01)

**Sponsor: Rep. Ruth Jamnick**  
**Committee: Transportation**

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

Under current law, speeds on both state trunk lines and county roads are set either by the State Transportation Commission, or the county road commission with respect to highways under its jurisdiction, together with the director of the Department of State Police, upon the basis of an engineering and traffic study. Township officials do not participate in the process that sets speed limits on the roadways within their jurisdictions. (See *BACKGROUND INFORMATION* below).

As the percentage of the state's population that resides in townships has increased to nearly 50 percent, traffic speed and congestion have posed problems for township residents. It is increasingly the case that elected officials in townships often hear directly from their constituents about traffic safety and road speeds. Generally, their constituents request that speeds be lowered and traffic slowed in areas where population density brings matters of traffic safety to the fore. Without legal authority to set the speed limits for traffic within their political jurisdictions, the township officials are unable to aid their constituents directly, and must instead refer them to officials in their county governments.

In order to give elected township officials a formal opportunity to join with state and county officials and set traffic speed limits, legislation has been introduced.

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

House Bill 4022 would amend the Michigan Vehicle Code to allow the State Transportation Commission and the director of the Department of State Police jointly to determine safe road speeds only on state trunk lines. Further, the bill would allow a county road commission, the township board, and the director of the Department of State Police to determine safe speeds on county highways by a majority vote. In both instances, the officials would be required to base any speed limit on an engineering

and traffic study. Under the bill, if a township board wanted to be part of the speed-limit setting process, it would be required to notify the county road commission (or the county board of commissioners where there is no separate county road commission) in writing. Likewise, written notification would be required when a township did not want to continue as part of the process.

Specifically, the bill states that if the county road commission, the township board, and the director of the Department of State Police jointly determined upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway was greater or less than was reasonable or safe under the conditions found to exist, then the officials acting by a majority vote could establish a reasonable and safe maximum or minimum speed limit that would be effective at the times determined, when appropriate signs giving notice of the speed limit were erected at the intersection or other part of the highway. The bill also would delete county highways from the kinds of roads for which state agencies are responsible to set safe speeds.

MCL 257.628

#### ***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 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 apparent fiscal impacts. (5-2-01)

### ***ARGUMENTS:***

#### ***For:***

The population growth in townships has increased traffic congestion and speed on once rural roads that often have been designed for far less frequent use. The speed limit for these once rural roads is generally set at 55 miles per hour, unless a traffic study has been undertaken, in which case the speed limit is set at the speed at which 85 percent of the drivers travel the road. Any decision to lower the speed limit is made by the county road commission, acting jointly with the traffic safety officers in the Department of State Police. This bill would include township officials in the decision-making process that sets traffic speeds. The pedestrian versus driver conflicts that result on many township roads often pose safety hazards for those who live along them. When the threat of hazards increases to an unacceptable level, citizens customarily contact their local township officials to request that the speed limits be reduced. If township officials were included in the decision-making process, it is possible more speed limits would be lowered, based on the evidence collected during a traffic study. The bill could, then, help to slow down the traffic on county roads when those roads pass through township residential areas where the traffic moves too fast. Slower traffic would make conditions safer, most especially for school children who board buses, often before daylight, in rural residential areas.

#### ***For:***

From the citizens' perspective, the bill would shorten the decision-making process used to lower road speeds, since those with complaints would not have to contact county officials if they had first contacted township trustees, in order to lodge their concerns about traffic and pedestrian safety. The streamlined process gives elected township and county officials an opportunity to work closely together, to more directly address their constituents' requests to reduce county road speeds, and to do so in a more timely manner.

#### ***Against:***

Many agree that township officials should be included in the decision-making process that sets road speeds. Indeed, in many counties, township officials are already a part of the process during informal deliberations among the county road commissioners and the State Police traffic control officers. However, if the participation of township officials is to be formalized and embodied in the law as this bill proposes, then the new law should not

require a majority vote among the three decision-makers. Instead, the bill should be amended to require unanimous agreement by all three parties to lower speeds, following a traffic study. To require a two-thirds majority vote would politicize a process whose strength and effectiveness currently relies on a dispassionate assessment that is based on a traffic survey. Decision-makers would be more apt to ignore nationally recognized traffic safety standards if they feel pressured to revise their speed policies with a public vote, and in response to emotional appeals. Those standards that guide the current policy have been long recognized in courts by judges and litigators. If the standards are ignored under heightened pressure from citizens, lawsuits might ensue, and taxpayers will surely pay the costs when the suits fail because new speeds were set without regard for national traffic safety standards.

### ***POSITIONS:***

The Michigan Townships Association supports the bill. (5-2-01)

The Department of State Police opposes the bill. (5-2-01)

The County Road Association of Michigan opposes the bill, and the Michigan Association of Counties has expressed similar concerns about requiring a two-thirds vote of the appropriate officials. (5-2-01)

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■ 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.