

HOUSE BILL No. 4224

February 13, 2003, Introduced by Rep. Jamnick and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2000 PA
167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 that state trunk line, county highway, or intersection that shall
2 be effective at the times determined when appropriate signs
3 giving notice of the speed limit are erected at the intersection
4 or other place or part of the highway.

5 (2) Subject to subsection (3), an eligible township board
6 that desires to be a part of the process provided by this
7 subsection with respect to county highways within that township
8 shall notify in writing the county road commission for that
9 county or the county board of commissioners if there is not a
10 county road commission. If the county road commission, the
11 township board, and the director of the department of state
12 police determine upon the basis of an engineering and traffic
13 investigation that the speed of vehicular traffic on a county
14 highway is greater or less than is reasonable or safe under the
15 conditions found to exist at an intersection or other place or
16 upon a part of the highway, the officials acting by a majority
17 vote may establish a reasonable and safe maximum or minimum speed
18 limit at that intersection or on that county highway that shall
19 be effective at the times determined when appropriate signs
20 giving notice of the speed limit are erected at the intersection
21 or other place or part of the highway. A township board that
22 does not wish to continue as part of the process provided by this
23 subsection shall notify in writing the county road commission or
24 the county board of commissioners if there is not a county road
25 commission. As used in this subsection, "eligible township"
26 means a township in Kent, Lapeer, Leelanau, Marquette, Washtenaw,
27 or Wayne county. This subsection does not apply beginning 2

1 years after the effective date of the 2003 amendatory act that
2 added this sentence.

3 (3) If a superintendent of a school district determines that
4 the speed of vehicular traffic on a state trunk line or county
5 highway, which is within 1,000 feet of a school in the school
6 district of which that person is the superintendent, is greater
7 or less than is reasonable or safe, the officials **identified in**
8 **subsection (1)** shall include the superintendent of the school
9 district affected in acting jointly in determining and declaring
10 a reasonable and safe maximum or minimum speed limit on that
11 state trunk line or county highway. The maximum speed limit on
12 all highways or parts of highways upon which a maximum speed
13 limit is not otherwise fixed under this act shall be 55 miles per
14 hour.

15 (4) ~~—(2)—~~ In the case of a county highway of not less than 1
16 mile with residential lots with road frontage of 300 feet or less
17 along either side of the highway for the length of that part of
18 the highway that is under review for a proposed change in the
19 speed limit, the township board may petition the county road
20 commission or in charter counties where there is no road
21 commission, but there is a county board of commissioners, the
22 township board may petition the county board of commissioners for
23 a proposed change in the speed limit. The county road commission
24 or in charter counties where there is no road commission, but
25 there is a county board of commissioners, the township board may
26 petition the county board of commissioners to approve the
27 proposed change in the speed limit without the necessity of an

1 engineering and traffic investigation.

2 (5) ~~—(3)—~~ The speed limit on a county highway or an
3 interconnected group of county highways of not more than 1 mile
4 in total length that connect with the county road system by a
5 single entrance and exit shall be 25 miles per hour unless a
6 different speed limit is fixed and posted.

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

19 (7) ~~—(5)—~~ A public record of all speed control signs,
20 signals, or devices authorized under this section shall be filed
21 in the office of the county clerk of the county in which the
22 highway is located, and a certified copy shall be prima facie
23 evidence in all courts of the issuance of the authorization. The
24 public record with the county clerk shall not be required as
25 prima facie evidence of authorization in the case of signs
26 erected or placed temporarily for the control of speed or
27 direction of traffic at points where construction, repairs, or

1 maintenance of highways is in progress, or along a temporary
2 alternate route established to avoid the construction, repair, or
3 maintenance of a highway, if the signs are of uniform design
4 approved by the state transportation commission and the director
5 of the department of state police and clearly indicate a special
6 control, when proved in court that the temporary traffic-control
7 sign was placed by the state transportation commission or on the
8 authority of the state transportation commission and the director
9 of the department of state police or by the county road
10 commission or on the authority of the county road commission, at
11 a specified location.

12 (8) ~~-(6)-~~ A person who fails to observe an authorized speed
13 or traffic control sign, signal, or device is responsible for a
14 civil infraction.

15 (9) ~~-(7)-~~ Except as otherwise provided in this section, the
16 maximum speed limit on all freeways shall be ~~-65-~~ 70 miles per
17 hour except that the state transportation department may
18 designate not more than 170 miles of freeway in this state on
19 which the speed limit may be less than ~~-65-~~ 70 miles per hour.

20 ~~The director of the state transportation department, in~~
21 ~~consultation with the department of state police, beginning~~
22 ~~July 31, 1996, shall establish five areas of freeway miles as~~
23 ~~test zones on which the speed limit may be increased to 70 miles~~
24 ~~per hour in order to conduct a study to determine whether any of~~
25 ~~those miles of freeway on which the speed limit is 65 miles per~~
26 ~~hour on June 25, 1996 may be increased to 70 miles per hour.~~
27 ~~Tests shall be conducted from August 1, 1996 through October 31,~~

1 ~~1996. The study shall be completed by December 15, 1996 and~~
2 ~~shall be based on traffic congestion and other traffic safety~~
3 ~~issues as determined by the director of the department of state~~
4 ~~police or his or her designee and on engineering criteria as~~
5 ~~determined by the director of the state transportation department~~
6 ~~or his or her designee. If the study indicates that certain~~
7 ~~miles of freeway are eligible for increase, the speed limit on~~
8 ~~those miles of freeway may be increased to 70 miles per hour.~~
9 The minimum speed limit on all freeways shall be 45 miles per
10 hour except if reduced speed is necessary for safe operation or
11 in compliance with law or in compliance with a special permit
12 issued by an appropriate authority.

13 **(10)** ~~-(8)-~~ The maximum rates of speed allowed pursuant to
14 this section are subject to the maximum rates established under
15 section 629b, section 627(5) to (7) for certain vehicles and
16 vehicle combinations, and section 629(4).

17 **(11)** ~~-(9)-~~ A citation or civil infraction determination for
18 exceeding a lawful maximum speed limit of 55 miles per hour by
19 driving 65 miles per hour or less shall not be considered by any
20 person in establishing automobile insurance eligibility or
21 automobile insurance rates.