

Legislative Analysis



SPEED LIMITS

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House Bill 5240 (Substitute H-1)

House Bill 5241 as introduced

Sponsor: Rep. Brian Palmer

Committee: Transportation

2nd Summary

Complete to 1-18-06

A SUMMARY OF HOUSE BILLS 5240 & 5241 AS REPORTED FROM COMMITTEE

House Bill 5240 would amend the Michigan Vehicle Code (MCL 257.5 et al.) to address speed limits. House Bill 5241 would make a complementary amendment to the Pupil Transportation Act (MCL 257.1861). Among other things, House Bill 5240 would do the following.

****** The bill would establish a "general speed limit" of 55 miles per hour: this would be the maximum speed limit on all highways or parts of highways where the maximum speed limit is not otherwise fixed.

****** It would create "prima facie" speed limits as follows:

-- 30 miles per hour in a business district (as is current law for business and residential districts).

-- 25 miles per hour in public parks, unless a different speed is posted.

-- 30 miles per hour on a highway segment with 60 or more vehicular access points within one-half mile (meaning driveways and intersecting roadways).

-- 35 miles per hour on a highway segment with 45 to 59 vehicular access points within one-half mile.

-- 45 miles per hour on a highway segment with no more than 44 vehicular access points within one-half mile.

****** Prima facie speed limits would not be valid unless properly posted. A sign indicating "prima facie" would have to be attached directly below a sign indicating a prima facie speed limit. In the absence of a sign, the general speed limit would be in effect.

****** The term "business district" would be amended to mean *an area contiguous to a highway where the total width of the adjacent buildings in use for commercial business open to the general public on both sides occupy 50 percent or more of the total frontage on both sides for a distance of 600 feet or more.* Also, the term "commercial business"

would not include a home-based business conducted from a domicile or residence. It would, however, include a multi-use building where a commercial business open to the public operates on the ground floor and residential apartments exist on upper floors.

The current definition of "business district" refers to *the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied in use for business.*

** The section in the act that currently defines "residential district" would be repealed. References in the code to "residential district" in various speed limit provisions would be struck. [The concept of districts is replaced with the use of "access points."]

** The bill specifies that the section describing "prima facie" speed limits would not prevent the establishment of an "absolute speed limit" under Section 628 of the code. An "absolute speed limit" would supersede a "prima facie" speed limit. Section 628 describes the process for changing speed limits on state trunk line highways and county highways, including in school zones. Typically, the process requires unanimous agreement among the officials involved and requires an engineering and traffic investigation. The bill would specify that in a provision that allows a county road commission, a township board, and the Department of State Police to unanimously determine to raise or lower a speed limit, the term "county road commission" refers to "the person designated by either" the road commissioners or by a county executive.

** Section 629 of the Code, which allows local authorities to establish or increase speed limits, would be amended. The bill would specify that local authorities could establish prima facie lawful speed limits on highways outside of business districts "that are consistent with the limits established in Section 627 (2)", which are those prima facie limits cited earlier as established by this bill. The bill would eliminate language that describes a process to be followed by a local authority in setting a speed limit on a state trunk line highway within a school zone. Currently, local authorities can decrease the prima facie speed limit on streets or highways adjacent to a publicly owned park or playground to not less than 15 miles per hour. The bill would change that speed to 25 miles per hour.

** The standard maximum speed limit on all freeways would be 70 miles per hour (as now), and the standard minimum speed on freeways would be increased to 55 miles per hour from 45 miles per hour. However, the bill would allow exceptions if the Department of Transportation and the Department of State Police jointly determine on the basis of an engineering and traffic investigation that the speed of traffic on a freeway is greater or less than is reasonable or safe for existing conditions. Then the two departments could jointly determine and declare a reasonable and safe maximum or minimum speed limit on that freeway, effective when appropriate signs are erected. The section that currently limits school buses to 55 miles per hour on limited access highways or freeways would be repealed.

** A speed limit of 55 miles per hour would be established for a person operating a school bus, a vehicle drawing another vehicle or trailer, or a truck or truck-tractor with a gross weight of 10,000 pounds or more. (This is not a change for passenger vehicles pulling another vehicle or trailer or for trucks of 10,000 pounds or more. It is an increase from 50 miles per hour for school buses.)

** A change in the 45 miles-per-hour work zone speed limit could be made by the Department of Transportation, a county road commission, or a local authority only "based on accepted engineering practice."

FISCAL IMPACT:

The bill would have no apparent fiscal impact.

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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.