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House Bill 5240 (Substitute H-1 as passed by the House)
House Bill 5241 (as passed by the House)
Sponsor: Representative Brian Palmer
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 2-17-06

CONTENT

House Bill 5240 (H-1) would amend the Michigan Vehicle Code to do the following:

- Establish speeds that would be "prima facie unlawful" to exceed in business districts, in public parks, and on highway segments with specified numbers of driveways or intersections.
- Require signs indicating "prima facie" speed limits to be posted.
- Designate the 55-mile-per-hour speed limit on highways where another speed limit does not apply as the "general speed limit".
- Designate various speed limits as "absolute speed limits", which would supersede prima facie speed limits.
- Increase the minimum speed on freeways from 45 miles per hour (mph) to 55 mph.
- Delete a provision that limits the situations in which a township may petition a county road commission for a change of speed limit.
- Require the Michigan Department of Transportation to establish the speed on all trunk line highways within cities and villages.
- Set 25 mph as the minimum speed limit that local authorities may establish in and near parks and beside playgrounds.

House Bill 5241 would amend the Pupil Transportation Act to delete a reference to Section 627b of the Code, which would be repealed by House Bill 5240 (H-1).

The bills are tie-barred to each other. House Bill 5240 (H-1) is described below in further detail.

Prima Facie Speed Limit

Currently, under Section 627 of the Code, except when the specified speed would be unsafe, or when a lower speed is specified in the Code, it is prima facie lawful for a vehicle driver to drive at a speed not exceeding 25 mph on all highways in a business or residence district; or in public parks unless a different speed is fixed and duly posted.

The bill provides instead that, except in those instances in which a lower speed is specified in the Code or the speed would be unsafe, it would be prima facie unlawful for a driver to exceed the following speeds:

- 30 mph on all highways in a business district.
- 25 mph in public parks unless a different speed is fixed and duly posted.
- 30 mph on a highway segment with at least 60 vehicular access points within a half-mile.
- 35 mph on a highway segment with 45 to 59 vehicular access points within a half-mile.
- 45 mph on a highway segment with 30 to 44 vehicular access points within a half-mile.

(Presently, "business district" means the territory contiguous to a highway in which at least 50% of the frontage for at least 300 feet is occupied by buildings in use for

business. Under the bill, the term would mean an area contiguous to a highway in which the total widths of the adjacent buildings in use for commercial business open to the general public on both sides occupy at least 50% of the total frontage on both sides for at least 600 feet. The bill specifies that "commercial business" would not include a home-based business conducted from a residence or domicile, but would include a multiuse building in which a commercial business open to the general public is operated on the ground floor and residential apartments exist on upper floors.

The bill would define "vehicular access point" as a driveway or intersecting roadway, including those depicted on the final plat of a subdivision under the Land Division Act.

The bill would repeal Section 51, which defines "residence district" as the territory contiguous to a highway not comprising a business district when the frontage on the highway for at least 300 feet is occupied mainly by dwellings or by dwellings and buildings in use for business.)

Currently, a person driving a passenger vehicle towing another vehicle or trailer is prohibited from exceeding a speed of 55 mph, unless the vehicle or trailer being towed has two wheels or less and does not exceed the combined weight of 750 pounds for the vehicle or trailer and load, or a trailer coach of up to 26 feet long with brakes on each wheel and attached to the passenger vehicle with an equalizing or stabilizing coupling unit.

The bill, instead, would prohibit a person operating a school bus, a vehicle towing another vehicle or trailer, or a truck or truck-tractor with a gross weight of at least 10,000 pounds from exceeding a speed of 55 mph. The bill would delete a provision prohibiting a school bus driver from exceeding 50 mph.

(The bill also would repeal Section 627b, which prohibits a person driving a school bus from exceeding 55 miles per hour on a limited access highway or freeway.)

Under the Code, a person operating a truck with a gross weight of at least 10,000 pounds, a truck-tractor with a trailer, or a combination of these vehicles may not exceed 55 mph on highways, streets, or

freeways, or 35 mph during the period when reduced loadings are being enforced. The bill would delete the reference to the 55 mph speed limit on highways, streets, and freeways.

Under the Code, a person operating a vehicle on a highway, when entering or passing through a work zone where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, may not exceed a speed of 45 mph, unless the Michigan Department of Transportation (MDOT), a county road commission, or a local authority has determined a different speed limit for that work zone. The bill would refer to a different speed limit determined "based on accepted engineering practice".

The bill provides that the speed limits established under Section 627 would not be valid unless properly posted. A sign indicating "prima facie" would have to be attached directly below a sign indicating a posted speed limit. In the absence of a properly posted sign, the speed limit in effect would be the general speed limit (described below).

The bill states that nothing in Section 627 would prevent the establishment of an absolute speed limit pursuant to Section 628 (described below). An absolute speed limit established under that section would supersede a prima facie speed limit established under Section 627.

The bill specifies that nothing in Section 627 could be construed as justification to deny a traffic and engineering investigation.

General Speed Limit

Under the Code, the maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under the Code is 55 mph. The bill specifies that this limit would be known and could be referred to as the "general speed limit".

Absolute Speed Limits

The bill states that, except for the general speed limit, speed limits established pursuant to Section 628 would be known as "absolute speed limits". This section

provides for setting speed limits on county highways, and establishes the maximum and minimum speeds on freeways (as described below). Section 628 also authorizes MDOT and the Michigan Department of State Police (MSP) to set a reasonable and safe maximum or minimum speed limit on a State trunk line highway or intersection if they determine that the speed of traffic there is greater or less than is reasonable or safe. In addition, Section 628 states that the maximum rates of speed allowed under this section are subject to the maximum rates established under sections governing the following:

- The speed limit for a person operating a school bus, a vehicle towing another vehicle or trailer, or a truck or truck-tractor with a gross weight of at least 10,000 pounds.
- The speed limit for a person operating a truck with a gross weight of at least 10,000 pounds, a truck-tractor with a trailer, or a combination of those vehicles during reduced loading periods.
- The prima facie speed limits set by local authorities on streets near parks or playgrounds.
- The maximum speed as reduced by executive order during a state of energy emergency.

County Highway Speed Limit

Under the Code, if the county road commission, township board, and Director of the MSP determine unanimously upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that highway.

The bill would refer to any part of the highway, rather than at an intersection or other place or upon a part of the highway. The bill also would refer to the MSP, rather than the MSP Director.

Currently, a township board may petition the county road commission, or, in a charter county in which there is no road commission, the county board of commissioners, for a proposed change in the

speed limit, "in the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the speed limit". The bill would delete the quoted language.

The bill also would delete a provision setting the speed limit at 25 mph, unless a different speed limit is fixed and posted, on a county highway or an interconnected group of county highways of up to one mile long that connect with the county road system by a single entrance and exit.

Freeway Speed Limit

Currently, except as otherwise provided, the maximum speed limit on all freeways is 70 mph, except MDOT may designate up to 170 miles of freeway on which the speed limit may be less than 70 mph. The minimum speed limit on all freeways is 45 mph, unless reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

Under the bill, the maximum speed limit would be 70 mph, except that if MDOT and the MSP determined jointly upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a freeway was greater or less than was reasonable or safe under the conditions found to exist upon a part of the freeway, the Departments acting jointly could determine and declare a reasonable and safe maximum or minimum speed limit on that freeway that would be effective at the times determined when appropriate signs giving notice of the speed limit were erected.

The bill would increase the minimum speed on freeways to 55 mph, subject to the present exceptions.

Local Authorities

The Code permits local authorities to establish or increase the prima facie speed limits on highways under their jurisdiction subject to specified limitations. Currently, local authorities may establish prima facie lawful speed limits of not less than 25 miles per hour on highways outside of business or residential districts.

The bill would delete the reference to residential districts, and authorize local authorities to establish prima facie speed limits that were consistent with the prima facie limits provided for in Section 627.

The bill would delete a requirement that a local authority confer with MDOT, the MSP, and the board of an affected school district before increasing or decreasing the prima facie speed limit on a State trunk line highway within a school zone.

Under the Code, the State Transportation Commission may establish the prima facie lawful speed upon all trunk line highways outside of business districts and located within cities and villages and outside of school zones, in accordance with certain conditions. The bill, instead, would require MDOT to establish the speed upon all trunk line highways located within cities and villages.

The Code authorizes local authorities to decrease the prima facie speed limits in public parks under their jurisdiction. The Code also authorizes local authorities to decrease the prima facie speed limits to not less than 15 miles per hour on a street or highway under their jurisdiction adjacent to a publicly owned park or playground. Under the bill, local authorities could decrease these speed limits to not less than 25 miles per hour.

Insurance Eligibility & Rates

Under the Code, in establishing automobile insurance eligibility or automobile insurance rates, a person may not consider a citation or civil infraction determination for exceeding a lawful speed limit of 55 miles per hour by driving 65 miles per hour or less. The bill would delete this provision.

MCL 257.5 et al. (H.B. 5240)
257.1861 (H.B. 5241)

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.