

SENATE BILL No. 468

May 1, 2007, Introduced by Senators CASSIS, BISHOP, CHERRY and KAHN 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 2006 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation department and the
2 department of state police jointly determine upon the basis of an
3 engineering and traffic investigation that the speed of vehicular
4 traffic on a state trunk line highway is greater or less than is
5 reasonable or safe under the conditions found to exist at an
6 intersection or other place or upon a part of the highway, the
7 departments acting jointly may determine and declare a reasonable
8 and safe maximum or minimum speed limit on that state trunk line
9 highway or intersection that shall be effective at the times
10 determined when appropriate signs giving notice of the speed limit
11 are erected at the intersection or other place or part of the

1 highway. The maximum speed limit on all highways or parts of
2 highways upon which a maximum speed limit is not otherwise fixed
3 under this act is 55 miles per hour, which shall be known and may
4 be referred to as the "general speed limit".

5 (2) If the county road commission, the township board, and the
6 department of state police unanimously determine upon the basis of
7 an engineering and traffic investigation that the speed of
8 vehicular traffic on a county highway is greater or less than is
9 reasonable or safe under the conditions found to exist upon any
10 part of the highway, then acting unanimously they may establish a
11 reasonable and safe maximum or minimum speed limit on that county
12 highway that is effective at the times determined when appropriate
13 signs giving notice of the speed limit are erected on the highway.
14 **FOR GRAVEL-SURFACED ROADS ONLY, THE TRAFFIC AND ENGINEERING STUDY**
15 **REQUIRED UNDER THIS SUBSECTION MAY BE CONDUCTED BY THE COUNTY ROAD**
16 **COMMISSION, THE TOWNSHIP BOARD, THE COUNTY SHERIFF, OR THE**
17 **DEPARTMENT OF STATE POLICE, ALONE OR IN ANY COMBINATION, IN THE**
18 **SAME MANNER THAT AN ENGINEERING AND TRAFFIC INVESTIGATION IS**
19 **OTHERWISE CONDUCTED UNDER THIS SUBSECTION.** A township board that
20 does not wish to continue as part of the process provided by this
21 subsection shall notify ~~in writing~~ the county road commission **OF**
22 **THAT FACT IN WRITING.** As used in this subsection, "county road
23 commission" means the board of county road commissioners elected or
24 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
25 or, in the case of a charter county with a population of 2,000,000
26 or more with an elected county executive that does not have a board
27 of county road commissioners, the county executive.

1 (3) If a superintendent of a school district determines that
2 the speed of vehicular traffic on a state trunk line or county
3 highway, which is within 1,000 feet of a school in the school
4 district of which that person is the superintendent, is greater or
5 less than is reasonable or safe, the officials identified in
6 subsection (1) or (2), as appropriate, shall include the
7 superintendent of the school district affected in acting jointly in
8 determining and declaring a reasonable and safe maximum or minimum
9 speed limit on that state trunk line or county highway.

10 (4) In the case of a county highway of not less than 1 mile
11 with residential lots with road frontage of 300 feet or less along
12 either side of the highway for the length of that part of the
13 highway that is under review for a proposed change in the speed
14 limit, the township board may petition the county road commission
15 or in charter counties where there is no road commission, but there
16 is a county board of commissioners, the township board may petition
17 the county board of commissioners for a proposed change in the
18 speed limit. The county road commission or in charter counties
19 where there is no road commission, but there is a county board of
20 commissioners, the township board may petition the county board of
21 commissioners to approve the proposed change in the speed limit
22 without the necessity of an engineering and traffic investigation.

23 (5) If upon investigation the state transportation department
24 or county road commission and the department of state police find
25 it in the interest of public safety, they may order the township
26 board, or city or village officials to erect and maintain, take
27 down, or regulate the speed control signs, signals, or devices as

1 directed, and in default of an order the state transportation
2 department or county road commission may cause the designated
3 signs, signals, and devices to be erected and maintained, taken
4 down, regulated, or controlled, in the manner previously directed,
5 and pay for the erecting and maintenance, removal, regulation, or
6 control of the sign, signal, or device out of the highway fund
7 designated.

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

26 (7) A person who fails to observe an authorized speed or
27 traffic control sign, signal, or device is responsible for a civil

1 infraction.

2 (8) Except as otherwise provided in this section, the maximum
3 speed limit on all freeways ~~shall be~~ **IS** 70 miles per hour except
4 that if the state transportation department and the department of
5 state police jointly determine upon the basis of an engineering and
6 traffic investigation that the speed of vehicular traffic on a
7 freeway is greater or less than is reasonable or safe under the
8 conditions found to exist upon a part of the freeway, the
9 departments acting jointly may determine and declare a reasonable
10 and safe maximum or minimum speed limit on that freeway that is not
11 more than 70 miles per hour but not less than 55 miles per hour and
12 that shall be effective when appropriate signs giving notice of the
13 speed limit are erected. The minimum speed limit on all freeways is
14 55 miles per hour except if reduced speed is necessary for safe
15 operation or in compliance with law or in compliance with a special
16 permit issued by an appropriate authority.

17 (9) The maximum rates of speed allowed under this section are
18 subject to the maximum rates established under section 629b,
19 section 627(5) to (7) for certain vehicles and vehicle
20 combinations, and section 629(4).

21 (10) Except for the general speed limit described in
22 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this
23 section shall be known as absolute speed limits.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 117 of the 94th Legislature is enacted into
26 law.