1

2

3

4

5

6

## **HOUSE BILL No. 5240**

August 19, 2009, Introduced by Rep. DeShazor 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:

Sec. 628. (1) If the state transportation department and the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line 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, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line highway or intersection that shall be effective at the times

- 1 determined when appropriate signs giving notice of the speed limit
- 2 are erected at the intersection or other place or part of the
- 3 highway. The maximum speed limit on all highways or parts of
- 4 highways upon which a maximum speed limit is not otherwise fixed
- 5 under this act is 55 miles per hour, which shall be known and may
- 6 be referred to as the "general speed limit".
- 7 (2) If the county road commission, the township board, and the
- 8 department of state police unanimously determine upon the basis of
- 9 an engineering and traffic investigation that the speed of
- 10 vehicular traffic on a county highway is greater or less than is
- 11 reasonable or safe under the conditions found to exist upon any
- 12 part of the highway, then acting unanimously they may establish a
- 13 reasonable and safe maximum or minimum speed limit on that county
- 14 highway that is effective at the times determined when appropriate
- 15 signs giving notice of the speed limit are erected on the highway.
- 16 A township board that does not wish to continue as part of the
- 17 process provided by this subsection shall notify in writing the
- 18 county road commission. As used in this subsection, "county road
- 19 commission" means the board of county road commissioners elected or
- 20 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
- or, in the case of a charter county with a population of 2,000,000
- 22 or more with an elected county executive that does not have a board
- 23 of county road commissioners, the county executive.
- 24 (3) If a superintendent of a school district determines that
- 25 the speed of vehicular traffic on a state trunk line or county
- 26 highway, which is within 1,000 feet of a school in the school
- 27 district of which that person is the superintendent, is greater or

- 1 less than is reasonable or safe, the officials identified in
- 2 subsection (1) or (2), as appropriate, shall include the
- 3 superintendent of the school district affected in acting jointly in
- 4 determining and declaring a reasonable and safe maximum or minimum
- 5 speed limit on that state trunk line or county highway.
- 6 (4) In the case of a county highway of not less than 1 mile
- 7 with residential lots with road frontage of 300 feet or less along
- 8 either side of the highway for the length of that part of the
- 9 highway that is under review for a proposed change in the speed
- 10 limit, the township board may petition the county road commission
- 11 or in charter counties where there is no road commission, but there
- 12 is a county board of commissioners, the township board may petition
- 13 the county board of commissioners for a proposed change in the
- 14 speed limit. The county road commission or in charter counties
- 15 where there is no road commission, but there is a county board of
- 16 commissioners, the township board may petition the county board of
- 17 commissioners to approve the proposed change in the speed limit
- 18 without the necessity of an engineering and traffic investigation.
- 19 (5) If upon investigation the state transportation department
- 20 or county road commission and the department of state police find
- 21 it in the interest of public safety, they may order the township
- 22 board, or city or village officials to erect and maintain, take
- 23 down, or regulate the speed control signs, signals, or devices as
- 24 directed, and in default of an order the state transportation
- 25 department or county road commission may cause the designated
- 26 signs, signals, and devices to be erected and maintained, taken
- 27 down, regulated, or controlled, in the manner previously directed,

- 1 and pay for the erecting and maintenance, removal, regulation, or
- 2 control of the sign, signal, or device out of the highway fund
- 3 designated.
- 4 (6) A public record of all speed control signs, signals, or
- 5 devices authorized under this section shall be filed in the office
- 6 of the county clerk of the county in which the highway is located,
- 7 and a certified copy shall be prima facie evidence in all courts of
- 8 the issuance of the authorization. The public record with the
- 9 county clerk shall not be required as prima facie evidence of
- 10 authorization in the case of signs erected or placed temporarily
- 11 for the control of speed or direction of traffic at points where
- 12 construction, repairs, or maintenance of highways is in progress,
- 13 or along a temporary alternate route established to avoid the
- 14 construction, repair, or maintenance of a highway, if the signs are
- 15 of uniform design approved by the state transportation department
- 16 and the department of state police and clearly indicate a special
- 17 control, when proved in court that the temporary traffic control
- 18 sign was placed by the state transportation department or on the
- 19 authority of the state transportation department and the department
- 20 of state police or by the county road commission or on the
- 21 authority of the county road commission, at a specified location.
- 22 IF THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF STATE
- 23 POLICE DETERMINE THAT AN EXISTING SIGN FOR THE CONTROL OF THE
- 24 DIRECTION OF TRAFFIC ON A STATE TRUNK LINE HIGHWAY IS NO LONGER
- 25 NEEDED, THE STATE TRANSPORTATION DEPARTMENT SHALL NOTIFY IN WRITING
- 26 THE COUNTY ROAD COMMISSION, CITY, VILLAGE, OR TOWNSHIP LOCATED IN
- 27 THE JURISDICTION WHERE THE EXISTING SIGN IS TO BE REMOVED AT LEAST

- 1 30 DAYS BEFORE REMOVAL OF THE SIGN FOR THE CONTROL OF THE DIRECTION
- 2 OF TRAFFIC. IF THE COUNTY ROAD COMMISSION, CITY, VILLAGE, OR
- 3 TOWNSHIP IS A PARTNER IN OR SUBCONTRACTOR OF THE ROAD PROJECT THAT
- 4 HAS RESULTED IN REMOVAL OF THE DIRECTIONAL SIGN, THE NOTIFICATION
- 5 REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY.
- 6 (7) A person who fails to observe an authorized speed or
- 7 traffic control sign, signal, or device is responsible for a civil
- 8 infraction.
- 9 (8) Except as otherwise provided in this section, the maximum
- 10 speed limit on all freeways shall be 70 miles per hour except that
- 11 if the state transportation department and the department of state
- 12 police jointly determine upon the basis of an engineering and
- 13 traffic investigation that the speed of vehicular traffic on a
- 14 freeway is greater or less than is reasonable or safe under the
- 15 conditions found to exist upon a part of the freeway, the
- 16 departments acting jointly may determine and declare a reasonable
- 17 and safe maximum or minimum speed limit on that freeway that is not
- 18 more than 70 miles per hour but not less than 55 miles per hour and
- 19 that shall be effective when appropriate signs giving notice of the
- 20 speed limit are erected. The minimum speed limit on all freeways is
- 21 55 miles per hour except if reduced speed is necessary for safe
- 22 operation or in compliance with law or in compliance with a special
- 23 permit issued by an appropriate authority.
- 24 (9) The maximum rates of speed allowed under this section are
- 25 subject to the maximum rates established under section 629b,
- 26 section 627(5) to (7) for certain vehicles and vehicle
- 27 combinations, and section 629(4).

- 1 (10) Except for the general speed limit described in
- 2 subsection (1), speed limits established pursuant to this section
- 3 shall be known as absolute speed limits.