

HOUSE BILL No. 5042

October 2, 2013, Introduced by Rep. McMillin and referred to the Committee on Transportation and Infrastructure.

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

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

6 (2) If the county road commission, the township board, and the
7 department of state police unanimously determine upon the basis of
8 an engineering and traffic investigation that the speed of
9 vehicular traffic on a county highway is greater or less than is
10 reasonable or safe under the conditions found to exist upon any
11 part of the highway, then acting unanimously they may establish a
12 reasonable and safe maximum or minimum speed limit on that county
13 highway that is effective at the times determined when appropriate
14 signs giving notice of the speed limit are erected on the highway.
15 A township board that does not wish to continue as part of the
16 process provided by this subsection shall notify in writing the
17 county road commission. As used in this subsection, "county road
18 commission" means the board of county road commissioners elected or
19 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
20 or, in the case of a charter county with a population of 2,000,000
21 or more with an elected county executive that does not have a board
22 of county road commissioners, the county executive.

23 (3) If a superintendent of a school district determines that
24 the speed of vehicular traffic on a state trunk line or county
25 highway, which is within 1,000 feet of a school in the school
26 district of which that person is the superintendent, is greater or
27 less than is reasonable or safe, the officials identified in

1 subsection (1) or (2), as appropriate, shall include the
2 superintendent of the school district affected in acting jointly in
3 determining and declaring a reasonable and safe maximum or minimum
4 speed limit on that state trunk line or county highway.

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

18 (5) If upon investigation the state transportation department
19 or county road commission and the department of state police find
20 it in the interest of public safety, they may order the township
21 board, or city or village officials to erect and maintain, take
22 down, or regulate the speed control signs, signals, or devices as
23 directed, and in default of an order the state transportation
24 department or county road commission may cause the designated
25 signs, signals, and devices to be erected and maintained, taken
26 down, regulated, or controlled, in the manner previously directed,
27 and pay for the erecting and maintenance, removal, regulation, or

1 control of the sign, signal, or device out of the highway fund
2 designated.

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

21 (7) A person who fails to observe an authorized speed or
22 traffic control sign, signal, or device is responsible for a civil
23 infraction.

24 (8) Except as otherwise provided in this section, the maximum
25 speed limit on all freeways shall be 70 miles per hour except that
26 if the state transportation department and the department of state
27 police jointly determine upon the basis of an engineering and

1 traffic investigation that the speed of vehicular traffic on a
2 freeway is greater or less than is reasonable or safe under the
3 conditions found to exist upon a part of the freeway, the
4 departments acting jointly may determine and declare a reasonable
5 and safe maximum or minimum speed limit on that freeway that is not
6 more than 70 miles per hour but not less than 55 miles per hour and
7 that shall be effective when appropriate signs giving notice of the
8 speed limit are erected. The minimum speed limit on all freeways is
9 55 miles per hour except if reduced speed is necessary for safe
10 operation or in compliance with law or in compliance with a special
11 permit issued by an appropriate authority.

12 (9) The maximum rates of speed allowed under this section are
13 subject to the maximum rates established under section 629b,
14 section 627(5) to (7) for certain vehicles and vehicle
15 combinations, and section 629(4).

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

19 **(11) NOT MORE THAN 30 DAYS AFTER RECEIVING A PETITION FOR AN**
20 **ENGINEERING AND TRAFFIC INVESTIGATION UNDER THIS SECTION, THE**
21 **DEPARTMENT OF STATE POLICE SHALL POST ON ITS PUBLIC GOVERNMENT**
22 **WEBSITE ALL OF THE FOLLOWING INFORMATION CONCERNING EACH REQUEST:**

23 **(A) THE UNIT OF GOVERNMENT THAT REQUESTED THE INVESTIGATION.**

24 **(B) THE DATE THE DEPARTMENT OF STATE POLICE RECEIVED THE**
25 **REQUEST FOR INVESTIGATION AND ITS ESTIMATED COMPLETION DATE.**

26 **(C) A MAP DISPLAYING OR LOCATING INFORMATION CONCERNING THE**
27 **HIGHWAY, OR PORTION OF HIGHWAY, TO BE INVESTIGATED.**

1 (12) UPON COMPLETION OF AN INVESTIGATION FOR AN ENGINEERING
2 AND TRAFFIC INVESTIGATION UNDER THIS SECTION, THE DEPARTMENT OF
3 STATE POLICE SHALL POST THE RESULTS OF THE INVESTIGATION ON ITS
4 PUBLIC GOVERNMENT WEBSITE FOR NOT LESS THAN 6 MONTHS.