

HOUSE BILL No. 5962

November 13, 2014, Introduced by Rep. Dianda 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~~

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

~~—— (2) If the county road commission, the township board, and the department of state police unanimously determine 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 upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. As used in this subsection, "county road commission" means the board of county road commissioners elected or 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 or more with an elected county executive that does not have a board of county road commissioners, the county executive.~~

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

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

~~—— (4) 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 township board may petition the county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners for a proposed change in the speed limit. The county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners to approve the proposed change in the speed limit without the necessity of an engineering and traffic investigation.~~

(1) THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL JOINTLY DETERMINE ANY MODIFIED MAXIMUM OR MINIMUM SPEED LIMITS ON LIMITED ACCESS FREEWAYS OR TRUNK LINE HIGHWAYS CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION. A PUBLIC RECORD OF A TRAFFIC CONTROL ORDER ESTABLISHING A MODIFIED SPEED LIMIT AUTHORIZED UNDER THIS SUBSECTION SHALL BE FILED AT THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE LIMITED ACCESS FREEWAY OR TRUNK LINE HIGHWAY IS LOCATED, AND A CERTIFIED COPY OF A TRAFFIC CONTROL ORDER SHALL BE EVIDENCE IN EVERY COURT OF THIS STATE OF THE AUTHORITY FOR THE ISSUANCE OF THAT TRAFFIC CONTROL

1 ORDER.

2 (2) THE COUNTY ROAD COMMISSION AND THE DEPARTMENT OF STATE
3 POLICE SHALL JOINTLY DETERMINE ANY MODIFIED SPEED LIMITS ON COUNTY
4 HIGHWAYS CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION. A PUBLIC
5 RECORD OF A TRAFFIC CONTROL ORDER ESTABLISHING A MODIFIED SPEED
6 LIMIT AUTHORIZED UNDER THIS SUBSECTION SHALL BE FILED AT THE OFFICE
7 OF THE CLERK OF THE COUNTY IN WHICH THE COUNTY HIGHWAY IS LOCATED,
8 AND A CERTIFIED COPY OF THE TRAFFIC CONTROL ORDER SHALL BE EVIDENCE
9 IN EVERY COURT OF THIS STATE OF THE AUTHORITY FOR THE ISSUANCE OF
10 THAT TRAFFIC CONTROL ORDER.

11 (3) A LOCAL ROAD AUTHORITY SHALL DETERMINE ANY MODIFIED SPEED
12 LIMITS ON LOCAL HIGHWAYS CONSISTENT WITH THE REQUIREMENTS OF THIS
13 SECTION. A PUBLIC RECORD OF A TRAFFIC CONTROL ORDER ESTABLISHING A
14 MODIFIED SPEED LIMIT AUTHORIZED UNDER THIS SUBSECTION SHALL BE
15 FILED AT THE OFFICE OF THE CITY OR VILLAGE OR ADMINISTRATIVE OFFICE
16 OF THE AIRPORT, COLLEGE, OR UNIVERSITY IN WHICH THE LOCAL HIGHWAY
17 IS LOCATED, AND A CERTIFIED COPY OF THE TRAFFIC CONTROL ORDER SHALL
18 BE EVIDENCE IN EVERY COURT OF THIS STATE OF THE AUTHORITY FOR THE
19 ISSUANCE OF THAT TRAFFIC CONTROL ORDER.

20 (4) A SPEED LIMIT ESTABLISHED UNDER THIS ACT SHALL BE THE
21 EIGHTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING TRAFFIC UNDER IDEAL
22 CONDITIONS ON THE FASTEST PORTION OF A HIGHWAY SEGMENT, ROUNDED TO
23 THE NEAREST MULTIPLE OF 5 MILES PER HOUR. IN NO EVENT SHALL A SPEED
24 LIMIT ESTABLISHED UNDER THIS ACT BE LOWER THAN THE SEVENTY-FIFTH
25 PERCENTILE OF THE SPEED OF FREE-FLOWING TRAFFIC UNDER IDEAL
26 CONDITIONS ON THE FASTEST PORTION OF A HIGHWAY SEGMENT. IF THE
27 ROUNDING OF THE SPEED LIMIT TO THE NEAREST MULTIPLE OF 5 MILES PER

1 HOUR RESULTS IN A SPEED LIMIT OF LESS THAN THE SEVENTY-FIFTH
2 PERCENTILE OF THE SPEED OF FREE-FLOWING TRAFFIC UNDER IDEAL
3 CONDITIONS ON THE FASTEST PORTION OF THAT HIGHWAY SEGMENT, THE NEXT
4 HIGHER MULTIPLE OF 5 MILES PER HOUR SHALL BE DESIGNATED AS THE
5 SPEED LIMIT.

6 (5) IF A HIGHWAY SEGMENT INCLUDES 1 OR MORE FEATURES WITH A
7 DESIGN SPEED THAT IS LOWER THAN THE EIGHTY-FIFTH PERCENTILE OF THE
8 SPEED OF FREE-FLOWING TRAFFIC UNDER IDEAL CONDITIONS ON THE FASTEST
9 PORTION OF THAT HIGHWAY SEGMENT, THE ROAD AUTHORITY MAY POST
10 ADVISORY SIGNS.

11 (6) ~~(5)~~ If upon investigation the state transportation
12 department or county road commission and the department of state
13 police find it in the interest of public safety, they may order the
14 township, board, or city, or village officials to erect and
15 maintain, take down, or regulate the speed ~~control~~ **LIMIT** signs,
16 signals, or devices as directed, and in default of an order the
17 state transportation department or county road commission may cause
18 the designated signs, signals, and devices to be erected and
19 maintained, taken down, regulated, or controlled, in the manner
20 previously directed, and pay for the erecting and maintenance,
21 removal, regulation, or control of the sign, signal, or device out
22 of the highway fund designated.

23 ~~—— (6) A public record of all speed control signs, signals, or~~
24 ~~devices authorized under this section shall be filed in the office~~
25 ~~of the county clerk of the county in which the highway is located,~~
26 ~~and a certified copy shall be prima facie evidence in all courts of~~
27 ~~the issuance of the authorization. The public record with the~~

~~county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation department and the department of state police and clearly indicate a special control, when proved in court that the temporary traffic control sign was placed by the state transportation department or on the authority of the state transportation department and the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.~~

(7) SIGNS POSTED UNDER THIS SECTION SHALL CONFORM TO THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

~~(8) (7) A person who fails to observe an authorized~~ **VIOLATES A** ~~speed or traffic control sign, signal, or device~~ **LIMIT ESTABLISHED UNDER THIS SECTION** is responsible for a civil infraction.

~~(8) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that 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 freeway is greater or less than is reasonable or safe under the conditions found to exist upon a part of the freeway, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that freeway that is not~~

~~more than 70 miles per hour but not less than 55 miles per hour and that shall be effective when appropriate signs giving notice of the speed limit are erected. The minimum speed limit on all freeways is 55 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.~~

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

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

(9) AS USED IN THIS SECTION:

(A) "COUNTY ROAD COMMISSION" MEANS ANY OF THE FOLLOWING:

(i) THE BOARD OF COUNTY ROAD COMMISSIONERS ELECTED OR APPOINTED UNDER SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6.

(ii) IN THE CASE OF THE DISSOLUTION OF THE COUNTY ROAD COMMISSION UNDER SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6, THE COUNTY BOARD OF COMMISSIONERS.

(iii) IN THE CASE OF A CHARTER COUNTY WITH A POPULATION OF 1,500,000 OR MORE WITH AN ELECTED COUNTY EXECUTIVE THAT DOES NOT HAVE A BOARD OF COUNTY ROAD COMMISSIONERS, THE COUNTY EXECUTIVE.

(iv) IN THE CASE OF A CHARTER COUNTY WITH A POPULATION OF MORE THAN 750,000 BUT LESS THAN 1,000,000 WITH AN ELECTED COUNTY EXECUTIVE THAT DOES NOT HAVE A BOARD OF COUNTY ROAD COMMISSIONERS, THE DEPARTMENT OF ROADS.

1 (B) "DESIGN SPEED" MEANS THAT TERM AS USED AND DETERMINED
2 UNDER "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS", SIXTH
3 ED., 2011, ISSUED BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND
4 TRANSPORTATION OFFICIALS.

5 (C) "LOCAL ROAD AUTHORITY" MEANS THE GOVERNING BODY OF A CITY,
6 VILLAGE, AIRPORT, COLLEGE, OR UNIVERSITY.

7 (D) "TRAFFIC CONTROL ORDER" MEANS A DOCUMENT FILED WITH THE
8 PROPER AUTHORITY THAT ESTABLISHES THE LEGAL AND ENFORCEABLE SPEED
9 LIMIT FOR THE HIGHWAY SEGMENT DESCRIBED IN THE DOCUMENT.