

HOUSE BILL No. 5385

January 10, 2018, Introduced by Reps. Hughes, Marino, Schor, Barrett, McCready, Webber and Howrylak and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 627 and 628 (MCL 257.627 and 257.628), section 627 as amended by 2016 PA 445 and section 628 as amended by 2016 PA 447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) A person operating a vehicle on a highway shall
2 operate that vehicle at a careful and prudent speed not greater
3 than nor less than is reasonable and proper, having due regard to
4 the traffic, surface, and width of the highway and of any other
5 condition existing at the time. A person shall not operate a
6 vehicle upon a highway at a speed greater than that which will
7 permit a stop within the assured, clear distance ahead. A violation
8 of this subsection shall be known and may be referred to as a

violation of the basic speed law or "VBSL".

(2) Except as provided in subsection (1), it is lawful for the operator of a vehicle to operate that vehicle on a highway at a speed not exceeding the following:

(a) 15 miles per hour on a highway segment within the boundaries of a mobile home park, as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(b) 25 miles per hour on a highway segment within a business district.

(c) 25 miles per hour on a highway segment within the boundaries of a public park. A local authority may decrease the speed limit to not less than 15 miles per hour in a public park under its jurisdiction.

(d) 25 miles per hour on a highway segment within the boundaries of a residential subdivision, including a condominium subdivision, consisting of a system of interconnected highways. ~~with no through highways and a limited number of dedicated highways that serve as entrances to and exits from the subdivision.~~ **THIS SUBDIVISION DOES NOT APPLY TO EITHER OF THE FOLLOWING:**

(i) A HIGHWAY SEGMENT THAT IS A THROUGH HIGHWAY.

(ii) A HIGHWAY SEGMENT THAT IS LOCATED WITHIN A SUBDIVISION THAT HAS NOT BEEN ZONED AS A RESIDENTIAL AREA BY THE GOVERNING BODY OF THE JURISDICTION WITHIN WHICH THE SUBDIVISION IS LOCATED.

(e) 25 miles per hour on a highway segment with 60 or more vehicular access points within 1/2 mile.

(f) 30 miles per hour on a highway segment with not less than

1 50 vehicular access points but no more than 59 vehicular access
2 points within 1/2 mile.

3 (g) 35 miles per hour on a highway segment with not less than
4 45 vehicular access points but no more than 49 vehicular access
5 points within 1/2 mile.

6 (h) 40 miles per hour on a highway segment with not less than
7 40 vehicular access points but no more than 44 vehicular access
8 points within 1/2 mile.

9 (i) 45 miles per hour on a highway segment with not less than
10 30 vehicular access points but no more than 39 vehicular access
11 points within 1/2 mile.

12 (3) A person operating a truck with a gross weight of 10,000
13 pounds or more, a truck-tractor, a truck-tractor with a semi-
14 trailer or trailer, or a combination of these vehicles shall not
15 exceed a speed of 35 miles per hour during the period when reduced
16 loadings are being enforced in accordance with this chapter.

17 (4) Where the posted speed limit is greater than 65 miles per
18 hour, a person operating a school bus, a truck with a gross weight
19 of 10,000 pounds or more, a truck-tractor, or a truck-tractor with
20 a semi-trailer or trailer or a combination of these vehicles shall
21 not exceed a speed of 65 miles per hour on a limited access freeway
22 or a state trunk line highway.

23 (5) All of the following apply to the speed limits described
24 in subsection (2):

25 (a) A highway segment adjacent to or lying between 2 or more
26 areas described in subsection (2)(a), (b), (c), or (d) shall not be
27 considered to be within the boundaries of those areas.

1 (b) A highway segment of more than 1/2 mile in length with a
2 consistent density of vehicular access points equal to the number
3 of vehicular access points described in subsection (2)(e), (f),
4 (g), (h), or (i) shall be posted at the speed limit specified in
5 the adjoining segment. A separate determination shall be made for
6 each adjoining highway segment where vehicular access point density
7 is different.

8 (c) A speed limit may be posted on highways less than 1/2 mile
9 in length by prorating in 1/10 mile segments the vehicular access
10 point density described in subsection (2)(e), (f), (g), (h), or
11 (i).

12 (6) A person operating a vehicle on a highway, when entering
13 and passing through a work zone described in section 79d(a) where a
14 normal lane or part of the lane of traffic has been closed due to
15 highway construction, maintenance, or surveying activities, shall
16 not exceed a speed of 45 miles per hour unless a different speed
17 limit is determined for that work zone by the state transportation
18 department, a county road commission, or a local authority, based
19 on accepted engineering practice. The state transportation
20 department, a county road commission, or a local authority shall
21 post speed limit signs in each work zone described in section
22 79d(a) that indicate the speed limit in that work zone and shall
23 identify that work zone with any other traffic control devices
24 necessary to conform to the Michigan manual of uniform traffic
25 control devices. A person shall not exceed a speed limit
26 established under this section or a speed limit established under
27 section 628.

(7) The state transportation department, a county road commission, or a local authority shall decrease the speed limit in a hospital highway zone by up to 10 miles per hour upon request of a hospital located within that hospital highway zone. The state transportation department, county road commission, or local authority may decrease the speed limit in a hospital highway zone by more than 10 miles per hour if the decrease is supported by an engineering and safety study. The state transportation department, county road commission, or local authority shall post speed limit signs in a hospital highway zone that indicate the speed limit in that hospital highway zone and shall identify that hospital highway zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. If a change in a sign, signal, or device, is necessitated by a speed limit decrease described in this subsection, the hospital requesting the decrease shall pay the cost of doing so. As used in this subsection, "hospital highway zone" means a portion of state trunk line highway maintained by the state transportation department that has a posted speed limit of at least 50 miles per hour and has 2 or fewer lanes for travel in the same direction, traverses along property owned by a hospital, contains an ingress and egress point from hospital property, and extends not more than 1,000 feet beyond the boundary lines of hospital property in both directions in a municipality.

(8) Subject to subsection (17), the maximum speed limit on all limited access freeways upon which a speed limit is not otherwise fixed under this act is 70 miles per hour, which shall be known as

1 the "limited access freeway general speed limit". The minimum speed
2 limit on all limited access freeways upon which a minimum speed
3 limit is not otherwise fixed under this act is 55 miles per hour.

4 (9) Subject to subsection (17), the speed limit on all trunk
5 line highways and all county highways upon which a speed limit is
6 not otherwise fixed under this act is 55 miles per hour, which
7 shall be known as the "general speed limit".

8 (10) Except as otherwise provided in this subsection, the
9 speed limit on all county highways with a gravel or unimproved
10 surface upon which a speed limit is not otherwise fixed under this
11 act is 55 miles per hour, which shall be known as the "general
12 gravel road speed limit". Upon request of a municipality, ~~located~~
13 ~~within a county with a population of 1,000,000 or more,~~ the county
14 road commission **FOR THE COUNTY IN WHICH THE MUNICIPALITY IS**
15 **LOCATED**, in conjunction with the requesting municipality, may lower
16 the speed limit to 45 miles per hour on the requested road segment
17 and if a sign, signal, or device is erected or maintained, taken
18 down, or regulated as a result of a request by a municipality for a
19 speed limit of 45 miles per hour, the municipality shall pay the
20 costs of doing so. If a municipality ~~located within a county with a~~
21 ~~population of 1,000,000 or more~~ requests a speed different than the
22 speed described in this subsection, the county road commission in
23 **WHICH THE MUNICIPALITY IS LOCATED, IN** conjunction with the
24 department of state police and the requesting municipality, may
25 conduct ~~a~~ **AN ENGINEERING AND SAFETY STUDY AND** speed study of free-
26 flow traffic on the fastest portion of the road segment in question
27 for the purpose of establishing a modified speed limit. A speed

1 study conducted under this subsection shall be completed between 3
2 and 14 days after a full gravel road maintenance protocol has been
3 performed on the road segment. A full gravel road maintenance
4 protocol described in this subsection shall include road grading
5 and the application of a dust abatement chemical treatment.

6 Following a ~~AN ENGINEERING AND SAFETY STUDY AND~~ speed study
7 conducted under this subsection, the speed limit for the road
8 segment shall be ~~established at~~ **DETERMINED BY AN ENGINEERING AND**
9 **SAFETY STUDY AND BY THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-**
10 **FLOWING TRAFFIC UNDER IDEAL CONDITIONS OF A SECTION OF HIGHWAY**
11 **ROUNDED TO** the nearest multiple of 5 miles per hour, ~~to the eighty-~~
12 ~~fifth percentile of speed of free-flow traffic under ideal~~
13 ~~conditions for vehicular traffic,~~ and shall not be set below the
14 fiftieth percentile speed of ~~free-flow~~ **FREE-FLOWING** traffic under
15 ~~ideal~~ **OPTIMAL** conditions ~~for vehicular traffic.~~ **ON THE FASTEST**
16 **PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED LIMIT IS BEING**
17 **POSTED.** A speed study conducted under this subsection shall be the
18 responsibility of the department of state police, and if a sign,
19 signal, or device is erected or maintained, taken down, or
20 regulated as a result of a request by a municipality under this
21 subsection, the municipality shall pay the costs of doing so.

22 (11) A public record of all traffic control orders
23 establishing statutory speed limits authorized under this section
24 shall be filed with the office of the clerk of the county in which
25 the county highway is located or at the office of the city or
26 village clerk or administrative office of the airport, college, or
27 university in which the local highway is located, and a certified

1 copy of the traffic control order shall be evidence in every court
2 of this state of the authority for the issuance of that traffic
3 control order. The public record filed with the county, city, or
4 village clerk or administrative office of the airport, college, or
5 university shall not be required as evidence of authority for
6 issuing a traffic control order in the case of signs temporarily
7 erected or placed at points where construction, maintenance, or
8 surveying activities is in progress. A traffic and engineering
9 investigation is not required for a traffic control order for a
10 speed limit established under subsection (2). A traffic control
11 order shall, at a minimum, contain all of the following
12 information:

13 (a) The name of the road.

14 (b) The boundaries of the segment of the road on which the
15 speed limit is in effect.

16 (c) The basis upon which the speed limit is in effect.

17 (d) The section of law, including a reference to the
18 subsection, under which the speed limit is established.

19 (12) Except for speed limits described in subsections (1),
20 (2)(d), and (9), speed limits established under this section are
21 not valid unless properly posted. In the absence of a properly
22 posted sign, the speed limit in effect is the basic speed law
23 described in subsection (1). Speed limits established under
24 subsection (2)(b), (e), (f), (g), (h), and (i) are not valid unless
25 a traffic control order is filed as described in subsection (11).

26 (13) Nothing in this section prevents the establishment of a
27 modified speed limit after a speed study as described in section

1 628. A modified speed limit established under section 628
2 supersedes a speed limit established under this section.

3 (14) All signs erected or placed under this section shall
4 conform to the Michigan manual on uniform traffic control devices.

5 (15) If upon investigation the state transportation department
6 or county road commission and the department of state police
7 determine that it is in the interest of public safety, they may
8 order city, village, airport, college, university, and township
9 officials to erect and maintain, take down, or regulate speed limit
10 signs, signals, and devices as directed. In default of an order,
11 the state transportation department or county road commission may
12 cause designated signs, signals, and devices to be erected and
13 maintained, removed, or regulated in the manner previously directed
14 and pay the costs for doing so out of the designated highway fund.
15 An investigation, including a speed study, conducted under this
16 subsection shall be the responsibility of the department of state
17 police.

18 (16) A person who violates a speed limit established under
19 this section is responsible for a civil infraction.

20 (17) No later than 1 year after the effective date of the
21 amendatory act that added this subsection, the state transportation
22 department and the department of state police shall increase the
23 speed limits on at least 600 miles of limited access freeway to 75
24 miles per hour if an engineering and safety study and the eighty-
25 fifth percentile speed of free-flowing traffic under ideal
26 conditions of that section contain findings that the speed limit
27 may be raised to that speed, and the department shall increase the

1 speed limit of 900 miles of trunk line highway to 65 miles per hour
2 if an engineering and safety study and the eighty-fifth percentile
3 speed of free-flowing traffic under ideal conditions of that
4 section contain findings that the speed limit may be raised to that
5 speed.

6 (18) As used in this section:

7 (a) "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.

10 (b) "Vehicular access point" means a driveway or intersecting
11 roadway.

12 Sec. 628. (1) If the county road commission, the township
13 board, and the department of state police unanimously determine
14 upon the basis of an engineering and traffic investigation that the
15 speed of vehicular traffic on a county highway is greater or less
16 than is reasonable or safe under the conditions found to exist upon
17 any part of the highway, then acting unanimously they may establish
18 a reasonable and safe maximum or minimum speed limit on that county
19 highway that is effective at the times determined when appropriate
20 signs giving notice of the speed limit are erected on the highway.
21 A township board may petition the county road commission or the
22 department of state police for a proposed change in the speed
23 limit. A township board that does not wish to continue as part of
24 the process provided by this subsection shall notify in writing the
25 county road commission. A public record of a traffic control order
26 establishing a modified speed limit authorized under this
27 subsection shall be filed at the office of the county clerk of the

1 county in which the limited access freeway or state trunk line
2 highway is located, and a certified copy of a traffic control order
3 shall be evidence in every court of this state of the authority for
4 the issuance of that traffic control order. As used in this
5 subsection, "county road commission" means the board of county road
6 commissioners elected or appointed under section 6 of chapter IV of
7 1909 PA 283, MCL 224.6, or, in the case of a charter county with a
8 population of 2,000,000 or more with an elected county executive
9 that does not have a board of county road commissioners, the county
10 executive.

11 (2) In the case of a county highway, a township board may
12 petition the county road commission, or in counties where there is
13 no road commission but there is a county board of commissioners,
14 the township board may petition the county board of commissioners
15 for any of the following:

16 (a) A proposed change in the speed limit without the necessity
17 of a speed study consistent with the methods prescribed for
18 establishing speed limits under section 627.

19 (b) A proposed change in the speed limit consistent with the
20 provisions for establishing speed limits under this section.

21 (c) The posting of an advisory sign or device for the purpose
22 of drawing the attention of vehicle operators to an unexpected
23 condition on or near the roadway that is not readily apparent to
24 road users.

25 (3) The state transportation department and the department of
26 state police shall jointly determine any modified maximum or
27 minimum speed limits on limited access freeways or trunk line

1 highways consistent with the requirements of this section. A public
2 record of a traffic control order establishing a modified speed
3 limit authorized under this subsection shall be filed at the office
4 of the county clerk of the county in which the limited access
5 freeway or trunk line highway is located, and a certified copy of a
6 traffic control order shall be evidence in every court of this
7 state of the authority for the issuance of that traffic control
8 order.

9 (4) A local road authority shall determine any modified speed
10 limits on local highways consistent with the requirements of this
11 section. A public record of a traffic control order establishing a
12 modified speed limit authorized under this subsection shall be
13 filed at the office of the city or village or administrative office
14 of the airport, college, or university in which the local highway
15 is located, and a certified copy of the traffic control order shall
16 be evidence in every court of this state of the authority for the
17 issuance of that traffic control order.

18 (5) A speed limit established under this section shall be
19 determined by an engineering and safety study and by the eighty-
20 fifth percentile speed of free-flowing traffic under ideal
21 conditions of a section of highway rounded to the nearest multiple
22 of 5 miles per hour. A speed limit established under this act **MAY**
23 **BE POSTED BETWEEN THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING**
24 **TRAFFIC UNDER IDEAL CONDITIONS OF A SECTION OF HIGHWAY ROUNDED TO**
25 **THE NEAREST MULTIPLE OF 5 MILES PER HOUR AND THE FIFTIETH**
26 **PERCENTILE SPEED OF FREE-FLOWING TRAFFIC UNDER OPTIMAL CONDITIONS**
27 **ON THE FASTEST PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED**

1 **LIMIT IS BEING POSTED. A SPEED LIMIT ESTABLISHED UNDER THIS ACT**
2 shall not be posted at less than the fiftieth percentile speed of
3 free-flowing traffic under optimal conditions on the fastest
4 portion of the highway segment for which the speed limit is being
5 posted **ROUNDED TO THE NEAREST MULTIPLE OF 5 MILES PER HOUR, UNLESS**
6 **THE NEAREST MULTIPLE OF 5 MILES PER HOUR IS LESS THAN THE FIFTIETH**
7 **PERCENTILE SPEED OF FREE-FLOWING TRAFFIC UNDER OPTIMAL CONDITIONS**
8 **ON THE FASTEST PORTION OF THE HIGHWAY SEGMENT FOR WHICH THE SPEED**
9 **LIMIT IS BEING POSTED.**

10 (6) If a highway segment includes 1 or more features with a
11 design speed that is lower than the speed limit determined under
12 subsection (5), the road authority may post advisory signs.

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

24 (8) Signs posted under this section shall conform to the
25 Michigan manual on uniform traffic control devices.

26 (9) A person who violates a speed limit established under this
27 section is responsible for a civil infraction.

1 (10) As used in this section:

2 (a) "County road commission" means any of the following:

3 (i) The board of county road commissioners elected or
4 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

5 (ii) In the case of the dissolution of the county road
6 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
7 the county board of commissioners.

8 (iii) In the case of a charter county with a population of
9 1,500,000 or more with an elected county executive that does not
10 have a board of county road commissioners, the county executive.

11 (iv) In the case of a charter county with a population of more
12 than 750,000 but less than 1,000,000 with an elected county
13 executive that does not have a board of county road commissioners,
14 the department of roads.

15 (b) "Design speed" means that term as used and determined
16 under "A Policy on Geometric Design of Highways and Streets", sixth
17 ed., 2011, or a subsequent edition, issued by the American
18 Association of State Highway and Transportation Officials.

19 (c) "Local road authority" means the governing body of a city,
20 village, airport, college, or university.

21 (d) "Traffic control order" means a document filed with the
22 proper authority that establishes the legal and enforceable speed
23 limit for the highway segment described in the document.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.