

HOUSE BILL No. 6358

September 25, 2018, Introduced by Reps. Chang, Green, Geiss and Love 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

1 of this subsection shall be known and may be referred to as a
2 violation of the basic speed law or "VBSL".

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

6 (a) 15 miles per hour on a highway segment within the
7 boundaries of a mobile home park, as that term is defined in
8 section 2 of the mobile home commission act, 1987 PA 96, MCL
9 125.2302.

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

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

16 (d) 25 miles per hour on a highway segment within the
17 boundaries of a residential subdivision, including a condominium
18 subdivision, consisting of a system of interconnected highways with
19 no through highways and a limited number of dedicated highways that
20 serve as entrances to and exits from the subdivision.

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

23 (f) 30 miles per hour on a highway segment with not less than
24 50 vehicular access points but no more than 59 vehicular access
25 points within 1/2 mile.

26 (g) 35 miles per hour on a highway segment with not less than
27 45 vehicular access points but no more than 49 vehicular access

1 points within 1/2 mile.

2 (h) 40 miles per hour on a highway segment with not less than
3 40 vehicular access points but no more than 44 vehicular access
4 points within 1/2 mile.

5 (i) 45 miles per hour on a highway segment with not less than
6 30 vehicular access points but no more than 39 vehicular access
7 points within 1/2 mile.

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

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

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

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

24 (b) A highway segment of more than 1/2 mile in length with a
25 consistent density of vehicular access points equal to the number
26 of vehicular access points described in subsection (2)(e), (f),
27 (g), (h), or (i) shall be posted at the speed limit specified in

1 the adjoining segment. A separate determination shall be made for
2 each adjoining highway segment where vehicular access point density
3 is different.

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

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

24 (7) The state transportation department, a county road
25 commission, or a local authority shall decrease the speed limit in
26 a hospital highway zone by up to 10 miles per hour upon request of
27 a hospital located within that hospital highway zone. The state

1 transportation department, county road commission, or local
2 authority may decrease the speed limit in a hospital highway zone
3 by more than 10 miles per hour if the decrease is supported by an
4 engineering and safety study. The state transportation department,
5 county road commission, or local authority shall post speed limit
6 signs in a hospital highway zone that indicate the speed limit in
7 that hospital highway zone and shall identify that hospital highway
8 zone with any other traffic control devices necessary to conform to
9 the Michigan manual ~~of~~**ON** uniform traffic control devices. If a
10 change in a sign, signal, or device, is necessitated by a speed
11 limit decrease described in this subsection, the hospital
12 requesting the decrease shall pay the cost of doing so. As used in
13 this subsection, "hospital highway zone" means a portion of state
14 trunk line highway maintained by the state transportation
15 department that has a posted speed limit of at least 50 miles per
16 hour and has 2 or fewer lanes for travel in the same direction,
17 traverses along property owned by a hospital, contains an ingress
18 and egress point from hospital property, and extends not more than
19 1,000 feet beyond the boundary lines of hospital property in both
20 directions in a municipality.

21 (8) Subject to subsection (17), the maximum speed limit on all
22 limited access freeways upon which a speed limit is not otherwise
23 fixed under this act is 70 miles per hour, which shall be known as
24 the "limited access freeway general speed limit". The minimum speed
25 limit on all limited access freeways upon which a minimum speed
26 limit is not otherwise fixed under this act is 55 miles per hour.

27 (9) Subject to subsection (17), the speed limit on all trunk

1 line highways and all county highways upon which a speed limit is
2 not otherwise fixed under this act is 55 miles per hour, which
3 shall be known as the "general speed limit".

4 (10) Except as otherwise provided in this subsection, the
5 speed limit on all county highways with a gravel or unimproved
6 surface upon which a speed limit is not otherwise fixed under this
7 act is 55 miles per hour, which shall be known as the "general
8 gravel road speed limit". Upon request of a municipality located
9 within a county with a population of 1,000,000 or more, the county
10 road commission in conjunction with the requesting municipality may
11 lower the speed limit to 45 miles per hour on the requested road
12 segment and if a sign, signal, or device is erected or maintained,
13 taken down, or regulated as a result of a request by a municipality
14 for a speed limit of 45 miles per hour, the municipality shall pay
15 the costs of doing so. If a municipality located within a county
16 with a population of 1,000,000 or more requests a speed different
17 than the speed described in this subsection, the county road
18 commission in conjunction with the department of state police and
19 the requesting municipality may conduct a speed study of free-flow
20 traffic on the fastest portion of the road segment in question for
21 the purpose of establishing a modified speed limit. A speed study
22 conducted under this subsection shall be completed between 3 and 14
23 days after a full gravel road maintenance protocol has been
24 performed on the road segment. A full gravel road maintenance
25 protocol described in this subsection shall include road grading
26 and the application of a dust abatement chemical treatment. **A SPEED**
27 **STUDY CONDUCTED UNDER THIS SUBSECTION SHALL INCLUDE LOCAL ROAD**

1 AUTHORITY INPUT AND SHALL DOCUMENT THE PROXIMITY OF THE ROAD
2 SEGMENT IN QUESTION TO SCHOOLS, PARKS, AND RECREATION CENTERS AND
3 THE NUMBER OF CHILDREN PRESENT IN THE SURROUNDING COMMUNITY, AND A
4 COPY OF THIS INFORMATION SHALL BE MADE AVAILABLE TO THE PUBLIC. THE
5 ENTITY ESTABLISHING THE SPEED LIMIT UNDER THIS SECTION SHALL HOLD A
6 PUBLIC HEARING BEFORE CONCLUDING THE SPEED STUDY. Following a speed
7 study conducted under this subsection, the speed limit for the road
8 segment shall be established at the nearest multiple of 5 miles per
9 hour to the eighty-fifth percentile of speed of free-flow traffic
10 under ideal conditions for vehicular traffic, and shall not be set
11 below the fiftieth percentile speed of free-flow traffic under
12 ideal conditions for vehicular traffic. **WHEN ESTABLISHING A SPEED
13 LIMIT FOLLOWING A SPEED STUDY CONDUCTED UNDER THIS SUBSECTION, THE
14 PROXIMITY OF THE ROAD SEGMENT IN QUESTION TO SCHOOLS, PARKS, AND
15 RECREATION CENTERS AND THE NUMBER OF CHILDREN PRESENT IN THE
16 SURROUNDING COMMUNITY SHALL BE CONSIDERED WHEN DETERMINING WHETHER
17 TO SET THE SPEED LIMIT BELOW THE EIGHTY-FIFTH PERCENTILE OF SPEED
18 OF FREE-FLOW TRAFFIC UNDER IDEAL CONDITIONS FOR VEHICULAR TRAFFIC.**
19 A speed study conducted under this subsection shall be the
20 responsibility of the department of state police, and if a sign,
21 signal, or device is erected or maintained, taken down, or
22 regulated as a result of a request by a municipality under this
23 subsection, the municipality shall pay the costs of doing so.
24 (11) A public record of all traffic control orders
25 establishing statutory speed limits authorized under this section
26 shall be filed with the office of the clerk of the county in which
27 the county highway is located or at the office of the city or

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

15 (a) The name of the road.

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

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

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

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

1 (13) Nothing in this section prevents the establishment of a
2 modified speed limit after a speed study as described in section
3 628. A modified speed limit established under section 628
4 supersedes a speed limit established under this section.

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

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

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

22 (17) No later than ~~1 year after the effective date of the~~
23 ~~amendatory act that added this subsection,~~ **JANUARY 5, 2018,** the
24 state transportation department and the department of state police
25 shall increase the speed limits on at least 600 miles of limited
26 access freeway to 75 miles per hour if an engineering and safety
27 study and the eighty-fifth percentile speed of free-flowing traffic

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

8 (18) As used in this section:

9 (a) "Traffic control order" means a document filed with the
10 proper authority that establishes the legal and enforceable speed
11 limit for the highway segment described in the document.

12 (b) "Vehicular access point" means a driveway or intersecting
13 roadway.

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

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

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

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

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

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

27 (3) The state transportation department and the department of

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

11 (4) 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 (5) A speed limit established under this section shall be
21 determined by an engineering and safety study and by the eighty-
22 fifth percentile speed of free-flowing traffic under ideal
23 conditions of a section of highway rounded to the nearest multiple
24 of 5 miles per hour. **AN ENGINEERING AND SAFETY STUDY CONDUCTED**
25 **UNDER THIS SUBSECTION SHALL INCLUDE LOCAL ROAD AUTHORITY INPUT AND**
26 **SHALL DOCUMENT THE PROXIMITY OF THE ROAD SEGMENT IN QUESTION TO**
27 **SCHOOLS, PARKS, AND RECREATION CENTERS AND THE NUMBER OF CHILDREN**

1 PRESENT IN THE SURROUNDING COMMUNITY, AND A COPY OF THIS
2 INFORMATION SHALL BE MADE AVAILABLE TO THE PUBLIC. THE ENTITY
3 ESTABLISHING THE SPEED LIMIT UNDER THIS SECTION SHALL HOLD A PUBLIC
4 HEARING BEFORE CONCLUDING THE ENGINEERING AND SAFETY STUDY. WHEN
5 ESTABLISHING A SPEED LIMIT FOLLOWING AN ENGINEERING AND SAFETY
6 STUDY CONDUCTED UNDER THIS SUBSECTION, THE PROXIMITY OF THE ROAD
7 SEGMENT IN QUESTION TO SCHOOLS, PARKS, AND RECREATION CENTERS AND
8 THE NUMBER OF CHILDREN PRESENT IN THE SURROUNDING COMMUNITY SHALL
9 BE CONSIDERED WHEN DETERMINING WHETHER TO SET THE SPEED LIMIT BELOW
10 THE EIGHTY-FIFTH PERCENTILE OF SPEED OF FREE-FLOW TRAFFIC UNDER
11 IDEAL CONDITIONS FOR VEHICULAR TRAFFIC. A speed limit established
12 under this act shall not be posted at less than the fiftieth
13 percentile speed of free-flowing traffic under optimal conditions
14 on the fastest portion of the highway segment for which the speed
15 limit is being posted.

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

19 (7) 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 township, city,
22 or village officials to erect and maintain, take down, or regulate
23 the speed limit signs, signals, or devices as directed, and in
24 default of an order the state transportation department or county
25 road commission may cause the designated signs, signals, and
26 devices to be erected and maintained, taken down, regulated, or
27 controlled, in the manner previously directed, and pay for the

1 erecting and maintenance, removal, regulation, or control of the
2 sign, signal, or device out of the highway fund designated.

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

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

7 (10) As used in this section:

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

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

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

14 (iii) In the case of a charter county with a population of
15 1,500,000 or more with an elected county executive that does not
16 have a board of county road commissioners, the county executive.

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

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

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

27 (d) "Traffic control order" means a document filed with the

1 proper authority that establishes the legal and enforceable speed
2 limit for the highway segment described in the document.

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