

HOUSE BILL NO. 4118

January 29, 2019, Introduced by Reps. Slagh, Ellison, Wozniak, Paquette, Brixie, Whitsett, Chirkun and Shannon and referred to the Committee on Transportation.

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

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

1 vehicle upon a highway at a speed greater than that which will
2 permit a stop within the assured, clear distance ahead. A violation
3 of this subsection shall be known and may be referred to as a
4 violation of the basic speed law or "VBSL".

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

8 (a) 15 miles per hour on a highway segment within the
9 boundaries of a mobile home park, as that term is defined in
10 section 2 of the mobile home commission act, 1987 PA 96, MCL
11 125.2302.

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

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

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

23 **(e) Until January 1, 2024, 25 miles per hour on a highway**
24 **segment that is part of the local street system as designated by a**
25 **local jurisdiction and approved by the state transportation**
26 **commission under 1951 PA 51, MCL 247.651 to 247.675, and that is**
27 **within land that is zoned for residential use by the governing body**
28 **of an incorporated city or village under the Michigan zoning**
29 **enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another**

1 speed is fixed and posted. The department of state police shall
2 perform a speed study on a random sample of local streets set under
3 this subdivision. No later than January 1, 2023, the department of
4 state police shall submit a report on the speed study required
5 under this subdivision to the senate majority leader, the speaker
6 of the house of representatives, and the governor.

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

9 (g) ~~(f)~~—30 miles per hour on a highway segment with not less
10 than 50 vehicular access points but no more than 59 vehicular
11 access points within 1/2 mile.

12 (h) ~~(g)~~—35 miles per hour on a highway segment with not less
13 than 45 vehicular access points but no more than 49 vehicular
14 access points within 1/2 mile.

15 (i) ~~(h)~~—40 miles per hour on a highway segment with not less
16 than 40 vehicular access points but no more than 44 vehicular
17 access points within 1/2 mile.

18 (j) ~~(i)~~—45 miles per hour on a highway segment with not less
19 than 30 vehicular access points but no more than 39 vehicular
20 access points within 1/2 mile.

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

26 (4) Where the posted speed limit is greater than 65 miles per
27 hour, a person operating a school bus, a truck with a gross weight
28 of 10,000 pounds or more, a truck-tractor, or a truck-tractor with
29 a semi-trailer or trailer or a combination of these vehicles shall

not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway.

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

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

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

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

(6) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall

1 identify that work zone with any other traffic control devices
2 necessary to conform to the Michigan manual of uniform traffic
3 control devices. A person shall not exceed a speed limit
4 established under this section or a speed limit established under
5 section 628.

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

1 (8) Subject to subsection (17), the maximum speed limit on all
2 limited access freeways upon which a speed limit is not otherwise
3 fixed under this act is 70 miles per hour, which shall be known as
4 the "limited access freeway general speed limit". The minimum speed
5 limit on all limited access freeways upon which a minimum speed
6 limit is not otherwise fixed under this act is 55 miles per hour.

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

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

1 shall be completed between 3 and 14 days after a full gravel road
2 maintenance protocol has been performed on the road segment. A full
3 gravel road maintenance protocol described in this subsection shall
4 include road grading and the application of a dust abatement
5 chemical treatment. Following a speed study conducted under this
6 subsection, the speed limit for the road segment shall be
7 established at the nearest multiple of 5 miles per hour to the
8 eighty-fifth percentile of speed of free-flow traffic under ideal
9 conditions for vehicular traffic, and shall not be set below the
10 fiftieth percentile speed of free-flow traffic under ideal
11 conditions for vehicular traffic. A speed study conducted under
12 this subsection shall be the responsibility of the department of
13 state police, and if a sign, signal, or device is erected or
14 maintained, taken down, or regulated as a result of a request by a
15 municipality under this subsection, the municipality shall pay the
16 costs of doing so.

17 (11) A public record of all traffic control orders
18 establishing statutory speed limits authorized under this section
19 shall be filed with the office of the clerk of the county in which
20 the county highway is located or at the office of the city or
21 village clerk or administrative office of the airport, college, or
22 university in which the local highway is located, and a certified
23 copy of the traffic control order shall be evidence in every court
24 of this state of the authority for the issuance of that traffic
25 control order. The public record filed with the county, city, or
26 village clerk or administrative office of the airport, college, or
27 university shall not be required as evidence of authority for
28 issuing a traffic control order in the case of signs temporarily
29 erected or placed at points where construction, maintenance, or

1 surveying activities is in progress. A traffic and engineering
2 investigation is not required for a traffic control order for a
3 speed limit established under subsection (2). A traffic control
4 order shall, at a minimum, contain all of the following
5 information:

6 (a) The name of the road.

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

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

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

12 (12) Except for speed limits described in subsections (1),
13 (2) (d), **(2) (e)**, and (9), speed limits established under this
14 section are not valid unless properly posted. In the absence of a
15 properly posted sign, the speed limit in effect is the basic speed
16 law described in subsection (1). Speed limits established under
17 subsection (2) (b), ~~(e)~~, (f), (g), (h), ~~and (i)~~, **and (j)** are not
18 valid unless a traffic control order is filed as described in
19 subsection (11).

20 (13) Nothing in this section prevents the establishment of a
21 modified speed limit after a speed study as described in section
22 628. A modified speed limit established under section 628
23 supersedes a speed limit established under this section.

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

26 (15) If upon investigation the state transportation department
27 or county road commission and the department of state police
28 determine that it is in the interest of public safety, they may
29 order city, village, airport, college, university, and township

1 officials to erect and maintain, take down, or regulate speed limit
2 signs, signals, and devices as directed. In default of an order,
3 the state transportation department or county road commission may
4 cause designated signs, signals, and devices to be erected and
5 maintained, removed, or regulated in the manner previously directed
6 and pay the costs for doing so out of the designated highway fund.
7 An investigation, including a speed study, conducted under this
8 subsection shall be the responsibility of the department of state
9 police.

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

12 (17) No later than ~~1 year after the effective date of the~~
13 ~~amendatory act that added this subsection,~~ **January 5, 2018**, the
14 state transportation department and the department of state police
15 shall increase the speed limits on at least 600 miles of limited
16 access freeway to 75 miles per hour if an engineering and safety
17 study and the eighty-fifth percentile speed of free-flowing traffic
18 under ideal conditions of that section contain findings that the
19 speed limit may be raised to that speed, and the department shall
20 increase the speed limit of 900 miles of trunk line highway to 65
21 miles per hour if an engineering and safety study and the eighty-
22 fifth percentile speed of free-flowing traffic under ideal
23 conditions of that section contain findings that the speed limit
24 may be raised to that speed.

25 (18) As used in this section:

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

29 (b) "Vehicular access point" means a driveway or intersecting

1 roadway.