

# HOUSE BILL No. 5236

October 16, 2001, Introduced by Reps. Drolet and Vander Veen and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 628. (1) If the state transportation commission ~~or~~  
2 ~~county road commission, with respect to highways under its~~  
3 ~~jurisdiction,~~ and the director of the department of state police  
4 jointly determine upon the basis of an engineering and traffic  
5 investigation that the speed of vehicular traffic on a state  
6 trunk line ~~or county~~ highway is greater or less than is reason-  
7 able or safe under the conditions found to exist at an intersec-  
8 tion or other place or upon a part of the highway, the officials  
9 acting jointly may determine and declare a reasonable and safe  
10 maximum or minimum speed limit on that state trunk line ~~,~~

1 ~~county~~ highway ~~—~~ or intersection that shall be effective at  
2 the times determined when appropriate signs giving notice of the  
3 speed limit are erected at the intersection or other place or  
4 part of the highway.

5 (2) IF THE COUNTY ROAD COMMISSION, THE TOWNSHIP BOARD, AND  
6 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE JOINTLY DETERMINE  
7 UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION THAT  
8 THE SPEED OF VEHICULAR TRAFFIC ON A COUNTY HIGHWAY IS GREATER OR  
9 LESS THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO  
10 EXIST AT AN INTERSECTION OR OTHER PLACE OR UPON A PART OF THE  
11 HIGHWAY, THE OFFICIALS ACTING JOINTLY MAY ESTABLISH A REASONABLE  
12 AND SAFE MAXIMUM OR MINIMUM SPEED LIMIT AT THAT INTERSECTION OR  
13 ON THAT COUNTY HIGHWAY THAT SHALL BE EFFECTIVE AT THE TIMES  
14 DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED  
15 LIMIT ARE ERECTED AT THE INTERSECTION OR OTHER PLACE OR PART OF  
16 THE HIGHWAY.

17 (3) If a superintendent of a school district determines that  
18 the speed of vehicular traffic on a state trunk line or county  
19 highway, which is within 1,000 feet of a school in the school  
20 district of which that person is the superintendent, is greater  
21 or less than is reasonable or safe, the officials IDENTIFIED IN  
22 SUBSECTION (1) OR (2), AS APPROPRIATE, shall include the superin-  
23 tendent of the school district affected in acting jointly in  
24 determining and declaring a reasonable and safe maximum or mini-  
25 mum speed limit on that state trunk line or county highway. The  
26 maximum speed limit on all highways or parts of highways upon

1 which a maximum speed limit is not otherwise fixed under this act  
2 shall be 55 miles per hour.

3       (4) ~~-(2)-~~ In the case of a county highway of not less than 1  
4 mile with residential lots with road frontage of 300 feet or less  
5 along either side of the highway for the length of that part of  
6 the highway that is under review for a proposed change in the  
7 speed limit, the township board may petition the county road com-  
8 mission or in charter counties where there is no road commission,  
9 but there is a county board of commissioners, the township board  
10 may petition the county board of commissioners for a proposed  
11 change in the speed limit. The county road commission or in  
12 charter counties where there is no road commission, but there is  
13 a county board of commissioners, the township board may petition  
14 the county board of commissioners to approve the proposed change  
15 in the speed limit without the necessity of an engineering and  
16 traffic investigation.

17       (5) ~~-(3)-~~ The speed limit on a county highway or an inter-  
18 connected group of county highways of not more than 1 mile in  
19 total length that connect with the county road system by a single  
20 entrance and exit shall be 25 miles per hour unless a different  
21 speed limit is fixed and posted.

22       (6) ~~-(4)-~~ If upon investigation the state transportation  
23 commission or county road commission and the director of the  
24 department of state police find it in the interest of public  
25 safety, they may order the township board, or city or village  
26 officials to erect and maintain, take down, or regulate the speed  
27 control signs, signals, or devices as directed, and in default of

1 an order the state transportation commission or county road  
2 commission may cause the designated signs, signals, and devices  
3 to be erected and maintained, taken down, regulated, or con-  
4 trolled, in the manner previously directed, and pay for the  
5 erecting and maintenance, removal, regulation, or control of the  
6 sign, signal, or device out of the highway fund designated.

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

1           (8) ~~(6)~~ A person who fails to observe an authorized speed  
2 or traffic control sign, signal, or device is responsible for a  
3 civil infraction.

4           (9) ~~(7)~~ Except as otherwise provided in this section, the  
5 maximum speed limit on all freeways shall be 65 miles per hour  
6 except that the state transportation department may designate not  
7 more than 170 miles of freeway in this state on which the speed  
8 limit may be less than 65 miles per hour. The director of the  
9 state transportation department, in consultation with the depart-  
10 ment of state police, beginning July 31, 1996, shall establish  
11 five areas of freeway miles as test zones on which the speed  
12 limit may be increased to 70 miles per hour in order to conduct a  
13 study to determine whether any of those miles of freeway on which  
14 the speed limit is 65 miles per hour on June 25, 1996 may be  
15 increased to 70 miles per hour. Tests shall be conducted from  
16 August 1, 1996 through October 31, 1996. The study shall be com-  
17 pleted by December 15, 1996 and shall be based on traffic conges-  
18 tion and other traffic safety issues as determined by the direc-  
19 tor of the department of state police or his or her designee and  
20 on engineering criteria as determined by the director of the  
21 state transportation department or his or her designee. If the  
22 study indicates that certain miles of freeway are eligible for  
23 increase, the speed limit on those miles of freeway may be  
24 increased to 70 miles per hour. The minimum speed limit on all  
25 freeways shall be 45 miles per hour except if reduced speed is  
26 necessary for safe operation or in compliance with law or in

1 compliance with a special permit issued by an appropriate  
2 authority.

3       (10) ~~-(8)-~~ The maximum rates of speed allowed pursuant to  
4 this section are subject to the maximum rates established under  
5 section 629b, section 627(5) to (7) for certain vehicles and  
6 vehicle combinations, and section 629(4).

7       (11) ~~-(9)-~~ A citation or civil infraction determination for  
8 exceeding a lawful maximum speed limit of 55 miles per hour by  
9 driving 65 miles per hour or less shall not be considered by any  
10 person in establishing automobile insurance eligibility or auto-  
11 mobile insurance rates.