

HOUSE BILL No. 5990

May 2, 2002, Introduced by Reps. Jamnick, Patterson, Gilbert, Adamini, Bovin, Hart, George, DeRossett and Julian 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~~ EXCEPT AS PROVIDED IN SUBSECTION (2), IF
2 the state transportation commission or county road commission,
3 with respect to highways under its jurisdiction, and the director
4 of the department of state police jointly determine upon the
5 basis of an engineering and traffic investigation that the speed
6 of vehicular traffic on a state trunk line or county highway is
7 greater or less than is reasonable or safe under the conditions
8 found to exist at an intersection or other place or upon a part
9 of the highway, the officials acting jointly may determine and
10 declare a reasonable and safe maximum or minimum speed limit on

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

5 (2) SUBJECT TO SUBSECTION (3), AN ELIGIBLE TOWNSHIP BOARD
6 THAT DESIRES TO BE A PART OF THE PROCESS PROVIDED BY THIS SUBSEC-
7 TION WITH RESPECT TO COUNTY HIGHWAYS WITHIN THAT TOWNSHIP SHALL
8 NOTIFY IN WRITING THE COUNTY ROAD COMMISSION FOR THAT COUNTY OR
9 THE COUNTY BOARD OF COMMISSIONERS IF THERE IS NOT A COUNTY ROAD
10 COMMISSION. IF THE COUNTY ROAD COMMISSION, THE TOWNSHIP BOARD,
11 AND THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE DETERMINE UPON
12 THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION THAT THE
13 SPEED OF VEHICULAR TRAFFIC ON A COUNTY HIGHWAY IS GREATER OR LESS
14 THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO EXIST AT
15 AN INTERSECTION OR OTHER PLACE OR UPON A PART OF THE HIGHWAY, THE
16 OFFICIALS ACTING BY A MAJORITY VOTE MAY ESTABLISH A REASONABLE
17 AND SAFE MAXIMUM OR MINIMUM SPEED LIMIT AT THAT INTERSECTION OR
18 ON THAT COUNTY HIGHWAY THAT SHALL BE EFFECTIVE AT THE TIMES
19 DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED
20 LIMIT ARE ERECTED AT THE INTERSECTION OR OTHER PLACE OR PART OF
21 THE HIGHWAY. A TOWNSHIP BOARD THAT DOES NOT WISH TO CONTINUE AS
22 PART OF THE PROCESS PROVIDED BY THIS SUBSECTION SHALL NOTIFY IN
23 WRITING THE COUNTY ROAD COMMISSION OR THE COUNTY BOARD OF COMMIS-
24 SIONERS IF THERE IS NOT A COUNTY ROAD COMMISSION. AS USED IN
25 THIS SUBSECTION, "ELIGIBLE TOWNSHIP" MEANS A TOWNSHIP IN KENT,
26 LAPEER, LEELANAU, MARQUETTE, WASHTENAW, OR WAYNE COUNTY. THIS

1 SUBSECTION DOES NOT APPLY BEGINNING 2 YEARS AFTER THE EFFECTIVE
2 DATE OF THE 2002 AMENDATORY ACT THAT ADDED THIS SENTENCE.

3 (3) If a superintendent of a school district determines that
4 the speed of vehicular traffic on a state trunk line or county
5 highway, which is within 1,000 feet of a school in the school
6 district of which that person is the superintendent, is greater
7 or less than is reasonable or safe, the officials IDENTIFIED IN
8 SUBSECTION (1) shall include the superintendent of the school
9 district affected in acting jointly in determining and declaring
10 a reasonable and safe maximum or minimum speed limit on that
11 state trunk line or county highway. The maximum speed limit on
12 all highways or parts of highways upon which a maximum speed
13 limit is not otherwise fixed under this act shall be 55 miles per
14 hour.

15 (4) ~~(2)~~ In the case of a county highway of not less than 1
16 mile with residential lots with road frontage of 300 feet or less
17 along either side of the highway for the length of that part of
18 the highway that is under review for a proposed change in the
19 speed limit, the township board may petition the county road com-
20 mission or in charter counties where there is no road commission,
21 but there is a county board of commissioners, the township board
22 may petition the county board of commissioners for a proposed
23 change in the speed limit. The county road commission or in
24 charter counties where there is no road commission, but there is
25 a county board of commissioners, the township board may petition
26 the county board of commissioners to approve the proposed change

1 in the speed limit without the necessity of an engineering and
2 traffic investigation.

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

8 (6) ~~-(4)-~~ If upon investigation the state transportation
9 commission or county road commission and the director of the
10 department of state police find it in the interest of public
11 safety, they may order the township board, or city or village
12 officials to erect and maintain, take down, or regulate the speed
13 control signs, signals, or devices as directed, and in default of
14 an order the state transportation commission or county road com-
15 mission may cause the designated signs, signals, and devices to
16 be erected and maintained, taken down, regulated, or controlled,
17 in the manner previously directed, and pay for the erecting and
18 maintenance, removal, regulation, or control of the sign, signal,
19 or device out of the highway fund designated.

20 (7) ~~-(5)-~~ A public record of all speed control signs, sig-
21 nals, or devices authorized under this section shall be filed in
22 the office of the county clerk of the county in which the highway
23 is located, and a certified copy shall be prima facie evidence in
24 all courts of the issuance of the authorization. The public
25 record with the county clerk shall not be required as prima facie
26 evidence of authorization in the case of signs erected or placed
27 temporarily for the control of speed or direction of traffic at

1 points where construction, repairs, or maintenance of highways is
2 in progress, or along a temporary alternate route established to
3 avoid the construction, repair, or maintenance of a highway, if
4 the signs are of uniform design approved by the state transporta-
5 tion commission and the director of the department of state
6 police and clearly indicate a special control, when proved in
7 court that the temporary traffic-control sign was placed by the
8 state transportation commission or on the authority of the state
9 transportation commission and the director of the department of
10 state police or by the county road commission or on the authority
11 of the county road commission, at a specified location.

12 (8) ~~(6)~~ A person who fails to observe an authorized speed
13 or traffic control sign, signal, or device is responsible for a
14 civil infraction.

15 (9) ~~(7)~~ Except as otherwise provided in this section, the
16 maximum speed limit on all freeways shall be ~~65~~ 70 miles per
17 hour except that the state transportation department may desig-
18 nate not more than 170 miles of freeway in this state on which
19 the speed limit may be less than ~~65~~ 70 miles per hour. ~~The~~
20 ~~director of the state transportation department, in consultation~~
21 ~~with the department of state police, beginning July 31, 1996,~~
22 ~~shall establish five areas of freeway miles as test zones on~~
23 ~~which the speed limit may be increased to 70 miles per hour in~~
24 ~~order to conduct a study to determine whether any of those miles~~
25 ~~of freeway on which the speed limit is 65 miles per hour on~~
26 ~~June 25, 1996 may be increased to 70 miles per hour. Tests shall~~
27 ~~be conducted from August 1, 1996 through October 31, 1996. The~~

1 ~~study shall be completed by December 15, 1996 and shall be based~~
2 ~~on traffic congestion and other traffic safety issues as deter-~~
3 ~~mined by the director of the department of state police or his or~~
4 ~~her designee and on engineering criteria as determined by the~~
5 ~~director of the state transportation department or his or her~~
6 ~~designee. If the study indicates that certain miles of freeway~~
7 ~~are eligible for increase, the speed limit on those miles of~~
8 ~~freeway may be increased to 70 miles per hour. The minimum speed~~
9 ~~limit on all freeways shall be 45 miles per hour except if~~
10 ~~reduced speed is necessary for safe operation or in compliance~~
11 ~~with law or in compliance with a special permit issued by an~~
12 ~~appropriate authority.~~

13 (10) ~~-(8)-~~ The maximum rates of speed allowed pursuant to
14 this section are subject to the maximum rates established under
15 section 629b, section 627(5) to (7) for certain vehicles and
16 vehicle combinations, and section 629(4).

17 (11) ~~-(9)-~~ A citation or civil infraction determination for
18 exceeding a lawful maximum speed limit of 55 miles per hour by
19 driving 65 miles per hour or less shall not be considered by any
20 person in establishing automobile insurance eligibility or auto-
21 mobile insurance rates.