

Legislative Analysis



SPEED LIMITS

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House Bill 4423 (Substitute H-4) as reported from committee
House Bill 4424 (Substitute H-3) as reported from committee
Sponsor: Rep. Bradford C. Jacobsen

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4425 (Substitute H-3) as reported from committee
Sponsor: Rep Rick Outman

House Bill 4426 (H-4) as reported
Sponsor: Rep. John Kivela

House Bill 4427 (H-2) as reported
Sponsor: Rep. Charles Smiley

Committee: Transportation and Infrastructure
Complete to 2-16-16

SUMMARY:

This package of bills, taken together, would amend the Michigan Vehicle Code (MCL 257.627 et al.) to address speed limits.

House Bill 4423 would modify a number of current speed limits.

House Bill 4424 addresses school zone speed limits.

House Bill 4425 would revise the provisions that describe how state and local road authorities and the State Police are to determine any modified speed limits. Generally speaking, a speed limit established under the Vehicle Code would be determined by an engineering as safety study and by the 85th percentile speed of free-flowing traffic under ideal conditions of a section of highway, rounded to the nearest multiple of five miles per hour.

House Bill 4426 would amend sections of the Michigan Vehicle Code that addresses the number of points assessed on a driver's license for various offenses.

House Bill 4427 would make corresponding amendments to a section of the Insurance Code that applies to "insurance eligibility points." A driver who accumulates more than six eligibility points over a three-year period is no longer classified as an "eligible person" for the purpose of no-fault automobile insurance, which means the driver may have to seek coverage through alternative market mechanisms. The amendments deal with points assigned for speeding.

House Bills 4423-4426 are tie-barred to one another, meaning none can take effect unless all are enacted. A more detailed explanation of the bills follows

House Bill 4423

Generally speaking, under the Vehicle Code, a person operating a vehicle on a highway must operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing at the time. A person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. The bill would specify that a violation of this subsection would be known and may be referred to as a violation of the basic speed law or "VBSL."

House Bill 4423 would specify the following speed limits:

- 70 miles per hour on all rural limited access freeways upon which a speed limit is not otherwise fixed. This would be known as the "rural freeway general speed limit." The minimum speed limit would be 55 mph.
- However, a speed limit on a section of rural limited access freeway could be raised to 75 miles per hour and up to 80 miles per hour if an engineering and safety study and the 85th percentile speed of free-flowing traffic under ideal conditions contains findings that the speed limit could be raised. Within one year after the bill's effective date, the transportation department and state police must increase the speed limits on at least 600 miles of rural limited access freeway to these higher speed limits.
- 70 miles per hour on all urban limited access freeways upon which a speed limit is not otherwise fixed. This would be known as the "urban freeway general speed limit." The minimum speed limit would be 55 mph, if not otherwise fixed.
- A speed that is 10 miles per hour less than the posted speed limit on any limited access freeway for person operating a school bus, bus, a truck with a gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles.

[No later than one year after the bill's effective date, the state Department of Transportation and the Department of State Police would be required to designate all limited access freeways within this state as urban or rural limited access freeways.

- 55 miles per hour on all trunk line highways **and** all county highways on which a speed limit is not fixed. This would be known as the "general speed limit."
- However, the speed limit on a section of a trunk line highway could be raised to 60 miles per hour or up to 65 miles per hour if an engineering and safety study and the 85th percentile speed of free-flowing traffic under ideal conditions contains findings that the speed limit could be raised. Within one year after the bill's effective date, the transportation department and state police must increase the speed limits on at least 900 miles of trunk line highway to these higher speed limits.

- 55 miles per hour on all county highways with a gravel or unimproved surface on which a speed limit is not fixed. This would be known as the "general gravel road speed limit."
- 45 miles per hour on a county highway with a gravel or unimproved surface in a county with a population of one million or more. Upon the request of a municipality located within such a county, the county road commission, in conjunction with the state police and the requesting municipality, could decrease in speed limit on a county highway with a gravel or unimproved surface to not lower than 35 miles per hour.
- 15 miles per hour on a highway segment within the boundaries of a mobile home park (as is the case now).
- 25 miles per hour on a highway segment within a business district (as now).
- 25 miles per hour on a segment within the boundaries of a public park. A local authority could decrease the speed limit to not less than 15 mph in a public park under its jurisdiction.
- 25 miles per hour on a highway segment within the boundaries of a residential subdivision, including a condo subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways as entrances to and exits from the subdivision. (This is similar to current law.)

Speed limits when there are vehicular access points

The bill would modify speed limits that are based on the number of vehicular access points (such as a driveway or intersecting roadway).

The new speed limits would be as follows:

- 25 mph on a highway segment with 60 or more vehicular access points with one-half mile. (This is not changed from current law.)
- 30 mph on a highway segment with not less than 50 but not more than 59 vehicular access points within one-half mile.
- 35 mph on a highway segment with not less than 45 but not more than 49 vehicular access points within one-half mile.
- 40 mph on a highway segment with not less than 40 but not more than 44 vehicular access points within one-half mile.
- 45 mph on a highway segment with not less than 30 but not more than 39 vehicular access points within one-half mile.

Currently, the access point-based speed limits are as follows:

- 25 mph on a highway segment with 60 or more vehicular access points with one-half mile. (No change in the bill.)

- 35 mph on a highway segment with not less than 45 nor more than 59 vehicular access points within one-half mile.
- 45 mph on a highway segment with not less than 30 nor more than 44 vehicular access points within one-half mile.

The following would apply to the speed limits described above:

**A highway segment adjacent to or lying between two or more areas (mobile home park, business district, public park, or residential subdivision) could not be considered to be within the boundaries of those areas.

**A highway segment of more than one-half mile in length with a consistent density of vehicular access points equal to the numbers cited above must be posted at the speed limit specified in the adjoining segment. A separate determination would have to be made for each adjoining highway segment where vehicular access point density is different.

**A speed limit could be posted on highways less than one-half mile in length by prorating in one-tenth of a mile segments the vehicular access point densities.

Traffic Control Orders for Speed Limits

Certain speed limits would become valid when posted, but others would not become valid unless a traffic control order was filed. This applies to business districts, and highway segments where the speed limit is based on the number of vehicular access points.

A public record of all traffic control orders establishing statutory speed limits would be filed with the office of the clerk of the county in which the county highway is located or at the office of the city or village clerk, or at the administrative office of an airport, college, or university, in which the local highway is located, and a certified copy of the traffic control order would be evidence in every court of this state of the authority for the issuance of that traffic control order. The public record filed with the county, city, or village clerk or administrative office of an airport, college, or university would not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities are in progress.

Signs

All signs erected or placed would need to conform to the Michigan Manual on Uniform Traffic Control Devices. If, upon investigation, MDOT or a county road commission and the State Police determine that it is in the interest of public safety, they could order city, village, airport, college, university, and township officials to erect and maintain, take down, or regulate speed limit signs, signals, and devices as directed. In default of an order, MDOT or county road commission could cause designated signs, signals, and devices to be erected and maintained, removed, or regulated in the manner previously directed and pay the costs for doing so out of the designated highway fund.

Repealers

Section 629 of the Michigan Vehicle Code would be repealed. Section 629 contains the current provisions on prima facie speed limits; it allows local units of government to establish or increase the prima facie speed limits on highways under their jurisdiction, subject to certain conditions.

House Bill 4424

House Bill 4424 makes a number of amendments to provisions in the Michigan Vehicle Code addressing speed limits in school zones.

Currently under the Michigan Vehicle Code, the speed limit in a school zone is in force *not less than 30 minutes but not more than one hour* before the first regularly scheduled school session until school begins, and from dismissal until *not less than 30 minutes but not more than one hour* after the last regularly scheduled school session, as well as during the lunch period when students are permitted to leave the school. The prima facie speed limit in a school zone is 25 miles per hour.

The changes include the following:

House Bill 4424 would, instead, specify that "a school zone speed limit on a highway segment in a school zone", except as otherwise provided, would be in force for *not more than 30 minutes* before the first regularly scheduled school session ("rounded to the nearest multiple of five minutes") until school begins, and from dismissal until *not more than 30 minutes* after the last regularly scheduled school session, rounded to the nearest multiple of 5 minutes. Further, a school zone speed limit could be decreased by up to 20 miles per hour less than the speed limit normally posted but could not be less than 25 miles per hour. References to lunch periods would be deleted.

Under the bill, a school superintendent could begin the 30-minute period before the first regularly scheduled school session at a time that is less than 30 minutes before the first regularly scheduled school session and extends beyond the time school begins; could begin the 30-minute period after dismissal at a time other than dismissal; and if a school has an off-campus lunch period, could designate the period provided for off-campus lunch as a period during which the school zone speed limit applies.

** The bill deletes language that allows local authorities to increase or decrease the prima facie speed limit within a school zone under their jurisdiction.

** Another provision is deleted that allows a superintendent of schools to establish a speed limit for any street in a school zone that has sidewalks along at least one side of the street.

** The definition of "school" would be amended so that it would not apply to an educational institution to which all students are transported in motor vehicles.

** When two or more schools occupy the same property or adjacent properties: (1) if the hours of instruction at the school are the same, then a single combined school zone would

be established; and (2) if the hours are different, then overlapping school zones would be established.

** Under the bill, a person who violates a school zone speed limit would be responsible for a civil infraction.

** If a school is in year-round session, a sign reading "All Year School" will be posted. The code currently allows a superintendent to request such a sign.

** Louvered signs, digital message signs, and flashing lights could be installed to supplement permanent signs under the code. Signs erected and maintained would have to conform to the Michigan Manual on Uniform Traffic Control Devices.

House Bill 4425

The bill amend the Michigan Vehicle Code to revise the provisions that describe how road authorities and the State Police would jointly determine any modified speed limits.

** MDOT and the State Police would jointly determine any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of the code.

**A local road authority would determine any modified speed limits on local highways consistent with the requirements under the code. (A "local road authority" is defined as the governing body of a city, village, airport, college, or university.)

** A speed limit established under the Vehicle Code would be determined by an engineering as safety study and by the 85th percentile speed of free-flowing traffic under ideal conditions of a section of highway, rounded to the nearest multiple of five miles per hour.

** If a highway segment includes one or more features with a design speed lower than the speed limit determined as described above, the road authority may post advisory signs.

** A public record of a traffic control order establishing a modified speed limit would have to filed at the office of the county clerk where the limited access freeway or trunk line highway is located, and a certified copy must be in evidence in each court in the state of the authority for the issuance of the order. For local roads, a public record of such an order would be filed at the office of the appropriate city or village or at the administrative office of the appropriate airport, college, or university.

House Bill 4426

House Bill 4426 would amend sections of the Michigan Vehicle Code that address the number of points assessed on a driver's license for various offenses.

Under the code, within five days after receiving an order from a court in this or another state, the Secretary of State is required to record the conviction, civil infraction

determination, or probate court disposition, and the number of points based on a formula specified in the code. House Bill 4426 would make these changes to points assessed:

- A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 mph but not more than 10 mph would be 2 points. (Currently this 2-point provision applies to 10 mph or less but does not refer to "more than 5 mph.")
- A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 1 mile per hour but not more than 5 miles per hour would be 1 point.

Local Authorities

Under the bill, local authorities could not regulate the speed of vehicles in public parks and could not increase prima facie speed limits. (These matters are addressed in HB 4425.) All local traffic regulations would have to be based on standard and accepted engineering practices specified in the Michigan Manual on Uniform Traffic Control Devices.

Manual on Uniform Traffic Control Devices

Traffic control devices placed by MDOT and local authorities would have to conform to the most current Michigan Manual on Uniform Traffic Control Devices.

Local Traffic Regulations

The Vehicle Code allows local authorities to regulate parking, the impoundment of vehicles, processions and assemblages on streets, one-way streets, the operation of bicycles, vehicle turns, and other matters. The bill specifies that all such traffic regulations must be based on standard and accepted engineering practices as specified in the Michigan Manual on Uniform Traffic Control Devices.

House Bill 4427

As noted earlier, House Bill 4427 would make corresponding amendments to a section of the Insurance Code that applies to "insurance eligibility points." A driver who accumulates more than six eligibility points over a three-year period is no longer classified as an "eligible person" for the purpose of no-fault automobile insurance, which means the driver may have to seek coverage through alternative market mechanisms.

The amendments deal with points assigned for speeding. The bill makes the following changes:

** For a violation of any lawful speed limit by more than 5 miles per hour but less than 11 miles per hour, 2 insurance eligibility points. Currently this provision applies to a violation by 10 miles per hour or less.

** For a violation of an speed limit by more than 5 miles per hour but less than 16 miles per hour on a roadway with a lawfully posted maximum speed of 70 miles per hour (as of

January 1, 1974), 2 insurance eligibility points. Currently this provision applies to a violation by 15 miles per hour or less.

** For a violation of a speed limit by less than six miles per hour, 1 insurance eligibility point.

Michigan's No-Fault system is a "modified take all comers system." Insurers must provide coverage to an "eligible person" (although they can determine at what rate), but need not provide coverage if someone does not meet the definition of "eligible person." Eligibility points are one element in determining if a driver is an eligible person.

FISCAL IMPACT:

House Bill 4426 would have a minimal fiscal impact for the Department of State in updating the points structure. However, this cost would be absorbed by current funding levels.

House Bills 4423-4427 as introduced would not have a significant fiscal impact on the Department of State Police (MSP). HB 4423 would task the MSP, in conjunction with MDOT, with designating whether limited access freeways are rural or urban; however, the MSP does not anticipate the need to hire additional staff to perform this duty.

The impact of these bills on the Michigan Department of Transportation costs cannot be readily estimated at this time.

POSITIONS:

League of Michigan Bicyclist supports House Bill 4425; opposes House Bill 4424; and is neutral on House Bills 4426-4427 (2-2-16)

Michigan Municipal League supports House Bill 4425 and is neutral on House Bills 4423-4424 and 4426-4427 (2-2-16)

Michigan Association of School Boards is neutral on the bills. (2-2-16)

Michigan Insurance Coalition is neutral on the bills. (2-2-16)

Michigan Laborers Union is neutral on House Bills 4423-4427 as amended. (2-2-16)

Michigan Township Association is neutral on House Bill 4425 (H-3) and House Bills 4423-4426. (2-2-16)

AAA Michigan opposes House Bills 4423, 4424, and 4425. (2-2-16)

Michigan Fitness Foundation testified in opposition to House Bill 4424. (2-2-16)

Michigan Trails and Greenways Alliance testified in opposition to House Bill 4423. (2-2-16)

Michigan Department of Transportation has no position on House Bills 4423-4427 but is continuing to work with sponsor. (2-2-16)

Michigan State Police has no position on House Bills 4423-4427. (2-2-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.