

**SUBSTITUTE FOR
HOUSE BILL NO. 4014**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2016 PA 447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the county road commission, the township
2 board, and the department of state police unanimously determine
3 upon the basis of an engineering and traffic investigation that the
4 speed of vehicular traffic on a county highway is greater or less
5 than is reasonable or safe under the conditions found to exist upon
6 any part of the highway, then acting unanimously they may establish
7 a reasonable and safe maximum or minimum speed limit on that county
8 highway that is effective at the times determined when appropriate
9 signs giving notice of the speed limit are erected on the highway.

1 A township board may petition the county road commission or the
2 department of state police for a proposed change in the speed
3 limit. A township board that does not wish to continue as part of
4 the process provided by this subsection shall notify in writing the
5 county road commission. A public record of a traffic control order
6 establishing a modified speed limit authorized under this
7 subsection ~~shall~~**must** be filed at the office of the county clerk of
8 the county in which the limited access freeway or state trunk line
9 highway is located, and a certified copy of a traffic control order
10 ~~shall be~~**is** evidence in every court of this state of the authority
11 for the issuance of that traffic control order. As used in this
12 subsection, "county road commission" means the board of county road
13 commissioners elected or appointed under section 6 of chapter IV of
14 1909 PA 283, MCL 224.6, or, in the case of a charter county with a
15 population of ~~2,000,000~~**1,500,000** or more with an elected county
16 executive that does not have a board of county road commissioners,
17 the county executive.

18 (2) In the case of a county highway, a township board may
19 petition the county road commission, or in counties where there is
20 no road commission but there is a county board of commissioners,
21 the township board may petition the county board of commissioners
22 for any of the following:

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

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

28 (c) The posting of an advisory sign or device for the purpose
29 of drawing the attention of vehicle operators to an unexpected

1 condition on or near the roadway that is not readily apparent to
2 road users.

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

14 (4) A local road authority shall determine any modified speed
15 limits on local highways consistent with the requirements of this
16 section. A public record of a traffic control order establishing a
17 modified speed limit authorized under this subsection ~~shall~~**must** be
18 filed at the office of the city or village or administrative office
19 of the airport, college, or university in which the local highway
20 is located, and a certified copy of the traffic control order ~~shall~~
21 ~~be~~**is** evidence in every court of this state of the authority for
22 the issuance of that traffic control order.

23 (5) A speed limit established under this section ~~shall~~**must** be
24 determined **in accordance with traffic engineering practices that**
25 **provide an objective analysis of the characteristics of the highway**
26 **and** by an ~~engineering and safety study and by the~~ eighty-fifth
27 percentile speed of free-flowing traffic under ideal conditions ~~of~~
28 ~~a section of~~ **on the fastest portion of the** highway ~~rounded to the~~
29 ~~nearest multiple~~ **segment for which the speed limit is being posted.**

1 **The speed limit must be in multiples** of 5 miles per hour **and**
2 **rounded to a multiple that is within 5 miles per hour of the**
3 **eighty-fifth percentile speed.** A speed limit established under this
4 ~~act shall not be posted at less than the fiftieth percentile speed~~
5 ~~of free-flowing traffic under optimal conditions on the fastest~~
6 ~~portion of the highway segment for which the speed limit is being~~
7 ~~posted.~~ **section may be set below the eighty-fifth percentile speed**
8 **if an engineering and safety study demonstrates a situation with**
9 **hazards to public safety that are not reflected by the eighty-fifth**
10 **percentile speed, but must not be set below the fiftieth percentile**
11 **speed.**

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

15 (7) If upon investigation the state transportation department
16 or county road commission and the department of state police find
17 it in the interest of public safety, they may order township, city,
18 or village officials to erect and maintain, take down, or regulate
19 the speed limit signs, signals, or devices as directed, and in
20 default of an order the state transportation department or county
21 road commission may cause the designated signs, signals, and
22 devices to be erected and maintained, taken down, regulated, or
23 controlled, in the manner previously directed, and pay for the
24 erecting and maintenance, removal, regulation, or control of the
25 sign, signal, or device out of the highway fund designated.

26 (8) Signs posted under this section ~~shall~~**must** conform to the
27 Michigan manual on uniform traffic control devices.

28 (9) ~~A person~~**An individual** who violates a speed limit
29 established under this section is responsible for a civil

1 infraction.

2 (10) As used in this section:

3 (a) "County road commission" means, **except as otherwise**
4 **provided in subsection (1)**, any of the following:

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

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

10 (iii) In the case of a charter county with a population of
11 1,500,000 or more with an elected county executive that does not
12 have a board of county road commissioners, the county executive.

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

17 (b) "Design speed" means that term as used and determined
18 under "A Policy on Geometric Design of Highways and Streets", ~~sixth~~
19 **seventh** ed., 2011, ~~2018~~, ~~or a subsequent edition~~, issued by the
20 American Association of State Highway and Transportation Officials.

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

23 (d) "Traffic control order" means a document filed with the
24 proper authority that establishes the legal and enforceable speed
25 limit for the highway segment described in the document.