

**SUBSTITUTE FOR  
HOUSE BILL NO. 4733**

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 or more with an elected county executive  
16 that does not have a board of county road commissioners, the county  
17 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 highway. ~~rounded to the nearest multiple~~ **The speed**  
29 **limit must be in multiples** of 5 miles per hour **and rounded to a**



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

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

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

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

27 (9) A person who violates a speed limit established under this  
 28 section is responsible for a civil infraction.

29 (10) As used in this section:



1 (a) "County road commission" means any of the following:

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

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

7 (iii) In the case of a charter county with a population of  
8 1,500,000 or more with an elected county executive that does not  
9 have a board of county road commissioners, the county executive.

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

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

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

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

