

# HOUSE BILL No. 6035

November 27, 2012, Introduced by Rep. McMillin 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 2006 PA 85.

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

1           Sec. 628. (1) If the state transportation department and the  
2 department of state police jointly determine upon the basis of an  
3 engineering and traffic investigation that the speed of vehicular  
4 traffic on a state trunk line highway is greater or less than is  
5 reasonable or safe under the conditions found to exist at an  
6 intersection or other place or upon a part of the highway, the  
7 departments acting jointly may determine and declare a reasonable  
8 and safe maximum or minimum speed limit on that state trunk line  
9 highway or intersection that shall be effective at the times

1 determined when appropriate signs giving notice of the speed limit  
2 are erected at the intersection or other place or part of the  
3 highway. The maximum speed limit on all highways or parts of  
4 highways upon which a maximum speed limit is not otherwise fixed  
5 under this act is 55 miles per hour, which shall be known and may  
6 be referred to as the "general speed limit".

7 (2) If the county road commission, the township board, and the  
8 department of state police unanimously determine upon the basis of  
9 an engineering and traffic investigation that the speed of  
10 vehicular traffic on a county highway is greater or less than is  
11 reasonable or safe under the conditions found to exist upon any  
12 part of the highway, then acting unanimously they may establish a  
13 reasonable and safe maximum or minimum speed limit on that county  
14 highway that is effective at the times determined when appropriate  
15 signs giving notice of the speed limit are erected on the highway.  
16 A township board that does not wish to continue as part of the  
17 process provided by this subsection shall notify in writing the  
18 county road commission. As used in this subsection, "county road  
19 commission" means ~~the board of county road commissioners elected or~~  
20 ~~appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,~~  
21 ~~or, in the case of a charter county with a population of 2,000,000~~  
22 ~~or more with an elected county executive that does not have a board~~  
23 ~~of county road commissioners, the county executive.~~ **THAT TERM AS**  
24 **DEFINED IN SUBSECTION (5). THIS SUBSECTION DOES NOT APPLY TO GRAVEL**  
25 **COUNTY HIGHWAYS UNDER SUBSECTION (5).**

26 (3) If a superintendent of a school district determines that  
27 the speed of vehicular traffic on a state trunk line or county

1 highway, which is within 1,000 feet of a school in the school  
2 district of which that person is the superintendent, is greater or  
3 less than is reasonable or safe, the officials identified in  
4 subsection (1) or (2), as appropriate, shall include the  
5 superintendent of the school district affected in acting jointly in  
6 determining and declaring a reasonable and safe maximum or minimum  
7 speed limit on that state trunk line or county highway.

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

21 (5) **THE COUNTY ROAD COMMISSION AND THE TOWNSHIP BOARD**  
22 **GOVERNING WHERE A GRAVEL COUNTY HIGHWAY IS LOCATED, OR THE COUNTY**  
23 **ROAD COMMISSION GOVERNING WHERE A GRAVEL COUNTY HIGHWAY IS LOCATED**  
24 **AND THE DEPARTMENT OF STATE POLICE, OR THE TOWNSHIP BOARD GOVERNING**  
25 **WHERE A GRAVEL COUNTY HIGHWAY IS LOCATED AND THE DEPARTMENT OF**  
26 **STATE POLICE MAY AGREE TO ESTABLISH A REASONABLE AND SAFE MAXIMUM**  
27 **OR MINIMUM SPEED LIMIT ON THAT COUNTY HIGHWAY THAT IS EFFECTIVE AT**

1 THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE  
2 SPEED LIMIT ARE ERECTED UPON THE HIGHWAY. A UNANIMOUS AGREEMENT OF  
3 THE 3 GOVERNMENTAL ENTITIES LISTED IN THIS SUBSECTION IS NOT  
4 REQUIRED TO ESTABLISH A SPEED LIMIT UNDER THIS SUBSECTION. A  
5 TOWNSHIP BOARD THAT DOES NOT WISH TO CONTINUE AS PART OF THE  
6 PROCESS PROVIDED BY THIS SUBSECTION SHALL NOTIFY IN WRITING THE  
7 COUNTY ROAD COMMISSION. AS USED IN THIS SUBSECTION, "COUNTY ROAD  
8 COMMISSION" MEANS ANY OF THE FOLLOWING:

9 (A) THE BOARD OF COUNTY ROAD COMMISSIONERS ELECTED OR  
10 APPOINTED UNDER SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6.

11 (B) IN THE CASE OF THE DISSOLUTION OF THE COUNTY ROAD  
12 COMMISSION UNDER SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6,  
13 THE COUNTY BOARD OF COMMISSIONERS.

14 (C) IN THE CASE OF A CHARTER COUNTY WITH A POPULATION OF  
15 2,000,000 OR MORE WITH AN ELECTED COUNTY EXECUTIVE THAT DOES NOT  
16 HAVE A BOARD OF COUNTY ROAD COMMISSIONERS, THE COUNTY EXECUTIVE.

17 (6) ~~(5)~~—If upon investigation the state transportation  
18 department or county road commission and the department of state  
19 police find it in the interest of public safety, they may order the  
20 township board, or city or village officials to erect and maintain,  
21 take down, or regulate the speed control signs, signals, or devices  
22 as directed, and in default of an order the state transportation  
23 department or county road commission may cause the designated  
24 signs, signals, and devices to be erected and maintained, taken  
25 down, regulated, or controlled, in the manner previously directed,  
26 and pay for the erecting and maintenance, removal, regulation, or  
27 control of the sign, signal, or device out of the highway fund

1 designated.

2       (7) ~~(6)~~—A public record of all speed control signs, signals,  
3 or devices authorized under this section shall be filed in the  
4 office of the county clerk of the county in which the highway is  
5 located, and a certified copy shall be prima facie evidence in all  
6 courts of the issuance of the authorization. The public record with  
7 the county clerk shall not be required as prima facie evidence of  
8 authorization in the case of signs erected or placed temporarily  
9 for the control of speed or direction of traffic at points where  
10 construction, repairs, or maintenance of highways is in progress,  
11 or along a temporary alternate route established to avoid the  
12 construction, repair, or maintenance of a highway, if the signs are  
13 of uniform design approved by the state transportation department  
14 and the department of state police and clearly indicate a special  
15 control, when proved in court that the temporary traffic control  
16 sign was placed by the state transportation department or on the  
17 authority of the state transportation department and the department  
18 of state police or by the county road commission or on the  
19 authority of the county road commission, at a specified location.

20       (8) ~~(7)~~—A person who fails to observe an authorized speed or  
21 traffic control sign, signal, or device is responsible for a civil  
22 infraction.

23       (9) ~~(8)~~—Except as otherwise provided in this section, the  
24 maximum speed limit on all freeways shall be 70 miles per hour  
25 except that if the state transportation department and the  
26 department of state police jointly determine upon the basis of an  
27 engineering and traffic investigation that the speed of vehicular

1 traffic on a freeway is greater or less than is reasonable or safe  
2 under the conditions found to exist upon a part of the freeway, the  
3 departments acting jointly may determine and declare a reasonable  
4 and safe maximum or minimum speed limit on that freeway that is not  
5 more than 70 miles per hour but not less than 55 miles per hour and  
6 that shall be effective when appropriate signs giving notice of the  
7 speed limit are erected. The minimum speed limit on all freeways is  
8 55 miles per hour except if reduced speed is necessary for safe  
9 operation or in compliance with law or in compliance with a special  
10 permit issued by an appropriate authority.

11 (10) ~~(9)~~—The maximum rates of speed allowed under this section  
12 are subject to the maximum rates established under section 629b,  
13 section 627(5) to (7) for certain vehicles and vehicle  
14 combinations, and section 629(4).

15 (11) ~~(10)~~—Except for the general speed limit described in  
16 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this  
17 section shall be known as absolute speed limits.