

HOUSE BILL No. 5043

October 2, 2013, Introduced by Rep. McMillin and referred to the Committee on Transportation and Infrastructure.

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
10 determined when appropriate signs giving notice of the speed limit
11 are erected at the intersection or other place or part of the

1 highway. The maximum speed limit on all highways or parts of
2 highways upon which a maximum speed limit is not otherwise fixed
3 under this act is 55 miles per hour, which shall be known and may
4 be referred to as the "general speed limit".

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

14 A township board that does not wish to continue as part of the
15 process provided by this subsection shall notify in writing the
16 county road commission. As used in this subsection, "county road
17 commission" means ~~the board of county road commissioners elected or~~
18 ~~appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,~~
19 ~~or, in the case of a charter county with a population of 2,000,000~~
20 ~~or more with an elected county executive that does not have a board~~
21 ~~of county road commissioners, the county executive.~~ **THAT TERM AS**
22 **DEFINED IN SUBSECTION (13). THIS SUBSECTION DOES NOT APPLY TO**
23 **GRAVEL COUNTY HIGHWAYS UNDER SUBSECTION (5).**

24 (3) If a superintendent of a school district determines that
25 the speed of vehicular traffic on a state trunk line or county
26 highway, which is within 1,000 feet of a school in the school
27 district of which that person is the superintendent, is greater or

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

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

19 (5) **THE FOLLOWING ENTITIES MAY ESTABLISH A REASONABLE AND SAFE**
20 **MAXIMUM OR MINIMUM SPEED LIMIT ON A GRAVEL COUNTY HIGHWAY AS**
21 **FOLLOWS:**

22 (A) **THE COUNTY ROAD COMMISSION, THE TOWNSHIP BOARD OF THE**
23 **TOWNSHIP IN WHICH THE ROAD IS LOCATED, AND THE DEPARTMENT OF STATE**
24 **POLICE, BY A MAJORITY VOTE THAT INCLUDES THE TOWNSHIP BOARD.**

25 (B) **IF THE TOWNSHIP BOARD PROVIDES NOTICE IN WRITING TO THE**
26 **COUNTY ROAD COMMISSION AND THE DEPARTMENT OF STATE POLICE THAT THE**
27 **TOWNSHIP BOARD DOES NOT WANT TO PARTICIPATE IN THE PROCESS UNDER**

1 SUBDIVISION (A), THE VOTE OF BOTH THE COUNTY ROAD COMMISSION AND
2 THE DEPARTMENT OF STATE POLICE.

3 (6) A SPEED LIMIT ESTABLISHED UNDER SUBSECTION (5) BECOMES
4 EFFECTIVE WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED LIMIT
5 ARE ERECTED UPON THE HIGHWAY.

6 (7) ~~(5)~~—If upon investigation the state transportation
7 department or county road commission and the department of state
8 police find it in the interest of public safety, they may order the
9 township board, or city or village officials to erect and maintain,
10 take down, or regulate the speed control signs, signals, or devices
11 as directed, and in default of an order the state transportation
12 department or county road commission may cause the designated
13 signs, signals, and devices to be erected and maintained, taken
14 down, regulated, or controlled, in the manner previously directed,
15 and pay for the erecting and maintenance, removal, regulation, or
16 control of the sign, signal, or device out of the highway fund
17 designated.

18 (8) ~~(6)~~—A public record of all speed control signs, signals,
19 or devices authorized under this section shall be filed in the
20 office of the county clerk of the county in which the highway is
21 located, and a certified copy shall be prima facie evidence in all
22 courts of the issuance of the authorization. The public record with
23 the county clerk shall not be required as prima facie evidence of
24 authorization in the case of signs erected or placed temporarily
25 for the control of speed or direction of traffic at points where
26 construction, repairs, or maintenance of highways is in progress,
27 or along a temporary alternate route established to avoid the

1 construction, repair, or maintenance of a highway, if the signs are
2 of uniform design approved by the state transportation department
3 and the department of state police and clearly indicate a special
4 control, when proved in court that the temporary traffic control
5 sign was placed by the state transportation department or on the
6 authority of the state transportation department and the department
7 of state police or by the county road commission or on the
8 authority of the county road commission, at a specified location.

9 (9) ~~(7)~~—A person who fails to observe an authorized speed or
10 traffic control sign, signal, or device is responsible for a civil
11 infraction.

12 (10) ~~(8)~~—Except as otherwise provided in this section, the
13 maximum speed limit on all freeways shall be 70 miles per hour
14 except that if the state transportation department and the
15 department of state police jointly determine upon the basis of an
16 engineering and traffic investigation that the speed of vehicular
17 traffic on a freeway is greater or less than is reasonable or safe
18 under the conditions found to exist upon a part of the freeway, the
19 departments acting jointly may determine and declare a reasonable
20 and safe maximum or minimum speed limit on that freeway that is not
21 more than 70 miles per hour but not less than 55 miles per hour and
22 that shall be effective when appropriate signs giving notice of the
23 speed limit are erected. The minimum speed limit on all freeways is
24 55 miles per hour except if reduced speed is necessary for safe
25 operation or in compliance with law or in compliance with a special
26 permit issued by an appropriate authority.

27 (11) ~~(9)~~—The maximum rates of speed allowed under this section

1 are subject to the maximum rates established under section 629b,
2 section 627(5) to (7) for certain vehicles and vehicle
3 combinations, and section 629(4).

4 (12) ~~(10)~~ Except for the general speed limit described in
5 subsection (1), speed limits established ~~pursuant to~~ UNDER this
6 section shall be known as absolute speed limits.

7 (13) AS USED IN THIS SECTION, "COUNTY ROAD COMMISSION" MEANS
8 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.