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Senate Bill 61 (as passed by the Senate)
Sponsor: Senator Roger Victory
Committee: Transportation and Infrastructure

Date Completed: 7-10-19

RATIONALE

Public Act 85 of 2006 established a speed limit of 25 miles per hour (MPH) on all highways or parts of highways within the bounds of land platted under the Land Division Act. Since 2016, the Michigan Legislature has amended the language, most recently with Public Acts 445 to 449 of 2016. These Acts, among other things, changed the speed limits of certain areas, and the method by which speed limits could be modified. Specifically, language pertaining to highway segments within platted lands under the Land Division Act referred instead to highway segments within residential subdivisions. The Acts also allowed a speed limit to be modified from its prima facie determination after an engineering and safety study were performed. These amendments took effect in January 2017.

According to testimony before the Committee on Transportation testimony during the consideration of Public Acts 445 to 449, these changes were made to create more realistic and safer speed limits across Michigan. The Public Acts reflected input from many organizations affiliated with traffic control and safety in Michigan: the Department of State Police (MSP), the Michigan Department of Transportation (MDOT), the Michigan Townships Association (MTA), and more. However, some believe that those changes created a process for determining speed limits that is inapplicable or inappropriate in certain areas. Accordingly, it has been suggested that the language be amended to correct this potential oversight.

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Until January 1, 2024, establish a speed limit of 25 miles per hour on a highway segment that was part of a local street system and was within land zoned for residential use.**
- Require the MSP to perform a speed study on a random sample of local streets set as described in the bill.**
- Require the MSP to submit a report on the speed study to the Senate Majority Leader, the Speaker of the House of Representatives, and the Governor by January 1, 2023.**

Under Section 627 of the Code, a person operating a vehicle on a highway must operate it at a careful and prudent speed not greater or less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway, as well as any other condition existing at the time. A person may not operate a vehicle on a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. Section 627 also prescribes speed limits for the operation of a vehicle on certain highways, and specifies that a person who violates a speed limit is responsible for a civil infraction.

Under the bill, until January 1, 2024, an operator of a vehicle could operate it at a speed not exceeding 25 miles per hour on a highway segment that was part of the local street system as

designated by a local jurisdiction and approved by the State Transportation Commission under the Michigan Transportation Fund law and that was within land zoned for residential use by the governing body of an incorporated city or village under the Michigan Zoning and Enabling Act, unless another speed was fixed and posted.

The MSP would have to perform a speed study on a random sample of local streets set as described above. By January 1, 2023, the MSP would have to submit a report on the speed study to the Senate Majority Leader, the Speaker of the House, and the Governor.

The Code specifies that except for certain listed speed limits, those established under Section 627 are not valid unless properly posted. The bill would include the proposed speed limit within the list described above.

MCL 257.627

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to testimony before the Senate Committee on Transportation and Infrastructure, Public Acts 445 to 449 created a process for determining speed limits that is onerous, inapplicable, or inappropriate in certain areas. Specifically, those Acts changed the language concerning highways within the boundaries of land platted under the Land Division Act to a highway segment within the boundaries of a residential subdivision. This language does not apply for some municipalities that do not zone residential areas, which have a speed limit of 25 MPH and do not need posted signage, as residential subdivisions, such as within the City of Holland. Given this situation, the affected municipalities must either: 1) request a speed study to determine an appropriate speed for many residential streets, or 2) accept the speed limit associated with a certain amount of vehicular access points on a street as provided by law. Both options could produce inappropriate speeds in these residential areas.

This process is onerous for certain municipalities, and, in some cases, expensive. Currently, the MSP must perform a speed study after a request from a local road authority. However, once the proper authority determines the speed, the municipality must post proper signs establishing the modified speed limit on those roads. Signage costs can vary, and the negative fiscal impact on these municipalities depends on the how many miles of road for which signage must be posted.

Opposing Argument

The changes enacted under Public Acts 445 to 449 of 2016 created more realistic and safer speed limits to benefit drivers and pedestrians. One component this package ensured that major streets that run adjacent to or between residential subdivisions, and for which residential speeds are not appropriate, were not included in unposted 25 MPH speed limits. This provision ensures that 25 MPH speed traps do not exist. By establishing a speed limit of 25 MPH on a highway segment described under the bill, the bill would create unposted 25 MPH speed traps that could be enforced by some municipalities to increase revenue.

Response: According to testimony before the Senate Committee on Transportation and Infrastructure, local police departments do not write tickets to generate revenue, but to change driver behavior and create safer streets for drivers and pedestrians.

Opposing Argument

According to the National Transportation Safety Board's 2017 report (NTSB), speed studies that evaluate drivers' current speeds on a given road, and then decide an appropriate speed based upon a certain percentile of the speeds, as is done in Michigan, may not produce the most realistic or safest speed for drivers and pedestrians. The NTSB, after evaluating other methods for designating speed limits, suggested the use of studies that focus on road characteristics, roadside

development, parking practices, and pedestrian activity. An engineering study incorporates many of these factors. Therefore, MSP should perform an engineering study, instead of a speed study, for the purposes of a report on a random sample of local streets set under the bill.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of State Police, as it would require the Department to assume responsibilities that are currently performed and funded by existing resources.

The bill also would have an indeterminate negative fiscal impact for some local units of government that would be required to change the posted speed limits for a segment of highway under their jurisdiction. Signage costs can vary. As of 2014, the average cost to change speed limits on non-highway roadways was \$63 per mile. It is not known how many miles of roadways under local jurisdiction would need signage replacement.”

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.