

## DETERMINING MODIFIED SPEED LIMITS

Phone: (517) 373-8080  
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**House Bill 4014 as introduced**  
**Sponsor: Rep. Bradley Slagh**  
**Committee: Transportation**  
**Complete to 2-15-21**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4014 would amend the Michigan Vehicle Code to change procedures for setting certain speed limits on Michigan highways.<sup>1</sup>

Section 627 of the Michigan Vehicle Code establishes Michigan's "Basic Speed Law," which generally requires that drivers keep to a speed that will allow their vehicle to stop safely under current road conditions. Section 627 also provides general speed limits for various types of roads and in the state—gravel roads, for example, or roads that are in a business district or mobile home park. These constitute a kind of default setting or standard for establishing the speed limit for any given stretch of road. For a driver, they are the speed limits that apply when there are no speed limit signs (as long as the Basic Speed Law is obeyed).

Section 628 of the code provides procedures under which the Michigan Department of Transportation (MDOT) and county and local road authorities can modify those general speed limits to account for local circumstances. This is the section the bill would amend.

#### Determining a modified speed limit

Currently, a modified speed limit under section 628 must be determined by an engineering and safety study and by the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of a section of highway rounded to the nearest multiple of five miles per hour. (The eighty-fifth percentile speed is the speed that 85% of the drivers on a given section of roadway are currently driving at or below.)

The bill would remove the reference to an engineering and safety study and require instead that the modified speed limit be determined "in accordance with traffic engineering practices that provide an objective analysis of the characteristics of the highway" as well as by the eighty-fifth percentile speed. The bill would also require that the speed limit be rounded to a multiple of five miles an hour that is within five miles an hour of the eighty-fifth percentile speed.

The bill would add that a speed limit could be set below the eighty-fifth percentile speed if an engineering and safety study demonstrated a situation with hazards to public safety that are not reflected by the eighty-fifth percentile speed. However—and as under current law—the speed limit could not be set below the fiftieth percentile speed (that is, the speed that half the drivers on a given section of roadway are currently driving at or below).

#### Definition of "county road commission"

Section 628(1) provides procedures for a county road commission, a township board, and MDOT to act unanimously to establish a modified speed limit for a county highway that is

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<sup>1</sup> See [https://www.michigan.gov/documents/Establishing\\_Realistic\\_Speedlimits\\_85625\\_7.pdf](https://www.michigan.gov/documents/Establishing_Realistic_Speedlimits_85625_7.pdf)

reasonable and safe given conditions that are found to exist on a part of that highway. For purposes of section 628(1), “county road commission” is defined to mean either a board of county road commissioners elected or appointed under section 6 of Chapter IV of the county road law (1909 PA 283) or the county executive of a charter county with a population of at least 2,000,000 that has an elected county executive and does not have a board of county road commissioners (this refers to Wayne County). The bill would amend this definition to change the population threshold of the charter county from at least 2,000,000 to at least 1,500,000. (From the 1940 census through the 2000 census, Wayne County’s population exceeded 2,000,000, but no longer does. Its estimated population in July 2019 was 1,749,343.)

Section 628(10) defines “county road commission” for purposes of section 628 as meaning any of the following:

- The board of county road commissioners elected or appointed under section 6 of Chapter IV of the county road law.
- If the county road commission is dissolved under section 6 of Chapter IV of the county road law, the county board of commissioners.
- For a charter county with a population of 1,500,000 or more that has an elected county executive and does not have a board of county road commissioners, the county executive. (This refers to Wayne County.)
- For a charter county with a population of more than 750,000 but less than 1,000,000 that has an elected county executive and does not have a board of county road commissioners, the department of roads. (This refers to Macomb County, which had an estimated population in July 2019 of 1,256,584.)

The bill would amend this definition to stipulate that it applies to section 628 except as otherwise provided in section 628(1).<sup>2</sup>

MCL 257.628

#### **FISCAL IMPACT:**

The bill would amend section 628 of the Michigan Vehicle Code, which prescribes procedures for establishing speed limits on public highways and provides for exceptions to those general standards. Specifically, as described above, the bill would provide for the establishment of speed limits lower than the general eighty-fifth percentile standard in specified circumstances. The bill does not appear to establish new procedures that would materially affect the cost of traffic and speed studies and thus would have no direct fiscal impact on the state or local units of government.

Legislative Analysts: E. Best  
Rick Yuille  
Fiscal Analyst: William E. Hamilton

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>2</sup> **Note:** It is unclear whether this exception would specifically prevent section 628(1) from applying to Macomb County and counties where the board of county road commissioners was dissolved.