

HOUSE BILL NO. 4872

May 18, 2021, Introduced by Reps. LaFave and Steven Johnson and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627 and 679a (MCL 257.627 and 257.679a), section 627 as amended by 2019 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) ~~A person~~**An individual** operating a vehicle on a
2 highway shall operate that vehicle at a careful and prudent speed
3 not greater than ~~nor~~**or** less than is reasonable and proper, having
4 due regard to the traffic, surface, and width of the highway and of

1 any other condition existing at the time. ~~A person~~ **An individual**
2 shall not operate a vehicle upon a highway at a speed greater than
3 that which will permit a stop within the assured, clear distance
4 ahead. A violation of this subsection shall be known and may be
5 referred to as a violation of the basic speed law or "VBSL".

6 (2) Except as provided in subsection (1), it is lawful for the
7 operator of a vehicle to operate that vehicle on a highway at a
8 speed not exceeding the following:

9 (a) 15 miles per hour on a highway segment within the
10 boundaries of a mobile home park, as that term is defined in
11 section 2 of the mobile home commission act, 1987 PA 96, MCL
12 125.2302.

13 (b) 25 miles per hour on a highway segment within a business
14 district.

15 (c) 25 miles per hour on a highway segment within the
16 boundaries of a public park. A local authority may decrease the
17 speed limit to not less than 15 miles per hour in a public park
18 under its jurisdiction.

19 (d) 25 miles per hour on a highway segment within the
20 boundaries of a residential subdivision, including a condominium
21 subdivision, consisting of a system of interconnected highways with
22 no through highways and a limited number of dedicated highways that
23 serve as entrances to and exits from the subdivision.

24 (e) Until January 1, 2024, 25 miles per hour on a highway
25 segment that is part of the local street system as designated by a
26 local jurisdiction and approved by the state transportation
27 commission under 1951 PA 51, MCL 247.651 to 247.675, and that is
28 within land that is zoned for residential use by the governing body
29 of an incorporated city or village under the Michigan zoning

1 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another
2 speed is fixed and posted. The department of state police shall
3 perform a speed study on a random sample of local streets set under
4 this subdivision. No later than January 1, 2023, the department of
5 state police shall submit a report on the speed study required
6 under this subdivision to the senate majority leader, the speaker
7 of the house of representatives, and the governor.

8 (f) 25 miles per hour on a highway segment with 60 or more
9 vehicular access points within 1/2 mile.

10 (g) 30 miles per hour on a highway segment with not less than
11 50 vehicular access points but no more than 59 vehicular access
12 points within 1/2 mile.

13 (h) 35 miles per hour on a highway segment with not less than
14 45 vehicular access points but no more than 49 vehicular access
15 points within 1/2 mile.

16 (i) 40 miles per hour on a highway segment with not less than
17 40 vehicular access points but no more than 44 vehicular access
18 points within 1/2 mile.

19 (j) 45 miles per hour on a highway segment with not less than
20 30 vehicular access points but no more than 39 vehicular access
21 points within 1/2 mile.

22 (3) ~~A person~~ **An individual** operating a truck with a gross
23 weight of 10,000 pounds or more, a truck-tractor, a truck-tractor
24 with a semi-trailer or trailer, or a combination of these vehicles
25 shall not exceed a speed of 35 miles per hour during the period
26 when reduced loadings are being enforced in accordance with this
27 chapter.

28 (4) Where the posted speed limit is greater than 65 miles per
29 hour, ~~a person~~ **an individual** operating a school bus, a truck with a

1 gross weight of 10,000 pounds or more, a truck-tractor, or a truck-
2 tractor with a semi-trailer or trailer or a combination of these
3 vehicles shall not exceed a speed of 65 miles per hour on a limited
4 access freeway or a state trunk line highway.

5 (5) All of the following apply to the speed limits described
6 in subsection (2):

7 (a) A highway segment adjacent to or lying between 2 or more
8 areas described in subsection (2)(a), (b), (c), or (d) ~~shall~~**is** not
9 ~~be~~ considered to be within the boundaries of those areas.

10 (b) A highway segment of more than 1/2 mile in length with a
11 consistent density of vehicular access points equal to the number
12 of vehicular access points described in subsection (2)(f), (g),
13 (h), (i), or (j) ~~shall~~**must** be posted at the speed limit specified
14 in the adjoining segment. A separate determination ~~shall~~**must** be
15 made for each adjoining highway segment where vehicular access
16 point density is different.

17 (c) A speed limit may be posted on highways less than 1/2 mile
18 in length by prorating in 1/10 mile segments the vehicular access
19 point density described in subsection (2)(f), (g), (h), (i), or
20 (j).

21 (6) ~~A person~~**An individual** operating a vehicle on a highway,
22 when entering and passing through a work zone described in section
23 79d(a) where a normal lane or part of the lane of traffic has been
24 closed due to highway construction, maintenance, or surveying
25 activities, shall not exceed a speed of 45 miles per hour unless a
26 different speed limit is determined for that work zone by the state
27 transportation department, a county road commission, or a local
28 authority, based on accepted engineering practice. The state
29 transportation department, a county road commission, or a local

1 authority shall post speed limit signs in each work zone described
2 in section 79d(a) that indicate the speed limit in that work zone
3 and shall identify that work zone with any other traffic control
4 devices necessary to conform to the Michigan manual ~~of~~**on** uniform
5 traffic control devices. ~~A person~~**An individual** shall not exceed a
6 speed limit established under this section or a speed limit
7 established under section 628.

8 (7) The state transportation department, a county road
9 commission, or a local authority shall decrease the speed limit in
10 a hospital highway zone by up to 10 miles per hour upon request of
11 a hospital located within that hospital highway zone. The state
12 transportation department, county road commission, or local
13 authority may decrease the speed limit in a hospital highway zone
14 by more than 10 miles per hour if the decrease is supported by an
15 engineering and safety study. The state transportation department,
16 county road commission, or local authority shall post speed limit
17 signs in a hospital highway zone that indicate the speed limit in
18 that hospital highway zone and shall identify that hospital highway
19 zone with any other traffic control devices necessary to conform to
20 the Michigan manual ~~of~~**on** uniform traffic control devices. If a
21 change in a sign, signal, or device, is necessitated by a speed
22 limit decrease described in this subsection, the hospital
23 requesting the decrease shall pay the cost of doing so. As used in
24 this subsection, "hospital highway zone" means a portion of state
25 trunk line highway maintained by the state transportation
26 department that has a posted speed limit of at least 50 miles per
27 hour and has 2 or fewer lanes for travel in the same direction,
28 traverses along property owned by a hospital, contains an ingress
29 and egress point from hospital property, and extends not more than

1 1,000 feet beyond the boundary lines of hospital property in both
2 directions in a municipality.

3 (8) Subject to subsection (17), the maximum speed limit on all
4 limited access freeways upon which a speed limit is not otherwise
5 fixed under this act is 70 miles per hour, which shall be known as
6 the "limited access freeway general speed limit". The minimum speed
7 limit on all limited access freeways upon which a minimum speed
8 limit is not otherwise fixed under this act is 55 miles per hour.
9 **This subsection does not apply to an implement of husbandry
10 operating on a limited access freeway between the ingress and
11 egress points on the limited access freeway closest to the Mackinac
12 Bridge for the purpose of crossing the Mackinac Bridge.**

13 (9) Subject to subsection (17), the speed limit on all trunk
14 line highways and all county highways upon which a speed limit is
15 not otherwise fixed under this act is 55 miles per hour, which
16 shall be known as the "general speed limit".

17 (10) Except as otherwise provided in this subsection, the
18 speed limit on all county highways with a gravel or unimproved
19 surface upon which a speed limit is not otherwise fixed under this
20 act is 55 miles per hour, which shall be known as the "general
21 gravel road speed limit". Upon request of a municipality located
22 within a county with a population of 1,000,000 or more, the county
23 road commission, in conjunction with the requesting municipality,
24 may lower the speed limit to 45 miles per hour on the requested
25 road segment and if a sign, signal, or device is erected or
26 maintained, taken down, or regulated as a result of a request by a
27 municipality for a speed limit of 45 miles per hour, the
28 municipality shall pay the costs of doing so. If a municipality
29 located within a county with a population of 1,000,000 or more

1 requests a speed different than the speed described in this
2 subsection, the county road commission, in conjunction with the
3 department of state police and the requesting municipality, may
4 conduct a speed study of free-flow traffic on the fastest portion
5 of the road segment in question for the purpose of establishing a
6 modified speed limit. A speed study conducted under this subsection
7 ~~shall-must~~ be completed between 3 and 14 days after a full gravel
8 road maintenance protocol has been performed on the road segment. A
9 full gravel road maintenance protocol described in this subsection
10 ~~shall-must~~ include road grading and the application of a dust
11 abatement chemical treatment. Following a speed study conducted
12 under this subsection, the speed limit for the road segment ~~shall~~
13 **must** be established at the nearest multiple of 5 miles per hour to
14 the eighty-fifth percentile of speed of free-flow traffic under
15 ideal conditions for vehicular traffic, and ~~shall-must~~ not be set
16 below the fiftieth percentile speed of free-flow traffic under
17 ideal conditions for vehicular traffic. A speed study conducted
18 under this subsection ~~shall-be-is~~ the responsibility of the
19 department of state police, and if a sign, signal, or device is
20 erected or maintained, taken down, or regulated as a result of a
21 request by a municipality under this subsection, the municipality
22 shall pay the costs of doing so.

23 (11) A public record of all traffic control orders
24 establishing statutory speed limits authorized under this section
25 ~~shall-must~~ be filed with the office of the clerk of the county in
26 which the county highway is located or at the office of the city or
27 village clerk or administrative office of the airport, college, or
28 university in which the local highway is located, and a certified
29 copy of the traffic control order ~~shall-be-is~~ evidence in every

1 court of this state of the authority for the issuance of that
2 traffic control order. The public record filed with the county,
3 city, or village clerk or administrative office of the airport,
4 college, or university ~~shall~~**must** not be required as evidence of
5 authority for issuing a traffic control order in the case of signs
6 temporarily erected or placed at points where construction,
7 maintenance, or surveying activities is in progress. A traffic and
8 engineering investigation is not required for a traffic control
9 order for a speed limit established under subsection (2). A traffic
10 control order ~~shall~~**must**, at a minimum, contain all of the
11 following information:

12 (a) The name of the road.

13 (b) The boundaries of the segment of the road on which the
14 speed limit is in effect.

15 (c) The basis upon which the speed limit is in effect.

16 (d) The section of law, including a reference to the
17 subsection, under which the speed limit is established.

18 (12) Except for speed limits described in subsections (1),
19 (2)(d), (2)(e), and (9), speed limits established under this
20 section are not valid unless properly posted. In the absence of a
21 properly posted sign, the speed limit in effect is the basic speed
22 law described in subsection (1). Speed limits established under
23 subsection (2)(b), (f), (g), (h), (i), and (j) are not valid unless
24 a traffic control order is filed as described in subsection (11).

25 (13) Nothing in this section prevents the establishment of a
26 modified speed limit after a speed study as described in section
27 628. A modified speed limit established under section 628
28 supersedes a speed limit established under this section.

29 (14) All signs erected or placed under this section ~~shall~~**must**

1 conform to the Michigan manual on uniform traffic control devices.

2 (15) If upon investigation the state transportation department
3 or county road commission and the department of state police
4 determine that it is in the interest of public safety, they may
5 order city, village, airport, college, university, and township
6 officials to erect and maintain, take down, or regulate speed limit
7 signs, signals, and devices as directed. In default of an order,
8 the state transportation department or county road commission may
9 cause designated signs, signals, and devices to be erected and
10 maintained, removed, or regulated in the manner previously directed
11 and pay the costs for doing so out of the designated highway fund.
12 An investigation, including a speed study, conducted under this
13 subsection ~~shall be~~ **is** the responsibility of the department of
14 state police.

15 (16) A person who violates a speed limit established under
16 this section is responsible for a civil infraction.

17 (17) No later than January 5, 2018, the state transportation
18 department and the department of state police shall increase the
19 speed limits on at least 600 miles of limited access freeway to 75
20 miles per hour if an engineering and safety study and the eighty-
21 fifth percentile speed of free-flowing traffic under ideal
22 conditions of that section contain findings that the speed limit
23 may be raised to that speed, and the department shall increase the
24 speed limit of 900 miles of trunk line highway to 65 miles per hour
25 if an engineering and safety study and the eighty-fifth percentile
26 speed of free-flowing traffic under ideal conditions of that
27 section contain findings that the speed limit may be raised to that
28 speed.

29 (18) As used in this section:

1 (a) "Traffic control order" means a document filed with the
2 proper authority that establishes the legal and enforceable speed
3 limit for the highway segment described in the document.

4 (b) "Vehicular access point" means a driveway or intersecting
5 roadway.

6 Sec. 679a. (1) ~~A person~~ **Subject to subsection (3), an**
7 **individual** shall not operate a motorcycle with less than a 125
8 cubic centimeter engine, moped, farm tractor, or other self-
9 propelled farm implement ~~, nor shall a~~ **on a limited access freeway**
10 **in this state. A** pedestrian, bicycle, except as provided in this
11 section, or other nonmotorized traffic ~~be~~ **is not** permitted on a
12 limited access ~~highway~~ **freeway** in this state. Bicycles ~~shall be~~ **are**
13 permitted on paths constructed separately from the roadway and
14 designated for the exclusive use of bicycles.

15 (2) A person who violates this section is responsible for a
16 civil infraction.

17 (3) **This section does not apply to an implement of husbandry**
18 **operating on a limited access freeway between the ingress and**
19 **egress points on the limited access freeway closest to the Mackinac**
20 **Bridge for the purpose of crossing the Mackinac Bridge.**