

SENATE BILL No. 52

January 20, 2011, Introduced by Senators MARLEAU, KOWALL and PAPPAGEORGE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 628 and 629 (MCL 257.628 and 257.629), 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~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 629(1)(D),**
4 **THE** maximum speed limit on all highways or parts of highways upon
5 which a maximum speed limit is not otherwise fixed under this act
6 is 55 miles per hour, which shall be known and may be referred to
7 as the "general speed limit".

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

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

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

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

20 (5) If upon investigation the state transportation department
21 or county road commission and the department of state police find
22 it in the interest of public safety, they may order the township
23 board, or city or village officials to erect and maintain, take
24 down, or regulate the speed control signs, signals, or devices as
25 directed, and in default of an order the state transportation
26 department or county road commission may cause the designated
27 signs, signals, and devices to be erected and maintained, taken

1 down, regulated, or controlled, in the manner previously directed,
2 and pay for the erecting and maintenance, removal, regulation, or
3 control of the sign, signal, or device out of the highway fund
4 designated.

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

23 (7) A person who fails to observe an authorized speed or
24 traffic control sign, signal, or device is responsible for a civil
25 infraction.

26 (8) Except as otherwise provided in this section, the maximum
27 speed limit on all freeways shall be 70 miles per hour except that

1 if the state transportation department and the department of state
2 police jointly determine upon the basis of an engineering and
3 traffic investigation that the speed of vehicular traffic on a
4 freeway is greater or less than is reasonable or safe under the
5 conditions found to exist upon a part of the freeway, the
6 departments acting jointly may determine and declare a reasonable
7 and safe maximum or minimum speed limit on that freeway that is not
8 more than 70 miles per hour but not less than 55 miles per hour and
9 that shall be effective when appropriate signs giving notice of the
10 speed limit are erected. The minimum speed limit on all freeways is
11 55 miles per hour except if reduced speed is necessary for safe
12 operation or in compliance with law or in compliance with a special
13 permit issued by an appropriate authority.

14 (9) The maximum rates of speed allowed under this section are
15 subject to the maximum rates established under section 629b,
16 section 627(5) to (7) for certain vehicles and vehicle
17 combinations, and section 629(4).

18 (10) Except for the general speed limit described in
19 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this
20 section shall be known as absolute speed limits.

21 Sec. 629. (1) Local authorities may establish or increase the
22 prima facie speed limits on highways under their jurisdiction
23 subject to the following limitations:

24 (a) A highway within a business district on which the prima
25 facie speed limit is increased shall be designated a through
26 highway at the entrance to which vehicles shall be required to stop
27 before entering, except that where 2 of these through highways

1 intersect, local authorities may require traffic on only 1 highway
2 to stop before entering the intersection.

3 (b) The local authorities shall place and maintain, upon all
4 through highways in which the permissible speed is increased,
5 adequate signs giving notice of the special regulations and shall
6 also place and maintain upon each highway intersecting a through
7 highway, appropriate signs which shall be reflectorized or
8 illuminated at night.

9 (c) Local authorities may establish prima facie lawful speed
10 limits on highways outside of business districts that are
11 consistent with the limits established in section 627(2).

12 (D) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
13 ADDED THIS SUBDIVISION, THE PRIMA FACIE SPEED LIMIT ESTABLISHED
14 UNDER SECTION 628 APPLIES ON GRAVEL OR DIRT ROADS ONLY IF THE
15 GRAVEL OR DIRT ROAD IS NOT POSTED AS PROVIDED BY LAW. IF A GRAVEL
16 OR DIRT ROAD WAS POSTED AS PROVIDED BY LAW BEFORE NOVEMBER 9, 2006,
17 THAT LEGALLY POSTED SPEED LIMIT REMAINS IN EFFECT UNLESS THE CITY
18 COUNCIL OF A CITY, THE VILLAGE COUNCIL OF A VILLAGE, OR A TOWNSHIP
19 BOARD OF A TOWNSHIP WITHIN WHOSE LIMITS THE GRAVEL OR DIRT ROAD IS
20 LOCATED REQUESTS THAT THE COUNTY ROAD COMMISSION INCREASE THAT
21 SPEED LIMIT AND THE COUNTY ROAD COMMISSION DETERMINES THAT THE
22 INCREASE IS APPROPRIATE. THIS SUBDIVISION DOES NOT APPLY AFTER
23 JANUARY 1, 2014.

24 (2) The state transportation department shall establish the
25 speed upon all trunk line highways located within cities and
26 villages as follows:

27 (a) A written copy of the authorization or determination shall

1 be filed in the office of the county clerk of the county or
2 counties where the highway is located and a certified copy of the
3 authorization or determination shall be prima facie evidence in all
4 courts of the issuance of the authorization or determination.

5 (b) When the state transportation department increases the
6 speed upon a trunk line highway as provided in this act, subject to
7 section 627a, the state transportation department shall place and
8 maintain upon these highways adequate signs giving notice of the
9 permissible speed fixed by the state transportation commission.

10 (3) Local authorities are authorized to decrease the prima
11 facie speed limits to not less than 15 miles per hour in public
12 parks under their jurisdiction. A decrease in the prima facie speed
13 limits is binding when adequate signs are duly posted giving notice
14 of the reduced speeds.

15 (4) Local authorities are authorized to decrease the prima
16 facie speed limits to not less than 25 miles an hour on each street
17 or highway under their jurisdiction that is adjacent to a publicly
18 owned park or playground. A decrease in the prima facie speed
19 limits is binding when adequate signs are duly posted giving notice
20 of the reduced speeds. As used in this subsection, "local
21 authority" includes the county road commission with the concurrence
22 of the township board of a township for a street or highway within
23 the boundaries of the township.

24 (5) The maximum rates of speed allowed under this section are
25 subject to the maximum rate established under section 629b.

26 (6) A person who exceeds a lawful speed limit established
27 under this section is responsible for a civil infraction.

1 (7) As used in this section, "local authority" means the
2 governing body of a city or village, except as provided in
3 subsection (4).