

Legislative Analysis



SPEED LIMITS

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House Bill 6164

Sponsor: Rep. Bettie Cook Scott

House Bill 6165

Sponsor: Rep. Rick Jones

Committee: Urban Policy

Complete to 5-31-10

A PRELIMINARY SUMMARY OF HOUSE BILLS 6164 & 6165 AS INTRODUCED 5-14-10

The bills would amend sections of the Michigan Vehicle Code that deal with the setting of speed limits.

Current speed limit provisions were put into the Code by Public Act 85 of 2006, which generally speaking sets prima facie speed limits and then establishes procedures for establishing speed limits other than those prima facie limits. The Code also sets maximum and minimum limits on freeways and sets maximum limits for specified kinds of vehicles.

The two bills are tie-barred to each other, meaning both would have to be enacted for either to take effect.

House Bill 6165 would amend the Vehicle Code in the following ways.

Section 606

** The bill specifies that all traffic regulations of local authorities must be based on standard and accepted engineering standards as specified in the Manual of Traffic Control Devices adopted by the Department of Transportation and Department of State Police.

Section 627 (Prima facie speed limits)

The prima facie speed limit currently is 25 miles per hour in a public park "unless a different speed is fixed." The bill would say "unless a **higher speed is determined to be appropriate."

** The prima facie speed limit on highways in platted subdivisions or condominium complexes currently is 25 miles per hour "unless a different speed is fixed." The bill would say "unless a **higher** speed is determined to be appropriate." The bill also would say that highways adjacent to such subdivisions and condominium complexes or lying between two or more such areas would not be considered to be within the boundaries of those areas.

** Currently, Section 627 establishes prima facie speed limits as follows:

(1) 25 miles per hour on a highway segment with 60 or more vehicular access points within one half mile.

(2) 35 miles per hour on a highway segment with 45 to 59 vehicular access points within one half mile.

(3) 45 miles per hour on a highway segment with 30 to 44 vehicular access points within one half mile.

Under the bill, highway segments more than one-half mile long with a consistent density of access points equal to the number of access points described in paragraphs (1), (2), and (3) above would have to be posted at the speed specified in that paragraph. A separate determination would have to be made for each adjoining highway segment containing changes in access point density.

The bill also would prohibit the posting of speed limit signs on highways less than one-half mile long. The operator of a motor vehicle on such a highway could proceed "at a careful and prudent speed."

** The bill would eliminate a provision that limits a school bus to 55 miles per hour unless it is being operated on a freeway with a speed limit of 70 miles per hour (in which case the school bus limit is 60 miles per hour).

** The bill specifies that a speed limit would have to be posted at a multiple of five miles per hour and be within five miles per hour of the 85th percentile of speed of free-flowing traffic on the fastest portion of that highway segment. However, the speed limit could not be posted at less than the 75th percentile speed of free-flowing traffic on the fastest portion of the highway segment.

** Under the bill, if a highway has a design speed lower than the 85th percentile of free-flowing traffic, the road authority with jurisdiction could post appropriate advisory speed signs or other warning signs that conform to the Michigan Manual of Uniform Traffic Control Devices on that highway segment. (The term "design speed" is defined by referring to that term as used and determined under policies issued by the American Association of State Highways and Transportation Officials, or AASHTO).

Section 627a (School zones)

Currently, generally speaking, the prima facie speed limit in a school zone is 25 miles per hour if permanent signs are posted at the request of the superintendent of schools. Local officials can increase or decrease the speed limit following procedures set forth in Section 629 of the Code. Under the bill:

** The term "school" would be amended so that it would apply only to an educational institution "for no higher than eighth grade."

** The term "school zone" would be amended so that if two or more schools occupy the same property or adjacent properties, and an engineering study determines the need for a school zone for the schools, one combined school zone would be established if the school days at the schools begin and end at the same time. Overlapping school zones would be established if the school days begin and end at different times.

** Currently, the school zone speed limit is in effect for at least 30 minutes but not more than one hour before the first regularly scheduled school session and again for at least 30 minutes

but not more than one hour after the last regularly scheduled school session. It is in effect during lunch hour when students are allowed to leave school.

Under the bill, the school zone speed limit would be in effect not more than 30 minutes before the first regularly scheduled school session and not more than 30 minutes after the last regularly scheduled school session. It would include lunch "only if" students are allowed to leave the school.

The school zone speed limit could be decreased by not more than 15 miles per hour but could not be less than 25 miles per hour. This would apply if permanent signs designating the school zone and speed limit were posted "based on an engineering and traffic study." (The request of the school superintendent provisions would be eliminated.)

House Bill 6164 would amend the Vehicle Code to do the following.

Section 628 (Absolute speed limits, or modified speed limits)

** The bill eliminates provisions that deal with a superintendent of school's role in the setting of speed limits in a school zone.

** The bill eliminates provisions that allow township boards to petition counties for a change in speed limit on a county highway of less than one mile.

Section 629

** The bill would specify that local authorities could establish a speed limit *based on an engineering and traffic study*; such a speed limit would supersede a prima facie speed limit established in section 627(2).

** A provision that details what complaints or citations must contain when a person is charged with violating "a speed regulation" would be amended to refer to a "posted speed regulation."

** The bill would repeal Section 629b. That section says that the governor can reduce the maximum speed limit on a street, highway, or freeway under an executive order issued during a state of energy emergency as provided by law.

FISCAL IMPACT:

A fiscal analysis is in process.

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