

## DETERMINING SPEED LIMITS

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**House Bill 4733 as introduced**  
**Sponsor: Rep. Bradley Slagh**  
**Committee: Transportation**  
**Complete to 8-29-20**

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

### SUMMARY:

House Bill 4733 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 speaking requires that drivers always keep to a speed that will allow the vehicle to stop safely under current road conditions. Section 627 also provides general speed limits for various types of roads and road situations 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 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 require that the speed limit be rounded to the nearest multiple of five miles an hour *that is within five miles an hour of the eighty-fifth percentile speed*. The bill would also remove the reference to an engineering and safety study.

#### **Floor for speed limits under the code**

Currently, a speed limit cannot be set that is less than the fiftieth percentile speed of free-flowing traffic under ideal conditions on the fastest portion of the highway segment for which the speed limit is being posted. (That is, the speed that half the drivers on a given section of roadway are currently driving at or below.) This lower limit applies to all speed limits under the Michigan Vehicle Code.

The bill would delete this provision. (However, it would provide that speed limits under the jurisdiction of an incorporated city or village could not be set below the fiftieth percentile; see below.)

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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)

**Hazards in incorporated cities or villages**

The bill would allow a speed limit on a highway under the jurisdiction of an incorporated city or village to be set below the eighty-fifth percentile speed if an engineering and safety study conducted by a licensed professional engineer shows a situation in which hazards that threaten public safety are not reflected by the eighty-fifth percentile speed and would not be adequately addressed by warning signs.

However, under no circumstance could a speed limit under the jurisdiction of an incorporated city or village be set below the fiftieth percentile.

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 authorize incorporated cities and villages to establish speed limits lower than the general standard in specified circumstances. The bill does not appear to establish new procedures that would materially affect the cost of speed studies and thus would have no direct fiscal impact on the state or local units of government.

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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.