

HOUSE BILL NO. 4733

June 19, 2019, Introduced by Reps. Slagh, Ellison, Elder, Sabo, Leutheuser, Tate, Chirkun, Calley and Yaroch and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2016 PA 447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the county road commission, the township
2 board, and the department of state police unanimously determine
3 upon the basis of an engineering and traffic investigation that the
4 speed of vehicular traffic on a county highway is greater or less
5 than is reasonable or safe under the conditions found to exist upon



1 any part of the highway, then acting unanimously they may establish
2 a reasonable and safe maximum or minimum speed limit on that county
3 highway that is effective at the times determined when appropriate
4 signs giving notice of the speed limit are erected on the highway.
5 A township board may petition the county road commission or the
6 department of state police for a proposed change in the speed
7 limit. A township board that does not wish to continue as part of
8 the process provided by this subsection shall notify in writing the
9 county road commission. A public record of a traffic control order
10 establishing a modified speed limit authorized under this
11 subsection ~~shall~~**must** be filed at the office of the county clerk of
12 the county in which the limited access freeway or state trunk line
13 highway is located, and a certified copy of a traffic control order
14 ~~shall be~~**is** evidence in every court of this state of the authority
15 for the issuance of that traffic control order. As used in this
16 subsection, "county road commission" means the board of county road
17 commissioners elected or appointed under section 6 of chapter IV of
18 1909 PA 283, MCL 224.6, or, in the case of a charter county with a
19 population of 2,000,000 or more with an elected county executive
20 that does not have a board of county road commissioners, the county
21 executive.

22 (2) In the case of a county highway, a township board may
23 petition the county road commission, or in counties where there is
24 no road commission but there is a county board of commissioners,
25 the township board may petition the county board of commissioners
26 for any of the following:

27 (a) A proposed change in the speed limit without the necessity
28 of a speed study consistent with the methods prescribed for
29 establishing speed limits under section 627.



1 (b) A proposed change in the speed limit consistent with the
2 provisions for establishing speed limits under this section.

3 (c) The posting of an advisory sign or device for the purpose
4 of drawing the attention of vehicle operators to an unexpected
5 condition on or near the roadway that is not readily apparent to
6 road users.

7 (3) The state transportation department and the department of
8 state police shall jointly determine any modified maximum or
9 minimum speed limits on limited access freeways or trunk line
10 highways consistent with the requirements of this section. A public
11 record of a traffic control order establishing a modified speed
12 limit authorized under this subsection ~~shall~~**must** be filed at the
13 office of the county clerk of the county in which the limited
14 access freeway or trunk line highway is located, and a certified
15 copy of a traffic control order ~~shall be~~**is** evidence in every court
16 of this state of the authority for the issuance of that traffic
17 control order.

18 (4) A local road authority shall determine any modified speed
19 limits on local highways consistent with the requirements of this
20 section. A public record of a traffic control order establishing a
21 modified speed limit authorized under this subsection ~~shall~~**must** be
22 filed at the office of the city or village or administrative office
23 of the airport, college, or university in which the local highway
24 is located, and a certified copy of the traffic control order ~~shall~~
25 ~~be~~**is** evidence in every court of this state of the authority for
26 the issuance of that traffic control order.

27 (5) A speed limit established under this section ~~shall~~**must** be
28 determined by ~~an engineering and safety study and by the eighty-~~
29 fifth percentile speed of free-flowing traffic under ideal



1 conditions of a section of highway rounded to ~~the nearest a~~
 2 multiple of 5 miles per hour **that is within 5 miles per hour of the**
 3 **eighty-fifth percentile speed.** ~~A speed limit established under this~~
 4 ~~act shall not be posted at less than the fiftieth percentile speed~~
 5 ~~of free-flowing traffic under optimal conditions on the fastest~~
 6 ~~portion of the highway segment for which the speed limit is being~~
 7 ~~posted.~~ **A speed limit established under this section on a highway**
 8 **under the jurisdiction of an incorporated city or village may be**
 9 **set below the eighty-fifth percentile speed if an engineering and**
 10 **safety study conducted by a professional engineer licensed under**
 11 **article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to**
 12 **339.2014, demonstrates a situation with hazards that threaten**
 13 **public safety, are not reflected by the eighty-fifth percentile**
 14 **speed, and would not be adequately mitigated by warning signs. A**
 15 **speed limit under the jurisdiction of an incorporated city or**
 16 **village must not be set below the fiftieth percentile under any**
 17 **circumstance.**

18 (6) If a highway segment includes 1 or more features with a
 19 design speed that is lower than the speed limit determined under
 20 subsection (5), the road authority may post advisory signs.

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



1 erecting and maintenance, removal, regulation, or control of the
2 sign, signal, or device out of the highway fund designated.

3 (8) Signs posted under this section ~~shall~~**must** conform to the
4 Michigan manual on uniform traffic control devices.

5 (9) A person who violates a speed limit established under this
6 section is responsible for a civil infraction.

7 (10) As used in this section:

8 (a) "County road commission" means any of the following:

9 (i) The board of county road commissioners elected or appointed
10 under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

11 (ii) In the case of the dissolution of the county road
12 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
13 the county board of commissioners.

14 (iii) In the case of a charter county with a population of
15 1,500,000 or more with an elected county executive that does not
16 have a board of county road commissioners, the county executive.

17 (iv) In the case of a charter county with a population of more
18 than 750,000 but less than 1,000,000 with an elected county
19 executive that does not have a board of county road commissioners,
20 the department of roads.

21 (b) "Design speed" means that term as used and determined
22 under "A Policy on Geometric Design of Highways and Streets", ~~sixth~~
23 **seventh** ed., 2011, ~~2018~~, or a subsequent edition, issued by the
24 American Association of State Highway and Transportation Officials.

25 (c) "Local road authority" means the governing body of a city,
26 village, airport, college, or university.

27 (d) "Traffic control order" means a document filed with the
28 proper authority that establishes the legal and enforceable speed
29 limit for the highway segment described in the document.

