

HOUSE BILL NO. 5286

August 18, 2021, Introduced by Reps. Huizenga, Howell and Sabo and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 627 (MCL 257.627), 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 less than is reasonable and proper, having due
4 regard to the traffic, surface, and width of the highway and of any
5 other condition existing at the time. ~~A person~~**An individual** shall

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

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

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

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

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

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

23 (e) Until January 1, 2024, 25 miles per hour on a highway
24 segment that is part of the local street system as designated by a
25 local jurisdiction and approved by the state transportation
26 commission under 1951 PA 51, MCL 247.651 to 247.675, and that is
27 within land that is zoned for residential use by the governing body
28 of an incorporated city or village under the Michigan zoning
29 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another

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

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

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

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

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

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

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

27 (4) Where the posted speed limit is greater than 65 miles per
 28 hour, ~~a person~~ **an individual** operating a school bus, a truck with a
 29 gross weight of 10,000 pounds or more, a truck-tractor, or a truck-

1 tractor with a semi-trailer or trailer or a combination of these
2 vehicles shall not exceed a speed of 65 miles per hour on a limited
3 access freeway or a state trunk line highway.

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

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

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

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

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

1 in section 79d(a) that indicate the speed limit in that work zone
 2 **and comply with the requirements of this subsection**, and shall
 3 identify that work zone with any other traffic control devices
 4 necessary to conform to the Michigan manual ~~of~~**on** uniform traffic
 5 control devices. ~~A person~~**An individual** shall not exceed a speed
 6 limit established under this section or a speed limit established
 7 under section 628. **If a work zone has a speed limit that is**
 8 **enforced only when workers are present, both of the following apply**
 9 **to the speed limit sign required under this subsection for the work**
 10 **zone:**

11 (a) **Must have flashing lights that must be activated when**
 12 **workers are present.**

13 (b) **May have a digital speed limit display that displays the**
 14 **speed limit that is currently being enforced while the digital**
 15 **speed limit display is activated.**

16 (7) The state transportation department, a county road
 17 commission, or a local authority shall decrease the speed limit in
 18 a hospital highway zone by up to 10 miles per hour upon request of
 19 a hospital located within that hospital highway zone. The state
 20 transportation department, county road commission, or local
 21 authority may decrease the speed limit in a hospital highway zone
 22 by more than 10 miles per hour if the decrease is supported by an
 23 engineering and safety study. The state transportation department,
 24 county road commission, or local authority shall post speed limit
 25 signs in a hospital highway zone that indicate the speed limit in
 26 that hospital highway zone and shall identify that hospital highway
 27 zone with any other traffic control devices necessary to conform to
 28 the Michigan manual ~~of~~**on** uniform traffic control devices. If a
 29 change in a sign, signal, or device, is necessitated by a speed

1 limit decrease described in this subsection, the hospital
2 requesting the decrease shall pay the cost of doing so. As used in
3 this subsection, "hospital highway zone" means a portion of state
4 trunk line highway maintained by the state transportation
5 department that has a posted speed limit of at least 50 miles per
6 hour and has 2 or fewer lanes for travel in the same direction,
7 traverses along property owned by a hospital, contains an ingress
8 and egress point from hospital property, and extends not more than
9 1,000 feet beyond the boundary lines of hospital property in both
10 directions in a municipality.

11 (8) Subject to subsection (17), the maximum speed limit on all
12 limited access freeways upon which a speed limit is not otherwise
13 fixed under this act is 70 miles per hour, which shall be known as
14 the "limited access freeway general speed limit". The minimum speed
15 limit on all limited access freeways upon which a minimum speed
16 limit is not otherwise fixed under this act is 55 miles per hour.

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

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

1 maintained, taken down, or regulated as a result of a request by a
2 municipality for a speed limit of 45 miles per hour, the
3 municipality shall pay the costs of doing so. If a municipality
4 located within a county with a population of 1,000,000 or more
5 requests a speed different than the speed described in this
6 subsection, the county road commission, in conjunction with the
7 department of state police and the requesting municipality, may
8 conduct a speed study of free-flow traffic on the fastest portion
9 of the road segment in question for the purpose of establishing a
10 modified speed limit. A speed study conducted under this subsection
11 ~~shall~~**must** be completed between 3 and 14 days after a full gravel
12 road maintenance protocol has been performed on the road segment. A
13 full gravel road maintenance protocol described in this subsection
14 ~~shall~~**must** include road grading and the application of a dust
15 abatement chemical treatment. Following a speed study conducted
16 under this subsection, the speed limit for the road segment ~~shall~~
17 **must** be established at the nearest multiple of 5 miles per hour to
18 the eighty-fifth percentile of speed of free-flow traffic under
19 ideal conditions for vehicular traffic, and ~~shall~~**must** not be set
20 below the fiftieth percentile speed of free-flow traffic under
21 ideal conditions for vehicular traffic. A speed study conducted
22 under this subsection ~~shall be~~**is** the responsibility of the
23 department of state police, and if a sign, signal, or device is
24 erected or maintained, taken down, or regulated as a result of a
25 request by a municipality under this subsection, the municipality
26 shall pay the costs of doing so.

27 (11) A public record of all traffic control orders
28 establishing statutory speed limits authorized under this section
29 ~~shall~~**must** be filed with the office of the clerk of the county in

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

16 (a) The name of the road.

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

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

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

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

29 (13) Nothing in this section prevents the establishment of a

1 modified speed limit after a speed study as described in section
2 628. A modified speed limit established under section 628
3 supersedes a speed limit established under this section.

4 (14) All signs erected or placed under this section ~~shall~~**must**
5 conform to the Michigan manual on uniform traffic control devices.

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

19 (16) ~~A person~~**An individual** who violates a speed limit
20 established under this section is responsible for a civil
21 infraction.

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

1 if an engineering and safety study and the eighty-fifth percentile
2 speed of free-flowing traffic under ideal conditions of that
3 section contain findings that the speed limit may be raised to that
4 speed.

5 (18) As used in this section:

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

9 (b) "Vehicular access point" means a driveway or intersecting
10 roadway.