HOUSE BILL NO. 4012

January 12, 2023, Introduced by Rep. Slagh and referred to the Committee on Transportation, Mobility, and Infrastructure.

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:

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

any part of the highway, then acting unanimously they may establish 1 a reasonable and safe maximum or minimum speed limit on that county 2 highway that is effective at the times determined when appropriate 3 signs giving notice of the speed limit are erected on the highway. 4 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 highway is located, and a certified copy of a traffic control order 13 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 commissioners elected or appointed under section 6 of chapter IV of 17 18 1909 PA 283, MCL 224.6, or, in the case of a charter county with a 19 population of 2,000,000 1,500,000 or more with an elected county 20 executive that does not have a board of county road commissioners, 21 the county executive.

(2) In the case of a county highway, a township board may
petition the county road commission, or in counties where there is
no road commission but there is a county board of commissioners,
the township board may petition the county board of commissioners
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.

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(b) A proposed change in the speed limit consistent with the
 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 office of the county clerk of the county in which the limited 13 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.

(4) A local road authority shall determine any modified speed 18 19 limits on local highways consistent with the requirements of this 20 section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall must be 21 filed at the office of the city or village or administrative office 22 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 the issuance of that traffic control order. 26

(5) A speed limit established under this section shall must be
determined in accordance with traffic engineering practices that
provide an objective analysis of the characteristics of the highway

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and by an engineering and safety study and by the eighty-fifth 1 percentile speed of free-flowing traffic under ideal conditions of 2 a section of on the fastest portion of the highway rounded to the 3 nearest multiple segment for which the speed limit is being posted. 4 5 The speed limit must be in multiples of 5 miles per hour and 6 rounded to a multiple that is within 5 miles per hour of the 7 eighty-fifth percentile speed. A speed limit established under this 8 act shall not be posted at less than the fiftieth percentile speed 9 of free-flowing traffic under optimal conditions on the fastest 10 portion of the highway segment for which the speed limit is being 11 posted, section may be set below the eighty-fifth percentile speed 12 if an engineering and safety study demonstrates a situation with hazards to public safety that are not reflected by the eighty-fifth 13 14 percentile speed, but must not be set below the fiftieth percentile 15 speed.

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

19 (7) If upon investigation the state transportation department 20 or county road commission and the department of state police find 21 it in the interest of public safety, they may order township, city, or village officials to erect and maintain, take down, or regulate 22 23 the speed limit signs, signals, or devices as directed, and in 24 default of an order the state transportation department or county 25 road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or 26 27 controlled, in the manner previously directed, and pay for the 28 erecting and maintenance, removal, regulation, or control of the 29 sign, signal, or device out of the highway fund designated.

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

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

6 (10) As used in this section:

7 (a) "County subsections (2) to (9), "county road commission"
8 means any of the following:

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

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

14 (c) (iii) In the case of a charter county with a population of
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 (d) (*iv*) In the case of a charter county with a population of
18 more 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.

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(11) As used in this section:

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

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

(c) (d)—"Traffic control order" means a document filed with
 the proper authority that establishes the legal and enforceable

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1 speed limit for the highway segment described in the document.