



**House
Legislative
Analysis
Section**

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TOWNSHIP SPEED RESTRICTIONS

**House Bill 5990 (Substitute H-2)
First Analysis (5-9-02)**

**Sponsor: Rep. Ruth Ann Jamnick
Committee: Transportation**

THE APPARENT PROBLEM:

Under current law, speeds on both state trunk lines and county roads are set either by the State Transportation Commission, or the county road commission with respect to highways under its jurisdiction, together with the director of the Department of State Police, upon the basis of an engineering and traffic study. Township officials do not participate in the process that sets speed limits on the roadways within their jurisdictions. (See *BACKGROUND INFORMATION* below).

As the percentage of the state's population that resides in townships has increased to nearly 50 percent, traffic speed and congestion have posed problems for township residents. It is increasingly the case that elected officials in townships often hear directly from their constituents about traffic safety and road speeds. Generally, their constituents request that speeds be lowered and traffic slowed in areas where population density brings matters of traffic safety to the fore. Without legal authority to set the speed limits for traffic within their political jurisdictions, the township officials are unable to aid their constituents directly, and must instead refer them to officials in their county governments.

In order to give elected township officials a formal opportunity to join with state and county officials and set traffic speed limits after a speed study has been conducted, legislation has been introduced.

THE CONTENT OF THE BILL:

House Bill 5990 would amend the Michigan Vehicle Code to allow township boards in six counties to participate in the speed-limit setting process, under certain circumstances.

Currently under the law, the State Transportation Commission, or a county road commission with respect to highways under its jurisdiction, and the director of the Department of State Police, jointly determine safe speeds, based on an engineering and traffic investigation. House Bill 5990 would retain

this provision, and also specify that an eligible township board that wished to be part of the speed-limit setting process with respect to county highways within a township, would be required to notify, in writing, the county road commission (or the county board of commissioners, if there were no county road commission). Then, if the county road commission, the township board, and the director of the Department of State Police determined after an engineering and traffic investigation that the speed of vehicle traffic on a county highway was not reasonable or safe, the officials, acting by a majority vote, could establish a reasonable and safe maximum or minimum speed limit. The speed limit would be in effect when appropriate signs gave notice of the speed limit. The bill also specifies that a township board that did not wish to continue as part of the process could give written notice to the county road commission.

Definition. Under the bill, "eligible township" means a township in any of six counties selected by the Department of Transportation in consultation with the Michigan Township Association. In making the selection the bill specifies that the Department of Transportation would consider the larger counties in population, and counties from a geographic cross-section of the state, and include at least one county from the Upper Peninsula.

Sunset. The bill would not apply beginning two years after its effective date.

Report to the legislature. The bill requires that within 90 days after the sunset, the Department of State Police in conjunction with the county road commissions of the six counties selected, and with the Michigan Township Association, prepare a report concerning the determination of speed limits, and provide the report to the House and Senate committees dealing with issues regarding transportation.

Further, the bill would delete provisions that make reference to a traffic speed study conducted by the

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Departments of Transportation and State Police between July 31 and December 15, 1996, to determine whether the speed limit could be safely raised from 65 miles per hour to 70 miles per hour, on five test zones of freeway miles.

Finally, the bill updates the law to specify that the maximum speed limit on all freeways would be 70 miles per hour except that the Transportation Department could designate up to 170 miles of freeway in the state on which the speed limit was less than 70 miles per hour. Currently under the law, the maximum speed limit on all freeways is 65 miles an hour, and the transportation department can designate up to 170 miles of freeway that is less than 65 miles per hour.

MCL 257.628

BACKGROUND INFORMATION:

Traffic Safety Studies to Set Speed Limits. Currently, the task of setting speed limits on county roads is a shared responsibility requiring the cooperation of state and county officials. Specifically, the Department of State Police is responsible for conducting speed and safety studies, and the county board of road commissioners is charged with setting the speed limit.

When a group of citizens wants a portion of a county road signed and posted with a maximum safe speed limit, they routinely approach their township or county elected officials. If their request is reasonable, the elected officials convey their request to the county board of road commissioners (also sometimes elected). The road commission, in turn, requests that a survey be undertaken by the Michigan Department of State Police Office of Traffic Safety, although the law does not require the state police to act upon such requests. Depending on the survey results--typically an automated traffic tally which is designed to provide speed and trip data--the local unit of government (either township trustees or county commissioners) can adopt a traffic control order to specify the speed limit and the placement of the signs, and then convey that traffic control order to the county road commission.

What's a Safe Speed? Setting safe speeds on county roads in townships is often fraught with controversy. Citizens disagree about safe maximum and minimum speeds. Under state law, the speed limit on county roads outside of residential neighborhoods is usually 55 miles per hour. Some drivers believe that limit is too low, especially in remote county road systems

throughout the Upper Peninsula. Other drivers, however, are equally certain that the 55 mile per hour limit is too high, noting that growing residential neighborhoods abutting more formally appointed suburbs provide homes for families where traffic speed threatens safety.

What's more, township roads are often gravel roads. And although traffic surveys are straightforward and uncomplicated events as research undertakings go, experts in traffic safety point out that weather conditions change a gravel road--rapidly, and regularly. Any maximum safe speed fluctuates considerably, as do the conditions. While the same can be said of weather conditions' effect on paved roadways, arguably the effects are not so varied on paved streets as on gravel roads. (Paved roads seldom "wash out," for example.) Because the range of possible safe speeds is so great (due to weather condition effects), state and local road agencies are reluctant (and some insist unable) to declare maximum safe speeds without incurring the risk of considerable insurance liability exposure. This response from safety officials and traffic engineers at the state and local levels of government has frustrated citizens who live in township neighborhoods where the traffic moves too fast.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the new process for setting speed limits in certain counties has no apparent fiscal impact. The requirement that a report be submitted to the legislature on the new process of setting speed limits could result in additional costs to the Department of State Police. (5-9-02)

ARGUMENTS:

For:

The population growth in townships has increased traffic congestion and speed on once rural roads that often have been designed for far less frequent use. The speed limit for these once rural roads is generally set at 55 miles per hour, unless a traffic study has been undertaken, in which case the speed limit is set at the speed at which 85 percent of the drivers travel the road. Any decision to lower the speed limit is made by the county road commission, acting jointly with the traffic safety officers in the Department of State Police. This bill would include township officials in the decision-making process that sets traffic speeds. The pedestrian versus driver conflicts that result on many township roads often pose safety hazards for those who live along them. When the

threat of hazards increases to an unacceptable level, citizens customarily contact their local township officials to request that the speed limits be reduced. If township officials were included in the decision-making process, it is possible more speed limits would be lowered, based on the evidence collected during a traffic study. The bill could, then, help to slow down the traffic on county roads when those roads pass through township residential areas where the traffic moves too fast. Slower traffic would make conditions safer, most especially for school children who board buses, often before daylight, in rural residential areas.

For:

From the citizens' perspective, the bill would shorten the decision-making process used to lower road speeds, since those with complaints would not have to contact county officials if they had first contacted township trustees, in order to lodge their concerns about traffic and pedestrian safety. The streamlined process gives elected township and county officials an opportunity to work closely together, to more directly address their constituents' requests to reduce county road speeds, and to do so in a more timely manner.

Against:

Many agree that township officials should be included in the decision-making process that sets road speeds. Indeed, in many counties, township officials are already a part of the process during informal deliberations among the county road commissioners and the State Police traffic control officers. However, if the participation of township officials is to be formalized and embodied in the law as this bill proposes, then the new law should not require a majority vote among the three decision-makers. Instead, the bill should be amended to require unanimous agreement by all three parties to lower speeds, following a traffic study. To require a two-thirds majority vote would politicize a process whose strength and effectiveness currently relies on a dispassionate assessment that is based on a traffic survey. Decision-makers would be more apt to ignore nationally recognized traffic safety standards if they feel pressured to revise their speed policies with a public vote, and in response to emotional appeals. Those standards that guide the current policy have been long recognized in courts by judges and litigators. If the standards are ignored under heightened pressure from citizens, lawsuits might ensue, and taxpayers will surely pay the costs when the suits fail because new speeds were set without regard for national traffic safety standards.

Against:

A similar bill, House Bill 4022, was passed by the legislature earlier during this legislative session, but was vetoed by the governor on March 19, 2002. In his veto message to the legislature (printed in its entirety in *House Journal 26*, page 667) the governor states that he has "always been a supporter of sound traffic engineering science." He continues, "I am concerned that, under this legislation, objective facts will be ignored in the face of emotional appeals to alter speed limits. Current statute requires the county road commission and the Department of State Police to jointly determine upon the basis of an engineering and traffic investigation the speed limits on county roadways. This process produces a consistent, statewide standard. The process of setting speed limits is often an emotional issue...Emotionally charged decisions regarding changes in speed limits most often result in speed limits set unreasonably low. This tends to undermine legitimate speed limits and enforcement of traffic safety laws."

Response:

House Bill 5990 is substantially different from the bill vetoed by the governor. Both bills would have required that those who set speeds undertake a traffic safety and engineering study. However, in addition, this legislation would require an empirical investigation, utilizing the methods of scientific inquiry and evaluation, in order to mount a two-year pilot study. That study would enable policymakers to test the idea that including township decision-makers in the decision to undertake a traffic and engineering study would result in unsafe conditions for motorists and pedestrians. It seems unlikely the pilot study would yield the result that is feared by those who support traffic engineering science, since it certainly would not be in the local decision-makers' best interests to create unsafe conditions for their constituents. However, the findings from a pilot study that evaluates the effects of local speed decisions when they are undertaken jointly by township officials, traffic engineers, and law enforcers, would provide the facts needed by policymakers to make an informed judgment about the need to change the current policy and practice.

POSITIONS:

The Michigan Townships Association supports the bill. (5-8-02)

The Department of State Police opposes the bill. (5-8-02)

The County Road Association of Michigan indicated opposition to the bill. (5-8-02)

JCW Consulting (an automotive consulting organization) opposes the bill. (5-8-02)

Analyst: J. Hunault

■ 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.