



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**TOWNSHIP TRAFFIC SPEED
RESTRICTIONS**

**House Bill 4133 (Substitute H-2)
Sponsor: Rep. Philip LaJoy**

**House Bill 4224 (Substitute H-2)
Sponsor: Rep. Ruth Ann Jamnick**

**First Analysis (3-18-03)
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. (See *BACKGROUND INFORMATION* below). Township officials do not participate in the process that sets speed limits on the roadways within their jurisdictions.

There are urban townships in Michigan that have far more population than many towns and villages where officials have the authority to restrict traffic speed. For example, Canton Township in Wayne county has a population of 82,000 people and is the 12th largest community in the state. However, township officials, unlike the officials in nearby villages and towns often smaller in size, have no say when it comes to setting traffic speeds on the roads within their jurisdiction. Instead, they must rely upon the county road commission to take the lead (or in the case of townships in Wayne county where there is no road commission, they must rely upon the county executive).

As the percentage of the state's population residing in townships has increased from 42 percent in 1990, to nearly 50 percent in 2000, the growth has been accompanied by traffic speed and congestion that pose problems for township residents. It is increasingly the case that elected trustees in the townships (rather than officials at the road commission) 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, and also to decrease the speed on some portions of the state's highways where congestion is especially acute, legislation has been introduced.

THE CONTENT OF THE BILLS:

Under current law, speeds on both state trunk lines and county roads are set by the State Transportation Commission, or the county road commission with respect to highways under its jurisdiction, and the director of the Department of State Police, upon the basis of an engineering and traffic study. House Bills 4133 and 4224 would allow the township board to participate in the decision to set traffic speed limits within their jurisdictions. The bills are tie-barred to each other so that neither could become law unless the other also were enacted.

Specifically, the bills would amend the Michigan Vehicle Code to allow the State Transportation Commission and the director of the Department of State Police to work together as they determined safe road speeds on the state's trunk lines highways. Further, the bills would allow a county road commission, a township board, and the director of the Department of State Police to act unanimously as they determined safe speeds on county highways. In both instances, the officials would be required to base any speed limit on an engineering and traffic study.

Under the bills, if the county road commission, the township board, and the director of the Department of State Police jointly determined (upon the basis of an

House Bills 4133 and 4224 (3-18-03)

engineering and traffic investigation) that the speed of vehicular traffic on a county highway was too fast or too slow for conditions, then the officials could act unanimously to establish a reasonable and safe maximum or minimum speed limit. The speed limit would be effective when appropriate signs giving notice of the speed limit were erected.

In addition, House Bill 4133 specifies that if a township board did not wish to continue to be part of the speed-setting decision process, then it would be required to notify the county road commission in writing. [If a county did not have a road commission (as is the case in Wayne County), then the notice would be made to the county executive.]

Further, both bills would delete an out-dated reference in the law to a study, undertaken in 1996, to pilot a speed limit increase on freeway miles within five test zones. This provision states that if the study indicated that certain miles of freeway were eligible for an increased speed limit, those miles of freeway could be increased to 70 miles per hour. Finally, both bills would allow the Department of Transportation to designate up to 170 miles of freeway in the state on which the speed limit could be less than 70 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 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 Is 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 bills have no apparent fiscal impact. (3-13-03)

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 require a majority vote among the three decision-makers. Instead, the bill requires unanimous agreement by all three parties to lower speeds, following a traffic study.

Response:

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.

POSITIONS:

The Michigan Townships Association supports the bill. (3-13-03)

The Department of State Police is neutral on the bill. (3-13-03)

The County Road Association of Michigan supports the bill. (3-14-03)

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.