

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 123 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Bruce Patterson  
Committee: Transportation

Date Completed: 3-18-03

### **RATIONALE**

Under current law, townships have no decision-making authority over speed limits on county roads within their boundaries. Speed limits on county roads are determined by a joint decision of a county road commission and the Director of the Department of State Police. Cities and villages exercise authority over speed limits within their boundaries. Because residents with concerns about traffic speed and public safety often look to their township boards for action, it has been suggested that the law should allow a township board to be involved in decisions to alter speed limits on county highways.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to allow a county road commission, a township board, and the Director of the Department of State Police unanimously to establish a speed limit on a county highway.**

Under the Code, the Director of the Michigan Department of State Police (MSP) and either the State Transportation Commission or, with respect to highways under its jurisdiction, a county road commission, upon the basis of an engineering and traffic investigation, may determine that the speed of vehicular traffic on a State trunk line or county highway is greater or less than is reasonable and safe at an intersection or other part of the highway, and may declare a reasonable and safe maximum or minimum speed limit for the specific location. The bill would retain this provision for highways under the jurisdiction of the State Transportation Commission, and add a separate provision for county highways.

Under the bill, the county road commission, or the county executive of a charter county with a population of 2 million or more that did not have a county road commission, the township

board, and the MSP Director acting unanimously could establish a safe and reasonable minimum or maximum speed limit at an intersection or upon part of a county highway, if they unanimously determined, on the basis of an engineering and traffic investigation, that the speed of traffic on a county highway was more or less than was reasonable and safe. As currently provided, the speed limit would be effective at the times determined when appropriate signs giving notice of the speed limit were erected. A township board could opt out of the process by giving written notice to the county road commission or, if there were no road commission, to the county board of commissioners or county executive.

In addition, the bill would refer to a maximum speed limit of 70, instead of 65, miles per hour on all freeways except where the Michigan Department of Transportation (MDOT) designated a lower limit.

MCL 257.628

### **BACKGROUND**

In the 2001-2002 session, both houses of the Legislature approved House Bill 4022, which was similar to Senate Bill 123. On March 15, 2002, then-Governor Engler vetoed House Bill 4022. The Governor stated in his veto message, "Traffic accidents that receive intense media coverage frequently spur requests for changes in speed limits, regardless of the actual cause of those accidents. Traffic volume and accident data are two critical factors in determining a realistic speed limit. 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." Governor Engler indicated

that the current process for setting speed limits “produces a consistent, statewide standard”.

The Governor also pointed out that townships may have input into the speed limit process under Section 628(2) of the Vehicle Code, which was added by Public Act 167 of 2000. (That section allows a township to petition the county road commission or, if there is none, the county board of commissioners for a proposed change in a speed limit, in the case of a county highway of at least one mile with residential lots having road frontage of 300 feet or less along either side of the highway. The township may petition the road commission or board of commissioners to approve the proposed change without an engineering and traffic investigation.) According to the veto message, this language had been added at the request of townships. The Governor expressed his belief that the new provision should be given more time to address the concerns of the vetoed legislation.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Under the current system for determining speed limits on highways, the State Transportation Commission or county road commission and the MSP conduct a traffic study and generally set the speed limit at the speed at which 85% of the drivers travel. While a traffic study is important in determining the proper speed limit, such a decision also should take into account other factors, such as population growth, development, and zoning ordinances. Local governments are in the best position to provide this information, which would help guide the decision-making process in situations in which the 85<sup>th</sup> percentile rule creates a gray area in setting the speed limit.

Furthermore, residents often take their complaints about speed limits to their township board, not realizing that the township board has no say in the matter. Thus, the township board could serve as the perfect liaison between residents and the MSP. The bill would provide for the involvement of the body that best understands the conditions along a specific stretch of road and the concerns of residents.

### **Supporting Argument**

This bill would address the concern that, under last session’s legislation, local governments would act more from a desire to satisfy public opinion to lower speed limits than on the results of a traffic study. In the previous bill, a majority of the parties involved could have made a speed limit decision. Under Senate Bill 123 (S-1), however, the decision would have to be unanimous, which would remove the political pressure on a county road commission or township regarding what can sometimes be highly emotional issues.

### **Supporting Argument**

By allowing townships to opt out of the speed limit-setting process, the bill would accommodate the needs and interests of different townships. Presumably, most townships would prefer to be involved. Some small or rural townships, however, have part-time officials and might find it impractical or unnecessary to participate in the decision-making process.

### **Supporting Argument**

By referring to a maximum speed limit on all freeways of 70 miles per hour (mph), the bill simply would reflect the actual maximum speed limit. Public Act 320 of 1996 had set the maximum speed limit at 65 mph and required MDOT to establish test zones in which the speed limit could be increased to 70, for purposes of a study. If the study indicated that certain miles of freeway were eligible for an increase, the speed limit on those miles could be increased to 70. This study was completed in December 1996, and the Department subsequently raised the freeway speed limit to 70 mph except in designated areas.

Legislative Analyst: Julie Koval

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

### **A0304\123b**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.