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BILL ANALYSIS

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House Bill 4133 (Substitute H-2 as passed by the House)
House Bill 4224 (Substitute H-2 as passed by the House)
Sponsor: Representative Phillip LaJoy (H.B. 4133)
Representative Ruth Ann Jamnick (H.B. 4224)
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 6-16-03

CONTENT

The bills 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. The bills are tie-barred to each other.

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 bills would retain this provision for highways under the jurisdiction of the State Transportation Commission, and add a separate provision for county highways.

Under the bills, the 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. In the case of a charter county with a population of at least 2 million that did not have a county road commission, House Bill 4133 (H-2) specifies that "county road commission" would mean the county executive. As currently provided, the speed limit would be effective at the times determined when appropriate signs giving notice of the speed limit were erected.

Under House Bill 4133 (H-2), a township board that did not want to continue to be part of this process would have to give written notice to the county road commission.

In addition, the bills 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 House Bills 4133 (H-2) and 4224 (H-2). 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.

Legislative Analyst: Julie Koval

FISCAL IMPACT

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

Fiscal Analyst: Craig Thiel

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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.