

HOUSE BILL No. 5397

October 31, 2007, Introduced by Reps. Sheen, Meekhof, Caul, Miller, Robert Jones, Nitz, Emmons, Acciavatti, Garfield, Meltzer, Shaffer, Proos, Pastor, Robertson, Hansen, Booher, Agema, Stahl, Hoogendyk and Elsenheimer and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2006 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation department and the
2 department of state police jointly determine upon the basis of an
3 engineering and traffic investigation that the speed of vehicular
4 traffic on a state trunk line highway is greater or less than is
5 reasonable or safe under the conditions found to exist at an
6 intersection or other place or upon a part of the highway, the
7 departments acting jointly may determine and declare a reasonable
8 and safe maximum or minimum speed limit on that state trunk line
9 highway or intersection that shall be effective at the times

1 determined when appropriate signs giving notice of the speed limit
2 are erected at the intersection or other place or part of the
3 highway. The maximum speed limit on all highways or parts of
4 highways upon which a maximum speed limit is not otherwise fixed
5 under this act is 55 miles per hour, which shall be known and may
6 be referred to as the "general speed limit".

7 (2) If the county road commission, the township board, and the
8 department of state police unanimously determine upon the basis of
9 an engineering and traffic investigation that the speed of
10 vehicular traffic on a county highway is greater or less than is
11 reasonable or safe under the conditions found to exist upon any
12 part of the highway, then acting unanimously they may establish a
13 reasonable and safe maximum or minimum speed limit on that county
14 highway that is effective at the times determined when appropriate
15 signs giving notice of the speed limit are erected on the highway.
16 A township board that does not wish to continue as part of the
17 process provided by this subsection shall notify in writing the
18 county road commission. As used in this subsection, "county road
19 commission" means the board of county road commissioners elected or
20 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
21 or, in the case of a charter county with a population of 2,000,000
22 or more with an elected county executive that does not have a board
23 of county road commissioners, the county executive.

24 (3) If a superintendent of a school district determines that
25 the speed of vehicular traffic on a state trunk line or county
26 highway, which is within 1,000 feet of a school in the school
27 district of which that person is the superintendent, is greater or

1 less than is reasonable or safe, the officials identified in
2 subsection (1) or (2), as appropriate, shall include the
3 superintendent of the school district affected in acting jointly in
4 determining and declaring a reasonable and safe maximum or minimum
5 speed limit on that state trunk line or county highway.

6 (4) In the case of a county highway of not less than 1 mile
7 with residential lots with road frontage of 300 feet or less along
8 either side of the highway for the length of that part of the
9 highway that is under review for a proposed change in the speed
10 limit, the township board may petition the county road commission
11 or in charter counties where there is no road commission, but there
12 is a county board of commissioners, the township board may petition
13 the county board of commissioners for a proposed change in the
14 speed limit. The county road commission or in charter counties
15 where there is no road commission, but there is a county board of
16 commissioners, the township board may petition the county board of
17 commissioners to approve the proposed change in the speed limit
18 without the necessity of an engineering and traffic investigation.

19 (5) 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 the township
22 board, or city or village officials to erect and maintain, take
23 down, or regulate the speed control signs, signals, or devices as
24 directed, and in default of an order the state transportation
25 department or county road commission may cause the designated
26 signs, signals, and devices to be erected and maintained, taken
27 down, regulated, or controlled, in the manner previously directed,

1 and pay for the erecting and maintenance, removal, regulation, or
2 control of the sign, signal, or device out of the highway fund
3 designated. **THE DETERMINATION OF THE INTEREST OF PUBLIC SAFETY**
4 **UNDER THIS SUBSECTION SHALL INCLUDE CONSIDERATION OF THE PREFERENCE**
5 **OF AFFECTED CITIZENS. THIS PREFERENCE SHALL BE GIVEN THE WEIGHT**
6 **EQUAL TO THE GREATEST WEIGHT GIVEN TO ANY OTHER FACTOR. THE**
7 **PREFERENCE OF AFFECTED CITIZENS SHALL BE THE MAJORITY OF**
8 **PREFERENCES CALCULATED BY DOING BOTH OF THE FOLLOWING:**

9 (A) POLLING ALL PROPERTY OWNERS AND LESSEES OF PROPERTY
10 ABUTTING THE ROADWAY WITHIN 1/2 MILE IN EACH DIRECTION FROM THE
11 LOCATION OF THE PROPOSED SIGN OR SIGNAL THROUGH SURVEYS MAILED TO
12 EACH OWNER AND LESSEE DESCRIBED IN THIS SUBDIVISION, AND COUNTING
13 THE RESULTS RETURNED.

14 (B) NOTIFYING ALL RESIDENTS WITHIN THE CITY, VILLAGE, OR
15 TOWNSHIP IN WHICH THE PROPOSED SIGN OR SIGNAL IS LOCATED, OTHER
16 THAN INDIVIDUALS DESCRIBED IN SUBDIVISION (A), OF THE PROPOSED SIGN
17 OR SIGNAL, AND ADVISING THEM TO CONTACT THE CLERK OF THAT CITY,
18 TOWNSHIP, OR VILLAGE TO STATE A PREFERENCE IN THE MANNER PRESCRIBED
19 BY THE CLERK, WHICH PREFERENCES SHALL BE COUNTED BY THE CLERK.

20 (6) A public record of all speed control signs, signals, or
21 devices authorized under this section shall be filed in the office
22 of the county clerk of the county in which the highway is located,
23 and a certified copy shall be prima facie evidence in all courts of
24 the issuance of the authorization. The public record with the
25 county clerk shall not be required as prima facie evidence of
26 authorization in the case of signs erected or placed temporarily
27 for the control of speed or direction of traffic at points where

1 construction, repairs, or maintenance of highways is in progress,
2 or along a temporary alternate route established to avoid the
3 construction, repair, or maintenance of a highway, if the signs are
4 of uniform design approved by the state transportation department
5 and the department of state police and clearly indicate a special
6 control, when proved in court that the temporary traffic control
7 sign was placed by the state transportation department or on the
8 authority of the state transportation department and the department
9 of state police or by the county road commission or on the
10 authority of the county road commission, at a specified location.

11 (7) A person who fails to observe an authorized speed or
12 traffic control sign, signal, or device is responsible for a civil
13 infraction.

14 (8) Except as otherwise provided in this section, the maximum
15 speed limit on all freeways shall be 70 miles per hour except that
16 if the state transportation department and the department of state
17 police jointly determine upon the basis of an engineering and
18 traffic investigation that the speed of vehicular traffic on a
19 freeway is greater or less than is reasonable or safe under the
20 conditions found to exist upon a part of the freeway, the
21 departments acting jointly may determine and declare a reasonable
22 and safe maximum or minimum speed limit on that freeway that is not
23 more than 70 miles per hour but not less than 55 miles per hour and
24 that shall be effective when appropriate signs giving notice of the
25 speed limit are erected. The minimum speed limit on all freeways is
26 55 miles per hour except if reduced speed is necessary for safe
27 operation or in compliance with law or in compliance with a special

1 permit issued by an appropriate authority.

2 (9) The maximum rates of speed allowed under this section are
3 subject to the maximum rates established under section 629b,
4 section 627(5) to (7) for certain vehicles and vehicle
5 combinations, and section 629(4).

6 (10) Except for the general speed limit described in
7 subsection (1), speed limits established pursuant to this section
8 shall be known as absolute speed limits.