

Ottawa County Road Commission

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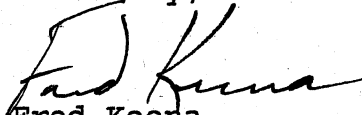
Ms. Jo Kelly, Supervisor
Chester Township
19340 32nd Avenue
Conklin, MI 40403

Dear Ms. Kelly:

Thank you for your July 25th letter requesting clarification of the speed limit on VanDyke Street and Crockery Shores Road. It is the opinion of the Ottawa County Road Commission that both of these streets would be considered to have 25 MPH prima facie speed limits.

Enclosed is some information that details the difference between the several speed limit types in Michigan. If you have any questions after reading this information please contact me.

Sincerely,


Fred Keena
Traffic Engineer

Enc.

Speed Limits

Speed Limit Types

- Basic speed laws
- Prima facie speed laws
- Absolute speed laws

BASIC SPEED LAWS

"A person driving a vehicle on a highway shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. A person shall not drive a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead." MCL 257.627(1)

Assured, Clear distance ahead

Often, the best evidence of a driver's inability to stop is a collision. The ability to stop is measured by several factors:

- Driver's perception
- Road conditions
- The vehicle's braking ability
- Driver's reaction time

Careful and Prudent Speed

The rate of speed that a reasonable person would conclude to be appropriate, considering all conditions:

- weather (ice, snow, rain, etc.)
- traffic (pedestrians, other vehicles)
- road surface condition (rough, wet, icy, etc.)
- vehicle type (braking ability, or stopping distance)
- sight limitation (darkness, hills, curves, fog, etc.)

Doctrine of Sudden Emergency

A driver who suddenly finds himself (or herself) in a place of danger, and is required to act without time to consider the best means that may be adopted to avoid the impending danger, is not guilty of negligence if he (or she) fails to adopt what upon subsequent reflection may appear a better method, unless the emergency is brought about by his (or her) own negligence.

Walker v. Redbeuhr, 255 Mich 204.

PRIMA FACIE SPEED LAWS

- Prima facie is Latin for "on its face."
- If prima facie evidence is not contested, then it is presumed to be fact.
- A defendant may, however, introduce evidence to refute prima facie evidence.

Prima Facie Speed Laws in Michigan

- Speed limits (statutory and posted) that, if exceeded, justify enforcement action.
- Often capricious, they are usually set without traffic investigations.
- Courts in other states have found that prima facie speed laws are constitutional because they accommodate a variety of conditions.

Local Authority

Local authorities may establish or increase prima facie speed limits on highways within their jurisdiction subject to limitations. MCL 257.629(1)

- The prima facie speed limit may not be less than 25 mph unless a street or highway is adjacent to a park or playground. It may then be 15 mph and must be posted.

State Transportation Commission Authority

The state transportation commission may establish prima facie speed limits on all trunk line highways outside of school zones, and within cities and villages outside of business districts. Subject to the following:

- A copy of the authorization or determination is filed with the county clerk.
- Speed limit signs are posted as required by statute. MCL 257.629.

Examples of Prima Facie Speed Laws

- 25 mph- business districts, residential areas, and public parks. MCL 257.627(2)
- 15 mph- mobile home parks. MCL 257.627(4)
- 25 mph- school zones (30-60 minutes before and after the regularly scheduled school session). Speed limit signs are required. MCL 257.627a(2)

Defense of a Prima Facie Speed Law Violation

A court may dismiss the charge of speeding if the accused motorist can prove that his or her actions were safe, reasonable and prudent for the prevailing conditions.

ABSOLUTE SPEED LAWS

May be determined by:

- The State Legislature (maximum speeds for specific areas and specific vehicles are determined).
- A traffic control order (must be as a result of an engineering and traffic investigations including a speed study).

Examples of Absolute Speed Limits Determined by the Legislature

- 55 mph- truck-tractors, trucks, or combinations weighing over 10,000 lbs. MCL 257.627(6)
- 50 mph- school bus (55 mph on a limited access highway or freeway). MCL 257.627(7) & MCL 257.627b
- 45 mph- construction areas. MCL 257.627(9)
- 55 mph- all highways (if maximum speed limit is not otherwise fixed). MCL 257.628(1)

Defense of an Absolute Speed Law Violation

- Unlike prima facie speed laws, the only valid defense available to a motorist who violated an absolute speed law is that the ticket was issued in error.

Examples of Speed Violations:

- Exceeding prima facie or posted speed limit. (MCL 257.629)
- Exceeding statewide speed limits. (MCL 257.628)
- Violating minimum freeway speed law. (MCL 257.628)
- Violating basic speed law. (MCL 257.627)
- Exceeding speed limit in construction zone. (MCL 257.627(9)).

Exemption from Speed Limitations

- Vehicles operated under the direction of the police in emergencies or during a chase.
- Fire department or fire patrol vehicles when traveling in response to a fire alarm.
- Public or private ambulances when traveling in emergencies.
- This exemption applies only when the driver of the vehicle sounds an audible signal and flashes red or blue lights (unless the nature of the mission requires silence).
- This does not protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others. (MCL 257.632)