

Traffic Regulations Guidelines



**PREPARED BY
TRAFFIC AND SAFETY**

June, 2012

"Providing the highest quality transportation services for economic benefit and improved quality of life."

Traffic Regulations Introduction

The Michigan Department of Transportation (MDOT) participates with the Michigan State Police (MSP) in the setting of traffic regulations on state trunklines for speed, parking, and stop control. The basis for these regulations are established by state law in the Michigan Vehicle Code (MVC). These guidelines will outline the regulations and the processes followed by MDOT.

Traffic Control Orders

Traffic Control Order (TCO) documents provide the legal basis for modified speed limits and parking restrictions instituted on state trunkline. Such documents are made legal when co-signed by the directors of the Michigan Department of Transportation (MDOT) and Michigan State Police (MSP). The Michigan Vehicle Code (MVC) provides the basis for modified speed limits in Section 257.628, and parking restrictions in Section 257.675. Temporary traffic regulatory restrictions can also be instituted on state trunkline highway per Section 257.628 of the MVC when a temporary traffic control order is signed by the MDOT Director. See Temporary Traffic Control Orders (TCOs) for further information.

TCOs are issued following a traffic engineering investigation conducted jointly by MDOT and MSP representatives. Although not required by law, a representative from the local affected agency should be invited to participate in the investigation. For further information on the speed limit investigation see Operating Procedures for Establishing Speed Limits on State Trunkline Highways.

A TCO becomes effective upon placement of the necessary regulatory signs. If the signs are already in place, the regulation becomes effective on the date the TCO document is signed. All TCO documents are filed with the county clerk of the county in which the roadway is located.

When a state trunkline is formally abandoned, the roadway agency assuming jurisdiction of the highway accepts responsibility for the highway's existing speed and parking controls. At that time, MDOT will revoke its TCO documents concerning such regulations but will permit signs to remain in place.

Operating Procedures for Establishing Speed Limits On State Trunkline

The following steps are utilized by the department with Michigan State Police (MSP) in establishing a modified speed limit. For more information on speed limits see Establishing Speed Limits.

1. Speed Survey Origination

The speed survey request is initiated by either Michigan State Police (MSP) or Michigan Department of Transportation (MDOT) or responsible local agency due to traffic operational needs. Requests from local governments require a resolution concurring to the study process and results before any speed study will be conducted within their boundaries.

2. Pre-Study Contact with Local Agency

Prior to initiating detailed studies and surveys, the MSP/MDOT survey team will contact local agency representatives to explain the need for a traffic study or survey and solicit local comments. The team will advise the local agency representative of the highways to be studied and request evidence (number of citations and/or hours of surveillance, etc.) of local enforcement efforts which may affect speeds in the survey area. Notification of local agency representatives includes the appropriate city, incorporated village or township administrator, school superintendent when appropriate, and the area's law enforcement organization chief.

The MSP/MDOT survey team will also provide an opportunity for a pre-study meeting with local government representatives. The purpose of the pre-study meeting, when requested, will be to inform those having an interest in the speed limit issue of why a study is necessary, what type of data will be collected, and how the speed limit evaluation will be conducted. The meeting will also provide an opportunity for those interested to comment on the proposed speed study locations, in addition to commenting on crash experience and other factors that may have a significant impact and may warrant further consideration during the evaluation process.

3. Survey

The MSP/MDOT survey team initiates the request for appropriate surveys. MDOT staff will collect data, coordinate and conduct field surveys, and document survey findings.

4. **Field Evaluation**

The MSP/MDOT survey team is to conduct an on-site review of roadway, travel conditions, and other safety considerations of adjacent roadway characteristics along with related crash history.

5. **Post-Study Contact with Local Agency**

When the results of the spot speed study, crash analysis, and field review are available, the MSP/MDOT survey team will again contact local government and law enforcement representatives to discuss the data and proposed speed limit recommendations. All efforts should be made to resolve differences at the Transportation Service Center level, including public presentations of the field evaluation.

6. **Installation of Speed Zone**

- a. If local concurrence is reached to initiate a new or modified speed zone, a Traffic Control Order (TCO) is prepared by MDOT and the signature of the MSP and MDOT directors are obtained.
- b. If local concurrence cannot be reached, MSP and MDOT will explore all opportunities to resolve the issue in an effort to develop a mutually acceptable alternative. However, if concurrence is not feasible the MSP/MDOT survey team will make a joint recommendation to the directors of their respective departments for consideration. This recommendation could include up to the modified speed zone and the issuance of a TCO.

Traffic Control Determinations

The Michigan Vehicle Code (MVC) specifies in Section 257.651 that Stop, Yield, or Merging Traffic signs are required at all entrances to state trunkline from intersecting highways and streets unless approved traffic signals are used for the control of traffic.

At some locations, a more efficient traffic flow can be achieved by requiring traffic on one or more state trunkline legs of an intersection to stop or yield to non-trunkline traffic. In each such case, traffic preference (assignment of right-of-way) must be established by a traffic engineering investigation conducted jointly by Michigan Department of Transportation (MDOT) and Michigan State Police (MSP) representatives. Traffic Control Determination (TCD) documents provide the legal basis for such traffic preference when co-signed by the directors of MDOT and MSP. Field investigations will be carried out by MDOT and MSP

representatives. Although not required by law, a representative from the affected local agency should be invited to participate in the investigations.

At the unsignalized intersection of two or more state trunkline highways, or a state trunkline highway and a road under local jurisdiction, representatives from MDOT and MSP, acting jointly, determine which traffic, if any, shall be given preference. The placement of a stop, yield, or merging traffic sign shall be in accordance with the MVC and the Michigan Manual on Uniform Traffic Control Devices.

A TCD becomes effective upon placement of the necessary regulatory signs. If the signs are already in place, the regulation becomes effective on the date the TCD document is signed.

MDOT also has operational jurisdiction over the intersections of freeway ramps with other highways, whether they be state trunklines, county roads, or city streets. Wherever stop and/or yield signs are required at ramp terminals, a TCD document must be issued.

If the need arises to rescind or revise an existing TCD (e.g., installation of a traffic signal or turnback), MDOT will issue a new TCD or rescind the existing document.

Establishing Speed Limits

The basis of all speed limits predicated upon the nationally accepted principle that the majority of drivers are cautious, prudent and drive at speeds that are reasonable and proper, regardless of the posted speed limit. This “reasonable and proper” theme is part of the Basic Speed Law as set forth in the Michigan Vehicle Code (MVC). In part it reads:

*“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.”
(Section 257.627)*

In other words, motorists must always drive at a speed which allows them to stop safely. The Basic Speed Law governs the speed of all drivers regardless of any posted speed limits. This is an important point because there are several types of speed limits in the State of Michigan as indicated below:

Advisory speed limits are recommended safe driving speeds to alert drivers of

the maximum recommended speed through a curve or for other special roadway conditions. They are posted only in combination with an appropriate warning sign. *Advisory* speeds are not enforceable in Michigan courts except under the *Basic Speed Law* provisions.

Regulatory speed limits are enforceable and are categorized as either statutory or modified.

Statutory speed limits are set either as maximum/minimum speed limits or as *prima facie* restrictions. *Prima facie* is Latin for “on the face of it” and is the speed limit under most conditions. These limits are established by the legislature and apply throughout the State. An example of maximum/minimum speed limits is freeway limits. There are also maximum speed limits set for school buses, heavy trucks and other special vehicles. *Prima facie* restrictions are primarily for residential and business districts and city and village streets and highways.

Modified speed limits are utilized in areas requiring speed limits between the statutory maximum speed limits on state and country roadways and the 25 mph *prima facie* speed limits in business and residential areas. As per Section 257.628 of the MVC, these *modified* speed limits are established by administrative action based upon a traffic engineering study. They can only be set by agencies having legal authority and jurisdiction over the respective roadway. For state trunklines, these agencies are the Michigan Department of Transportation (MDOT) and Michigan State Police (MSP). These *modified* speed limits are often referred to as absolute speed limits and are not to be exceeded regardless of condition.

For a speed limit to be effective, it must accomplish at least one of the following: reduce the crash and fatality rate of a highway, reduce the crash potential of a highway, or reduce the speed differential of vehicles using the highway.

Numerous studies have shown the advisability of setting a speed limit at the 85th percentile speed. Although a reasonable assumption is the 90 percent of all drivers normally obey the basic speed law, the use of the 85th percentile speed allows a “tolerance” of five percent. If there are hidden hazards of any exceptional nature, then a modified speed limit may be set within five to seven mph of the 85th percentile speed. If there are no hazards, then the speed limit should be set to within 2 mph of the 85th percentile, at the closest 5 mph increment.

Speed limit recommendations between adjacent sections of highway outside incorporated cities/villages should generally be made in increments of 10 mph. Inside the incorporated cities/villages these speed limits should be in increments of 5 mph. The number of such changes should be held to a minimum when speed limits are being applied to several adjacent sections of highway.

A speed limit should generally not be recommended when the length of the total zone would be less than one-half of a mile in length. A shorter distance may be considered or even necessary in urban settings where transitional speed limits are enacted as a buffer between high and low speed limits. These transitional zones must be supported by the 85th percentile. In all cases, transitional zones should be posted where the roadside environment changes without regard to city or village limits rather than opting for a shorter zone length.

In many rural areas where urban sprawl is not present, an abrupt change occurs in the driving environment when entering or leaving an urban area and a transitional speed will not be supported by the 85th percentile speed. Unless the driver perceives a reason to slow down, transitional zones are almost completely ineffective. In these cases, advance signing advising the driver of a drop in the speed limit of greater than 10 mph is preferred.

The establishment or review of speed zones originates for a variety of reasons. These may be road construction, changes in land use, violations, crashes, or poor compliance with an established speed limit. A speed study may also be conducted following a particular traffic crash or through periodic reviews. Usually, speed zones are reviewed as a result of concerns expressed by interested citizens who live nearby or drive along the roads in question. Their concerns are referred to the traffic survey team for review.

In regard to road construction, after a state trunkline highway has been relocated or improved, an engineering study in accordance with Section 257.628 of the Michigan Vehicle Code should be made by MDOT and MSP.

If the highway has been relocated, the basic speed law and statutory speed limits will be in effect until special speed limits, if any, are legally established. On a new highway, a temporary speed TCO may be necessary pending the issuance of a permanent TCO. If the highway has been improved (widened, resurfaced, etc.) any existing speed limits will be retained until new ones are legally established.

Temporary Traffic Control Orders (TCOs)

The purpose of temporary Traffic Control Orders (TCOs) is to implement a traffic restriction on a highway to temporarily address a particular situation which is unexpected, hazardous, or of such short duration that immediate action is necessary. They cannot be issued to circumvent or contravene the joint investigation procedure established by Section 257.628 of the Michigan Vehicle Code (MVC). Temporary TCOs should be implemented sparingly and only when emergencies arise such that the normal traffic controls order process would be untimely. These TCOs are intended for short durations and should specify an expiration date.

Reduced Speed Limits for construction projects do not require a temporary TCO when a lane or partial lane needs to be closed to traffic. However, the department should notify local law enforcement, in writing, of the effective dates and location.

In some work zones, speed limit reductions are required even though there are not any lane closures or lane width reductions. When these situations occur, a temporary TCO must be enacted prior to implementing a speed reduction. In these cases, the speed reduction is not legal and enforceable if the temporary TCO is not in place.

Temporary TCOs follow the same process as permanent TCOs, but they are only signed by the Director of Transportation.

Prohibition of Stopping, Standing, or Parking on State Trunkline

Section 257.38 of the Michigan Vehicle Code (MVC) defines parking as follows:

“. . . standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading except when making necessary repairs.”

What this means is that even though a highway is posted with No Parking signs, it is lawful to stop a vehicle for loading or unloading purposes.

If stopping for loading or unloading is undesirable at a specific location or along a given section of highway, No Stopping, Standing, Parking signs would be used to prohibit this practice. This change in operation requires a Traffic Control Order (TCO) governing parking in the area. The existing TCO must either be revised or a new one initiated to reflect the location or section of highway where stopping for loading or unloading purposes is to be prohibited.

See Traffic Control Orders for more information.

Parking Restrictions in Municipalities

Traffic Control Order (TCO) for parking restrictions are not written within any municipality, including any home rule city, whenever an ordinance (if the city has not adopted the Uniform Traffic Code) or local traffic control order (if the code is in effect) is in place from the local government to effect the desired parking prohibition. Appropriate regulatory signs to support these restrictions are required. If the ordinance is rescinded or the local traffic control order revoked, the signs shall be removed immediately.

Whenever a home rule city is unwilling to establish parking restrictions which, in the opinion of the department, are necessary for safe and free movement of traffic, the Michigan Department of Transportation (MDOT) will pursue an engineering study of the area. This study includes volume counts, street and off-street parking availability, crash data experience, and other evidence to support the proposed restriction. If the investigation determines a TCO be issued without local concurrence, the city is notified of this intent, giving the reasons and effective date thereof. Upon notification, the city has the opportunity for a hearing per section 257.675 of the Michigan Vehicle Code to inform the department of their objections and desire for a hearing. If no action is taken by the local governing body within the allowed time, or if a hearing is requested, conducted, and decided in favor of the parking restriction, the traffic control order will be issued and the appropriate signs erected by the department.

If a nonhome rule city or village is unwilling to enact an ordinance to restrict or prohibit parking which an engineering study, conducted in the usual manner by MDOT, and Michigan State Police, has shown to be warranted, the local governing body is informed of the necessity of these restrictions in an effort to gain their concurrence and the TCO is issued and the appropriate signs erected by the department.

The Home Rule Act of 1909 prescribes the charter provisions for home rule cities, which encompass more comprehensive local authority than nonhome rule cities. Broadly defined, a home rule city may exercise any authority not specifically prohibited by state law, while other cities may invoke only such authority as is specifically provided by statute. A minimum of 500 persons per square mile is a prerequisite for home rule. Procedures for Hearings on Traffic Control Orders do not apply to villages.