

THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN respectfully approves the adoption of the following

RESOLUTION

WHEREAS, the County of Berrien, in accordance with MCL 46.11(s), transferred the powers, duties, and functions that are otherwise provided by law for the appointed road commissioners to the County Board of Commissioners (BOC); and

WHEREAS, in accordance with MCL 257.628, the BOC, in that capacity, can receive a petition from a Township Board requesting a proposed change in the speed limit of a county road or a section of road within its Township; and

WHEREAS, in doing so, a Township Board requests that a speed study be initiated on the county road due to increased traffic, increased number of access points, and/or increased difficulty in traffic flow, subject to MCL 257.627 as amended by State Legislators in 2006; and

WHEREAS, the primary basis for establishing a proper speed limit is the nationally recognized method of using the 85th percentile speed or the speed at or below which 85% of the traffic moves which is dictated per MCL 257.628 (5); and

WHEREAS, the Berrien County Road Department, in conjunction with the Department of State Police, must then conduct an engineering and traffic investigation to determine what the 85th percentile speed is of vehicular traffic on that section of road which then becomes the modified speed limit with no discretion to increase or decrease from that result; and

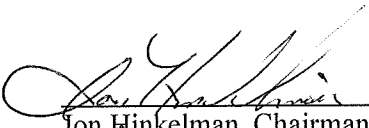
WHEREAS, the results of the speed study must be filed as a traffic control order with the County Clerk's Office and shall be evidence in every court of this state for the issuance of that traffic control order; and

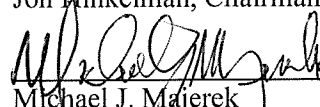
WHEREAS, this modified speed limit, may exceed what the local residents and / or local government's determined as a safe speed limit.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners requests that the Michigan Vehicle Code, P.A. 300 of 1949, be amended to reflect that a County Board of Commissioners which has the powers, duties, and functions that are otherwise provided by law to a Road Commissioner, may request a waiver from the Department of State Police, or have discretion to adjust the results of the modified speed limit, when the findings of an engineering and safety study do not adequately reflect the wishes of the local government and residents based on a combination of seasonal increases in traffic, pedestrian use, neighborhood traffic, and other related issues that should affect the maximum speed limit on a county road.

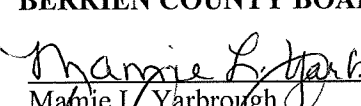
BE IT FURTHER RESOLVED that this resolution be forwarded to Senator John Proos, Representative Kim LaSata, Representative Dave Pagel, the Michigan Association of Counties, the Michigan Township Association, Berrien County townships, and the County Road Association of Michigan.

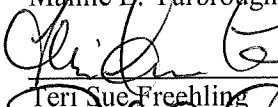
BERRIEN COUNTY BOARD OF COMMISSIONERS


Jon Hinkelman, Chairman

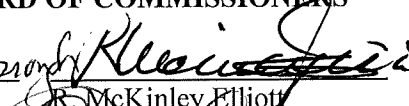

Michael J. Majerek

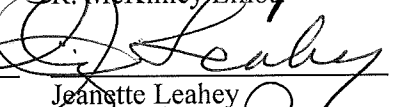

David Vollrath

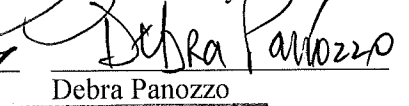

Mamie L. Yarbrough

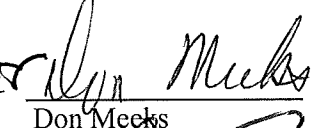

Teri Sue Freehling

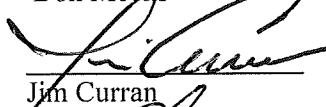

William J. Chickering


R. McKinley Elliott


Jeanette Leahey


Debra Panozzo


Don Meeks


Jim Curran


Ezra A. Scott

RESOLUTION APPROVED AS TO FORM

Administrator W Date 7/25/18

Comments Attached _____

Corporate Counsel W Date 7.25.18