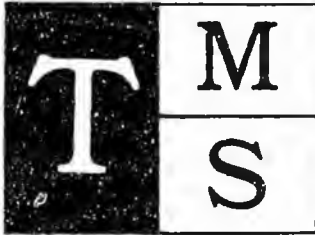


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Transportation & Marketing Systems, Inc.

P.O. Box 770350 • Eagle River, Alaska 99577 • (907) 694-4865

April 3, 1986

The Honorable Dick Shultz
Alaska State Legislature
Box V
Juneau, AK 99811

Dear Mr. Shultz:

I would like to thank the House Transportation Committee for the opportunity of testifying during the teleconference on April 2, 1986. By this letter, I would like to recap my comments during the teleconference as well as other thoughts that I held due to the shortness of time.

First of all, there is a serious question of whether seat belts and compartmentalization are compatible. Of the limited testing that has been done to date, the results have shown more serious complications to potential seat belt occupants versus unbelted occupants. The combination of 24" seat backs, limited seat spacing and belts show the potential for more severe injury in frontal collisions. Again, the concern of retrofitting a bus that wasn't designed with seat belts in mind brings grave doubts as to whether the bus components would be safe with the extra stress of belts.

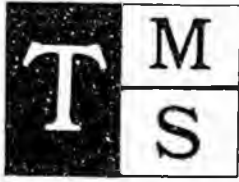
I would like to urge the legislature to consider two recommendations. The first is to urge the Federal Government to immediately implement a comprehensive testing program in two areas. One area would be the retrofitting of existing buses. What are the real safety issues of retrofitting and what would be the safest way of retrofitting an existing bus if a school district so chooses? To what standards would a retrofitting program adhere if a school district so chooses? The second area of testing with a resultant set of standards would be for newly manufactured buses. Again, as in the case of retrofitting, we have no standards established by the Federal Government for seat belts in large school buses.

I would hope that we would learn a lesson from our current insurance crisis. Before we go charging off and requiring seat belts in buses, let's make sure they are indeed safe and that if they are, we have standards that belts and buses must comply with together. Let's not suddenly wake up two years or more down the road and find that we are involved in a crisis situation because we didn't put enough thought into the situation at the time legislation was enacted.

"ALASKA'S TRANSPORTATION PROFESSIONALS"

Pupil Transportation Marketing Management
Fleet Maintenance Sales & Service Charters.

*Give to Sandy's
Staff for mtg's file
on bus seat belts.*



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Another aspect of the school bus seat belt issue is that of priorities. We (Alaska School Transportation Association, Alaska School Bus Safety Commission and other industry professionals) have for the last few years attempted to get a safe minimum standard for school bus driver training. We have also attempted to get funding for a state monitoring and training program for school bus driver training and school bus inspections. We are considering the appropriation and spending of millions of dollars for seat belts, yet we don't have but a minimum effort at best in the areas of school bus driver training and school bus inspections.

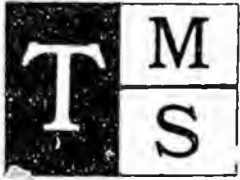
In this time of shrinking oil revenues and budgets, we must put items in order of priority. School districts are cutting elementary swim education programs and other type programs. How many children/adults die in Alaska annually because they don't know how to swim? How does that program stand up in comparison to seat belts in school buses? I'm a parent who has a child who came very close to drowning in one of Alaska's rivers. I can state categorically that I feel there is a much greater danger to my child in and around Alaska's waterways than in riding a "compartmentalized bus." My point is that we must take a strong, unemotional, objective look at our priorities and decide where our largest problems are and where our dollars will make the most significant impact.

I would like to make some comments concerning some of the statements made during the teleconference. The one comment concerning the use of seat belts on buses in the East End Road at Homer brought up an interesting problem. If those roads are so treacherous in the spring and the likelihood of rollovers/accidents is great, why are we allowing buses on the road? Don't the residents know the dangers they are exposing their children to? There is no way that a school bus operator can anticipate and prepare a driver or vehicle under those adverse conditions. I would submit that instead of installing seat belts in buses because the road conditions are particularly dangerous, that the buses should not be operating in those conditions, seat belts or not.

Another comment was made speculating that most accidents in Alaska were of the side impact or rollover type. That speaker obviously did not know what he was talking about. Being an operator in the industry for the last nine years, I can tell you that most of our accidents are either rear or front impacts, the highest percentage being rear impact.

One speaker commented about the seat belt movie "Room to Live" and then went further to state the only difference between buses and cars were that buses were yellow. The movie "Room to Live" does a good job of showing how seat belts enhance safety in cars, but there is little, if any, correlation between cars and buses during impacts. In cars, the mass of the vehicle is small and therefore transmits more of the force in a collision to the passengers. Most passengers are seated at a door and those in front have no padded barricade, just a dash and windshield.

Transportation & Marketing Systems, Inc.



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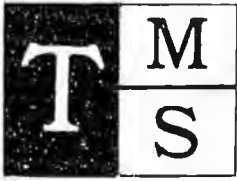
Page 3

In a bus, the passengers are in a padded seat area with little or no exposure to doors. The windows are designed to stay in place and to keep passengers inside. The center of gravity of the bus is higher than most vehicles which in most cases is a positive factor during collisions. And most importantly, the mass of the bus is much greater than an automobile. The bus is able to absorb more of the force in a collision, therefore passing on less force to its passengers. I could not count the number of times I have responded to an accident involving a school bus where the car hitting the back of the bus has extensive damage or had been totaled, yet the bus has no damage or simply a scraped bumper. There are significant differences between automobiles and school buses in collision situations.

The speaker from Fairbanks who referred to two accidents this year in which seat belts would have made a difference was, at best, misinformed. Transportation and Marketing Systems operates the Fairbanks buses and the accident investigation did not show that seat belts would have been a factor in any of our accidents. Unfortunately, we have had more than two accidents in Fairbanks, so it's hard to know which the speaker was talking about, but the highest incidence of accidents involve our buses being struck in the rear.

The engineer from Fairbanks spoke to the conclusion that the parameters for the Canadian testing were set up against seat belts. Specifically he stated that the dummies used were the size that would have the greatest likelihood of hitting the seat with their head and the seat belts weren't necessarily tight across the lap. The seat backs weren't high enough nor were they padded sufficiently. All these factors were supposedly loaded against seat belts. Unfortunately, they were the best representation of the average size of a child. The seat back height was 24", which is the situation you face with virtually every bus in the country if you consider retrofitting and not replacing the seats with 28" backs. The padding on the seats is what we have on virtually every post-1977 bus; that's the federal standard. And as far as the complaint that the belts were not tight, thus enabling the dummies to slide forward, if that was the case, again, welcome to real world situations. How is a bus driver going to insure that every one of his 65 to 71 elementary passengers have their belts snugly around their hips?

In conclusion, there seems to me to be two basic issues. First of all, is there conclusive and comprehensive evidence that seat belts in large buses enhance the total safety environment? If conclusive evidence is presented, then what do manufacturers use to construct new buses?



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The second issue is that of priority. Unfortunately, our state and school districts do not have money to satisfy everybody's needs and wants. If we have extra money to spend, our state is in dire need of funds for school bus driver training programs and inspection programs. I also feel that there are other priorities that come far ahead of seat belts on large capacity school buses.

Cordially yours,

A handwritten signature in cursive script, appearing to read 'Thomas F. Hyatt', written in black ink over a light background.

Thomas F. Hyatt
General Manager - TMSI
Member - Alaska School Bus Safety Commission
President - Alaska School Transportation Association

TFH/cp

CSHB 477(Fin)

A message dated May 1, 1986, was read stating the Senate has passed COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 477 (Finance) (making, amending, and repealing appropriations for energy programs; effective date) with the following amendment:

Page 4, line 19: after "5," insert "6, 7,"

And so, CSHB 477(Fin)amS is transmitted for consideration.

CSHB 477(Fin) will be taken up under Unfinished Business.

CSHB 552(Fin)am *full*

A message dated May 1, 1986, was read stating the Senate has passed:

COMMITTEE SUBSTITUTE FOR HOUSE BILL
NO. 552 (Finance) amended
Relating to setting speed limits and
neighborhood speed zones.

CSHB 552(Fin)am was referred to the Chief Clerk for enrollment.

REPORTS OF STANDING COMMITTEESSCR 43

(Re: HB 382)

The Rules Committee has submitted a zero fiscal note for SENATE CONCURRENT RESOLUTION NO. 43 (suspending Uniform Rules (41(b), 24(c), and 35 of the Alaska State Legislature concerning House Bill No. 382).

SCR 43 appears on today's calendar.

SJR 45

The Labor & Commerce Committee has considered SENATE JOINT RESOLUTION NO. 45 (relating to compensation for injuries to commercial fishermen) and reports it back as follows: Navarre (Chairman), Koponen, Hanley, Pearce, Boucher and Davis recommend do pass.

SJR 45 was referred to the Rules Committee for placement on the calendar.

CSSB 309(Rls)

The Resources Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 309 (Rules) (relating to royalty gas contracts; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 309 (Resources) (same title) and reports it back as follows: Shultz (Co-chairman), M.W. Miller, Jenkins, Pearce, Cato and Thompson recommend do pass; Wallis recommends do not pass; Herrmann recommends do not pass and signed "not enough time spent in Resources on bill".

CSSB 309(Rls) was referred to the Finance Committee.

CSSB 341(Jud)am

The State Affairs Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 341 (Judiciary) amended (relating to state procurement practices and procedures; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 341 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman) and Boucher recommend do pass; Collins recommends do not pass; Navarre and Jenkins have no recommendation.

CSSB 341(Jud)am was referred to the Judiciary Committee.

CSSB 442(Fin)

The Labor and Commerce Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 442 (Finance) (relating to reciprocal insurers that provide marine insurance; effective date) and reports it back as follows: Navarre (Chairman), Koponen, Boucher, Hanley and Davis recommend do pass; Pearce and Collins have no recommendation.

CSSB 442(Fin) was referred to the Finance Committee.

HB 314

The Finance Committee has considered HOUSE BILL NO. 314 (extending the termination date of the Alaska Public Utilities Commission; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 314 (Finance):

"An Act relating to the Alaska Public Utilities Commission Act; and providing for an effective date."

and reports it back as follows: Adams (Chairman), Ringstad, Uehling, Rieger, Frank and Cotten recommend do pass; Szymanski, Duncan, Larson, Pourchot and Binkley have no recommendation.

SB 477 cont'd

CS FOR SENATE BILL NO. 477 (FIN), entitled:

"An Act making a special appropriation to the Alaska Power Authority for reviewing and evaluating Railbelt electric power alternatives; and providing for an effective date."

Senator Faiks, Co-Chairman and Senators Ferguson and Sackett signed "do pass". Senators Kerttula and Paul Fischer signed "no recommendation".

SENATE BILL NO. 477 was referred to the Rules Committee.

HB 552 *file*

The Transportation Committee considered CS FOR HOUSE BILL NO. 552 (FIN) am (setting speed limits and neighbor speed zones) and a majority of the committee recommended do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Faiks, Josephson and Paul Fischer.

CS FOR HOUSE BILL NO. 552 (FIN) am was referred to the Rules Committee.

HB 697

The Community and Regional Affairs Committee considered CS FOR HOUSE BILL NO. 697 (HESS) (prohibiting municipal sales tax on purchases made with food stamps; efd). Senator DeVries, Chairman and Senator Coghill signed "no recommendation". Senators Vic Fischer and Sturgulewski signed "do pass".

CS FOR HOUSE BILL NO. 697 (HESS) was referred to the Health, Education and Social Services Committee.

HB 699

The Finance Committee considered HOUSE BILL NO. 699 (Railbelt energy fund; efd) and a majority of the committee recommended do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Kerttula, Paul Fischer and Sackett. Senator Ferguson signed "no recommendation".

SB 408 cont'd

V. State aid for each district is determined by multiplying the basic need from Step IV by each district's equalized percentage (AS 14.17.021(c)). Equalized percentage for each district is equal to $1 - ((1 - 97\%) \times Vi/Vs)$. Vi equals the full and true value of taxable real and personal property per ADM within a city/borough district and Vs equals the average valuation per ADM for all city/borough districts. State aid must equal at least 97% of basic need. Thus Vi/Vs is effectively capped at 1.00.

General Methodological Procedures: All ADM's and all Instructional Units were rounded upward.

Further, it is the intent of the legislature that the Department of Education exercise its statutory authority to require school districts to submit to the department any information or reports which are reasonably necessary to assist the department in the establishment of a management information system for public schools to provide accurate and consistent data on numbers of students, personnel, revenues, and expenditures for each district.

Further, it is the intent of the legislature that funds remaining in the secondary formula account after the allocation required under AS 14.17.023(a) be used to cover emergency, unique and special education circumstances. For example, the Lake and Peninsula School District faces unique circumstances in providing basic education in its 14 schools. These 14 schools are scattered over a wide area, as large as some states in the lower 48. The schools are not serviced by regular transportation services. The cost of getting basic supplies to the schools can run as high as 300% greater than adjacent school districts, and as much 1000% greater than Alaska school districts which are located in the State's road system.

Further, it is the intent of the legislature that special education circumstances that have an enormous financial impact like Kake School District with three multiple handicapped children should receive funding through AS 14.17.023(b).

Further, it is the intent of the legislature that the Department of Education draft regulations to accommodate these types of unique and special education situations.

SENATE BILL NO. 408 was referred to the Finance Committee.

SB 477

The Finance Committee considered SENATE BILL NO. 477 (special appropriation to the Alaska Power Authority for the Devil Canyon dam project; eid) and recommended it be replaced with

CSHB 552(Fin)

Amendment No. 1 by Phillips:

Page 2, line 2:

Delete "arterial" and add "other"

Page 2, line 3:

Delete "neighborhood" and add "community"

Page 2, line 4:

Delete "neighborhood" and add "community"

Page 2, line 8:

Delete "neighborhood" and add "community"

Representative Phillips moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

CSHB 552(Fin)am

Representative Clocksin moved and asked unanimous consent that CSHB 552(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 552(Fin)am was read the third time.

The question being: "Shall CSHB 552(Fin)am pass the House?"
The roll was taken with the following result:

CSHB 552(FIN)AM

Yeas: 39 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Davis,
Duncan, Frank, Fuller, Furnace,
Goll, Gruenberg, Grussendorf,
Hanley, Herrmann, Hurley, Jenkins,
Koponen, Larson, Marrou, Martin,
Miller, M.M., Miller, M.W., Navarre,
Pettyjohn, Phillips, Pignalberi,
Pourchot, Rieger, Ringstad,
Shultz, Sund, Szymanski, Taylor,
Thompson, Uehling, Wallis

Nays: 1 Pearce

CSHB 552(Fin)am

Excused: 0

Absent: 0

And so, CSHB 552(Fin)am passed the House and was referred to the Chief Clerk for engrossment.

HB 561

HOUSE BILL NO. 561 (relating to public use cabins; effective date) was read the second time with the Resources Committee report (page 2375) and the Finance Committee report (page 2524).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 561 (Finance) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 561(Fin)

Amendment No. 1 by Clocksin and Szymanski:

Page 3, line 9:

Delete "may" and replace with "shall"

Representative Clocksin moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, Amendment No. 1 was adopted.

CSHB 561(Fin)am

Representative Clocksin moved and asked unanimous consent that CSHB 561(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 561(Fin)am was read the third time.

The question being: "Shall CSHB 561(Fin)am pass the House?"
The roll was taken with the following result:

HB 578

The Resources Committee has considered HOUSE BILL NO. 578 (establishing fish and game resource management regions and regional fish and game advisory councils), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 578 (Resources):

"An Act providing for the establishment of fish and game resource management regions and the establishment and operation of regional fish and game advisory councils."

and reports it back as follows: Herrmann (Co-chairman), Wallis, Pearce, Jenkins, Cato and Sund recommend do pass; Shultz, M.W. Miller and Thompson have no recommendation.

A zero fiscal note was attached.

HB 578 was referred to the Finance Committee.

HB 579

The Resources Committee has considered HOUSE BILL NO. 579 (relating to financing of fish processors by the Commercial Fishing and Agriculture Bank), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 579 (Loans) (page 2283) and reports it back as follows: Herrmann (Co-chairman), Wallis, M.W. Miller, Cato and Sund recommend do pass; Pearce recommends do not pass; Thompson, Jenkins and Shultz have no recommendation.

HB 579 was referred to the Finance Committee.

HB 625

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 625 (making a special appropriation relating to mental health trust land; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 625 (HESS):

"An Act making a special appropriation implementing Weiss v. State; and providing for an effective date."

and reports it back as follows: Koponen and Gruenberg (Co-chairs), Taylor and Hurley recommend do pass; Thompson and Hanley have no recommendation.

HB 625 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

The following citation was received:

In Memoriam - Jessie L. Dodson
by Representatives Jenkins, Boucher,
Collins, Furnace, Gruenberg, Hanley,
Martin, Pearce, Pignalberi, Uehling,
Rieger and Clocksin; and Senators
Sturgulewski, Abood and Rodey

The citation was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE RESOLUTIONSHJR 73

HOUSE JOINT RESOLUTION NO. 73 by the Labor and Commerce Committee:

Relating to national regulation of the insurance industry.

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSHB 552

file
HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones) was read the second time with the State Affairs Committee report (page 2469), the Transportation Committee report (page 2490) and the Finance Committee report (page 2623).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Finance) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

May 1, 1986

HB 477 cont'd

Senator Halford moved and asked unanimous consent that CS FOR HOUSE BILL NO. 477 (FIN. am S) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 477 (FIN) am S was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 477 (FIN) am S (making, amending, and repealing appropriations for energy programs; efd) pass the Senate?" The roll was taken with the following result:

CSHB 477 FIN AM S 3RD

Yeas: 17 Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Rodey, Sturgulewski, Zharoff

Nays: 1 Ray

Absent: 2 Sackett, Ziegler

and so, CS FOR HOUSE BILL NO. 477 (FIN) am S passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 477 (FIN) am S was referred to the Secretary for engrossment.

SECOND READING OF SENATE BILLS

SB 486

SENATE BILL NO. 486 (transferring and appropriating certain loans to the power development fund, transferring and appropriating obligations to the power development fund; efd) was read the second time.

Senator Kelly moved and asked unanimous consent that SENATE BILL NO. 486 be returned to the Finance Committee. Without objection, it was so ordered.

May 1, 1986

HB 440

The Resources Committee considered CS FOR HOUSE BILL NO. 440 (FIN) (a recreation management plan implementing the Bristol Bay area plan; efd) and a majority of the committee recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 440 (RES)

and do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Eliason, Zharoff and Vic Fischer. Senator Coghill signed "no recommendation" and Senator Fahrenkamp signed "no recommendation until amended".

CS FOR HOUSE BILL NO. 440 (FIN) was referred to the Finance Committee.

HB 601

The State Affairs Committee considered HOUSE BILL NO. 601 (abolishing inactive boards, councils, commissions, and centers) and recommended do pass. The report was signed by Senator Abood, Chairman and concurred in by Senators DeVries, Vic Fischer, Kelly and Ray.

HOUSE BILL NO. 601 was referred to the Finance Committee.

HB 627

The Resources Committee considered CS FOR HOUSE BILL NO. 627 (RULES) (title am) (appropriation of water) and a majority of the committee recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 627 (RES)

and do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Fahrenkamp, Eliason and Zharoff. Senator Vic Fischer signed "no recommendation".

CS FOR HOUSE BILL NO. 627 (RULES) (title am) was referred to the Rules Committee.

SB 356

The Rules Committee considered SENATE BILL NO. 356 (election campaign financing; efd) and a majority of the committee recommended calendar May 1. The report was signed by Senator Kelly, Chairman and concurred in by Senators Bennett, Coghill and Faiks. Senator Josephson signed "no recommendation".

May 1, 1986

May 1, 1986

SB 356 cont'd

SENATE BILL NO. 356 is on the calendar.

SB 466

The Rules Committee considered SENATE BILL NO. 466 (extending the termination date of the Alcoholic Beverage Control Board; efd) and a majority of the committee recommended calendar May 1. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

SENATE BILL NO. 466 is on the calendar.

SB 486

The Rules Committee considered SENATE BILL NO. 486 (transferring and appropriating certain loans to the power development fund, transferring and appropriating obligations to the power development fund; efd) and a majority of the committee recommended calendar May 1. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

SENATE BILL NO. 486 is on the calendar.

HB 477

The Rules Committee considered CS FOR HOUSE BILL NO. 477 (FIN) (making, amending, and repealing appropriations for energy programs; efd) and a majority of the committee recommended calendar May 1. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

CS FOR HOUSE BILL NO. 477 (FIN) is on the calendar.

HB 552

The Rules Committee considered CS FOR HOUSE BILL NO. 552 (FIN) am (setting speed limits and neighborhood speed zones) and a majority of the committee recommended calendar May 1. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

CS FOR HOUSE BILL NO. 552 (FIN) am is on the calendar.

CONSIDERATION OF THE CALENDAR

SECOND READING OF HOUSE BILLS

HB 552

CS FOR HOUSE BILL NO. 552 (FIN) am (setting speed limits and neighborhood speed zones) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR HOUSE BILL NO. 552 (FIN) am be advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 552 (FIN) am was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 552 (FIN) am (setting speed limits and neighborhood speed zones) pass the Senate?" The roll was taken with the following result:

CSHB 552 FIN AM 3RD

Yeas: 17 Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Ray, Rodey, Sturgulewski, Zharoff

Nays: 0

Absent: 3 Kerttula, Sackett, Ziegler

and so, CS FOR HOUSE BILL NO. 552 (FIN) am passed the Senate, was signed by the President and Secretary and returned to the House.

HB 477

CS FOR HOUSE BILL NO. 477 (FIN) (making, amending, and repealing appropriations for energy programs; efd) was read the second time.

The Finance Committee offered Amendment No. 1 (page 2536).

Senator Faiks moved and asked unanimous consent for the adoption of Amendment No. 1. Without objection, Amendment No. 1 was adopted.

HB 587

and reports it back as follows: Goll (Chairman), Gruenberg and Koponen recommend do pass; Phillips and Marrou have no recommendation. A zero fiscal note and a fiscal note were attached.

The fiscal note appears in House Journal Supplement No. 101.

HB 587 was referred to the Finance Committee.

HB 647

The State Affairs Committee has considered HOUSE BILL NO. 647 (requiring municipalities to establish reporting and inspection programs for hazardous materials and hazardous waste; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 647 (State Affairs):

"An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

and reports it back as follows. Hurley (Chairman), Navarre, M.M. Miller, Jenkins, Boucher, Collins and Cato recommend do pass.

A fiscal note appears in House Journal Supplement No. 101.

HB 647 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

The following citation was received:

In Memoriam - F.H. Green
by Representatives Sund and Taylor;
and Senator Ziegler

The citation was referred to the Rules Committee for placement on the calendar.

INTRODUCTION. FIRST READING AND REFERENCEOF HOUSE BILLSHB 702

HOUSE BILL NO. 702 by the Labor & Commerce Committee, entitled:

"An Act relating to insurance; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

HB 494

The Labor & Commerce Committee has considered HOUSE BILL NO. 494 (relating to liens for labor or materials furnished), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 494 (L&C):

"An Act relating to liens for labor or material furnished."

and reports it back as follows: Navarre (Chairman) recommends do pass; Davis, Pearce and Hanley have no recommendation; Boucher signed "no recommendation without amendments". A zero fiscal note was attached.

HB 494 was referred to the Judiciary Committee.

HB 520

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 520 (relating to public school construction; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 520 (HESS) (same title) and reports it back as follows: Koponen and Gruenberg (Co-chairs), Hurley and Hanley recommend do pass; Thompson, Taylor and Pettyjohn have no recommendation.

A fiscal note appears in House Journal Supplement No. 101.

HB 520 was referred to the Community & Regional Affairs Committee.

HB 552 *file*

The State Affairs Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), Navarre, Boucher, Collins and Jenkins recommend do pass. A zero fiscal note was attached.

HB 552 was referred to the Transportation Committee.

HB 587

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 587 (relating to municipal land entitlements; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 587 (C&RA):

"An Act relating to general grant land entitlements; and providing for an effective date."

File

HB 552

REQUEST

Bill/Resolution No.: CSHB 552 - FIN 1
Title: Re: Setting speed limits
and neighborhood speed zones

FISCAL DETAIL

Agency Affected: DOT&PF
BRU: Design & Construction
Engineering & Operations Standards

Sponsor: Uehling, Martin, Ringstad, et al

Requestor: House Finance Committee

Date of Request: 4/7/86

Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

The Governor's proposed FY 87 budget for DOT&PF is \$166 million. The funds needed to hold the public hearings provided for in this bill can be absorbed within that level of appropriation.

Prepared by: Al Adams, Chair *AAA* Phone: 465-3706
Division: House Finance Committee Date: 4/7/86

Approved by Commissioner: _____ Date: _____
Agency: _____

Revision Date: _____

REQUEST

FISCAL DETAIL.

Bill/Resolution No: CSHB 589 (LAC)
Title: Relating to disability insurance.Agency Affected: Commerce & Economic Development
BRU: InsuranceSponsor: Labor & Commerce CommitteeComponents: Public Protection

Requester: _____

Date of Request: _____

EXPENDITURES / REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	10.0	2.0	2.0	3.2	4.0
CONTRACTUAL	-0-	25.0	25.0	25.0	25.0	25.0
SUPPLIES	-0-	2.0	1.0	1.0	1.0	1.0
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	37.0	28.0	28.6	29.2	30.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	37.0	28.0	28.6	29.2	30.0
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	37.0	28.0	28.6	29.2	30.0

POSITIONS:

FULLTIME	-0-	-0-	-0-	-0-	-0-	-0-
PARTTIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

While there is an increase of the duties of the Director in this legislation, additional positions will not be necessary. Start-up costs cause a higher fiscal impact than subsequent years. The formative needs require more attention by the Director in the form

Prepared by: John L. George, DirectorPhone: 465-2515Division: Division of InsuranceDate: April 7, 1956Approved by Commissioner: Orin H. ...Date: April 7, 1956Agency: Commerce and Economic Development

HB 430 cont'd

"An act regulating audiologists, hearing aid dealers and the dispensing of hearing aids."

was read the first time and referred to the Labor and Commerce Committee and the Finance Committee.

HB 552 *file*

CS FOR HOUSE BILL NO. 552 (FIN) am by the Finance Committee, entitled:

"An Act relating to setting speed limits and neighborhood speed zones."

was read the first time and referred to the Transportation Committee.

HB 561

CS FOR HOUSE BILL NO. 561 (FIN) am by the Finance Committee, entitled:

"An Act relating to public use cabins; and providing for an effective date."
(with House Letter of Intent)

was read the first time and referred to the Resources Committee.

HB 605

CS FOR HOUSE BILL NO. 605 (FIN) by the Finance Committee, entitled:

"An Act establishing the Shuyak State Game Refuge."

was read the first time and referred to the Resources Committee.

HB 627

CS FOR HOUSE BILL NO. 627 (RULES) (title am) by the Rules Committee, entitled:

HB 627 cont'd

"An Act relating to the appropriation of water."

was read the first time and referred to the Resources Committee.

COMMUNICATIONS

Posted 4/10:

PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA STATE BOARD OF DENTAL EXAMINERS dealing with the grading of the clinical examination to implement AS 08.36.190 (supplements March 4 notice of proposed changes)

STANDING COMMITTEE REPORTS

SCR 41

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 41 (Suspending Uniform Rules 41(b), 24(c) and 35 of the Alaska State Legislature concerning Senate Bill 386) and a majority of the committee recommended calendar April 10. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill and Faiks. Senator Kelly further signed "do pass".

SENATE CONCURRENT RESOLUTION NO. 41 is on the calendar.

SJR 45

The Labor and Commerce Committee considered SENATE JOINT RESOLUTION NO. 45 (compensation for injuries to commercial fishermen) and a majority of the committee recommended do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Sackett and Ray.

Fiscal note is zero.

SENATE JOINT RESOLUTION NO. 45 was referred to the Rules Committee.

Alaska State Legislature

ANCHORAGE
DOWNTOWN
DISTRICT TWELVE

AIRPORT HEIGHTS
CITY VIEW
DOWNTOWN
FAIRVIEW
GOVERNMENT HILL
INLET VIEW
SOUTH ADDITION



House of Representatives

Representative

RICK UEHLING

MEMBER

HOUSE FINANCE COMMITTEE

HOUSE SPECIAL COMMITTEE
ON STATE LOANS

HOUSE FINANCE SUBCOMMITTEE ON
ADMINISTRATION, REVENUE
AND THE GOVERNOR'S OFFICE

To: Rep. Bette Cato
Chair, House Transportation Committee
From: Rep. Rick Uehling
Subject: HB 552, "An Act relating to setting speed limits and
neighborhood speed zones"
Date: March 24, 1986

I have asked staff to provide the following background and information regarding HB 552, "An Act relating to setting speed limits and neighborhood speed zones":

HB 552 would require DOT to consider the presence of neighborhoods, schools, parks, and pedestrian traffic when setting speed limits. I refer to this concept as Neighborhood Speed Zones.

Our State law charges DOT with setting speed limits but the Legislature has never given DOT any indication of what factors it should consider when setting speed limits. As a result, speed limits are decided according to DOT internal policies called policies and procedures. With the State spending hundreds of millions of dollars on new roads across the State, it is more important now than ever that there be some protections built into the system for our neighborhoods.

This legislation is the outgrowth of work spent over the interim trying to get DOT to respond to traffic problems in our Downtown district. It was extremely frustrating to realize we had no protections built into the system for our neighborhoods. Local residents have no where to turn in statute or regulation to support their attempts to get DOT engineers to respond to neighborhood concerns about the safety of streets. Neighborhood Speed Zones (HB552) will be an important protection, not just for the safety of our Streets in Anchorage, but throughout the state as well.

Changes were made by the House State Affairs Committee to insure that DOT responds to the concerns of local government and neighborhood organizations by providing for public notice and the holding of public hearings.

The House Transportation Committee Substitute reorganizes the structure of the House State Affairs Committee in a clarifying manner. I support the House Transportation Committee Substitute and would ask that the Committee adopt amendment number one. This amendment allows the title to be returned to it's original form after Legal affairs changed it without consulting anyone.

Amendment 1 to CS HB 552 (Transportation)
by Uehling

Ins. 6 and 7

Delete "safe " and insert "neighborhood"

"An Act relating to setting speed limits and [safe] neighborhood
speed zones"

This amendment returns the title to its original form. It was
changed by Legal services without the concurrence of the sponsor
or committee staff.

Ln. 15 and 16

Delete "Safety Factors" and insert "Speed Zones"

Sec. 19.10.072. Neighborhood [Safety Factors] Speed Zones And
Local Hearing Process

2,

BILL SHEFFIELD, GOVERNOR

P.O. Box Z
Juneau, Alaska 99811

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
ENGINEERING AND OPERATIONS STANDARDS DIVISION

PHONE (907) 465-2951

Elaboration on DOT&PF Position Paper on House Bill No. 552,
"An Act Relating to Setting Speed Limits
and Neighborhood Speed Zones"

The DOT&PF "Position Paper" on HB 552 cites several authoritative sources which explain the traffic and safety engineering concepts nationally accepted for the establishment of safe speed zones. The DOT&PF policy (P&P 70-7003) summarizes the accepted criteria, and further elaborates on the reasons that these principles insure the safest and most efficient movement of traffic.

Numbers 1 and 2 of the proposed Section 19.10.072 contain criteria that are indirectly addressed through special consideration of these factors in the requisite speed profile study (see paragraph two of Section 2.b., page 2, of P&P 70-7003).

Number 4 of the amendment is exactly what the traffic and safety engineering techniques are designed to insure. The body of engineering knowledge available indicates that a speed zone set according to our policy produces the condition indicated in Number 4. (See second and third full paragraphs of page 3 of the P&P.)

It does not appear practicable to rationally alter speed limits based on some judgement of enforcement effectiveness as recommended in Number 3. And as stated in the last paragraph on page 2 of P&P 70-7003, a limit set other than by scientific means would be difficult to enforce. Nevertheless, properly set speed limits need enforcement to control that small percent of drivers who are not reasonable and prudent as pointed out in the last paragraph of Section 2 on page 3 of the P&P.

There is no way to quantify the effects of the specific criteria in the amendment, and therefore the application of these considerations would be subject to individual judgement and ambiguous interpretation.

As the Position Paper points out, the essentials of the proposed amendment to AS 19.10 are already covered in our policy which, by complying to accepted safety engineering principles, provides the best protection to the public and the best defense for the State against tort claims actions.

FISCAL NOTE?

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 552

NEUTRAL

March 3, 1986

HB 552 - "An act relating to setting speed limits and neighborhood speed zones."

This legislation is considered unnecessary as current laws and regulations provide specific criteria for determining safe speed limits and safe speed zones. Regulations established by 13 AAC 02.275 mandate that unless otherwise posted, maximum speed limits shall be as follows:

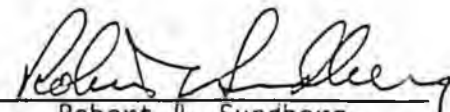
- 1) 15 miles per hour in an alley
- 2) 20 miles per hour in a business district
- 3) 25 miles per hour in a residential district
- 4) 55 miles per hour on any other roadway

Alterations of speed limits by the State and municipalities are provided for in 13 AAC 02.280 and based upon engineering and traffic investigations.

The speed limit for school, park and playground zones is established through 13 AAC 02.325.

Traffic engineer studies conducted by the Department of Transportation and Public Facilities in determining safe speed limits for a specific roadway include the already established regulations as well as the geophysical characteristics of that roadway and the presence of driveways, multi-turn locations and roadside obstacles.

Moreover, the amendment in Section 19.10.070 is redundant in that all posted highways are safe speed zones. A 55 MPH posted roadway is a speed zone that is determined as a safe speed limit for that particular highway, just as a speed zone for a school area of 20 MPH is considered a safe speed limit based upon the presence of schools, parks, crosswalks and pedestrian traffic.


 Robert J. Sundberg

HOUSE
COMMITTEE REPORT

(:)

Date referred: 3/24/86

FURTHER REFERRALS: FINANCE

DATE: _____

The TRANSPORTATION Committee has considered HB 552

"An Act relating to setting speed limits and neighborhood speed zones."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 552 (TRSP) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Betty Cato

Mr. Liguori

W. F. W. Mc

A. V. M. MARROU

Dick Smith

SIGNING OTHER RECOMMENDATIONS:

Michael

Betty Cato

Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB No. 552 (SA)
 Title : An Act Relating to Setting
Speed Limits and Neighborhood Speed
Zones
 Sponsor : Uehling, Martin, Ringstad, et. al.
 Requestor : _____
 Date of Request : February 24, 1986

FISCAL DETAIL

Agency Affected : DOT&PF
 BRU : Design and Construction
Engineering and Operations Standards
 Components : Traffic and Safety

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

On-site engineering studies of varying complexity are already required in the appropriate establishment of all speed zones. Therefore, no significant impact on expenditures can be anticipated.

John Johnson, Director 2/21/86

Prepared by : Gordon G. Hayes Phone : 465-2968
 Division : Engineering & Operations Standards Date : February 21, 1986

Approved by Commissioner : [Signature] Date : 2/25/86
 Agency : Transportation and Public Facilities

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 24, 1986

MEMORANDUM

TO: Representative Rick Uehling
ATTN: David Cobb
FROM: Mary Jennings *mg*
Legislative Analyst
RE: Speed Limits in Other States
Research Request 86-113

You requested information regarding regulations and policies in other states which guide how speed limits are set, specifically, in parks, schools, and neighborhoods with children. You requested we examine policies in Arizona, California, Connecticut, Massachusetts, New York, Oregon, and Virginia.

Conclusions

Arizona, California, Massachusetts, Oregon, Virginia, and Washington have statutes that set speed limits in business, residential, and school areas.¹ In Connecticut and New York, the speed limit for state highways in these areas is set by the State Department of Transportation (DOT). Oregon was the only state that had a statute specifically applying to state highways in parks.

Arizona. According to statute, the speed limit for state highways in business or residential districts is 25 miles per hour (mph) and in school zones with children present the limit is 15 mph. Local authorities set the limits for roads within their jurisdiction, but cannot raise or lower speed limits by increments of more than 10 mph.

California. Speed limits are addressed in the California Vehicle Code. For state highways in residential or business districts the speed limit

¹For various state definitions of these areas see Attachment A.

Representative Uehling
February 24, 1986
Page Two

is 25 mph and the limit in school zones with children present is 25 mph. Local authorities may determine a different speed for roads in their jurisdiction under procedures set forth in the Vehicle Code.

Connecticut. In Connecticut, the DOT has the authority to set speed limits on state highways in residential, business, and school areas. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT.

Oregon. For state highways in residential and business districts and state roads in parks and beaches, Oregon statute sets the speed limit at 25 mph. In school zones with children present the limit is 20 mph. The Oregon State Speed Control Board approves speed limits set by local authorities for roads under local jurisdiction.

Massachusetts. According to statute, the speed limit for state highways inside a residential or business district is 30 mph. In a school zone, the limit is 20 mph. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT and the Registry of Motor Vehicles.

New York. The DOT sets speed limits for state highways in business, residential, and school areas. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT.

Virginia. According to statute, the speed limit for state highways in business or residential districts is 25 mph. In schools zones with children present, the limit is 25 mph. Speed limits for roads under the jurisdiction of local authorities are set by the local authorities.

Washington. The Standard Speed Statute in Washington sets a limit of 25 mph for state highways in cities or towns. In school zones with children present, the limit is 20 mph. Speed limits for roads under the jurisdiction of local authority must be approved by the State Maintenance Engineer of the DOT.

I have attached pertinent statutes from California, Connecticut, Massachusetts, and Virginia. For your interest, I have also attached pertinent statutes from Indiana, Hawaii, Louisiana, and Pennsylvania. I hope you find this information useful. If you have any questions or if we can be of further assistance, please contact our office.

MJ

Attachments

Attachment A

Definitions from various states of business, residential and school areas.

Business

The California Vehicle Code defines business district as, "that portion of highway and the property contiguous thereto (a) upon one side of which highway, for distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of the highway exists."

Residential

The California Vehicle Code defines residence district as, "that portion of highway and the property contiguous thereto, other than a business district (a) upon one side of which highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to length of the highway exists."

Massachusetts statute defines residential area as, "a thickly settled district."

Oregon statute defines a residential area as, "highway that has solid residential type dwellings for 300 feet on both sides of the highway."

School Zone

Virginia statute defines school zone as, "between portable signs, tilt-over signs, or fixed blinding signs placed in or along any highway bearing the word 'school' or 'school crossing'."

The California Vehicle Code defines school zone as, "When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard 'SCHOOL' warning sign, while children are going to or leaving the school either during school hours or during the noon recess period...when passing any school grounds which are not separated from the highway by fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard 'SCHOOL' warning sign."

Attachment B

Statutes pertaining to the setting of speed limits.

California Vehicle Code

§ 22102

— 424 —

Div. 11

movement, in which event notice as applicable to such additional traffic lane shall be given by any official traffic control device.

(c) When right- or left-hand turns are prohibited at an intersection notice of such prohibition shall be given by erection of a sign.

(d) When official traffic control devices are placed as required in subdivisions (b) or (c), it shall be unlawful for any driver of a vehicle to disobey the directions of such official traffic control devices.

Amended Ch. 481, Stats. 1963. Effective September 20, 1963.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

U-Turn in Business District

22102. No person in a business district shall make a U-turn, except at an intersection, or on a divided highway where an opening has been provided in accordance with Section 21651.

Amended Ch. 1312, Stats. 1961. Effective September 15, 1961.

Amended Ch. 622, Stats. 1970. Effective November 23, 1970.

U-Turn in Residence District

22103. No person in a residence district shall make a U-turn when any other vehicle is approaching from either direction within 200 feet, except at an intersection when the approaching vehicle is controlled by an official traffic control device.

Amended Ch. 255, Stats. 1963. Effective September 20, 1963.

Amended Ch. 622, Stats. 1970. Effective November 3, 1970.

Turning Near Fire Stations

22104. No person shall make a U-turn in front of the driveway entrance or approaches to a fire station. No person shall use the driveway entrance or approaches to a fire station for the purpose of turning a vehicle so as to proceed in the opposite direction.

Amended Ch. 622, Stats. 1970. Effective November 23, 1970.

Unobstructed View Necessary for U-Turn

22105. No person shall make a U-turn upon any highway where the driver of such vehicle does not have an unobstructed view for 200 feet in both directions along the highway and of any traffic thereon.

Amended Ch. 622, Stats. 1970. Effective November 23, 1970.

Amended Ch. 64, Stats. 1972. Effective March 7, 1973.

Starting Parked Vehicles or Backing

22106. No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

Turning Movements and Required Signals

22107. No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

Amended Ch. 1996, Stats. 1959. Effective September 18, 1959.

Duration of Signal

22108. Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning.

Signal When Stopping

22109. No person shall stop or suddenly decrease the speed of a vehicle on a highway without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

Method of Signaling

22110. The signals required by this chapter shall be given either by means of the hand and arm or by a signal lamp, but when the body or load on any vehicle or combination of vehicles projects 24 inches or more to the left of the center of the steering wheel so that a hand and arm signal would not be visible both to the front and rear of such vehicle or combination of vehicles, or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle or vehicles, then the vehicle or vehicles shall be equipped with, and signals shall be given by, a signal lamp, except that implements of husbandry need not be equipped with signal lamps, but drivers of implements of husbandry shall give a hand and arm signal when required by this chapter.

Amended Ch. 118, Stats. 1961. Effective September 15, 1961.

Amended Ch. 1012, Stats. 1965. Effective September 17, 1965.

Amended Ch. 859, Stats. 1967. Effective November 8, 1967.

Hand Signals

22111. All required signals given by hand and arm shall be given from the left side of a vehicle in the following manner:

(a) Left turn—hand and arm extended horizontally beyond the side of the vehicle.

(b) Right turn—hand and arm extended upward beyond the side of the vehicle, except that a bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.

(c) Stop or sudden decrease of speed signal—hand and arm extended downward beyond the side of the vehicle.

Amended Ch. 153, Stats. 1963. Effective September 20, 1963.

Amended Ch. 751, Stats. 1976. Effective January 1, 1977.

Schoolbus Signal

22112. The driver of a schoolbus shall operate the flashing red signal lamps required on the schoolbus at all times when children are unloading from the schoolbus to cross a highway or private road or when the schoolbus is stopped for the purpose of loading children who must cross a highway or private road to board the schoolbus, except that the signal lamps shall not be operated at any place where traffic is controlled by a traffic officer or official traffic control signal. The schoolbus signal lamps shall not be operated at any other time.

Amended Ch. 553, Stats. 1977. Effective January 1, 1978.

Amended Ch. 813, Stats. 1981. Effective January 1, 1982.

Local Authorities

22113. This chapter does not prevent local authorities, by ordinance, from prohibiting the making of any turning movement by any vehicle at any intersection or between any designated intersections.

CHAPTER 7. SPEED LAWS**Article 1. Generally****Temporary Maximum Speed Limit**

22348. (a) Notwithstanding Section 22349, 22356, or any other provision of this chapter ()¹, no person shall drive a vehicle upon a highway at a speed greater than 55 miles per hour.

(b) Any person who ()² drives a vehicle upon a highway at a speed greater than 100 miles per hour is guilty of an infraction punishable, as follows:

(1) Upon a first conviction of a violation of this subdivision, by a fine of not to exceed five hundred dollars (\$500). The court may also suspend the privilege of the person to operate a motor vehicle for a period not to exceed 5 days pursuant to Section 13200.5.

(2) Upon a conviction under this subdivision of an offense which occurred within three years of a prior offense resulting in a conviction of an offense under this subdivision, by a fine of not to exceed five hundred dollars (\$500). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to subdivision (a) of Section 13355.

(3) Upon a conviction under this subdivision of an offense which occurred within five years of two or more prior offenses resulting in convictions of offenses under this subdivision, by a fine of not to exceed five hundred dollars (\$500). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to subdivision (b) of Section 13355.

(c) Any vehicle subject to Section ()³ 22406 shall be driven in a lane designated pursuant to Section 21655, or if no lane has been so designated, in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb. When overtaking and passing another vehicle proceeding in the same direction, ()⁴ the drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under ()³ this code. If, however, specific lane or lanes have not been designated on a divided highway having four or more clearly marked lanes for traffic in one direction, any such vehicle may also be driven in the lane to the immediate left of ()⁴ the right-hand lane, unless otherwise prohibited under ()³ this code. This subdivision ()⁵ does not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering into or exiting from a highway or to a driver who ()⁶ is required necessarily to drive in a lane other than the right-hand lane to continue on his intended route.

(d) This section shall remain in effect 120 days from the date that the 55-mile-per-hour national maximum speed limit, as specified in Section 154 of Title 23 of the United States Code, is repealed.

Added Ch. 1218, Stats. 1973. Operative January 1, 1974.

Amended Ch. 153, Stats. 1975. Effective June 28, 1975 by terms of an urgency clause.

Amended Ch. 217, Stats. 1978. Effective June 8, 1978 by terms of an urgency clause.

Amended Ch. 980, Stats. 1983. Effective January 1, 1984.

Amended Ch. 276, Stats. 1984. Effective January 1, 1985.

The 1984 amendment added the italicized material and at the point(s) indicated deleted the following:

¹ "to the contrary"

² "violates subdivision (a) by driving"

³ "to the provision of"

⁴ "such"

⁵ "shall"

⁶ "must"

Basic Speed Law

22350. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Amended Ch. 252, Stats. 1963. Effective September 20, 1963.

Speed Law Violations

22351. (a) The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.

(b) The speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

Prima Facie Speed Limits

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign.

Amended Ch. 1996, Stats. 1959. Effective September 18, 1959. Supersedes Ch. 11.

Amended Ch. 330, Stats. 1961. Effective September 15, 1961.

Amended Ch. 409, Stats. 1963. Effective September 20, 1963. Supersedes Ch. 397.

Amended Ch. 813, Stats. 1981. Effective January 1, 1982.

Decrease of State Highway Limits

22354. Whenever the Department of Transportation determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than reasonable or safe upon any portion of a state highway where the limit of 65 miles is applicable, the department may determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

Amended Ch. 11, Stats. 1959. Effective September 18, 1959.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Variable Speed Limits

22355. Whenever the Department of Transportation determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform to the standards and specifications established by regulations of the Department of Transportation pursuant to Section 21400, but shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

Amended Ch. 11, Stats. 1959. Effective September 18, 1959.

Amended Ch. 78, Stats. 1973. Effective January 1, 1974.

Increase of Freeway Limit

22356. Whenever the Department of Transportation, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey on existing freeway segments, or upon the basis of ()¹ appropriate design standards and projected traffic volumes in the case of newly constructed freeway segments, that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway, or portion thereof, which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the ()² Department of Transportation, with the approval of the Department of the California Highway Patrol, may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon ()³ that highway at a speed greater than 70 miles per hour.

Repealed Ch. 11, Stats. 1959. Effective September 18, 1959.
 Added Ch. 1735, Stats. 1963. Effective September 20, 1963.
 Amended Ch. 78, Stats. 1967. Effective November 8, 1967.
 Amended Ch. 632, Stats. 1969. Effective November 10, 1969. Supersedes Ch. 91 and Ch. 138.
 Amended Ch. 545, Stats. 1975. Effective January 1, 1975.
 Amended Ch. 579, Stats. 1984. Effective January 1, 1985.
 The 1984 amendment added the italicized material and at the point(s) indicated deleted the following:

- ¹ "approaching"
- ² "Secretary of the Business and Transportation Agency"
- ³ "such"

Increase of Local Limits

22357. Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. The provisions of this section shall not apply in respect to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof.

Amended Ch. 11, Stats. 1959. Effective September 18, 1959.
 Amended Ch. 631, Stats. 1969. Effective November 10, 1969.

Decrease of Local Limits

22358. Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Amended Ch. 11, Stats. 1959. Effective September 18, 1959.

Decrease on Narrow Street

22358.3. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, the local authority may, by ordinance or

resolution determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Added Ch. 1614, Stats. 1963. Effective September 17, 1963.
 Amended Ch. 1095, Stats. 1972. Effective March 7, 1973. Supersedes Ch. 372.

Decrease of Local Limits Near Schools

22358.4. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour established by paragraph (2) of subdivision (b) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by such survey. No such ordinance or resolution shall be effective until appropriate signs giving notice thereof are erected upon the highway nor, in the case of a state highway, until such ordinance is approved by the Department of Transportation and such signs are erected upon the highway.

Added Ch. 102, Stats. 1974. Effective January 1, 1975.

Downward Speed Zoning

22358.5. It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning, as the basic rule of Section 22350 is sufficient regulation as to such conditions.

Added Ch. 11, Stats. 1959. Effective September 18, 1959.

Boundary Line Streets

22359. With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under Sections 22357 and 22358 shall be effective as to any such portion until all authorities having jurisdiction of the portions of the street concerned have approved the same. This section shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

Amended Ch. 209, Stats. 1963. Effective April 29, 1963.

Linking Districts on Local Highways

22360. Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of a highway other than a state highway for a distance of not exceeding 2,000 feet in length between districts, either business or residence, the local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 65 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street or highway.

Amended Ch. 11, Stats. 1959. Effective September 18, 1959.

Multiple-Lane Highways

22361. On multiple-lane highways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in Sections 22354 to 22359, inclusive.

Amended Ch. 209, Stats. 1963. Effective April 29, 1963.

Speed Limit Where Persons at Work

22362. It is prima facie a violation of the basic speed law for any person to operate a vehicle in excess of the posted speed limit upon any portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or his employees, are at work on the roadway or within the right-of-way so close thereto as to be endangered by passing traffic. This section applies only when appropriate signs,

indicating the limits of the restricted zone, and the speed limit applicable therein, are placed by such agency within 400 feet of each end of such zone. The signs shall display the figures indicating the applicable limit, which shall not be less than 25 miles per hour, and shall indicate the purpose of the speed restriction. Nothing in this section shall be deemed to relieve any operator of a vehicle from complying with the basic speed law.

Amended Ch. 515, Stats. 1970. Effective November 23, 1970.

Restrictions Because of Snow or Ice Conditions

22363. Notwithstanding any speed limit that may be in effect upon the highway, the Department of Transportation in respect to state highways, or a local authority with respect to highways under its jurisdiction, may determine and declare a prima facie speed limit of 40, 35, 30, or 25 miles per hour, whichever is found most appropriate and is reasonable and safe based on the prevailing snow or ice conditions upon such highway or any portion thereof. Signs may be placed and removed as snow or ice conditions vary.

Amended Ch. 515, Stats. 1970. Effective November 23, 1970.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Lane Speed Limits

22364. Whenever the Department of Transportation determines, upon the basis of an engineering and traffic survey, that the safe and orderly movement of traffic upon any state highway will be facilitated by the establishment of different speed limits for the various lanes of traffic, the department may place signs upon the state highway, or any portion thereof. The signs shall designate the speed limits for each of the lanes of traffic.

Added Ch. 1542, Stats. 1965. Effective September 17, 1965.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Amended Ch. 681, Stats. 1982. Effective January 1, 1983.

Article 2. Other Speed Laws

Minimum Speed Law

22400. (a) No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic, unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.

No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

(b) Whenever the Department of Transportation determines on the basis of an engineering and traffic survey that slow speeds on any part of a state highway consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established.

Subdivision (b) of this section shall apply only to vehicles subject to registration.

Amended Ch. 1304, Stats. 1959. Effective September 18, 1959.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Amended Ch. 364, Stats. 1979. Effective January 1, 1980.

Traffic Signals

22401. Local authorities in timing traffic signals may so regulate the timing thereof as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speed otherwise applicable under this code.

Bridges and Structures

22402. The Department of Transportation may, in the manner provided in Section 22404 determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel on a state highway. Said department may also make a determination with reference to any other highway, upon receiving a request therefor from the board of supervisors or road commissioner of the county, the governing body of the local authority having jurisdiction over the bridge, elevated structure, tube, or tunnel.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Local Bridges and Structures

22403. Any local authority may, in the manner provided in Section 22404, determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel under its jurisdiction, or may request the Department of Transportation to make such determination.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Revision of Speed Limit on Bridges and Structures

22404. The Department of Transportation or local authority making a determination of the maximum safe speed upon a bridge, elevated structure, tube, or tunnel shall first make an engineering investigation and shall hold a public hearing.

Notice of the time and place of the public hearing shall be posted upon the bridge, elevated structure, tube, or tunnel at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, the department or local authority shall determine by order in writing the maximum speed which can be maintained with safety to the bridge, elevated structure, tube or tunnel. Thereupon, the authority having jurisdiction over the bridge, elevated structure, tube, or tunnel shall erect and maintain suitable signs specifying the maximum speed so determined at a distance of not more than 500 feet from each end of the bridge, elevated structure, tube, tunnel, or any approach thereto.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Violations on Bridges and Structures

22405. (a) No person shall drive a vehicle on any bridge, elevated structure, tube, or tunnel constituting a part of a highway, at a speed which is greater than the maximum speed which can be maintained with safety to such structure.

(b) Upon the trial of any person charged with a violation of this section with respect to a sign erected under Section 22404, proof of the determination of the maximum speed by the Department of Transportation or local authority and the erection and maintenance of the speed signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge, elevated structure, tube, or tunnel.

Amended Ch. 545, Stats. 1974. Effective January 1, 1975.

Maximum Speed for Designated Vehicles

22406. No person shall drive any of the following vehicles on a highway at a speed in excess of 55 miles per hour:

- (a) A motortruck or truck tractor having three or more axles or any motortruck or truck tractor drawing any other vehicle.
- (b) A passenger vehicle or bus drawing any other vehicle.
- (c) A schoolbus transporting any school pupil.
- (d) A farm labor vehicle when transporting passengers.
- (e) A vehicle transporting explosives.

Amended Ch. 2134, Stats. 1959. Effective September 18, 1959.

Amended Ch. 62, Stats. 1961. Effective September 15, 1961.

Amended Ch. 376, Stats. 1963. Effective September 30, 1963.

Repealed and added Ch. 78, Stats. 1967. Effective November 8, 1967.

Amended Ch. 676, Stats. 1980. Effective January 1, 1981.

Decreasing Truck Speed Limit

22407. Whenever the Department of Transportation or local authority determines upon the basis of engineering studies and a traffic survey that the speed of 55 miles per hour is more than is reasonable or safe for vehicles mentioned in subdivision (a) of Section 22406 which have a manufacturer's gross vehicle weight rating of 10,000 pounds or more, in descending a grade upon any portion of a highway, the department or local authority, with respect to highways under their respective jurisdiction, may determine and declare a speed limit of 50, 45, 40, 35, 30, 25 or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway.

Amended Ch. 1210, Stats. 1965. Effective September 17, 1965. Superseded Ch. 184.
Amended Ch. 78, Stats. 1967. Effective November 8, 1967.
Amended Ch. 82, Stats. 1973. Effective January 1, 1974.

Solid Tire

22409. No person shall operate any vehicle equipped with any solid tire when such vehicle has a gross weight as set forth in the following table at any speed in excess of the speed set forth opposite such gross weight:

When gross weight of vehicle and load is:	Maximum speed in miles per hour:
10,000 lbs. or more but less than 16,000 lbs.	25
16,000 lbs. or more but less than 22,000 lbs.	15
22,000 lbs. or more	12

Metal Tires

22410. No person shall operate any vehicle equipped with any metal tire in contact with the surface of the highway at a speed in excess of six miles per hour.

Decreasing Speed Limit on Grades

22413. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie limit of 25 miles per hour is more than is reasonable and safe on any portion of a street having a grade in excess of 10 percent, the local authority may by ordinance determine and declare a maximum limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared maximum speed shall be effective when appropriate signs giving notice thereof are erected upon the street.

Added Ch. 318, Stats. 1969.

CHAPTER 8. SPECIAL STOPS REQUIRED**Stop Requirements**

22450. The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, or railroad grade crossing shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway or railroad grade crossing.

Amended Ch. 364, Stats. 1969. Effective November 10, 1969.

Stops for Train Signals

22451. (a) The driver of any vehicle approaching a railroad grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed until he can do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around or under any railroad crossing gate while such gate is closed.

Amended Ch. 530, Stats. 1961. Effective September 15, 1961.

Repealed and added Ch. 406, Stats. 1967. Effective November 8, 1967.

Amended Ch. 608, Stats. 1970. Effective November 23, 1970.

Railroad Crossings

22452. (a) The provisions of subdivisions (b) and (c) of this section shall apply to the operation of the following vehicles:

Any bus carrying passengers.

Any motortruck transporting employees in addition to those riding in the cab.

Any schoolbus and any school pupil activity bus transporting school pupils, except as otherwise provided in paragraph (4) of subdivision (c).

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34003 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 15 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.

(c) No stop need be made at any crossing:

(1) Of railroad tracks running along and upon the roadway within a business or residence district.

(2) Where a traffic officer or an official traffic control signal directs traffic to proceed.

(3) Where an exempt sign was authorized by the Public Utilities Commission prior to January 1, 1978.

(4) Where an official railroad crossing stop exempt sign in compliance with Section 21400 has been placed by the Department of Transportation or a local authority pursuant to Section 22452.5. This paragraph shall not apply with respect to any schoolbus or to any school pupil activity bus.

Amended Ch. 1881, Stats. 1969. Effective September 18, 1969.

Amended Ch. 828, Stats. 1963. Effective September 20, 1963.

Amended Ch. 406, Stats. 1967. Effective November 8, 1967.

Amended Ch. 26, Stats. 1969. Effective November 10, 1969.

Amended Ch. 608, Stats. 1970. Effective November 23, 1970.

Amended Ch. 1063, Stats. 1977. Effective January 1, 1978.

Amended Ch. 813, Stats. 1981. Effective January 1, 1982.

Signs; Stop Not Required

22452.5. The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may place signs at railroad grade crossings permitting any vehicle described in subdivision (a) of Section 22452 to traverse such crossings without stopping. Such signs shall be placed in accordance with criteria adopted by the Public Utilities Commission. Prior to placing such signs, the Department of Transportation or local authority shall consult with the Department of the California Highway Patrol, railroad corporations involved, and the operators involved and shall secure the permission of the Public Utilities Commission if a railroad corporation under the jurisdiction of the Public Utilities Commission is affected. Prior to permitting the placement of such signs, the

prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than such limits shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) Any person who operates a motor vehicle at a greater rate of speed than is reasonable, other than speeding, as provided for in section 14-219, shall commit the infraction of traveling unreasonably fast.

(P.A. 75-577, S. 7, 126; P.A. 77-103; 77-340, S. 4; P.A. 84-429, S. 65.)

History: P.A. 77-103 clarified proviso re effective date of speed limits; P.A. 77-340 replaced first reference to parking areas for ten or more cars with parking areas as defined in Sec. 14-219a and specified infraction in Subsec. (b) as infraction "of traveling unreasonably fast"; P.A. 84-429 made technical changes for statutory consistency.

See chapter 881b.

Cited. 181 C. 515, 516, 519.

Cited. 38 CS 426, 431, 434, 435, 445. Cited. 39 CS 313, 314.

Sec. 14-219. Speeding. Absolute limits. (a) No person shall operate any motor vehicle (1) upon any highway, road or any parking area for ten cars or more, at such a rate of speed as to endanger the life of any occupant of such motor vehicle, but not the life of any other person than such an occupant; or (2) at a rate of speed greater than fifty-five miles per hour upon any highway.

(b) Any person who operates a motor vehicle (1) on a multiple lane, limited access highway at a rate of speed greater than fifty-five miles per hour but not greater than seventy miles per hour or (2) on any other highway at a rate of speed greater than fifty-five miles per hour but not greater than sixty miles per hour, shall commit an infraction, provided any such person operating a truck, as defined in section 14-260n, shall have committed a violation and shall be fined not less than one hundred dollars nor more than one hundred fifty dollars.

(c) Any person who violates any provision of subdivision (1) of subsection (a) of this section or who operates a motor vehicle (1) on a multiple lane, limited access highway at a rate of speed greater than seventy miles per hour or (2) on any other highway at a rate of speed greater than sixty miles per hour shall be fined not less than one hundred dollars nor more than one hundred fifty dollars, provided any such person operating a truck, as defined in section 14-260n, shall be fined not less than one hundred fifty dollars nor more than two hundred dollars.

(d) No person shall be subject to prosecution for a violation of both subsection (a) of this section and subsection (a) of section 14-222 because of the same offense.

(1949 Rev., S. 2407; 1961, P.A. 379, S. 2; 517, S. 15; 1963, P.A. 289; 595; February, 1965, P.A. 92; P.A. 73-253, S. 1; P.A. 75-577, 6, 126; P.A. 79-609, S. 1; P.A. 80-276, S. 1, 6; P.A. 84-372, S. 5, 9.)

History: 1961 acts amended Subsec. (a) to add parking areas for ten cars or more and deleted exception for Merrill Parkway from first sentence of Subsec. (b); 1963 acts established maximum speed limits in Subsec. (a)(2) and added roads of specially chartered municipal associations; 1965 act added district roads to Subsec. (a); P.A. 73-253 prohibited operation of vehicle at greater than reasonable speed on school property; P.A. 75-577 deleted provisions of Subsec. (a) re operation at greater than reasonable speed, deleted Subsec. (b) re determination of speed limits and relettered former Subsec. (c) as Subsec. (b); P.A. 79-609 reduced speed limit from seventy to fifty-five miles per hour with limit being generally applicable, special limit provisions were deleted; P.A. 80-276 inserted new Subsec. (b) re offenses deemed infractions and expanded Subsec. (c) re speeding offenses and replaced one hundred dollar maximum fine with one hundred dollar minimum fine and one hundred fifty dollar maximum fine; P.A. 84-372 established higher penalties for person operating a truck.

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more than two feet above the road at a distance of thirty feet from the vehicle, except that such a spot light may be used for the purpose of reading signs, and as an auxiliary light in cases of necessity when the other lights required by law fail to operate.

No person, except a duly authorized person driving an emergency fire vehicle, shall operate a motor vehicle equipped with metal studded tires upon a public way between May the first and November the first; provided, however, the registrar may authorize the use of such tires before November the first, if weather conditions require the use thereof. Whoever violates the provisions of this paragraph shall be punished by a fine of not more than fifty dollars.

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§16A. Stopped motor vehicles.

No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to (a) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or (b) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or (c) vehicles engaged in an operation for which the engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for the first offense, nor more than five hundred dollars for each succeeding offense.

§17. Speed limits.

No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. Unless a way is otherwise posted in accordance with the provisions of section eighteen, it shall be prima facie evidence of a rate of speed greater

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than is reasonable and proper as aforesaid (1) if a motor vehicle is operated on a divided highway outside a thickly settled or business district at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or (2) on any other way outside a thickly settled or business district at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or (3) inside a thickly settled or business district at a rate of speed exceeding thirty miles per hour for a distance of one-eighth of a mile, or (4) within a school zone established in conformance with standards of the department of public works at a rate of speed exceeding twenty miles per hour. Operation of a motor vehicle at a speed in excess of fifteen miles per hour within one-tenth of a mile of a vehicle used in hawking or peddling merchandise and which displays flashing amber lights shall likewise be prima facie evidence of a rate of speed greater than is reasonable and proper. If a speed limit has been duly established upon any way, in accordance with the provisions of said section, operation of a motor vehicle at a rate of speed in excess of such limit shall be prima facie evidence that such speed is greater than is reasonable and proper; but, notwithstanding such establishment of a speed limit, every person operating a motor vehicle shall decrease the speed of the same when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. Except on a limited access highway, no person shall operate a school bus at a rate of speed exceeding forty miles per hour, while actually engaged in carrying school children. (Chgd. eff. 6/17/78; L. 1978, chap. 171).

§18. Special regulations as to speed.

The city council, the traffic and parking commission of the city of Boston, the selectmen, park commissioners, a traffic commission or traffic director, or the department, on ways within their control, may make special regulations as to the speed of motor vehicles and as to the use of such vehicles upon particular ways, and may prohibit the use of such vehicles altogether on certain ways; provided, that except in the case of a speed regulation no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any, published in the town in which the way is situated otherwise in one or more newspapers published in the county in which the town is situated; nor until after the department, and in the case of a speed regulation the department and the registrar, acting jointly. (Chgd. by L. 1984, chap. 84, eff. 9/13/84.)

(rev.85)

§ 46.1-193

POLICE, CRIMES AND OFFENSES, ETC.

§ 46.1-193

§ 46.1-193. **Maximum and minimum speed limits.** — The maximum and minimum speed limits on highways of this State shall be as hereinafter prescribed.

(1) **Maximum limits.**

(a) Fifty-five miles per hour on the Interstate System of Highways or other limited access highways with divided roadways.

(b) Fifty-five miles per hour on nonlimited access highways having four or more lanes and on all State primary highways.

(c) Fifty-five miles per hour on highways not included in (a) or (b) if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pickup or panel truck or a motorcycle; and forty-five miles per hour on such highways if the vehicle is a truck, road tractor ~~tractor-truck~~ or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

(d) Thirty-five miles per hour or the minimum speed allowable, whichever is greater, on any highway other than an interstate highway, if the vehicle is being used as a school bus carrying children, and forty-five miles per hour on interstate highways; provided, however, that for any such vehicle which neither takes on nor discharges children between its point of origin and point of destination, the speed limit shall be forty-five miles per hour.

(e) Forty-five miles per hour on any highway if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway and Transportation Commission in accordance with §§ 46.1-330 and 46.1-343. The State Highway and Transportation Commission may, however, prescribe a speed limit of less than forty-five miles per hour on any permit issued in accordance with §§ 46.1-330 and 46.1-343.

(f) Twenty-five miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway bearing the word "school" or "school crossing." Such word or words shall indicate that school children are present in the vicinity. Any signs erected under this section shall be placed not more than six hundred feet from the limits of the school property or crossing in the vicinity of the school, which is used by children going to and from the school; provided that "school crossing" signs may be placed in any location if the Department of Highways and Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the said crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town, such portable signs shall be furnished and delivered by the State Highways and Transportation Department. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board, preferably not a classroom teacher, to place such portable signs in the highway at a point not more than six hundred feet from the limits of the school property and remove such signs when their presence is no longer required by this subsection. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs, tilt-over signs, or blinking signals shall be in a position, or be turned on, for thirty minutes preceding regular school hours and for thirty minutes thereafter and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Provided, however, that the governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, increase or decrease the speed limit provided in this subsection only after justification for such increase or decrease has been shown by an

engineering and traffic investigation, and provided further that no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted upon the portable signs, tilt-over signs, or fixed blinking signs required by this subsection.

(g) Twenty-five miles per hour on highways in a business or residential district, except upon interstate or other limited access highways with divided roadways.

(h) Thirty-five miles per hour on highways in any city or town, except upon interstate or other limited access highways with divided roadways and except in business or residence districts.

(i) Notwithstanding the provisions of subdivisions (a), (b) and (c) of this subsection, the speed limits for passenger motor vehicles while towing utility, camping or boat trailers not exceeding an actual gross weight of twenty-five hundred pounds shall be the same as that for passenger motor vehicles.

(2) Minimum speed limits.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway and Transportation Commissioner or local authorities within their respective jurisdictions determine on the basis of a traffic engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commissioner or such local authority may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(3) Notwithstanding the foregoing provisions, the State Highway and Transportation Commissioner or other authority having jurisdiction over highways may decrease the speed limits set forth in subsections (1) (a) through (1) (c) of this section and may increase or decrease the speed limits set forth in subsections (1) (f) through (1) (h) of this section on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in subsections (1) (a) through (1) (c) of this section and by increasing for daytime or decreasing for nighttime the speed limits set forth in subsections (1) (f) through (1) (h) of this section on any highway under its jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering and traffic investigation and when indicated upon the highway by signs; provided, the increased or decreased speed limits over highways under the control of the State Highway and Transportation Commissioner shall be effective only when prescribed in writing by the Highway and Transportation Commissioner and kept on file in the Central Office of the Department of Highways and Transportation.

Any person violating this section shall be guilty of a traffic infraction and upon conviction shall be punished as provided in § 46.1-16.01. (Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347.)

Cross references. — For definition of business district, see § 46.1-1 (1). For definition of residence district, see § 46.1-1 (24). As to additional penalty when violation occurs while transporting explosives or inflammable gas or liquid, see § 46.1-424.

This section applies to United States employee. — The provisions of this section, fixing the speed limit for automobiles on public highways, must be obeyed by a United States employee while engaged in transporting United States mail in a United States owned automono-

Indiana

139. Reckless driving

IC 9-4-1-56.1

A person operating a vehicle who recklessly:

- (1) drives at such an unreasonably high rate of speed, or at such an unreasonably low rate of speed, under the circumstances, as to endanger the safety or the property of others, or as to block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
- (3) drives in and out of a line of traffic, except as otherwise permitted; or
- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor, and, if the offense results in damage to the property of another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of not less than thirty (30) days nor more than one (1) year.

140. Failure to dim headlights

IC 9-4-1-56.2

A person operating a vehicle who fails to dim bright or blinding lights when meeting another vehicle or pedestrian commits a Class B infraction.

141. Basic speed law

IC 9-4-1-57

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, or vehicle or other conveyance on or near, or entering a highway in compliance with legal requirements and with the duty of all persons to use due care.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a), the limits specified in this section or established as authorized by this section shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

- (1) Thirty (30) miles per hour in any urban district.
- (2) Fifty-five (55) miles per hour on the interstate defense network of dual highways and in other locations.

(c) The maximum speed limits set forth in this section may be altered as authorized in sections 58 and 61 of this chapter.

(d) The driver of every vehicle shall, consistent with the requirements in subsection (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(e) In addition to the other limitations in this section, in section 58, and in any oversize vehicle permit issued under IC 9-8-1 and IC 9-8-1.6, no vehicle that exceeds:

- (1) a width of eight (8) feet, six (6) inches;
- (2) a height of thirteen (13) feet, six (6) inches; or
- (3) a length of eighty (80) feet;

may be operated at a speed greater than forty-five (45) miles per hour.

142. Speed; local authorities, adjustment of limits IC 9-4-1-58

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. decreases the limit within urban districts but not to less than twenty (20) miles per hour; or

2. increases the limit within an urban district but not to more than sixty (60) miles per hour during daytime and fifty (50) miles per hour during nighttime; or

3. decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected on such street or highway.

(d) Local authorities shall not have power to alter speed limits on any highway or extension thereof in the state highway system except that incorporated cities and towns may establish speed limits on state highways upon which a school is located. Provided, That such limit shall only be valid if (1) the limit is not less than twenty (20) miles per hour, (2) the limit is imposed only in the immediate vicinity of the school, (3) children are present, (4) if the speed zone is properly signed, and (5) the department of highways has been notified of the limit imposed, by registered or certified mail.

143. Minimum speed law—operating trucks on interstate

IC 9-4-1-59

Sec. 59. (a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. Any person who is driving at such slow speed and under such circumstances that three (3) or more other vehicles are blocked and can not pass on the left around this vehicle, shall give right-of-way to such vehicle by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass.

(b) Whenever the department of highways or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the respective department of highways or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. A limit so determined and declared by appropriate resolution, regulation or ordinance becomes effective when appropriate sign or signals giving notice of the limit of speed are erected along such part of a highway.

(c) All vehicles that travel at a speed less than the established maximum shall travel in the right lanes to provide for better flow of traffic on interstate defense network of dual highways.

(d) No person shall operate a truck, truck tractor, road tractor, trailer, semitrailer or pole trailer on the interstate defense network of dual highways in any lane except the far right lane, provided that, such vehicles may use the left lane for the purpose of passing a slower moving vehicle, entering or leaving the highway, or where a special hazard exists that requires for safety reasons, the use of an alternate lane.

(e) No person shall operate a truck, truck tractor, road tractor, trailer, semitrailer or pole trailer on any interstate highway consisting of three (3) or more lanes in one (1) direction, in any lane other than the two (2) far right lanes, provided that such vehicles may use an alternate lane where necessary to enter or leave a highway or where a special hazard exists that requires, for safety reasons, the use of an alternate lane.

(f) For the purpose of enforcing this section, the term "trailer" as used in subsections (d) and (e) shall mean the combination of any motor vehicle towing another vehicle or trailer.

(g) The department of highways shall complete the placement of signs or signals on all appropriate roadways no later than January 1, 1975.

144. Speed; state highways; maximum limits IC 9-4-1-61

Whenever the department of highways shall determine on the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or on any part of the state highway system, the department of highways may determine and declare a reasonable and safe maximum limit thereon, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated on said signs; and differing limits may be established for differing times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted on appropriate fixed or variable signs.

145. Motorized bicycles (mopeds)—operation of IC 9-4-1-61.1

A motorized bicycle may not be operated by any person under the age of fifteen (15) years, and may not be operated on the interstate defense network of highways or on sidewalks.

146. Speed—form of summons IC 9-4-1-62

(a) In every charge of violation of any speed regulation in this act, the complaint or affidavit, and the summons, warrant or notice to appear, shall specify the speed at which the defendant is alleged to have driven, and the prima facie or fixed speed applicable within the district or at the location.

(b) The provisions of this act declaring or providing for fixed and prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of the damage alleged.

147. Driving left of center—when permitted IC 9-4-1-63

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway designated and sign-posted for one-way traffic.

5. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

148. Trucks; lane restrictions; state highways IC 9-4-1-64

(a) As used in this section, the term "truck" shall mean any motor vehicle designed, used or maintained primarily for the transportation of property. The term "truck" shall include any motor vehicle designed and used primarily for drawing another vehicle and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, and any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(b) The department of highways is hereby authorized and empowered to restrict, by rule or regulation, the operation of any truck to a certain lane or lanes

Hawaii

Sec. 291C-101 MOTOR AND OTHER VEHICLES

every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions. [L 1971, c 150, pt of §1; am L 1977, c 8, §1]

*Exhibitor
defendant a

Amendment Note

L 1977 rephrased first sentence and substituted "curve" for "curb".

Case Notes

For conviction, there must be evidence that the speed was unreasonable under the actual and potential hazards and conditions then existing. 1 H. App. 403, 619 P.2d 1102.

§291C-102 Noncompliance with speed limit prohibited. (a) No person shall drive a vehicle at a speed greater than a maximum speed limit and no person shall drive a motor vehicle at a speed less than a minimum speed limit established by county ordinance.

(b) The director of transportation with respect to highways under his jurisdiction may place signs establishing maximum speed limits or minimum speed limits. Such signs shall be official signs and no person shall drive a vehicle at a speed greater than a maximum speed limit and no person shall drive a motor vehicle at a speed less than a minimum speed limit stated on such signs. [L 1971, c 150, pt of §1; am L 1984, c 273, §8]

Amendment Note

L 1984 amended section generally.

Case Notes

In prosecution under this section, prosecutor has burden of proving that speed limit was established in one of ways specified in this section. 57 H. 277, 554 P.2d 767.

§291C-103 Racing on highways. (a) Except as provided in section 291C-149, no person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

[am L 1984, c 273, §9]

Revision Note

Only the subsection amended is included in this Supplement.

Amendment Note

L 1984 amended subsection (a).

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the forwarding court exercising jurisdiction shall immediately notify the Department of Public Safety thereof. Upon such notification and payment of an additional twenty-five dollars to the Department of Public Safety, the operator's license of the arrested person shall be renewed or reassured for the purpose of this Section. One-half of the additional fine imposed by this Section shall be forwarded by the Department of Public Safety to the forwarding court exercising jurisdiction, to be deposited in that court's criminal court fund and to be used in the same manner as the other sums deposited in said fund.

C. Repealed by Acts 1984, No. 763, § 1.

Added by Acts 1978, No. 301, § 2. Amended by Acts 1980, No. 779, § 1.

1980 Amendment: Added the "A" designating subsec. A, and in that subsection substituted "oo" for "oon" before "his written"; substituted "fee" for "fox" following "fifty dollar"; and substituted "had" for "has" before "honored"; in subsec. B, substituted "dollars" for "dollar fox"; and added "to be deposited in that court's criminal court fund and to be used in the same manner as the other sums deposited in said fund"; and added subsec. C.

1984 Legislation: Acts 1984, No. 763, § 1 repeated subsec. C which read "C. The provisions of this Section shall not apply in Orleans Parish."

Library References
Automobiles §144.111)
Bail §40, 75.
C.J.S. Motor Vehicles §§ 164.16, 164.17.
C.J.S. Bail §§ 32, 81, 82.

§ 58. Reasonable and proper control of vehicles

It shall be unlawful for the driver of any vehicle to negligently fail to maintain reasonable and proper control of said vehicle while operating the vehicle on the public roads of this state.

Added by Acts 1972, No. 567, § 1.

Library References

Automobiles §-331.
C.J.S. Motor Vehicles § 641 et seq.

Notes of Decisions

Arrest 4
Construction and application 1
Guilty plea 2
Negligence 3
Validity 4

4. Validity

Person of ordinary reasonable intelligence can be expected to know what is "reasonable" and "proper" in control of his vehicle while operating it on public road in conforming his conduct thereto; therefore, this section prescribing failure to maintain reasonable and proper control of vehicle provided fair notice of prohibited conduct and was not unconstitutionally vague on theory that words "reasonable" and "proper" were vague and indefinite. State v. Jackson, Sup 1961, 404 So.2d 552.

1. Construction and application

Finding of negligence on part of driver of vehicle who was traveling at approximately 55 miles per hour in rainstorm and who subsequently pleaded guilty to failure to maintain reasonable and proper control of vehicle was not erro-

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control, and officer could not be held liable for false arrest. Richard v. State, Through Dept of Public Safety, App 1 Cir 1983, 436 So.2d 1265, writ denied 441 So.2d 1223.

PART IV. TRAFFIC REGULATIONS
SUBPART A. SPEED RESTRICTIONS

Law Review Commentaries

Contributory negligence as a matter of law—auto collisions in smoke, fog and dust. 28 La L. Rev. 674 (1988)

§ 61. Maximum speed limit

Text effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit

No person shall operate or drive a vehicle on any highway of this state in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

Amended by Acts 1964, No. 369, § 1; Acts 1974, No. 521, § 1; Acts 1977, No. 119, § 1, eff. June 22, 1977.

For text effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit, see § 61, post.

§ 61. Maximum speed limit

Text effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit

A. No person shall operate or drive a vehicle on any highway of this state, excluding Interstate highways, in excess of fifty-five miles per hour, however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

B. No person shall operate or drive a vehicle on any Interstate highways of this state in excess of sixty-five miles per hour.

Amended by Acts 1964, No. 369, § 1; Acts 1974, No. 521, § 1; Acts 1977, No. 119, § 1, eff. June 22, 1977; Acts 1982, No. 191, § 1, eff. Jan. 1, 1983, only if Congress has repealed penalties for violating 55 mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Regular Session by H.C.R. No. 4 of 1983)

For text effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit, see § 61, ante.

Effective Date—1982 Amendment

Section 2 of Acts 1982, No. 191 provided:

"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile per hour speed limit provided in Title 21, Section 151, of the United States Code."

between 40 and 45 miles per hour, with her eyes closed, defendants failed to sustain burden of proof of excessive speed on part of motorcycle operator. *Freeman v. Liberty Mut. Ins. Co.*, App. 1985, 175 So.2d 659.

7. Proximate cause

Evidence supported finding that driver of truck which collided with automobile and subsequently struck second automobile, the occupant of which had received medical aid and workmen's compensation benefits under plaintiff's policy and collision benefits under plaintiff's automobile liability policy, was driving at an excessive rate of speed prior to collision with the first automobile and that the excessive speed was a proximate cause of the second collision. *Fidelity & Cas. Co. of New York v. Aetna Life & Cas. Co.*, App. 1971, 244 So.2d 255.

Testimony of investigating officer and out-bound motorist supported finding in personal injury action by passenger in inbound car that out-bound motorist was not negligent in crossing inbound lane when reentering highway after stopping at roadside telephone booth, and that excessive speed of inbound car was sole proximate cause of collision. *Necaise v. Norma, App.* 1970, 242 So.2d 282.

Violation of a speed law does not render a motorist liable unless the infraction is a cause in fact of the accident. *McDaniel v. Welch, App.* 1970, 254 So.2d 833.

8. Lost clear chance

Where defendant motorist observed 12-year-old pedestrian running toward highway at distance of 300 feet and recognized pedestrian to be child and defendant did not sound horn or slow his vehicle, defendant could reasonably have taken action to stop or slow vehicle so as to permit pedestrian to cross safely, and lost clear chance doctrine was applicable, even though 12-year-old pedestrian was contributorily negligent in running onto heavily traveled highway with but momentary hesitation. *Tale v. Hill, App.* 1967, 197 So.2d 107, writ denied 250 La. 911, 190 So.2d 919.

Where operator of plaintiff's automobile approached intersection from right at about 15 to 20 miles per hour and observed defendant's vehicle and immediately applied brakes but collided with right rear fender of defendant's vehicle, operator of plaintiff's vehicle was engaged in exercise of reasonable care and accident was precipitated by gross negligence of operator of defendant's vehicle and doctrine of last clear chance was not applicable. *Kevin v. Demarest, App.* 1967, 196 So.2d 356.

In order to invoke doctrine of last clear chance it must be proved that person invoking doctrine was in position of peril of which he was unaware or from which he was unable to extricate him-

MOTOR VEHICLES—TRAFFIC REG.

self, that person against whom doctrine is invoked actually discovered or was in position where he could have discovered such other person's peril and that person against whom doctrine is invoked could have avoided accident with exercise of reasonable care. *Id.*

The doctrine of last clear chance did not apply to a case wherein preceding driver was struck from behind after driving onto highway where visibility had been reduced to a few feet because of low-lying, dense smoke mixed with heavy fog. *Walden v. Employers Liability Assur. Corp.*, App. 1967, 195 So.2d 350.

9. Intersections

Evidence in action arising out of collision which occurred at blind intersection of two gravel roads in rural area established that driver of southbound truck and trailer which was struck by eastbound truck was negligent in entering intersection in front of approaching preferred motorist when it was not safe to do so. *Ernst v. O'Bannon, App.* 1973, 278 So.2d 850, writ denied 281 So.2d 749.

Driver of truck which entered intersection at modern speed on light which had been favorable from 75 to 100 feet before truck reached intersection was not negligent in not according right-of-way and opportunity of completing movement through intersection to automobile which entered intersection at higher rate of speed on unfavorable light where there was little difference in the time the two vehicles entered the intersection, notwithstanding that automobile traveled further into the intersection than truck prior to collision. *Meek v. State Farm Mut. Auto. Ins. Co.*, App. 1971, 244 So.2d 661.

Southbound motorist who collided with northbound motorist who was executing left turn at intersection was negligent in going too fast and failing to keep a proper lookout under evidence that prior to collision northbound motorist had been stopped and was signaling for a left turn, that yellow caution light was on at intersection where 25 m.p.h. speed limit was in effect, that automobile of southbound motorist who testified that he did not remember his speed at time of collision left 61 feet of skid marks and that substantial damage occurred to both automobiles indicating a severe impact. *Nelson v. State Farm Mut. Auto. Ins. Co.*, App. 1971, 244 So.2d 303.

In view of length of defendant's northbound tractor-trailer rig, slow rate of speed at which it must have entered intersection, and length of time it took to cross intersection, plaintiff, no matter what speed his westbound vehicle was traveling, should have seen trailer rig in time to avoid collision and having failed to see what he should have seen, his negligence was a proximate cause of accident, precluding recovery. *Thomas v. Lee, App.* 1970, 243 So.2d 516, writ denied 257 La. 991, 244 So.2d 860.

MOTOR VEHICLES—TRAFFIC REG.

Evidence in intersection collision case was insufficient to establish that northbound motorist was speeding and thus contributorily negligent at time of collision with eastbound motorist who entered favored street after stopping at stop sign. *Hill v. Main Ins. Co.*, App. 1970, 242 So.2d 623.

10. Hills and curves

Evidence that motorist who collided with state trooper's vehicle while the two vehicles were attempting to negotiate a blind curve on a narrow gravel road was familiar with the road, that he entered the blind curve at 35 miles per hour driving well to his left on the narrow road, and that when the collision occurred, the left portion of each of the two vehicles was beyond the center line sustained determination that the motorist was causally negligent and thus could not recover from parish which maintained the road. *Tzucno v. St. Landry Parish Police Jury, App.* 1977, 343 So.2d 452.

Evidence sustained finding that truck driver's negligence in attempting to enter highway having 60 m.p.h. speed limit in a long, slow moving truck and trailer within 200 feet of curve in that highway was sole cause of accident in which driver of automobile averted to avoid striking truck, left highway, skidded on wet grass and ultimately struck building. *Hebert v. Hancock Ins. Co.*, App. 1971, 244 So.2d 55.

14. Turning

Leading motorist, who was struck from behind in multiple vehicle accident, was not negligent in stopping in inner lane of hour-lane highway, giving required signal for left turn at intersection with break in neutral ground designed to permit left turns. *Henderson v. Ancona, App.* 1967, 197 So.2d 150.

§ 62. Maximum speed limit; certain vehicles

Text of subsec. A effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit. For text of subsec. A effective only if Congress does repeal penalties for violating the fifty-five mile-per-hour speed limit, see subsec. A, post.

A. No person shall operate any freight carrying vehicle upon the highways in this state at a speed in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Subsection to a speed limit not in excess of such national speed limit. Amended by Acts 1970, No. 150, § 1, Acts 1974, No. 521, § 2, Acts 1977, No. 113, § 1, eff. June 1, 1977.

Text of subsec. A effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit. For text of subsec. A effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit, see subsec. A, ante.

19. Radar

Where defendant raised no objections to admissibility of radar and speedometer evidence at trial for speeding, alleged error or irregularity at trial could not be reviewed by the Supreme Court. *State v. Kennedy, Sup.* 1981, 398 So.2d 1082.

20. Failure to prosecute

One-year time limitation for commencement of misdemeanor trial after institution of prosecution was not interrupted by defendant's failure to appear as directed by arresting officer, inasmuch as she was a 16-year resident at same address, which address was reflected on driver's license seized by arresting officer, and her testimony that she was not long absent from her home in two years following the offense and that no efforts were made to serve a warrant on her went uncontradicted, thus, since the time allowed for institution of prosecution had run without interruption, she was entitled to have charges against her dismissed. *City of Baton Rouge v. Wheat, Sup.* 1979, 377 So.2d 1234.

21. Review

Where jury se defendant failed to object to admissibility of radar and speedometer evidence claimed error relating to admission thereof was not before reviewing court. *State v. Alfurai, Sup.* 1980, 384 So.2d 761.

22. Trial

Defendant who was tried on counts of driving while intoxicated, second offense, illegally carrying a weapon, resisting arrest, and speeding at same time without mention of consolidation of charges would be considered as if joint trial and trial possible punishment, which would be sum of maximum possible for each charge, was greater than six months imprisonment, was entitled to a jury trial. *State v. Thompson, App.* 1981, 446 So.2d 557.

A. (1) No person shall operate any freight carrying vehicle upon the highways of this state, excluding Interstate highways, at a speed in excess of fifty-five miles per hour, however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

(2) No person shall operate any freight carrying vehicle upon the Interstate highways of this state at a speed in excess of sixty miles per hour.

Amended by Acts 1970, No. 150, § 1, Acts 1974, No. 521, § 2, Acts 1977, No. 113, § 1, eff. June 22, 1977; Acts 1982, No. 191, § 1, eff. Jan. 1, 1983 only if Congress has repealed penalties for violating the 55 mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Session by H.C.R. No. 4 of 1983).

B. Forty-five miles per hour shall be the maximum speed at which a person shall be permitted to drive a vehicle which is towing a mobile home, however, when any such mobile home is not less than fifteen feet or more than thirty-two feet in length and is equipped with brakes or when such a mobile home is less than fifteen feet in length and is not equipped with brakes, a person may drive a vehicle towing any such mobile home at a speed not in excess of fifty-five miles per hour at any time between sunrise and sunset and not in excess of fifty miles per hour at any time between sunset and sunrise, however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Subsection to a speed limit not in excess of such national speed limit.

Amended by Acts 1968, No. 181, § 1, Acts 1974, No. 521, § 2, Acts 1977, No. 113, § 1, eff. June 22, 1977.

(See main volume for text of C)

D. No person shall operate a school bus at a speed in excess of 55 miles per hour when transporting children, provided however, that the driver of a school bus transporting children under conditions which require frequent stops to receive and discharge such children shall not operate such school bus at a speed in excess of 35 miles per hour.

Amended by Acts 1966, No. 217, § 2

Effective Date—1982 Amendment

Section 2 of Acts 1982, No. 191 (§ 1 of which amended subsec. A of this section) provided:

"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code."

Suspension of Acts 1982, No. 191, § 2

House Concurrent Resolution No. 4 of the 1983 Regular Session provided "WHEREAS, Act No. 191 of the 1982 Regular Session of the Legislature established a sixty-five mile per hour speed limit on Interstate highways in Louisiana, and

"WHEREAS, Section 2 of Act No. 191 of the 1982 Regular Session has the effective date of January 1, 1983; and

"WHEREAS, such effective date would apply if, and only if, Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code; and

"WHEREAS, Congress has not repealed these provisions, and

"WHEREAS, the present law is ineffective unless Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit.

"THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the effective date of Section 2 of Act No. 191 of the 1982 Regular Session is hereby suspended until sixty days after the 1984 Regular Session of the Legislature."

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1982 Amendment Designated the previous text of subsec. A as par. A(1), in par. A(1), added, "excluding Interstate highways," and substituted "Section" for "Subsection", and added par. A(2)

Notes of Decisions

Motorcycles 17

Negligence 18

3. Freight carrying vehicles—In general

In absence of evidence in action for wrongful death establishing legal speed limit on portion of highway on which pickup truck struck pedestrian, it would be concluded that 55-mile per hour speed of truck was within speed limit, in view of the section setting speed limit for pickup trucks which do not exceed 6,000 pounds gross weight at 60 miles per hour. *Demandre v. Robinson*, App. 1983, 220 So.2d 542.

4. — Evidence, freight carrying vehicles

Where witness had only glimpse of vehicle before accident, little weight can be given to their estimates of speed. *Scruggs v. McCamery*, App. 1970, 231 So.2d 282.

60 feet of skid marks before impact made it obvious that vehicle was traveling at high rate of speed. *Id.*

Evidence established that truck involved in collision with automobile that had entered highway from dirt road was traveling at speed in excess of rate of 50 miles per hour presented for that type of vehicle, as claimed by witness who watched truck go by about three-quarters of a mile before it came to the intersection of a mile before it came to the intersection. *McQuillin v. Travelers Indem. Co.*, App. 1965 171 So.2d 691, withdrawn 147 La. 629, 172 So.2d 700.

8 63. Establishing of speed zones

Acts 1972, No. 314, § 1 provides: "The Department of Highways is authorized, urged and requested to study the speed limits of the state system as presently existing and to adopt higher limits than the present statutory limits where safe to do so and to consider the imposition of minimum limits on interstate highways."

Notes of Decisions

1. In general

In absence of evidence in action for wrongful death establishing legal speed limit on portion of

8 64. General speed law

(See main volume for text of A and B)

Test of subsec. C effective only if Congress repeals penalties for violating the fifty-five mile per-hour speed limit.

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5. Intersections

In view of length of defendant's north-bound tractor-trailer rig, slow rate of speed at which it must have entered intersection, and length of time it took to cross intersection, plaintiff, no matter what speed his westbound vehicle was traveling, should have seen trailer rig in time to avoid collision and having failed to see what he should have seen, his negligence was a proximate cause of accident precluding recovery. *Thomas v. Lee*, App. 1970, 243 So.2d 536, writ denied 257 La. 991, 244 So.2d 860.

16. Skidding

Evidence sustained finding that truck driver's negligence in attempting to enter highway having 60 m.p.h. speed limit on a long, slow moving truck and trailer within 300 feet of curve in that highway was sole cause of accident in which driver of automobile served to avoid striking truck, left highway, skidded on wet grass and ultimately struck building. *Hilbert v. Hanover Ins. Co.*, App. 1971, 244 So.2d 55.

17. Motorcycles

In case in which motorcycle passenger testified that she estimated speed of motorcycle at between 40 and 45 miles per hour, with her eyes closed, defendant failed to sustain burden of proof of excessive speed on part of motorcycle operator. *Friseman v. Liberty Mut. Ins. Co.*, App. 1965, 175 So.2d 659.

18. Negligence

Evidence was sufficient to support determination that both motorists involved in intersection automobile collision were negligent, one in driving at excessive speed and the second in not taking proper care in executing a left turn. *Agency Rent A Car, Inc. v. Hamm*, App. 1967, 401 So.2d 1259.

highway on which pickup truck struck pedestrian, it would be concluded that 55 mile per hour speed of truck was within speed limit, in view of RS 32:62 setting speed limit for pickup trucks which do not exceed 6,000 pounds gross weight at 60 miles per hour. *Penaudre v. Robinson*, App. 1969, 220 So.2d 542.

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17. Sudden emergency
A motorist who was traveling through unincorporated village at speed in excess of legal rate at time he struck pedestrian was negligent in his driving, but such negligence was not actionable, where it appeared that it was not a proximate cause of the accident, in view of fact that pedestrian jumped in front of automobile when it was only 10 or 15 feet away. Hopson v. Neighbors, App.140, 107 So. 282.

18. Right of way
Even though defendant had the right of way at an intersection over the plaintiff's automobile he was not justified in entering the intersection in the path of plaintiff's automobile, since he lost the benefit of the right of way when he suddenly decided that he could resume defendant's speed to cross the half of the road on which plaintiff's automobile was approaching in time for defendant to get out of the path thereof. Slughy v. Thomas, App.151, 49 So.2d 461.

19. Radar
It is legal to check speed of automobiles by radar timing on only one street by school bounded by four streets without checking speed on the other three streets. Cip-Ally-Gent, 152P-58, p. 547.

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16. Turning
Where defendant motorist left east side of main street on right hand side of street and made left turn on main street at village without signaling and in automobile was assumed on its right hand side by oncoming automobile which was traveling at a speed and in excess of 25 miles per hour, defendant was negligent and his negligence was proximate cause of collision and fact that two automobiles were parked in front of defendant's own car he began left turn did not excuse him from consequences of his carelessness. Zaitch Fire Ins. Co. v. N. Y. V. Thomas, App.151, 49 So.2d 461.

15. Parking
Evidence established that defendant's loaded truck upon crossing levee near center of highway became uncontrolled and collided with vehicle in which plaintiff was sitting, while the vehicle was stopped on the side of the highway, as a result of negligence of the truck driver in failing to keep the truck under proper control and to drive at proper speed. McDowell v. Hargrove, App. 194, 150 So. 2162.

14. Excessive speed
Excessive speed of automobile, striking rear of car backing left turn into highway, which driver entered after backing to right without seeing any car within 85 yards, was sole proximate cause of accident. Fontaine v. Dinicola, App.133, 155 So. 46.

§ 62. Maximum speed limit; certain vehicles

A. No person shall operate any freight carrying vehicles upon the highways of this state at a speed in excess of 50 miles per hour;

B. No person shall drive a vehicle which is towing a house trailer at a speed in excess of 45 miles per hour;

C. No person pulling or towing upon any highway of this State, with another vehicle, any vehicle designed, equipped or intended to operate under its own power shall operate the towing vehicle at a speed in excess of 45 miles per hour;

D. No person shall operate a school bus at a speed in excess of 45 miles per hour when transporting children, provided however, that the driver of a school bus transporting children under conditions which

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that driver of first automobile involved in accident had been negligent in exceeding its passing tonnage at such rate of speed and that driver of third and fourth vehicles involved were also guilty of negligence in driving too close to vehicles in front of them at speeds of 20 to 22 miles an hour, but evidence established that driver of second vehicle which was lead automobile of group of automobiles overtaken by first automobile was not negligent. Fish v. Fish, 131, 20 La. 662, 156 So.2d 241.

Evidence that motorist attempted to pass truck with which he collided while traveling at 35 to 45 miles per hour through an unincorporated village of near inhabitants and that there was a sign a quarter of a mile from the village limits stating that the speed limit was 45 miles per hour and no other sign slowing any necessity for reduction of speed and that the weather condition was good and the road was straight and level, did not show that motorist's speed was illegal so as to preclude recovery for damages sustained on ground that motorist was guilty of contributory negligence. Federal Ins. Co. v. Employers' Liability Ins. Corporation, App. 194, 150 So. 2162.

Evidence showed bus driver at fault in attempting to pass car in curve at excessive speed. Griffin v. Peche Transfer Co., 132, 19 La. App. 137, 140 So. 113.

13. Packing
Evidence established that defendant's loaded truck upon crossing levee near center of highway became uncontrolled and collided with vehicle in which plaintiff was sitting, while the vehicle was stopped on the side of the highway, as a result of negligence of the truck driver in failing to keep the truck under proper control and to drive at proper speed. McDowell v. Hargrove, App. 194, 150 So. 2162.

Collision between truck and automobile, stopping on wrong side of road in darkness after striking gear was broken and lights extinguished when struck in rear by another truck, was due to negligence of driver of former truck in processing at excessive speed, rather than automobile driver's intervening negligence. Fontaine v. Fisher, App.133, 155 So. 45.

C. Rolling roadblocks shall be prohibited from operating on all Interstate highways in the state.

Added by Act 1982, No. 191, § 1, eff. Jan. 1, 1983, only if Congress repeals the 55-mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Regular Session by H.C.R. No. 4 of 1983).

Effective Date—Subsec. C

Section 2 of Act 1982, No. 191 (§ 1 of which enacted subsec. C of this section) provided:

"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile-per-hour speed limit provided in Title 29, Section 151, of the United States Code."

Suspension of Act 1982, No. 191, § 2

House Concurrent Resolution No. 4 of the 1983 Regular Session provided:

"WHEREAS, Act No. 191 of the 1982 Regular Session of the Legislature established a sixty-five mile per hour speed limit on Interstate highways in Louisiana; and

"WHEREAS, Section 2 of Act No. 191 of the 1982 Regular Session has the effective date of January 1, 1983; and

"WHEREAS, such effective date would apply if, and only if, Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit provided in Title 29, Section 151, of the United States Code; and

"WHEREAS, Congress has not repealed these provisions; and

"WHEREAS, the present law is ineffective unless Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit.

"THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the effective date of Section 2 of Act No. 191 of the 1982 Regular Session is hereby suspended until sixty days after the 1983 Regular Session of the Legislature."

Act 1972, No. 314, § 1 provides "The Department of Highways is authorized, urged and requested to study the speed limits of the state system as presently existing and to adopt higher limits than the present statutory limits where safe to do so, and to consider the imposition of minimum limits on interstate highways."

1982 Amendment: Added subsec. C

Law Review Commentaries

Last clear chance and the inattentive plaintiff in Louisiana. John Michael Cumberland, 12 Loy. U. L. Rev. (Ls) 1 (1966-66)

Last clear chance doctrine in Louisiana—An analysis and critique. 27 La. L. Rev. (La) 200 (1967)

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MOTOR VEHICLES—TRAFFIC REG.

Where statistics as to number and types of accidents in area of highway in which fatal accident occurred indicated that signs, guardrails and gore area in existence at time of accident were adequate for motorist exercising ordinary care, and driver killed in accident was violating this section and R.S. 32:61, 32:78, 32:82 governing regulation of motor vehicle traffic at time of accident, wife of driver who was killed in accident failed to carry burden of establishing that hazardous conditions complained of, inadequate signs, defective guardrails, and gore area, were plainly or obviously dangerous to reasonably careful and ordinarily prudent driver. 1d

Generally, a motorist may assume that a road is safe for travel even at night, but this rule does not apply where a motorist has actual knowledge of defect or hazard. Marron v. State, Through Dept. of Highways, App.1975, 322 So.2d 827.

This section prohibiting operation of motor vehicle upon highway at such slow speed as to impede normal and reasonable movement of traffic was inapplicable where preceding motorist had just entered highway from a controlled access ramp, was in process of accelerating and changing gears, was traveling at 15 to 20 miles per hour and one lane of dual lane bridge was unobstructed. Smiley v. Ellis, App.1974, 307 So.2d 150, application denied 310 So.2d 643.

The maximum speed limit of 65 miles per hour at point of collision was conditional under R.S. 32:64 providing that no person shall drive at speed greater than reasonable and prudent under the conditions and potential hazards existing having due regard to the surface and width of highway and the weather. Beauregard v. Salim, App.1967, 205 So.2d 634.

2. Negligence, in general

Evidence established that black man wearing dark clothing was lying motionless in middle of traffic lane on rural, unlighted highway at 3:30 a.m. on foggy night, and that truck driver was proceeding at safe speed and at safe distance behind other truck, relative to his speed, and thus, failed to establish that driver was negligent in failing to observe victim in time to avoid accident. Rayford v. Suis Motor Freight Lines, Inc. App. 1 Cir.1983, 442 So.2d 548, writ denied 444 So.2d 1242.

There was no manifest error in trial court's determination of gross negligence of driver of automobile which struck preceding vehicle from behind where there were 71 feet of skid marks left by this automobile, impact of collision propelled preceding vehicle into two vehicles which were immediately in front of it and where all other vehicles in vicinity were able to stop with out causing collision. Andersen v. Craig, App. 1981, 401 So.2d 1022.

On coming motorist, whose vehicle hydroplaned on water that had accumulated on unrepaired portion of old highway and skidded into path of plaintiffs oncoming vehicle, was operating his vehicle in a negligent manner where he had traversed several miles over a portion of highway before the accident and was operating his vehicle at a speed greater than reasonable and prudent under the circumstances. Bush v. State, Through Dept. of Highways, App.1981, 395 So.2d 916, writ denied 399 So.2d 695.

Even if motorist had violated this section and R.S. 32:141, relating to obstruction of more than one-half of road bed, that did not automatically constitute negligence. Comeaux v. Sims, App. 1976, 328 So.2d 816.

Approach of police vehicle from opposite direction with blue flashing lights indicated to plaintiff truck driver that potentially dangerous situation existed so that plaintiff properly reduced his speed on overpass and was not negligent with respect to collision with following tank truck. Eubanks v. Brassel, Sup.1975, 310 So.2d 590, on remand 318 So.2d 79.

Evidence that pickup truck driver was driving at approximately 45 miles per hour on wet rainy night when he apparently lost control of the truck, which bounced off a bridge railing and collided with oncoming automobile, sustained finding that driver of the pickup truck was negligent and that his negligence caused the accident, which resulted in automobile passenger's death. Wilson v. Pittman, App.1975, 307 So.2d 804.

Where road was straight and dry, visibility was unobstructed and following motorist had ample room in which to maneuver around preceding vehicle, if it were seen, following motorist was negligent in failing to observe preceding vehicle in time to avoid accident. Smiley v. Ellis, App.1974, 307 So.2d 150, application denied 310 So.2d 643.

Where semitrailer truck driver took no action to slow vehicle except to remove foot from accelerator upon noticing increasingly thickening layer of gravel on highway, low beam headlights provided visibility of only 30 to 60 feet, truck struck three-foot pile of gravel in roadway, and veered into opposite lane striking oncoming vehicle, truck driver was negligent. Tillman v. Canal Ins. Co., App.1974, 305 So.2d 602, writ denied 307 So.2d 630.

Driver of pickup truck was negligent in not taking necessary precautions to insure that 12-year old child in rear of pickup truck was safely seated and in driving at excessive rate of speed in light of his knowledge that the child was seated on truck's tailgate and was liable for injuries sustained when child was thrown from the truck. Freeman v. Wilcox, App.1974, 303 So.2d 840, writ denied 307 So.2d 630.

Though defendant truck driver pled guilty to charge of prima facie speeding in connection

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Note 16
In a bridge, evidence for bus company was insufficient to rebut prima facie case in favor of passenger. *Terminator v. The State Transit Co. of Louisiana*, App. 1040, 191 So. 84.

tread of tires on rear wheels of bus.

That truck skidded on snow but steep approach to bridge considered extremely hazardous to automobile traffic did not raise presumption that driver was negligent. *Siren v. Montagne*, App. 1032, 142 So. 100.

Hurdon was on defendant motorist and for damages sustained in collision to establish defense that his automobile was uncontrollable only because floor of bridge was slick as result of rain. *McNabb v. Hugon*, App. 1032, 142 So. 114.

In action against bus company for injuries sustained by passenger, evidence warranted conclusion that bus operator was operating bus in an illegal manner and was not free of negligence, at time when bus struck a bridge, and operator's knowledge concerning wet condition of highway, narrowness of bridge, and law-

§ 63. Establishing of speed zones

A. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any maximum speed set forth in this Chapter is greater or less than is reasonable or safe under the conditions found to exist upon any highway of this state, or any part thereof, the department may determine and declare a reasonable and safe maximum speed limit thereat, which, when appropriate signs giving notice thereof are erected, shall be effective at all times or at such specific times as may be determined by the department.

B. Whenever the department determines on the basis of an engineering and traffic investigation that slow speeds on any highway of this state, or part thereof, consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit thereat, below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. Minimum speeds so determined shall become effective upon the erection of signs giving notice thereof. Acts 1962, No. 310, § 1.

Library references: Automobiles C-34, 168, 331; C.J.S. Motor Vehicles § 27, 30, 35, 200 et seq., 641 et seq.

History and Source of Law

Source: Uniform Vehicle Code § 11-502, 11-601.

Law Review Commentaries

Admissibility in evidence of radar speed meter readings. 26 Tulane Law Rev. 369 (April 1951).

§ 64. General speed law

No person shall drive a vehicle on the highway within this state at a speed greater than is reasonable and prudent under the condi-

SPEED RESTRICTIONS R.S. 32:64

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tions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather, and in no event at a speed in excess of the maximum speeds established by this Chapter or regulation of the department made pursuant thereto.

Except when a special hazard exists that requires lower speed for compliance with paragraph A of this section, no person shall operate or drive a motor vehicle upon the highway of this state at such a slow speed as to impede the normal and reasonable movement of traffic. Acts 1962, No. 310, § 1.

History and Source of Law

Source: Acts 1038, No. 250, § 3. Acts 1918, No. 502, H 4, 5. R.S. 1030, § 32:227. Acts 1950, 2nd Ex Sess., No. 3, § 1. R.S. 1030, § 32:227 provided:

"In addition to the specific speed limitations of this Chapter, no person shall operate any vehicle upon the highways of this state at other than a reasonable and proper speed under the circumstances, or at a speed endangering the persons or property of others.

"Whoever operates a vehicle in violation of the speed limitations of this Chapter shall be prima facie at fault and responsible for any accident proximately caused by such operation.

"In addition, whoever violates the speed limitations of R.S. 32:223, or the general speed limit of this Section while operating or driving a motor vehicle to which R.S. 32:223 applies, shall be fined not more than two hundred dollars or imprisoned for not more than ninety days, or both. A subsequent offense shall be punished by a fine of not less than twenty-five dollars, or imprisonment for not less than ten days nor more than six months or both.

"In addition, whoever violates the speed limitations of R.S. 32:225, 32:226, or the general speed limit of this section while operating or driving a motor vehicle to which R.S. 32:225 or R.S. 32:226 applies, shall for the first offense be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both;

"No sentence imposed under the authority of this Section shall be suspended."

The general speed limitation, and provisions of fault, in R.S. 1950, § 32:227, were based on Acts 1038, No. 250, § 3. The penalty provisions were based on Acts 1918, No. 502, H 4, 5.

Pennsylvania

Ch. 33 RULES OF THE ROAD IN GENERAL 75 § 3362

SUBCHAPTER F
SPEED RESTRICTIONS

- Sec.
- 3361. Driving vehicle at safe speed.
- 3362. Maximum speed limits.
- 3363. Alteration of maximum limits.
- 3364. Minimum speed regulation.
- 3365. Special speed limitations.
- 3366. Charging speed violations.
- 3367. Racing on highways.
- 3368. Speed timing devices.

Cross References. Subchapter F is referred to in section 6109 of this title.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Cross References. Section 3361 is referred to in sections 1535, 3362, 3366 of this title.

§ 3362. Maximum speed limits.

(a) *General rule.*—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this subsection or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

- (1) 35 miles per hour in any urban district.
- (2) 55 miles per hour in other locations.
- (3) Any other maximum speed limit established under this subchapter.

(b) **Posting of speed limit.**—No maximum speed limit established under subsection (a)(1) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(c) **Penalty.**—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

Cross References. Section 3362 is referred to in section 1535 of this title.

§ 3363. Alteration of maximum limits.

The department or local authorities on highways under their respective jurisdictions, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section.

§ 3364. Minimum speed regulation.

(a) **Impeding movement of traffic prohibited.**—Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) **Slow moving vehicle to drive off roadway.**—Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(c) **Establishment of minimum speed limits.**—At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in com-

pliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

Cross References. Section 3364 is referred to in sections 4305, 6109 of this title.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.—

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) School zones.—When passing a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(c) Hazardous grades.—The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited to a maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

(d) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

(Oct. 10, 1980, No.147, eff. imd.)

MAR 3 1986



NO, WE HAVEN'T MOVED, BUT
OUR MAILING ADDRESS IS NOW
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128

February 27, 1986

Representative Rick Uehling
Box V
Juneau, AK 99811

Dear Representative Uehling:

Thank you very much for your letter of February 22nd and the enclosures regarding speed limits. I have read them and I agree that the DOT's methods leave much to be desired as far as common sense is involved.

I have tried for years to get the speed limit lowered through Sterling, but the best they would do is lower it to 45 -- which means that the big trucks are hitting around 50 through town.

Now we have a brand new Post Office right in the center of town at one of our main intersections, instead of 3 miles out of town at its former location. There are 1,180 post office boxes here, serving almost 3,000 people. It is located on a curve of the Sterling Highway and approximately 600 feet from the location of a fatal accident last year.

Representatives Marrou and Navarre have been helping us in this matter and have convinced the DOT to have their annual speed limit review for late July (tourist season) rather than in March as they did last year.

I did not have time to submit written testimony for the February 26th hearing on HB 552 as your letter took four days to get here (wonderful Postal Service), but will send a copy of this letter to the addresses you gave me.

We greatly appreciate your help in this matter even though we are not in your district.

Sincerely,

Walt Pedersen
Walt Pedersen

cc: Representative Katie Hurley, Chair, House State Affairs Committee

→ Representative Bette Cato, Chair, House Transportation Committee

Representative Andre Marrou

Representative Mike Navarre



ADMINISTRATION

Purpose and Scope of System:

There is a need to establish guidelines within which the system is operated, expanded and managed that reflect the state's responsibility to meet the needs of Alaskans for surface transportation via the Alaska Marine Highway System (AMHS) between Alaska coastal points and out-of-state connection.

The original concept of the system limited operations to transportation of people, freight and personal vehicles via vessel between ports in Southeast Alaska and to Prince Rupert. This system connected areas where highways did not exist and the cost of highway construction was prohibitive or impossible. As the system developed, service was expanded to points other than those covered by the above criteria (for example: the Seattle run and creation of the Southwest system). Today we have an expanded system that has evolved without "in depth" planning which does not meet reasonable tests for efficiency when viewed from the standpoint of effective use of capital equipment and personnel.

We recommend that guidelines be established to provide criteria covering future expansion of service and quality of service so as to meet the state's responsibility to provide basic marine highway service to the traveling public. In recognition of the

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We recommend that guidelines be established to provide criteria covering future expansion of service and quality of service so as to meet the state's responsibility to provide basic marine highway service to the traveling public. In recognition of the

need for subsidy to continue operations and in recognition that seasonal traffic (primarily visitors to Alaska) does make a substantial contribution to subsidy reduction, we suggest that the criteria covering selection of expanded routes and service include consideration of maximizing revenue by allowing tourism to underwrite a larger share of the cost.

Organization:

We find that there is a need to review and consider alternatives to current placement of the AMHS Division within the Department of Transportation and Public Facilities (DOT/PF) where continuity of purpose and management has suffered due to the impact of periodic changes of administration in past years. Lack of continuity and changes of perspective from administration to administration has had a harmful and continuing impact on the system.

We recognize that the newly implemented reorganization of the Division is an improvement over the previous structure. However, considerable criticism from the public and within the System has been called to our attention pointing out what appears to be a topheavy arrangement consisting of four directors under a Deputy Commissioner.

In recognition that changes in State government administration has had a harmful impact on continuity of purpose and management of the system, transfer of AMHS to an organizational structure

less subject to political pressures and designed to provide continuity is necessary. Three possible alternatives in order of their priority are:

1. Creation of a purely independent public corporation to operate the AMHS.
2. Operation and management of AMHS to be transferred from DOT/PF to an organizational structure similar to that being considered for the Alaska Railroad in HB 512.
3. Continuation of present arrangement under DOT/PF with a policy-making commission at its head with power to select top personnel similar to that now provided for in the Departments of Fish and Game and Education.

In either of the three recommendations above, the policy-making group should consist of seven members; one from the transportation industry, one from the maritime industry, one from the tourism industry, and four members at large. Of the above seven, at least two must be from Region 1, and one each from Regions 2, 3, and 4.

At least six of the above seven must be residents of Alaska. No more than one member may be appointed from outside of Alaska, this non-Alaskan resident member must have at least ten years

experience in maritime management in order to be considered for appointment. These seven members would be appointed by the governor for staggered three year terms.

When assessing the above recommendations, reference should be made to the 1982 Report to The Legislative Budget and Audit Committee, Alaska State Legislature, "Alaska's Public Corporations--A Framework for Assessment," prepared by the Institute of Public Administration, 55 West 44th Street, New York, New York.

Criticism of the new organizational plan as "top-heavy" appears to be justified. The Director designation (unclassified) is recognized as an attempt, when necessary, to simplify personnel actions as opposed to similar actions when dealing with classified personnel. We suggest that a strong executive be selected as deputy commissioner or manager, who has extensive maritime commercial experience in marine system logistics, operations, and management. This person should be given authority to select and supervise the division heads who have the responsibility for Operations, Administration, Marketing and Facility Construction. Similar qualifications should be a mandatory requirement for division heads. Likewise, the facility and construction division heads and engineers employed by these divisions should be experienced in their respective specialized fields of marine engineering.

Successful and well operated organizations depend on established and open communications between all levels of personnel. Within AMHS there has been and remains a lack of organized communications (input and response) between management and division personnel. This is especially true in the area of ship operations. We recommend the implementation of a formal and open communication plan as soon as practical. In so doing we see an opportunity for personnel on ships and on shore to provide valuable input for decision makers that could eliminate future design and operational problems.

Master Plan:

There is no "in-depth" plan in place to provide for an orderly and a financially feasible approach to future operations of the system. For example, future plans should include plans for vessel replacement, improved scheduling and utilization of vessels, future expansion of system and service, and a feasible financial plan to cover future costs. It has been estimated by marine engineers that the expansion and replacement costs of the AMHS would be one billion dollars over the next 30-40 years.

In order to adequately plan for the future of the System an existing condition inventory of all operating equipment and vessels needs to be accomplished. This should include a general monitoring of both design and construction standards to stress uniformity.

We recommend that a master plan be formulated by the policy-making group as one of their first responsibilities. The master plan must contain definitive plans in scheduled format to cover periods of 5 and 10 years with provision for bi-annual reviews. It should include but not be limited to the following:

1. Future System expansion, including consideration of shuttle ferry concept.
2. Standardization of vessels and shore facilities.
3. Capital Improvement Plan, to include:
 - A. Vessel replacement and mid-life rehabilitation
 - B. Construction and rehabilitation of shore facilities
 - C. Development of an expanded highway system to lessen dependence upon marine transportation.
4. Development of an Operating Plan to:
 - A. Improve scheduling and utilization of vessels
 - B. Develop a Marketing Plan to improve utilization of non-peak season capacity
 - C. Guarantee that the System generates revenues to fund a minimum of 55 percent of operating costs within the next five years and 60 percent within ten years.

M E M O R A N D U M

February 6, 1986

SUBJECT: Section by section analysis of HB 23, an Act relating to ferries and ferry terminals and establishing the Alaska Marine Highway Authority

TO: Representative Bette Cato

FROM: George Ucermohle
Legislative Counsel

As per your request, the following is a section by section analysis of HB 23, an act relating to ferries and ferry terminals and establishing the Alaska Marine Highway Authority.

Section 1 The purpose of this bill is to create an Alaska Marine Highway Authority with exclusive authority to operate, manage, construct, and plan facilities of a marine highway system. According to the stated purpose, the Authority is independent of the state government. This is probably an overstatement. The Authority is part of state government, although for some purposes, as a public corporation, it has an independent legal existence.

Section 2 AS 19.70

Chapter 70. Alaska Marine Highway Authority
Article 1. Creation and Organization

19.70.010 The Alaska Marine Highway Authority is created as a public corporation with legal existence independent of the state. The Authority is a separate agency within the Department of Transportation and Public Facilities.

19.70.020 The governor appoints and the legislature confirms seven directors to the Authority. Three directors must be chosen from among representatives of commercial carriers, of the maritime industry and of the tourism

industry. Four directors must be public members; each from a separate region of the state served by the marine highway system (Southeastern Alaska, Prince William Sound, Kodiak Island, and Interior Alaska). Each director serves a four year term but is subject to prior removal by the governor. Each director must sign a written oath to faithfully, impartially, and justly perform his duties. The directors serve without pay but are entitled to travel and per diem expenses.

19.70.030 The directors shall chose a chairman from among themselves. The directors shall also choose a secretary and a treasurer, but the secretary and treasurer need not be directors. Four directors constitute a quorum of the Authority.

19.70.040 The Authority shall employ an executive director. All employees of the Authority except the executive director and the legal counsel, shall be state employees in the state classified service. The Authority may contract for the services of consultants and advisors as necessary.

Article 2. Powers and Duties

19.70.050 The Authority is a corporate entity that can sue and be sued. The Authority is given the powers necessary to conduct business of the marine highway system within and out of the state. As an agency of the state, the budget of the Authority is approved and the funds are appropriated by the legislature. The Authority is given the power to make and enforce bylaws and regulations, but it is unclear whether the Authority is to have rulemaking powers under the Administrative Procedures Act.

The Authority has power to establish rates and tariffs and to modify the routes of the marine highway system, after public hearings are held. The power to establish new routes for the marine highway system is not included in the powers of the Authority.

The Authority does not have the power to issue bonds for the construction of ferries or ferry terminals. The Authority must rely on legislative appropriation for funding of capital projects.

19.70.055 The Authority has a duty to promote the best marine passenger and freight service possible by private and public carriers to Alaskan communities. The Authority is specifically required to obtain prepayment for reservations and maximize the frequency of service to all ports. The bill is unclear on which ports must be served by the Marine Highway System. The Authority must provide access to the reservation system throughout the state and to market the marine highway system throughout the state. The Authority has a mandate to utilize Alaskan facilities and to employ Alaskan residents and Alaskan unions to the maximum extent possible.

19.70.060 The Authority is authorized to use the name "Alaska Marine Highway System."

19.70.070 The Authority and the Department of Transportation and Public Facilities shall prepare a long range plan for the marine highway system. The plan must be updated every five years. The plan and its update are subject to legislative oversight. The exact role of the Legislature in the review and approval of the plan is unclear.

Article 3. Acquisition of Property

19.70.080 The Authority may acquire land, easements, sand, gravel, and other raw materials by purchase, gift, or exchange. The Authority's power to acquire land or raw materials is not impeded by the fact that title to the land or raw materials is vested in the state or an agency of state, though the significance and rationale of this provision is unclear.

19.70.090 The Authority may acquire land that is not for purposes of the marine highway system, if the land will be used to acquire other land needed for purposes of the marine highway system.

19.70.100 The Authority may abandon its ownership of land that is surplus to its needs. When the Authority abandons land, the land reverts to the owner or the owner's heirs of the land at the time the land was taken. This provision is peculiar in that the Authority has no power of eminent domain and thus cannot take land for marine highway purposes. Other state agencies, such as the Department of Transportation and Public Facilities, do have the power of eminent domain and could take land by eminent domain and

then transfer that land to the Authority. It is unusual that a state agency is given the power to abandon land. The Authority may also transfer its surplus land to the Department of Natural Resources for disposal. The proceeds from the disposal of such surplus lands must be credited to the fund from the funds to purchase the land originally came. The fate of funds received from the disposal of surplus lands that were not purchased by the state is not addressed.

Article 4. Ferry Terminal Facilities

19.70.110 The Authority may construct, purchase, lease, and maintain ferry terminal facilities. Ferry terminal facilities are limited to use by vehicles and passengers that can load and unload under their own power. This limitation prevents the ferry system from offering non-ferry type services such as containerized cargo services. This limitation may also restrict the current practice of loading and unloading vans on a ferry using trucks based at the embarkation and disembarkation ports, without the vans being accompanied by a means to load or unload on its own power.

19.70.120 The Authority may connect ferry terminals with local highway systems. The Authority may build the necessary roadways and other facilities necessary to link a ferry terminal with a local road system.

19.70.130 The Authority may adopt regulations governing public use of ferry terminal facilities. The regulatory power of the Authority is not explicitly subject to the Administrative Procedures Act (AS 44.62). Likewise the Authority is not specifically exempted from the Administrative Procedures Act.

19.70.140 A ferry terminal facility operating on January 1, 1959 is not affected by the provisions of 19.70.110-19.70.140. Such ferry terminals are not restricted to use by passengers and vehicles that load and unload under their own power. The Authority does not have power to issue regulations governing public use of these ferry terminals or to connect these ferry terminals with local road systems.

The power of the Authority over these older ferry terminal facilities is unclear. The Authority may lack authority to repair or maintain these facilities.

Sections 19.70.110-19.70.140 are taken from AS 19.60. AS 19.60 was enacted in 1959 and has not been updated since to reflect current practices of the marine highway system.

Article 5. General Provisions

19.70.150 The Authority shall issue annually a report to the governor and the legislature detailing its income, expenditures, and operations for the prior fiscal year.

19.70.160 A certified public accountant shall audit annually the financial records of the Authority. The legislative auditor has the power to prescribe the form and content of the financial records of the Authority. This is an unusual grant of authority to the legislative auditor in that the legislative auditor can dictate what kinds of financial records the Authority is to keep.

The legislative auditor may inspect the financial records of the Authority at any time.

19.70.170 The Authority is subject to the Executive Budget Act (AS 37.07). The Authority must submit its budget to the Legislature through the Governor. The Authority shall spend its budget only as the budget is appropriated by the legislature.

19.70.180 A vessel of the marine highway system may be named only by act of the legislature. Maritime vessels are to be named after an Alaska glacier and river vessels are to be named after historic vessels that used Alaskan rivers. This provision is derived from AS 19.65.020.

19.70.199 The terms "authority", "capital improvement" and "ferry" are defined.

The term "ferry" means a vessel used in intrastate commerce to carry passengers and self-propelled vehicles. The definition of "ferry" has not changed since it was adopted in 1959.

19.70.200 This act is titled ~~the~~ Alaska Marine Highway Authority Act.

Section 3 The Authority is subject to AS 35.27 which requires a specific proportion of construction costs to be allocated for art in the facility.

Section 4 The terms "building" and "facility" are amended so that any permanent improvement by the Authority is subject to AS 35.27.

Section 5 The term authority in AS 35.27 is defined to mean the Alaska Marine Highway Authority.

Section 6 The directors of the Alaska Marine Highway Authority are subject to the conflict of interest laws (AS 39.50).

Section 7 The Department of Transportation and Public Facilities is not responsible for the planning design construction or maintenance of facilities under the jurisdiction of the Alaska Marine Highway Authority.

Section 8 The Department of Transportation and Public Facilities is not responsible for management, operation, or maintenance of state transportation facilities under the jurisdiction of the Alaska Marine Highway Authority.

Section 9 AS 19.60 relating to ferry terminal facilities is repealed. Most of these same provisions are included in AS 19.70.110-19.70.140 of this bill. Those sections of AS 19.60 not re-enacted in this bill relate to construction and operation of ferry terminals by private enterprise.

AS 19.65 relating to the Alaska Marine Highway system is repealed. The provisions of this chapter are reenacted in this bill as AS 19.70.180.

Section 10 The first directors of the Authority are appointed by the Governor to staggered terms.

GU:mkr
M2:140

UNFINISHED BUSINESSCSHB 28(Fin)(2d-title-am)

Representative Pettyjohn moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 28 (Finance) (2d title amended) (making a special appropriation from the undistributed income account in the Alaska permanent fund to the principal of the permanent fund; effective date) be taken up at this time.

Representative Clocksin objected.

Representative Pettyjohn moved and asked unanimous consent that he be allowed to withdraw his motion.

Representative Adams objected and withdrew his objection. There being no further objection, Representative Pettyjohn's motion was withdrawn.

SSSB 374 *file*

The Speaker waived the Transportation Committee referral on SPONSOR SUBSTITUTE FOR SENATE BILL NO. 374 (relating to state toll facilities) at the request of the Chairman.

SSSB 374 was sent to the Finance Committee.

HB 611 *file*

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 611 (relating to air carriers) at the request of the Chairman.

HB 611 was sent to the Finance Committee.

CSHB 104(Jud)am

Representative Clocksin moved that the House concur in the Senate amendment to CSHB 104(Jud)am, thus adopting CSHB 104(Jud)amS (page 2146), and recommended that the members vote yes.

Representative Pignalberi objected.

The question being: "Shall the House concur in the Senate amendment to CSHB 104(Jud)am?" The roll was taken with the following result:

Ford
3/24/86

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 552 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and ^{neighborhood} safe
7 speed zones."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 19.10.070 is amended to read:

10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways and arterial roadways under its jurisdiction.

14 * Sec. 2. AS 19.10 is amended by adding a new section to read:

15 Sec. 19.10.072. NEIGHBORHOOD ^{SPEED ZONES} SAFETY FACTORS AND LOCAL HEARING
16 PROCESS. (a) In determining safe speed limits and safe speed zones,
17 the department shall consider the following factors in the order of
18 priority listed:

19 (1) neighborhood safety, including the presence of children
20 and pedestrian traffic;

21 (2) the presence of schools, houses, parks, and crosswalks;

22 (3) the presence of driveways, parked vehicles, and multi-
23 ple turn locations;

24 (4) that speed at which safe and prudent drivers could pass
25 through the speed zone; and

26 (5) the effectiveness of local enforcement of the speed
27 zone.

28 (b) In determining safe speed limits and safe speed zones within
29 a municipality the department shall consult with that municipality.

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In determining safe speed limits and safe speed zones on highways and arterial roadways under its jurisdiction the department shall also consult with community councils or other neighborhood organizations in the affected area, if the community councils or other neighborhood organizations request in writing to participate in the determination. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by a municipality, community council or other neighborhood organization.

Ford
3/21/86.

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 552 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

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12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways and arterial roadways under its jurisdiction.

14 * Sec. 2. AS 19.10.070 is amended by adding new subsections to read:

15 ^{other areas besides urban} (b) ^{consultation - urban only} In determining safe speed limits and safe speed zones within
16 ^{out} urban areas of a municipality under (a) of this section, the depart-
17 ment shall consult with that municipality. The department shall
18 provide notice and opportunity for a hearing before establishing a
19 speed limit or speed zone other than as recommended by the municipal-
20 ity. — *What if mun. keeps saying "no"*

21 (c) ^{all other} In determining safe speed limits and safe speed zones under
22 (a) of this section, the department shall consult with the community
23 councils or other neighborhood organizations in the affected area, if
24 the community councils or other neighborhood organizations request~~x~~ in
25 writing to participate in the determination. The department shall
26 provide notice and opportunity for a hearing before establishing a
27 speed limit or speed zone other than as recommended by the community
28 council or other neighborhood organization.

29 * Sec. 3. AS 19.10 is amended by adding a new section to read:

1 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES. In determining safe
2 speed limits and safe speed zones under AS 19.10.070, the department
3 shall consider the following factors in the order of priority listed:

4 (1) neighborhood safety, including the presence of children
5 and pedestrian traffic;

6 (2) the presence of schools, houses, parks, and crosswalks;

7 (3) the presence of driveways, parked vehicles, and multi-
8 ple turn locations;

9 (4) that speed at which safe and prudent drivers could pass
10 through the speed zone; and

11 (5) the effectiveness of local enforcement of the speed
12 zone.

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Introduced: 2/7/86
Referred: State affairs,
Transportation and Finance

BY UEHLING, MARTIN, RINGSTAD,
FURNACE, JENKINS, MARROU,
HANLEY, COLLINS, SZYMANSKI,
SUND, TAYLOR AND BOUCHER

1 IN THE HOUSE

2 HOUSE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and
7 neighborhood speed zones."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways under its jurisdiction.

14 * Sec. 2. AS 19.10 is amended by adding a new section to read:

15 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES (c) In determining safe
16 speed limits and safe speed zones under AS 19.10.070, the department
17 shall consider

18 (1) the presence of schools, parks, crosswalks, and pedes-
19 trian traffic;

20 (2) the presence of driveways, parked vehicles, and multi-
21 ple turn locations;

22 (3) the effectiveness of local enforcement of the speed
23 zone;

24 (4) that speed at which safe and prudent drivers could pass
25 through the speed zone.

(b) In determining (of sec 2)

(c) In determining safe speed (of sec 2)

** Statewide bill*

THIS BILL HAS BEEN AN EXPERIENCE.

STATE AFFAIRS ZAPPED IT RIGHT OUT OF COMMITTEE FRIDAY BECAUSE:

1. IT HAD BEEN SCHEDULED FOR HEARING BEFORE AND

2. WE HAD IT SCHEDULED "PENDING REFERRAL"

ACCORDING TO UEHLING'S STAFF, THEY ACCEPTED STATE AFFAIRS CS TO GET IT OUT OF COMMITTEE BUT... THEY HAD SOME CONCERNS.

I WORKED W/ STAFF ON THOSE CONCERNS - WE WENT TO LEGAL SERVICES & REQUESTED THE FOLLOWING CHANGES:

1. REMOVE REFERRAL TO ["URBAN AREAS OR"] A MUNICIPALITY

2. RESTRUCTURE BILL SO EMPHASIS IS ON "NEIGHBORHOOD SPEED ZONES"

3. IN REFERENCE TO COMMUNITY COUNCIL & NEIGHBORHOOD ORGANIZATION - MAKE THEM PLURAL.

WELL WE RECEIVED THE DRAFT CS ABOUT 5:00 OR SO. AND LEGAL SERVICES

1. CHANGED THE TITLE FROM "NEIGHBORHOOD SPEED ZONES" TO "SAFE SPEED ZONES"

thus de-emphasizing Uehling's intent

2. RESTRUCTURING OF BILL - A BIT MORE

3. Handled changing to plural

CONSEQUENTLY -- REP. UELING IS GOING TO HAVE TO WALK THE COMMITTEE THROUGH THE BILL TO TELL US HIS INTENT AND IF AND HOW HE'D LIKE US TO ASSIST WITH GETTING A CLEAR BILL OUT OF OUR COMMITTEE.

CLEAR AS MUD?

ALSO, FYI -- UELING WAS NOT INVOLVED W/ DRAFTING CS FOR STATE AFFAIRS. SUPPOSEDLY, SEN. V. FISCHER DRAFTED CS AND GAVE TO HURLEY. ALSO, SUPPOSEDLY, SEN. FISCHER ACCUSED UELING OF STEALING HIS IDEA & INTRODUCING THIS BILL. ACCORDING TO UELING'S STAFF - FISCHER STOLE THEIR IDEA AND DID SOME WORK ON IT LAST INTERIM.

HOPEFULLY, THIS MESS WON'T EMERGE AT OUR HEARING, SINCE NO ONE FROM FISCHER'S STAFF HAS CONTACTED ME YET AND IT'S 6:15 P.M.

Keep your fingers crossed

Documents is closed so here's my marked up State Affairs
ESTHAT WE CHANGED FOR A TRS. CS

Ford
3/21/86.

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 552 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and neigh-
7 borhood speed zones." *Legisl changed*

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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13 speed zones on highways and arterial roadways under its jurisdiction.

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15 *other areas besides urban* (b) *consultation - urban only* In determining safe speed limits and safe speed zones within
16 *out* ~~urban areas of~~ a municipality under (a) of this section, the depart-
17 *delete* ment shall consult with that municipality. The department shall
18 provide notice and opportunity for a hearing before establishing a
19 speed limit or speed zone other than as recommended by the municipal-
20 ity. — *What if mun. keeps saying "no"*

21 (c) *all others* In determining safe speed limits and safe speed zones under

22 *been clear* (a) of this section, the department shall consult with the community
23 *plural* councils or other neighborhood *plural* organizations in the affected area, if
24 the community *plural* councils or other neighborhood *plural* organizations request in
25 writing to participate in the determination. The department shall
26 provide notice and opportunity for a hearing before establishing a
27 speed limit or speed zone other than as recommended by the community
28 council or other neighborhood organization.

29 * Sec. 3. AS 19.10 is amended by adding a new section to read:

-Legisl. changed

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2 speed limits and safe speed zones under AS 19.10.070, the department
3 shall consider the following factors in the order of priority listed:

4 (1) neighborhood safety, including the presence of children
5 and pedestrian traffic;

6 (2) the presence of schools, houses, parks, and crosswalks;

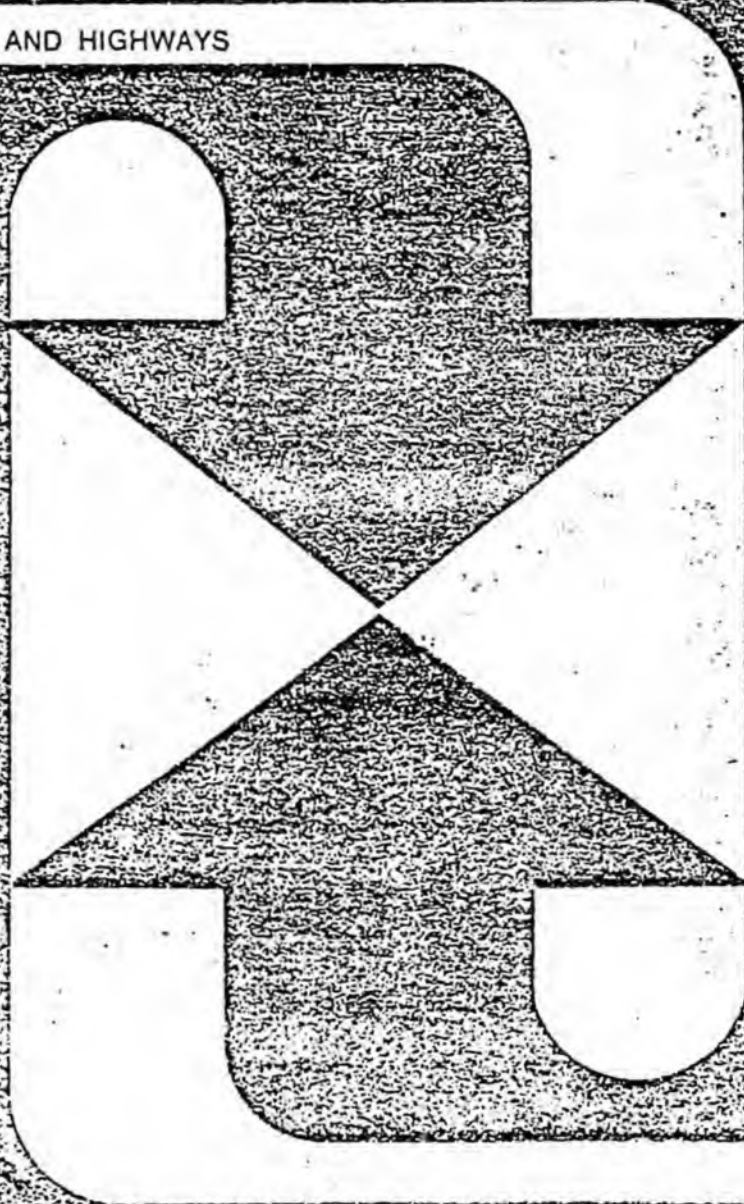
7 (3) the presence of driveways, parked vehicles, and multi-
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9 (4) that speed at which safe and prudent drivers could pass
10 through the speed zone; and

11 (5) the effectiveness of local enforcement of the speed
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ALASKA TRAFFIC MANUAL
UNIFORM
TRAFFIC
MUTCD with The Alaska Supplement
DEVICES -7/82

FOR STREETS AND HIGHWAYS



In the event the visibility of a STOP sign or a YIELD sign at any location is restricted, the sign shall be located as specified, and a Stop Ahead sign (sec. 2C-15) or a Yield Ahead sign (sec. 2C-16) shall be erected in advance of the STOP or YIELD sign.

Figures 2-2, 2-7a, 2-7b, and 2-7c (pages 2A-10 and 2D-16 to 2D-18) show typical STOP and YIELD sign installations.

2B-10 Speed Limit Sign (R2-1)

The Speed Limit sign shall display the limit established by law, or by regulation, after an engineering and traffic investigation has been made in accordance with established traffic engineering practices. The speed limits shown shall be in multiples of 5 miles per hour.

In order to determine the proper numerical value for a speed zone on the basis of an engineering and traffic investigation the following factors should be considered:

1. Road surface characteristics, shoulder condition, grade, alignment and sight distance.
2. The 85-percentile speed and pace speed.
3. Roadside development and culture, and roadside friction.
4. Safe speed for curves or hazardous locations within the zone.
5. Parking practices and pedestrian activity.
6. Reported accident experience for a recent 12-month period.

Two types of speed limit signs may be used: One to designate passenger car speeds including any nighttime information or minimum speed limit that might apply, and the other to show any special speed limits for buses and trucks. No more than three speed limits should be displayed on any one speed limit sign or assembly. Where a special speed limit applies to trucks or other vehicles, the legend TRUCKS 40, or such similar message as is appropriate, shall be shown below the standard

*ALL 50 STATES
are used
when estab
speed zones*



R2-1
24" x 30"



R2-2
24" x 24"

message or on a separate plate (R2-2). When used independently, the Truck Speed sign should carry a reference to SPEED or MPH.

Minimum speeds shall be displayed only in combination with the posted speed limit (sec. 2B-12).

Advisory Speed signs are treated under section 2C-35.

The standard Speed Limit sign shall be 24 x 30 inches. On expressways the sign should be at least 36 x 48 inches, with 48 x 60 inches prescribed for use on freeways.

2B-11 Night Speed Sign (R2-3)

Where different speed limits are prescribed for day and night, both the limits shall be posted. This may be done in either of two ways:

1. Immediately below the standard Speed Limit sign (R2-1) or combined with it, a Night Speed sign (R2-3) carrying the legend NIGHT 45 (or other suitable numerical limit) may be erected. In this case the numerals in the Night Speed sign and only the words SPEED LIMIT in the standard sign, should be reflectorized. As a special but logical exception to the general color scheme, the Night Speed sign should have its legend in white upon a black background.

2. A changeable message sign may be used, so that only the appropriate regulation is visible at a given time. The sign may have interchangeable panels, or reflectorization of the nighttime speed superimposed over the unreflectorized numerals of the daytime speed, to permit only the nighttime speed to become legible in the beam of motor-vehicle headlamps at night.



R2-3
24" x 24"

2B-12 Minimum Speed Sign (R2-4)

Where an engineering and traffic investigation shows that slow speeds on a highway consistently impede the normal and reasonable movement of traffic, signs may be used to post a minimum legal speed. Driving slower than the minimum limit is illegal except when necessary for safe operation or in compliance with the law. The minimum speed shall be displayed only in combination with the posted speed limit, and if desired, these two signs may be combined (R2-4a). The Minimum Speed sign shall have a standard, and minimum, size of 24 x 30 inches.



R2-4
24" x 30"



R2-4a
24" x 48"

2B-13 Location of Speed Limit Sign

Speed Limit signs, indicating speed limits for which posting is required by law, shall be located at the points of change from one speed limit to another. These signs shall not be erected until the speed limits are approved and officially authorized.

At the end of the section to which a speed limit applies, a Speed Limit sign showing the next speed limit shall be erected. Additional signs shall be installed beyond major intersections and at other locations where it is necessary to remind motorists of the limit that is applicable. In school areas, the END SCHOOL ZONE sign may be used as an alternate to the Speed Limit Sign.

11-45 (c)
Rev. 3

The Speed Zone Ahead sign (sec. 2B-14) may be used to give advance notice of a speed zone with a lower limit.

In rural districts on U.S. and other State numbered routes, Speed Limit signs indicating the statutory speed limits shall be erected at entrances to the State and at boundaries of metropolitan areas. A special oversize sign is often desirable at these locations.

2B-14 Sign for Reduced Speed Ahead (R2-5)

This sign should be used in rural areas to inform the motorist of a reduced speed zone when an advance notice is needed to comply with the speed limit posted ahead. The sign is not ordinarily needed in urban areas where speeds are relatively low.

This sign shall always be followed by a Speed Limit sign erected at the beginning of the zone where the altered speed limit applies.

This sign shall have a standard size of 24 × 30 inches. It shall, however, be of the same size as the Speed Limit sign at the beginning of the speed zone, shall be erected in the same manner, and shall display one of the three illustrated legends:



R2-5a
24" x 30"



R2-5b
24" x 30"



R2-5c
24" x 30"

2B-15 Turn Prohibition Signs (R3-1 to 3)

Turn Prohibition signs should be used to indicate the turns that are prohibited or restricted at a particular intersection.

The standard, and minimum, size of the No Right Turn sign (R3-1), the No Left Turn sign (R3-2), and the NO TURNS sign (R3-3) shall be 24 × 24 inches.

Turn Prohibition signs should be placed where they will be most easily seen by drivers intending to turn. Where No Right Turn signs are needed, at least one should be placed either over the roadway or at a right-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the right lane.

Where No Left Turn signs are needed, at least one should be placed over the roadway or at a left-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the left lane. Where No Turns signs are needed, two signs should be used, one at a location specified for a No Right Turn sign and one at a location specified for a No Left Turn sign. If signals are present, a No Turns sign may be placed adjacent to a signal face viewed by all motorists on that approach.

11-10 (c)
Rev. 3

If advance signs are used, care should be taken that no alley or public driveway exists between them and the intersection where the turning movement is prohibited. At an intersection where one or more approaches to the intersection are limited to one-way traffic, whether signalized or not, the ONE WAY sign (sec. 2B-29) shall be used, and may be supplemented by the Turn Prohibition sign (fig. 2-3, page 2A-11). A Turn Prohibition sign is not needed at a ramp entrance to an expressway where the design is such as to indicate clearly the one-way traffic movement on

passengers, is not visible for a distance of 500 feet in advance. It shall have a minimum 30" x 30" size.

It is not intended that these signs be used everywhere a school bus stops to pick up or discharge passengers but for use only where terrain and roadway features limit the approach sight distance and where there is no opportunity to relocate the stop to another location with adequate visibility.

7B-12 School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)

The School Speed Limit sign shall be used to indicate the speed limit where a reduced speed zone for a school area has been established (in accordance with law, after an engineering and traffic investigation) or when a speed limit is specified for such areas by statute. The sign shall be either a fixed-message sign assembly or a variable display type sign.

The fixed message sign assembly shall consist of a top panel (S4-3), 24" x 8" (the legend SCHOOL in black on a yellow background), a Speed Limit sign (R2-1), 24" x 30", and a bottom panel (S4-1) indicating the specific periods of the day and/or days of the week, when the special school speed limit applies. The bottom panel shall be 24" x 10" (or larger if needed) and shall have a black legend on a white background. Alternate legends such as WHEN CHILDREN ARE PRESENT (S4-2) may be used if permitted by law. The numerical speed limit displayed on the sign shall be the limit established by law.



S4-3
24" x 10"



S4-1
24" x 10"



S4-2
24" x 8"

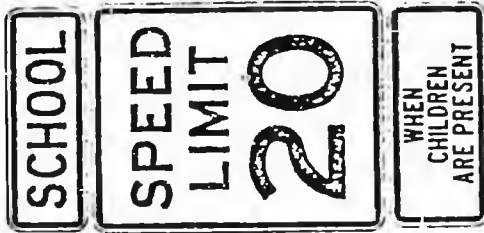


S4-4
24" x 10"

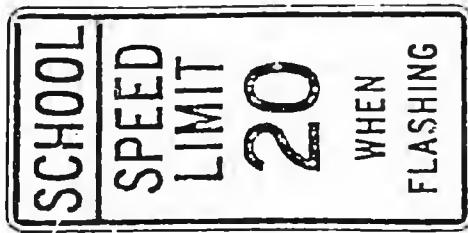
Variable display signs may be used to indicate the special school speed limit. These signs may use blank-out messages or other methods to display the school speed limit only during the periods it applies. A Speed Limit Sign Beacon ^{7B-13} may also be used, with a WHEN FLASHING sign (S4-4), to identify the periods the school speed limit is in force. The

lenses of the Speed Limit Sign Beacon may be positioned within the face of the School Speed Limit sign.

Because of special features, it may not always be practical to make variable display signs conform in all respects to the accepted standards. However, during the periods the school speed limit is in force, their basic shape, message, legend layout, and colors should conform to the standard for the fixed message sign, except that if the sign is internally illuminated, it may have a white legend on a black background.



School Speed Limit
Sign Assembly



Possible Sign
With Speed Limit
Sign Beacon

Variable display signs with flashing beacons should be used for the more critical situations, where greater emphasis of the special school speed limit is needed.

Where practical, consideration should be given to including, on the back of variable display signs, a light or device to indicate the speed limit message is in operation or visible.

The end of an authorized and posted school speed zone shall be marked with a standard Speed Limit sign showing the speed limit for the section of highway which follows or with an END SCHOOL ZONE sign.

7B-13 Parking and Stopping Signs (R7 Series)

Parking signs and other signs governing the stopping and standing of vehicles in school areas cover a very wide variety of regulations and only general specifications can be laid down here. Typical examples are as follows:

1. No Parking 8:00 AM to 5:00 PM School Days Only.
2. No Stopping 8:00 AM to 5:00 PM School Days Only.
3. 5 Min. Loading 8:00 AM to 5:00 PM School Days Only.

Text book

Many European and other countries have tended historically either to enforce speed limits only in hazardous rural areas or in urban areas or to enact single speed limits by statute to cover all highways of a certain kind in a given area. The practice of setting special speed limits for specific roadway conditions is relatively new. In some cases (Route M-1 in England, for example) highways were or are operated with no speed limit whatever. This total lack of speed control has generally proven unsafe.

SPEED REGULATIONS

FACTORS AFFECTING SPEED REGULATIONS

Public attitude. The traffic engineer will receive many requests for establishing new speed limits or for altering existing limits upward or downward. Such requests often reflect citizen opinion that something is wrong with a particular section of highway or with the operation of traffic thereon. A request for a revised speed limit, usually lower than the limit posted, is sometimes the only immediate solution that the public can offer. Such requests often are based on the misconception that almost all motorists will automatically exceed the posted limit by 5 or 10 mph and that the only way to reduce speeds is to reduce the speed limit. Citizens, acting as individuals or groups, will frequently request lower speed limits for their own neighborhood streets than they, as drivers, would consider reasonable in similar neighborhoods elsewhere.

The consensus of traffic engineers in the United States is that motorists usually adjust their speeds according to conditions on the road and not necessarily to posted speed limits. Hence, if unreasonably low limits are posted, the limit will be violated by large numbers of drivers. This leads to disrespect of other posted limits as well.

Studies of speed in Europe have shown, almost without exception, that the speed of vehicles can be considerably reduced by installing a speed limit. Experience in the United States indicates that drivers do not drastically alter speed patterns with changes in speed limits. One possible explanation is that European experience generally deals with the application of speed limits for the first time, but the United States experience usually deals with revision of existing speed limits.¹

Public reaction to the imposition of speed limits varies. In 1971 West Germany proposed the imposition of a 100 kph (62 mph) speed limit on two-lane rural roads where previously no speed limit had been posted. The purpose was to reduce West Germany's high accident rate. The general public reaction was one of anger.² In other instances, speed limits have been welcomed.

Accident frequency and severity vs. speed. Various safety campaigns aimed at drivers have attempted to persuade them that speed is the cause of almost all accidents, and that if speed can be controlled, accidents will be prevented or reduced. Although excessive speed has often been listed in police reports as the cause or major contributing factor in accidents, the real problem is driving too fast for prevailing conditions.

Statistics have generally shown that the imposition of a speed limit in an urban

¹ DONALD C. CLEVELAND, "Speed and Speed Control," *Traffic Control and Roadway Elements—Their Relationship to Highway Safety/Revised*, Chapter 6 (Washington, D.C.: Highway Users Federation for Safety and Mobility, 1970), p. 6.

² ALICE SIEGERT, "Speed Limits Irk Germans," *Chicago Tribune*, October 11, 1971, Sec. 1-A, p. 3.

specific speed limits. This information should be gathered both in a qualitative and quantitative manner which will justify the actions taken.

Requisite studies. The *Uniform Vehicle Code* requires that an engineering and traffic investigation shall be the basis for altering any maximum speed limit set forth in the Code. Almost all state laws contain a similar provision. What constitutes "an engineering and traffic investigation" is not described in the statute or in the *Uniform Vehicle Code*. Judgment must be used to select the pertinent data. Because posted speed limits apply to normal roadway conditions (dry pavement, good visibility, roadway uninhibited by traffic congestion or accidents) those data should be collected so that they truly indicate what would be considered normal maximum speed under such conditions.

The following factors should be considered, and appropriate data gathered, in establishing speed limitations:

1. Prevailing vehicle speeds
 - a. 85-percentile speed
 - b. Pace
 - c. Average test run speeds
 - d. Speed distribution data
2. Physical features
 - a. Design speed
 - b. Measurable physical features
 1. Maximum comfortable speed on curves
 2. Spacing of intersections
 3. Number of roadside businesses per mile
 - c. Roadway surface characteristics and conditions
 1. Slipperiness of pavement
 2. Roughness of pavement
 3. Presence of transverse dips and bumps.
 4. Presence and condition of shoulders
 5. Presence and width of median
3. Accident experience
4. Traffic characteristics and control
 - a. Traffic volumes
 - b. Parking and loading vehicles
 - c. Commercial vehicles
 - d. Turn movements and control
 - e. Traffic signals and other traffic control devices that affect or are affected by vehicle speeds
 - f. Vehicle-pedestrian conflicts¹¹

The spot speed check should show whether only free-moving vehicles or whether all vehicles were recorded. A free-moving vehicle is one in which the driver is not restricted by other vehicles in selecting his speed. Observations should be restricted to those vehicles having at least from 6- to 9-sec headways from those ahead and making no apparent effort to overtake and pass them.

¹¹ For additional information on these factors and their application to speed zoning, see "An Information Report on Speed Zoning," *Traffic Engineering*, XXXI, No. 10 (1961), pp. 39-44.

The 85-percentile speed as determined by spot speed studies is the principal factor generally used by traffic engineers to determine speed limits. Although this method is highly satisfactory on streets and highways carrying moderate to heavy volumes of traffic, it is difficult to apply on low-volume roads because of the time consumed in gathering the necessary number of observations. In such cases, trial runs can serve as a satisfactory substitute.

Criteria for establishing speed limits. The Traffic Committee for the American Association of State Highway Officials adopted in 1970 the following policy statement for the establishment of speed zones:

The 85th percentile speed is to be given primary consideration in speed zones below 50 miles per hour, and the 90th percentile speed is to be given primary consideration in establishing speed zones of 50 miles per hour or above. To achieve the optimum in safety, it is desirable to secure a speed distribution with a skewness index approaching unity.

Signing for speed limits. Signing for speed limits should be consistent with the appropriate sections of the latest edition of a manual on uniform traffic control devices, or an equivalent, used in each country (see Chapter 16, Traffic Signs and Markings).

Signs for speed limits are erected at varying intervals, depending on highway type and general location. In urban areas, speed limit signs are usually erected at intervals not exceeding one-half mile if the speed limit is 40 mph or less. On freeways and in rural areas, frequency of signing varies considerably, with intervals between signs usually ranging from one to five miles.

DETERMINATION OF ADVISORY SPEED INDICATIONS

Two basically different methods are available for determining advisory speed limits on horizontal curves: (1) by trial speed runs with a test vehicle or (2) by office calculation. Either method is satisfactory, but field runs to check the office calculations are desirable in any event.

The trial speed runs method involves using a vehicle equipped with a ball-bank indicator to show the combined effect of the body roll angle, the centrifugal force angle, and the superelevation angle. Safe speeds on curves are indicated by ball-bank readings of 14° for speeds below 20 mph, of 12° for speeds between 20 and 35 mph, and of 10° for speeds of 35 mph and higher. Also, 10° is safe for 50 mph and even 60 mph, but for higher speeds a smaller reading should be used.¹²

In using the office method for determination of advisory speed, the advisory speed indication for a curve may be calculated by the following formula:

$$V = \sqrt{\frac{(e + f)R}{0.06}} = \sqrt{15(e + f)R}$$

where V = advisory speed of vehicle in mph,
 e = superelevation in ft per ft of horizontal width,
 f = transverse coefficient of friction,
 R = radius of curvature in ft.

¹² *A Policy on Geometric Design of Rural Highways* (Washington, D.C.: American Association of State Highway Officials, 1965), p. 154.

13 AAC 02.325. SPECIAL SPEED LIMITATIONS. (a) No person may drive a motor-driven cycle when lights are required to be turned on as prescribed under 13 AAC 04.010 at a speed greater than allowed by the intensity of the headlights as provided by 13 AAC 04.320.

(b) No person may drive a vehicle which is towing a mobile home at a speed greater than 45 miles per hour.

(c) No person may drive a vehicle equipped with lighted headlights described in 13 AAC 04.020(g) at a speed greater than 20 miles per hour.

School zone

(d) No person may drive a vehicle at a speed in excess of 20 miles per hour when passing a marked public school or playground crosswalk that is posted with an official school, school crossing or speed-control sign. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk.

(e) No person may drive a vehicle passing a school bus displaying alternately flashing yellow lights as provided in 13 AAC 04.097(b) at a speed greater than 20 miles per hour.

(f) No person may drive a vehicle or a combination of vehicles over a bridge or other elevated structure or through a tunnel or underpass constituting a part of a highway, ferry facility or city street at a rate of speed or with a gross weight or of a size which is greater than the maximum speed or maximum weight or size designated by an official traffic-control device. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.330. RACING ON HIGHWAYS. (a) No person may participate in a race between motor vehicles upon a public highway, except as provided in AS 05.35.

(b) As used in this section, "race" means the use of one or more vehicles in attempting to outgain or outdistance another vehicle or while comparing or contesting relative speeds or powers of acceleration of the vehicles over a specified or unspecified distance or route,

whether or not the speed exceeds the maximum prescribed by law. (Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 8.
STOPPING, STANDING, AND PARKING

Section

- 340. Stopping, standing, or parking on highway and in other locations
- 345. Officers authorized to remove vehicles
- 350. (Repealed)
- 355. (Repealed)
- 360. (Repealed)
- 365. Additional parking regulations
- 367. Loading zones
- 370. (Repealed)
- 372. Public carrier stops
- 375. (Repealed)
- 377. Parking meter zones

13 AAC 02.340. STOPPING, STANDING, OR PARKING ON HIGHWAY AND IN OTHER LOCATIONS. (a) No person may stop, park or leave standing a vehicle, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other highway maintenance, and where the parking, stopping or standing is not prohibited by an official traffic-control device.

(b) This section and sec. 365 of this chapter do not apply to the driver of a vehicle performing an official duty which requires stopping, standing or parking upon or within eight feet of a roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon or within eight feet of a roadway. The driver of a disabled vehicle shall comply with the requirements of sec. 345 of this chapter.

(c) A vehicle that is stopped, parked, or standing in violation of a statute, regulation, or ordinance, is considered to have been stopped, parked or left standing by the registered owner of the vehicle unless the registered owner is able to prove that at the time of the violation the

13 AAC 02.260. OVERTAKING AND PASSING SCHOOL BUS. (a) The driver of a vehicle meeting or overtaking a school bus stopped on a highway must stop before reaching the school bus when there is in operation on the school bus flashing red lights as provided in 13 AAC 04.097. The driver may not proceed until the school bus resumes motion, he is signaled by the school bus driver to proceed, or the flashing red lights are no longer illuminated.

(b) Repealed 6/28/79.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway, or when upon a controlled-access highway and the school bus is stopped off the roadway in a loading zone which is part of, or adjacent to, the controlled-access highway and where pedestrians are not permitted to cross the roadway.

(d) When a school bus is stopped on a roadway, whether or not there are in operation flashing red lights as required in 13 AAC 04.097, a driver of a vehicle shall yield the right-of-way to children crossing a roadway to embark on or disembark from the school bus, whether or not the children are crossing within a marked crosswalk, or crossing the roadway upon which the bus is located. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.265. STOP WHEN TRAFFIC MAY BE OBSTRUCTED. No driver may enter an intersection or crosswalk, or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is driving without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding a traffic-control signal indication to proceed. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 7. SPEED RESTRICTIONS

Section

- 275. Basic rule and maximum limits
- 280. Alteration of limits by state and municipalities
- 285. (Repealed)
- 290. (Repealed)
- 295. Minimum speed regulation
- 300. (Repealed)
- 305. (Repealed)
- 310. (Repealed)
- 315. (Repealed)
- 320. (Repealed)
- 325. Special speed limitations
- 330. Racing on highways

13 AAC 02.275. BASIC RULE AND MAXIMUM LIMITS. (a) No person may drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway, and weather conditions.

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this section, the limits specified in this subsection are the maximum lawful speeds throughout the state, and no person may drive a vehicle at a speed in excess of these maximum limits, unless otherwise posted:

- (1) 15 miles per hour in an alley;
 - (2) 20 miles per hour in a business district;
 - (3) 25 miles per hour in a residential district;
- or
- (4) 55 miles per hour on any other roadway.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) The maximum speed limits set forth in (b) of this section may be altered as authorized in sec. 280 of this chapter. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.280. ALTERATION OF LIMITS BY STATE AND MUNICIPALITIES. (a) When the Department of Transportation and Public Facilities with the assistance of the department, or a municipality, in their respective jurisdictions and consistent with AS 28.01.010, determines upon the basis of an engineering and traffic investigation that a maximum speed prescribed in sec. 275(b) of this chapter is greater or lesser than is reasonable or safe under the conditions found to exist at an intersection, or an arterial street, or at any other place or part of the state or municipal highway system, the respective authority may determine a reasonable and safe maximum limit at the location. The maximum speed limit is effective when signs giving notice of the maximum limit are erected.

(b) Alteration under (a) of this section may

(1) decrease the limit at an intersection or other place where a full stop is necessary;

(2) increase the limit to not more than 55 miles per hour;

(3) decrease the limit within an urban district to less than 20 miles per hour, except as otherwise provided under AS 28.01.010(b); or

(4) decrease the limit outside an urban district.

(c) A maximum speed limit may be effective at all times or at times indicated by the signs required by (a) of this section. Limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. The limits are effective when posted upon fixed or variable signs.

(d) The Department of Transportation and Public Facilities or a municipality, in their respective jurisdictions, may regulate the timing of traffic signals to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections when they erect signs giving notice of the variance. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.285. WHEN LOCAL AUTHORITY MAY ALTER MAXIMUM LIMIT. Repealed 6/28/79.

13 AAC 02.290. SPEED LIMIT CONFLICTS. Repealed 6/28/79.

13 AAC 02.295. MINIMUM SPEED REGULATION. (a) No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with statutes, regulations, or ordinances.

(b) When the Department of Transportation and Public Facilities, or a municipality, in their respective jurisdictions, determines under sec. 280 of this chapter that slow speeds on a highway or part of a highway unreasonably impede the normal movement of traffic, the respective authority may determine a minimum speed limit not in excess of 55 miles per hour for that highway or part of a highway below which no person may drive a vehicle, except when necessary as prescribed in (a) of this section. The limit is effective when posted on fixed or variable signs. (In effect before 7/28/59, am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.300. SPEED LIMIT ON LIMITED OR CONTROLLED-ACCESS FACILITY. Repealed 6/28/79.

13 AAC 02.305. "STOP" SIGN AT INTERSECTION WITH INCREASED SPEED HIGHWAY. Repealed 6/28/79.

13 AAC 02.310. MAXIMUM SPEED LIMIT WHEN PASSING SCHOOL OR PLAYGROUND CROSSWALK. Repealed 6/28/79.

13 AAC 02.315. MAXIMUM SPEED, WEIGHT OR SIZE - BRIDGE, ELEVATED STRUCTURE, TUNNEL AND UNDERPASS. Repealed 6/28/79.

13 AAC 02.320. SPECIAL SPEED LIMITATION ON MOTOR SCOOTER. Repealed 6/28/79.

MEMORANDUM

State of Alaska
Department of Transportation & Public Facilities

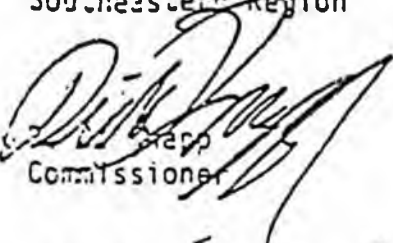
to Jon Scribner
Deputy Commissioner
Southeastern Region

DATE: May 15, 1984

FILE NO

TELEPHONE NO 465-3900

SUBJECT: Statewide Policy on
Setting Speed Zones


Dick Berg
Commissioner

Attached is a Policy and Procedure (P&P) on the establishment of speed zones on state-maintained roadways. This P&P formalizes the general procedure used by the Regional Traffic and Safety units.

The "speed order" on page 5 of the P&P should be prepared in a form suitable for your Region's organization, with appropriate position titles inserted under the delegated approval spaces. Please send a copy of the form to be used by your Region to my Standards and Technical Services Division for their files.

Attachment

cc: John J. Simpson, Director, Standards & Technical Services Division

mdh

MAY 17 1984

STANDARDS & TECHNICAL SERVICES
DIRECTOR'S OFFICE

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB No. 552
 Title : An Act Relating to Setting
Speed Limits and Neighborhood Speed
Zones
 Sponsor : Uehling, Martin, Ringstad, et. al.
 Requestor : _____
 Date of Request : February 24, 1986

FISCAL DETAIL

Agency Affected : DOT&PF
 BRU : Design and Construction
Engineering and Operations Standards
 Components : Traffic and Safety

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

PITAL	0	0	0	0	0	0
-------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

On-site engineering studies of varying complexity are already required in the appropriate establishment of all speed zones. Therefore, no significant impact on expenditures can be anticipated.

Gordon G. Hayes
 Gordon G. Hayes
 2/21/86

Prepared by : _____
 Division : Engineering & Operations Standards

Phone : 465-2968
 Date : February 21, 1986

Approved by Commissioner : _____
 Agency : Transportation and Public Facilities

Date : 2/25/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		P & P No. 70-7003	Page 1 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supervisor P & P no.	Dated
DIVISION Standards and Technical Services		SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones
<p style="text-align: right;">X</p> <p><u>PURPOSE</u></p> <p>To guide personnel in the uniform establishment of speed zones.</p> <p><u>POLICY</u></p> <p>It shall be the policy of this department to have and maintain uniform criteria statewide for the establishment of speed zones. Individuals responsible for administering this program will be required to apply these criteria according to accepted engineering practices.</p> <p><u>DISTRIBUTION</u></p> <p>All holders of the "Design and Construction" and "Maintenance and Operations" Policy and Procedures manual, and Regional Traffic and Safety Engineers.</p> <p><u>PROCEDURE</u></p> <p>ESTABLISHMENT OF SPEED ZONES</p> <p>1. Legal Authority</p> <p>Section 19.10.070 of the Alaska Statutes states that "The Department (of Transportation and Public Facilities)... shall determine safe speed limits on highways under its jurisdiction." Authority to act for the Department is vested in the Commissioner or his designated representative. For the purpose of establishing speed limits on State highways or State-maintained roads, the Regional Deputy Commissioners have jurisdiction in their respective Regions and, provided that the requirements set forth herein are met, may assign authority to the appropriate Regional officials to establish speed zones. Current practice is for the Regional Director of Design and Construction or the Regional Highway Engineering Chief to authorize establishment of speed zones with the concurrence of the Regional Director of Maintenance and Operations, whose division installs and maintains any required regulatory signing.</p> <p>Speed limits other than as set forth herein must have the specific approval of the Regional Deputy Commissioner.</p> <p>2. Engineering and Traffic Investigation</p> <p>a. Speed zoning should be reserved for thoroughfares with appreciable volumes of traffic where such zoning can be shown to facilitate the orderly movement of traffic by increasing driver awareness of a reasonable speed.</p> <p>Restricted speed zones shall not be used where physical conditions such as width, curvature, grade and surface conditions or any other physical condition readily apparent to the driver are the only reasons for a reduced speed. Physical conditions</p>			

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DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
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P & P No.
70-7003

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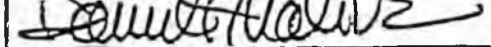
Effective Date
May 15, 1984

SUBJECT
ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No.

Dated

APPROVED BY



DIVISION Standards and
Technical Services

SECTION Traffic and
Highway Safety

CHAPTER TITLE
Speed Zones

which require reduced speeds are best handled with a standard warning sign accompanied by an advisory speed plate (W13-1 in the Alaska Traffic Manual).

Short speed zones, including short transitional zones, should be avoided as they are ineffective and difficult to enforce. The minimum length of posted speed limit should be such that the motorist is in the zone a minimum of 25 seconds at the posted speed. (Exception: School Zone Speed Limits.) See 13 AAC 02.325(d)

The basic intent of speed zoning is to influence as many drivers as possible to operate at or near the same speed--thus reducing conflicts created by wide differentials in operating speeds. Low-volume streets, therefore, offer little opportunity for encouraging closely grouped speeds due to the absence of traffic platoons under normal conditions.

b. Speed surveys, consisting of multiple spot speed checks shall be made in accordance with procedures set forth in the Transportation and Traffic Engineering Handbook.

A sufficient number of spot speed checks should be made so that a representative speed profile can be determined for the subject section of road. If practicable, a minimum of three checks should be made for any proposed zone (one at each end and one in the center of the zone) and additional checks should be taken at intervals, particularly in the vicinity of road elements which affect vehicular speeds (presence or absence of parked vehicles, pedestrians, multiple turn locations, etc.).

Each spot speed check should consist of recording the speed of a minimum of 100 vehicles (totaled both directions). However, where more than two hours are required to obtain the speeds of a minimum of 100 vehicles, automatic speed recording equipment may be used. Only those vehicles which are free flowing, whose speed is not appreciably affected by other moving traffic, shall be recorded. Checks should be made only during daylight hours, with clear weather and dry pavement along tangent roadway sections, inasmuch as the limit to be posted represents the highest safe speed for that portion of roadway under the best conditions. During darkness or poor road and/or atmospheric conditions, the motorist is governed by the basic speed law which requires that he always drive at a safe and prudent speed regardless of higher posted limits.

When speed checks are taken near a traffic signal, only those vehicles which move through the intersection on a green light without slowing or stopping shall be recorded. Spot speed checks shall not be taken any closer than 300 feet from a stop sign facing traffic being studied.

c. Where restricted speed limits are needed, they shall be established at or near the 85th percentile speed, which is defined as that speed at or below which 85 percent of the traffic is traveling. Regardless of the posted limit, and to a certain extent the level of enforcement, the 85th percentile speed remains the same for a given section of road. The effects of posting a zone lower than the 85th percentile is to increase the percentage of drivers exceeding the posted limit and to

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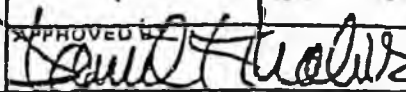
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SUBJECT
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Speed Zones

decrease the percentage of motorists within the pace, which is an undesirable effect. The pace speed is defined as that 10-mile-per-hour increment of speed containing the largest number of vehicles. The safest road conditions occur when all vehicles on the road are moving at the same speed. This ideal is impractical. However, it is known that when the pace contains 70 percent or more of the vehicles, accidents are minimized. It has also been determined that when roadways are posted at the 85th percentile speed, the pace usually contains 70 percent or more of the vehicular traffic.

The basic speed law states that no person shall drive at a speed greater than is reasonable or prudent. The majority of drivers comply with this law, and disregard regulations which they consider unreasonable. It is only a small percentage of drivers who are inclined to be reckless, unreliable, or who have faulty judgement and must be controlled by enforcement. Speed limits set at or near the 85th percentile speed provide law enforcement officials with a means of controlling the drivers who will not conform to what the majority considers reasonable and prudent.

Speed limits established on this basis conform to the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgement of one or a few individuals.

To actually determine the posted limit, a speed profile shall be plotted using the 85th percentile speeds from the spot speed checks. The plot shall be in graphic form with speed being plotted along the vertical axis and distance along the roadway plotted against the horizontal axis.

The 5-mile-per-hour increments that most nearly approximate the speed profile shall be used as the posted speed, keeping in mind that no speed zone should be less than 25 seconds long when traversed by a motorist at the posted limit. In a long survey area where multiple zoning is to be used, it is not necessary to drop by 5-mile-per-hour increments. In fact, 10- or 15-mile-per-hour changes with relatively long zones are preferable to multiple short zones with 5-mile-per-hour increments. It is safer and more efficient to post above the 85th percentile speed rather than below it. The average driver should not feel safe driving over the posted limit.

Although a properly posted speed zone will benefit traffic operations by increasing the percentage of vehicles in the pace, full realization of the advantages can only be achieved by proper enforcement of the posted maximum. Therefore, it is essential that a restricted speed zone have the support and concurrence of the appropriate enforcement agency.

Construction Speed Zones

Regulatory speed zones (black-on-white signs) specifically for construction areas shall be avoided whenever possible. Every effort shall be made to control traffic by other means such as signs, lights and delineation before utilizing reduced regulatory

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Dated

APPROVED BY

[Signature]

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speed zoning. The use of the black-on-orange (CW13-1) advisory speed plate with appropriate standard warning signs (curve, detour ahead, bump, etc.) is usually more effective than a reduced regulatory speed zone. To preserve the effectiveness of the advisory speed plate, it shall be mounted in conjunction with the warning sign which requires reduced speed ahead and shall be as high a speed as is reasonable and practical.

However, when construction project activities create a sufficiently hazardous condition, and such activities demand an immediate notification of and reduction in speed, the Regional Highway Engineering Chief is authorized to determine and post regulatory speed limits throughout the particular construction zone. These regulatory speed limits are temporary in nature and shall be promptly removed when the warranting hazard has been eliminated.

If special conditions within a construction project dictate that regulatory speed limits are required for an extended period of time, then a formal engineering and traffic investigation shall be conducted which encompasses the same basic information previously indicated for such an investigation.

SPEED LIMIT SIGNS

1. Legal Requirements

13 AAC 02.280 provides that speed limits other than the blanket statewide maximums shall not be effective until and unless signs are placed informing the motorist of the specific zone.

2. Speed Limit Signs

Speed limit signs (R2-1) shall be placed at the beginning of each zone and at such other locations within the zone as necessary to advise the motorist of the posted limit. On long zones of over one mile in length, intermediate signs should be placed so that the motorist receives an indication of the posted limit at least once every two minutes when traveling at the posted limit. On one-way roadways in excess of 20 feet in width, speed limit signs should be installed on the left as well as the right of traffic.

3. End of Zone

At the end of a posted speed zone, a speed zone sign (R2-1) indicating the appropriate statewide blanket speed shall be erected for motorists leaving the posted zone.

IMPLEMENTATION

After determining and documenting the reasons for an appropriate numerical limit for a proposed speed zone, the responsible Regional Design and Construction (D&C) Division representative shall issue an "Order Establishing a Speed Limit on a State

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		70-7003	5 OF 6
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		APPROVED BY <i>[Signature]</i>	
DIVISION Standards and Technical Services	SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones	

Highway" (Speed Order) using the format shown in Figure 1, which shows in italics an example of the particulars to be filled in.

The DSC representative shall forward the signed order to the Maintenance and Operations designee who, upon acknowledging concurrence, shall forward to the Standards and Technical Services Division and the appropriate enforcement agency/agencies copies indicating the actual or expected date the speed limit will be posted, and shall return the original to the D&C designee.

If the responsible parties do not agree, or in their opinion a limit other than that indicated by the speed profile is necessary, all pertinent data and recommendations shall be forwarded to the Regional Deputy Commissioner for resolution.

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Dated
[Signature]

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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

IN REFERENCE TO:

State Route CDS 296000
Between Mendenhall Loop Road (CDS 30.68) *
and Auke Lake Scenic Turnout (CDS 28.54)

ORDER

Establishing a Speed Limit on a State Highway

WHEREAS Section 19.10.070 of the Alaska Statutes provides that the Department of Transportation and Public Facilities shall establish safe speed limits on the State Highways; and

WHEREAS the Department of Transportation and Public Facilities has conducted an engineering and traffic investigation; and

WHEREAS said investigation indicates that the hereinbelow ordered speed is the maximum reasonable and safe speed on the hereinbelow described State Highway or State-maintained road;

IT IS HEREBY ORDERED THAT:
Vehicles traversing the Glacier Highway between the junction with Mendenhall Loop Road (CDS 30.68) and the Auke Lake Scenic Turnout (CDS 28.54) shall not exceed a maximum speed of fifty (50) miles per hour.

IT IS FURTHER ORDERED that the appropriate signs be erected along said roadway to advise the motorist of the speed limits set forth herein.

This order supercedes any previous, conflicting order(s) issued for that portion of the roadway where the conflict exists.

Date _____ (Appropriate Title, Design and Construction Division)

Date _____ (Appropriate Title, Maintenance and Operations Division)

Signed copies to Director, Standards and Technical Services Division, and

Enforcement Jurisdiction Agency Annual or Expedited Posting Date

FIGURE 1

speed zoning - why?

FUNDAMENTALS OF REALISTIC SPEED ZONING

Most citizens can be relied upon to behave in a reasonable manner as they go about their daily activities. Many of our laws reflect observations of the way reasonable people behave under most circumstances. Traffic regulations are also based upon observations of the behavior of groups of motorists under various conditions. Generally speaking, traffic laws that reflect the behavior of the majority of motorists are found to be successful. Laws that arbitrarily restrict the majority of drivers encourage wholesale violations, lack public support and usually fail to bring about desirable changes in driving behavior. This is especially true of speed zoning.

Speed zoning is based upon several fundamental concepts deeply rooted in our American system of government and law:

- Driving behavior is an extension of social attitude, and the majority of drivers respond in a safe and reasonable manner as demonstrated by their consistently favorable driving records.
- The normally careful and competent actions of a reasonable person should be considered legal.
- Laws are established for the protection of the public and the regulation of unreasonable behavior of the individual.
- Laws cannot be effectively enforced without the consent and voluntary compliance of the public majority.

Public acceptance of these precepts is normally instinctive. However, the same public, when emotionally aroused in a specific instance, will invariably reject these fundamentals and rely instead on more comfortable and widely held misconceptions, such as:

- Speed limit signs will slow the speed of traffic.
- Speed limit signs will decrease the accident rate and increase safety.
- Raising a posted speed limit will cause an increase in the speed of traffic.
- Any posted speed limit must be safer than an unposted speed limit, regardless of traffic and roadway conditions prevailing.

October 14, 1985

1205 E Street
Anchorage, Alaska 99501

R. J. Knapp, Commissioner
Department of Transportation and Public Facilities
Pouch Z
Juneau, Alaska 99811

Dear Commissioner Knapp:

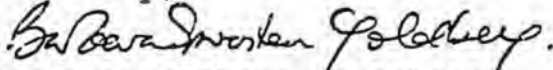
Over forty Chugach Elementary School parents unanimously agreed at last Wednesday's Parent Assembly that speeds along C Street should not exceed 30 MPH between 9th Avenue and Benson Boulevard.

This summer, State engineers wanted to sign the new A-C couplet at 45 MPH. In fact it is signed at 35 MPH as it opens this week. This is a much more appropriate speed for a residential area containing a number of schools. Our children use these streets to walk to and from school, they take walking field trips to parks and businesses, and they often use the Municipal bus system.

Representative Rick Uehling has labeled this concept "neighborhood speed zones" in a recent editorial. We need to protect our children and the public as they use the major arterials that pass through our area.

We will appreciate any help you can continue to give us in achieving this.

Sincerely,



Barbara Goldberg, President
Chugach Elementary School Parent Assembly

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4311

ANCHORAGE ASSEMBLY

November 1, 1985

Commissioner Richard Knapp
Department of Transportation & Public Facilities
Juneau, AK

Dear Commissioner Knapp:

As you may know I was until October 30, 1985 the Anchorage Municipal Assembly representative to the AMATS Policy Committee. Dana Brockway, Assembly Member from South Anchorage, has recently taken my place.

At the meeting this week, Cheryl Richardson spoke about the traffic conditions on L Street and the Minnesota Bypass. By this time, your office is quite familiar with correspondence from and conversations with Cheryl Richardson, representing the South Addition Community Council. Please understand that I represent the area of town addressed by Ms. Richardson's concerns and am in full agreement with those concerns.

However, the reason behind this letter is that immediately upon leaving the AMATS meeting on Wednesday, I went to a meeting of the parents advisory council at Romig Jr. High School. Romig is located at 2600 Minnesota Drive, at the top of Romig hill. One of the primary concerns expressed at that meeting was the posted speed limits in front of the school. There was a very real concern that the speed limit was too high at 40 miles per hour. Imagine the dismay of both staff and parents when, following several complaints to lower the speed limit, it was increased to 45 miles per hour.

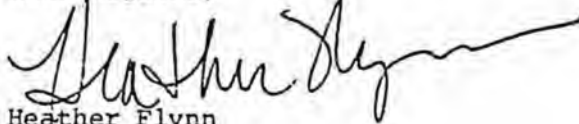
Commissioner, our neighborhood is very thankful that we finally have flashing yellow lights on L Street in the neighborhood of Inlet View School. But what, pray tell, is the difference between an 11 year old 6th grader crossing at 13th & L and a 12 year old 7th grader crossing at 26th and Minnesota? Should we assume that once children go into Jr. High School and High School that they suddenly obtain a measure of good judgement which they did not previously possess? As the Mother of a 7th and 8th grader, I can attest that the opposite is often times too true.

Please explain to me, and to the parents and staff at Romig Jr. High School, whatever possessed the Dept. of Transportation and Public Facilities to increase the speed limit in front of Romig Jr. High School. In case you are unaware, there are over 2500 students attending Romig and the neighboring West High School. In addition to the several dozen school buses that come twice a day, there are numerous after school activities and several education classes. All this adds to one of the major traffic points in all of Anchorage. There is a desperate need to lower, not raise the speed limit. Please rethink your decision and keep the speed at 35 miles an hour until the traffic gets south of Benson Blvd.

Page 2, Dept. of Transp. & Public Facilities, November 1, 1985

Thank you for your consideration of this matter.

Kind Regards,



Heather Flynn
Anchorage Assembly

HF:jn

cc: George Jensen
Dept. of Transportation and Public Facilities
Anchorage

Governor Bill Sheffield

Assemblyman Dana Brockway

Anchorage Mayor Tony Knowles

Cheryl Richardson
Anchorage South Addition Community Council

Frank Tecca
Anchorage Public Works

Chip Dennerlein
Office of Intergovernmental Affairs

Chief Byron Porter
Anchorage Police Department

John Olsen
Dept. of Public Facilities

Barbara Goldberg

Don Clocksin

✓ Rick Uehling

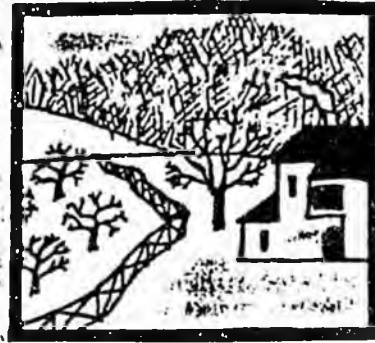
Senator Vic Fisher

Senator Joe Josephson

Rita J. Holthouse
Principal Romig Jr. High School

SOUND OFF

This editorial section offers an opportunity for an individual or community council to express their opinions on area-wide issues that concern them, subject to considerations of good taste, libel, and space available. Sound Off articles do not necessarily reflect the feelings of the Federation Board or staff.



Pedestrian Safety

by Cheryl Richardson
South Addition Community Council

(The South Addition Community Council has been actively pursuing the reduction of speed limits and advocating stricter enforcement of current speed limits in the downtown area, especially along L and I Streets.)

We know people want to get home as fast as they can. Unfortunately, that means 50 mph speeds along the arterials through our downtown neighborhoods. We don't know why the roads were designed for these high speeds, but we are suffering from the results. We know we have to live with more cars traveling through; we cannot live with the high speeds.

Our children are vulnerable as they walk to and from school, and as they walk on field trips. A State design engineer has said they (DOT) see no problem with a child using a sidewalk next to a 50 mph car "as long as the situation is safe".



Even using our cars to get across the arterials is dangerous with the many accidents occurring at non-signalized intersections. Pulling out of driveways on sidestreets between A & C Streets is risky because drivers don't reduce speeds enough as they exit A or C. Children crossing 10th at Denali are facing many more cars driving much faster than before.

We know the numbers of cars will increase; we object to the high speeds and disregard for pedestrians. Drivers gain only a few seconds by speeding between 9th and Fireweed, and the risk of accidents - for both drivers and pedestrians - is many times greater.

If the cars aren't slowed down, they'll drive people out of the low density residential areas near the arterials, and it will kill our neighborhoods. Streets empty of pedestrians lead to feelings of isolation and take away a neighborhood's sense of community. Our residential areas provide a market for downtown merchants, and we provide needed relief from a commercial midtown sprawling from 9th Avenue to Tudor.

Please help us by supporting our requests for more uniform, reduced speeds to DOT/PF. You may also want to ask DOT/PF just how fast they expect cars to travel along the new and redesigned roads they're building in your neighborhoods.



*City of Petersburg
P. O. Box 329
Petersburg, Alaska 99833*

February 12, 1986

Mr. Jonathan W. Scribner
Deputy Commissioner
Department of Transportation
State of Alaska
P. O. Box 3-1000
Juneau, Alaska 99802

RECEIVED
FEB 12 1986

Dept. of Trans. & PF
Dep. Comm./S.E. Region

Re: Speed Limit Mitkof Highway

Dear Mr. Scribner:

There still seems to be a great deal of concern in our community over the proposed speed zone increase on South Mitkof Highway. In your letter to me of January 30, 1986, you mentioned speed studies being conducted on South Tongass Highway and I have interpreted that to mean South Mitkof Highway for we have no objection to your increasing speed on South Tongass Highway.

We appreciated your sending us copies of the Statewide Policy on setting speed zones and the speed studies you have had conducted on Mitkof Highway and we feel it is commendable that such a policy exists. The established "policy" if it conforms to the definition of a "policy" should be a guide to your decision making process and not interpreted as a legal mandate.

As you are probably aware there are numerous entrances onto Mitkof Highway from business places in the 3 Mile area of Mitkof Highway. These businesses include the State DOT Repair Facility which has heavy slow moving equipment going in and out on a regular basis, Tongass Marine which has vehicles towing large boats in and out throughout the year, Billikin and Lynden Transfer with large slow moving vehicles and Olsen Logging which has large slow moving trucks going in and out regularly. The speed increase will surely have an impact on the accident problem with the rear-end-type of collision you stated you hoped to reduce by a speed increase.

Our 1980-1983 accident data for South Mitkof Highway shows no less accidents related to rear-end-type accidents than the period of 1983-1986 when the speed was decreased.

Your letter mentioned the past accident history in this portion of the highway being classified as running into the ditch, overturning, hitting parked cars and running into culverts and you attributed them to the narrow shoulders. Our local law enforcement personnel attribute these accidents to excessive speed and driving while under the influence of alcohol or drugs.

There is a definite feeling that the speed increase will have a detrimental impact on the hikers, bikers, walkers and joggers even with the increase in the width of the shoulders.

We respect your position in trying to act in the interest of safety based on the best technical information made available to you and we would further like to aid in your decision making process by having you utilize the practical information you receive from the people who use this road which include: business concerns, our law enforcement personnel, local and transit motorists and pedestrians.

We again solicit your re-evaluation of the speed increase with greater consideration being given to what the non-motoring public consider as a safe speed, the environmental conditions at 3 mile, the law enforcement personnels objection to an increase in speed, the business owners objection to an increase in speed, and the home owners objection to an increase in speed. Safety in the final analysis comes down to people protection and in this case public opinion is that "The people would be best served by the continuation of the lower speed limit."

Sincerely,



Ed Pefferman
City Manager

March 3, 1986

Mr. Ed Pefferman
Manager, City of Petersburg
P. O. Box 329
Petersburg, Alaska 99833

Dear Mr. Pefferman,

Before I released my decision on the speed limit issue, I spent a good deal of time pondering your February 12 letter. I finally decided it would be best to go ahead and send the February 14 decision I had prepared earlier and respond separately to your February 12 letter.

Of primary concern to me is the suggestion pervasive in your letter that the proposal was to increase speed on Mitkof Highway. Please let there be no misunderstanding -- the proposal was to raise the posted speed limit -- not to increase speed.

The data provided to you earlier show vehicle speed is relatively independent of the posted speed limit. Vehicle speed on Mitkof Highway has remained nearly the same when the posted speed limit was 50 mph and when it was reduced to 35 mph. This experience is consistent with similar traffic studies nationwide.

Most people naturally travel at a speed they consider safe for the conditions they encounter on a road. As described in the policy I sent you earlier, this is the speed which is the basis for selecting the posted speed limit. Based only on the speed that people are driving, the speed limit along this portion of Mitkof Highway should be posted at 45 mph.

Since the posted speed limit has virtually no relationship to the speed most people drive, its value is limited primarily as an enforcement tool against those few people driving at an excessive, unsafe speed.

The speed limit should not be posted at less than a safe speed just to make it easier for an enforcement officer to issue larger, "more defensible" speeding tickets. Also, it would seem unfair to "threaten" prudent drivers with enforcement of an unrealistically low posted speed limit. Enforcement should be directed at people driving at an unsafe speed based on appropriate posted speed limit signs or adverse driving conditions, e.g., snow, ice, fog, etc.

Mr. Ed Pefferman

- 2 -

March 3, 1986

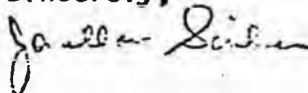
At your suggestion, I checked with experienced personnel from the judicial system. They indicate to me most speeding tickets are paid without going to court, and of the relatively few which do go to court, they have no preconceived size "rule" on what they will consider or how they will adjudicate them. They further indicate, as have others in the enforcement community, the speed over the posted speed limit at which legally supportable tickets are written is discretionary with the enforcement officers. I'm told penalty points begin at 3 mph and fines are \$2.00 per mph over the speed limit.

My decision to post the speed limit at 40 mph represents a sincere effort to balance the narrow legal and policy guidelines with consideration for the many other concerns. I am disappointed that my requests for comments from the city, my discussions with Mayor Gustafson and you, and my personal review of the driving conditions with you apparently have been perceived otherwise.

If there is a sincere desire to reduce speed along this roadway below what the prudent motorist drives, the only way I am aware of which may be effective is to have a strong, continual enforcement program. When enforcement is relaxed, speeds will stabilize at whatever people feel comfortable driving, regardless of the posted speed limit. Even with strict enforcement, studies have shown speeds are not reduced over 5 mph.

I am willing to help your effort to reduce vehicle speed to the extent there is some reasonable relationship between the posted speed limit and the speed people are driving. A 40 mph posted speed limit is at the low end of what is now reasonably supported by the data.

Sincerely,



Jonathan W. Scribner

bcc: ✓ R. J. Knapp, Commissioner
D. D. Dieckmeyer, Director, Design and Construction, Southeast Region
David L. Waldron, Director, Maintenance and Operations, Southeast Region

JWS:plj

NO, WE HAVEN'T MOVED, BUT
OUR MAILING ADDRESS IS NOW
BOX 128 STERLING
(New Post Office)

WALT & ELSA PEDERSEN

~~Star-Route Box 422~~ • Sterling, Alaska 99672
128

February 27, 1986

Representative Rick Uehling
Box V
Juneau, AK 99811

Dear Representative Uehling:

Thank you very much for your letter of February 22nd and the enclosures regarding speed limits. I have read them and I agree that the DOT's methods leave much to be desired as far as common sense is involved.

I have tried for years to get the speed limit lowered through Sterling, but the best they would do is lower it to 45 -- which means that the big trucks are hitting around 50 through town.

Now we have a brand new Post Office right in the center of town at one of our main intersections, instead of 3 miles out of town at its former location. There are 1,180 post office boxes here, serving almost 3,000 people. It is located on a curve of the Sterling Highway and approximately 600 feet from the location of a fatal accident last year.

Representatives Marrou and Navarre have been helping us in this matter and have convinced the DOT to have their annual speed limit review for late July (tourist season) rather than in March as they did last year.

I did not have time to submit written testimony for the February 26th hearing on HB 552 as your letter took four days to get here (wonderful Postal Service), but will send a copy of this letter to the addresses you gave me.

We greatly appreciate your help in this matter even though we are not in your district.

Sincerely,

Walt Pedersen
Walt Pedersen

→ Representative Katie Hurley, Chair, House State Affairs Committee
Representative Bette Cato, Chair, House Transportation Committee
Representative Andre Marrou
Representative Mike Navarre

*Committee
Meeting
FEB 26 1986*

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: HEIDI ELY
726 M STREET
ANCHORAGE, AK 99501 PHONE: 276-1445

SUBJECT: HB 552 - SPEED LIMITS AND SPEED ZONES

I SUPPORT THE INTENTION OF THIS BILL BUT IT DOESN'T GO FAR ENOUGH IN LIMITING HIGH SPEEDS ALONG NEIGHBORHOOD ARTERIALS, ESPECIALLY L AND I STREETS NEAR SCHOOLS AND HOMES. DOT HAS NOT BEEN RESPONSIVE TO OUR NEIGHBORHOOD SPEED CONCERNS.

* DELIVER TO: JPOM *
* * * * *
* ORIGINAL *
* SENT: 02/25/86 TIME: 16:46 *
* FROM: JEAN MILLER *
* SUBJECT: FOM *
* PRINT DATE: 02/25/86 TIME: 16:50 *
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TO: REPRESENTATIVES ~~WHELEY~~ AND UEHLING

FEB 26 1986

FROM: CHERYL RICHARDSON
1747 LAURENCE COURT
ANCHORAGE, AK 99501 PHONE: 272-0738

SUBJECT: HB 552 - NEIGHBORHOOD SPEED ZONES

PLEASE PASS OUT HB 552, NEIGHBORHOOD SPEED ZONES. WE NEED RELIEF FROM HIGH SPEEDS ON STATE ARTERIALS IN FRONT OF OUR HOMES AND SCHOOLS.

that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. (1983 c.336 §8, 1985 c.16 §7, 1985 c.171 §2, 1985 c.459 §2a)

801.045 Permissive use of private roadway. Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. (1983 c.338 §9)

801.050 Privilege of motorist to use highways. Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. (1983 c.339 §10, 1985 c.16 §8)

801.055 Weight standards; Department of Transportation responsibility for weight determination. (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. (1983 c.338 §11; 1985 c.172 §1)

DEFINITIONS

801.100 Definitions generally. Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. (1983 c.338 §12)

801.105 "Administrator." "Administrator" means the Administrator of the Motor Vehicles Division. (1983 c.338 §13)

801.110 "Alley." "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. (1983 c.338 §14)

801.115 "Ambulance." "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. (1983 c.338 §15)

801.120 "Ambulatory disability." "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. (1983 c.338 §16)

801.125 "Antique vehicle." "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. (1983 c.338 §17)

801.130 "Assembled vehicle." "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. (1983 c.338 §18, 1985 c.402 §3)

801.135 "Axle." "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two

vertical parallel transverse planes 40 inches apart. [1983 c. 338 §19]

801.140 "Balance trailer." "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c. 338 §20; 1985 c. 16 §9]

801.145 "Bail." "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c. 338 §21]

801.150 "Bicycle." "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c. 338 §22]

801.155 "Bicycle lane." "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c. 338 §23]

801.160 "Bicycle path." "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c. 338 §24]

801.165 "Bus trailer." "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c. 338 §25]

801.170 "Business district." "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c. 338 §26]

801.175 "Canceled." "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c. 338 §27; 1985 c. 16 §10]

801.180 "Camper." "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c. 338 §28]

801.185 "Certificate of title." "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c. 338 §29; 1985 c. 16 §11]

801.190 "Class I all-terrain vehicle." "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c. 439 §2]

801.195 "Combination of vehicles." "Combination of vehicles" means two or more vehicles coupled together. [1983 c. 338 §31]

801.200 "Commercial bus." "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
 - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
 - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
 - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
 - (d) Transport persons or property, or both, between points in Oregon.

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

801.395 "Police officer." "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

801.400 "Premises open to the public." "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

801.405 "Reconstructed vehicle." "Reconstructed vehicle" means either:

(1) A vehicle that:

(a) Has a body that resembles and primarily is a particular year model or make of vehicle;

(b) Is not a vehicle rebuilt by a manufacturer;

(c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(d) Is not a replica; or

(2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §73; 1985 c.402 §4]

801.410 "Registration" or "register." "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

801.415 "Registration plate." "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

801.420 "Registration weight." "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21]

801.425 "Replica." "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

801.430 "Residence district." "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

(1) Dwellings, churches, public parks within cities or other residential service facilities; or

(2) Dwellings and buildings used for business. [1983 c.338 §79]

801.435 "Revoked." "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

801.440 "Right of way." "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

801.445 "Road authority." "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

801.450 "Roadway." "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

801.455 "School activity vehicle." "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.

(2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

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(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(g) A speed established under this subsection may be effective for not more than 120 days.

(h) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(i) The board may only establish a speed under this subsection upon the application of the road authority for the highway. (1983 c.338 §162, 1985 c.16 §51)

810.190 State Speed Control Board procedures. The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. (1983 c.338 §163; 1985 c.16 §52)

(Traffic Control Devices)

810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways. (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549, 1985 c.16 §250]

811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550; 1985 c.16 §281]

811.045 Failure to yield to pedestrian when making turn at stop light; penalty.

(1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

811.050 Failure to yield to bicycle on bicycle lane. (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicyclist on a bicycle lane, is a Class B traffic infraction. [1983 c.338 §693, 1985 c.16 §336]

811.055 Failure to yield to bicyclist on sidewalk. (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1983 c.338 §702; 1985 c.16 §340]

SPEED

(Basic Rule)

811.100 Violation of basic speed rule; penalty. (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- The traffic.
- The surface and width of the highway.
- The hazard at intersections.
- Weather.
- Visibility.
- Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A fuel conservation maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. [1983 c.338 §563]

811.105 Speeds that are evidence of basic rule violation. Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

- (1) Any speed posted by authority granted under ORS 810.180.
- (2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:
 - (a) Fifteen miles per hour when driving on an alley.
 - (b) Twenty miles per hour in a business district.
 - (c) Twenty miles per hour when passing school grounds or a school crosswalk if:
 - (A) Children are present; and
 - (B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.
 - (d) Twenty-five miles per hour in any residence district or public park.
 - (e) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286]

(Maximum Speeds)

811.110 Violation of fuel conservation maximum speed limit; penalty. (1) A person commits the offense of violation of the fuel conservation maximum speed limit if:

- (a) A fuel conservation maximum speed limit is established under ORS 810.180; and
 - (b) The person operates a vehicle at a speed in excess of the fuel conservation maximum speed limit.
- (2) The following apply to the offense described in this section:
- (a) A fuel conservation maximum speed limit established under ORS 810.180 is not subject to the basic speed rule under ORS 811.100 except where a special hazard or condition exists that requires a lower speed for compliance with the basic speed rule.
 - (b) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred

one or more convictions of a violation of the fuel conservation maximum speed limit.

(3) The offense described in this section, violation of the fuel conservation maximum speed limit, is a Class C traffic infraction. [1983 c.338 §565]

811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty. (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than fifty-five miles per hour on any highway:

- (a) A motor truck with a registration weight of more than 8,000 pounds.
- (b) A school bus.
- (c) A school activity vehicle.
- (d) A worker transport bus
- (e) A bus operated for transporting children to and from church or an activity or function authorized by a church.
- (f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (13).

(2) The following apply to this section:

- (a) This section does not apply to ambulances.
- (b) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of the basic speed rule under ORS 811.100.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. [1983 c.338 §566; 1985 c.420 §8]

811.120 Violation of maximum speed limit on ocean shore; penalty. (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

- (a) Any maximum speed for ocean shores that is established and posted under ORS 810.180.
- (b) If no speed is posted under ORS 810.180, 25 miles per hour.

(2) The following apply to this section:

- (a) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

Chapter 34.04 RCW

ADMINISTRATIVE PROCEDURE ACT

<p>Sections</p> <p>34.04.010</p> <p>34.04.020</p> <p>34.04.022</p> <p>34.04.025</p> <p>34.04.026</p> <p>34.04.027</p> <p>34.04.030</p> <p>34.04.040</p> <p>34.04.045</p> <p>34.04.048</p> <p>34.04.050</p> <p>34.04.052</p> <p>34.04.055</p> <p>34.04.057</p> <p>34.04.058</p> <p>34.04.060</p> <p>34.04.070</p> <p>34.04.080</p> <p>34.04.090</p> <p>34.04.100</p> <p>34.04.105</p> <p>34.04.110</p> <p>34.04.115</p> <p>34.04.120</p> <p>34.04.130</p> <p>34.04.133</p> <p>34.04.135</p> <p>34.04.140</p> <p>34.04.150</p> <p>34.04.170</p> <p>34.04.210</p> <p>34.04.220</p> <p>34.04.230</p>	<p>Definitions</p> <p>Adoption of rules of practice and procedure—Organizational description—Records of decisions, orders, and opinions open to public—Exceptions—Effect of failure to comply</p> <p>Uniform procedural rules—Application—Conduct of contested cases.</p> <p>Notices of intention to adopt rules—Opportunity to submit data—Proceedings on rule barred until twenty days after register distribution—Noncompliance, effect.</p> <p>Specific reference to rule-making authority to be included—Alternatives—Format—Request for more specific reference.</p> <p>Failure to give twenty days notice of intended action—Effect.</p> <p>Emergency rules and amendments.</p> <p>Rules filed with code reviser—Register—Effective dates—Report.</p> <p>Statement of proposed rule's purpose and how implemented—Contents—Distribution by agency.</p> <p>Withdrawal of proposed rules.</p> <p>Code reviser to compile and edit rules, publish register—Removal of unconstitutional rules—Distribution of registers and codes—County law library trustees to maintain set—Judicial notice of rules.</p> <p>Scope of editing and revision of rules.</p> <p>Regulations on filing and form of rules and notices.</p> <p>Style, format, and numbering of rules—Agency compliance.</p> <p>Format and style of rules amending existing sections, adding new sections—Effect of failure to comply</p> <p>Petition for adoption, amendment, repeal of rule—Agency action.</p> <p>Declaratory judgment on validity of rule—Small business economic impact statement action as part of record.</p> <p>Declaratory ruling by agency—Petition—Court review.</p> <p>Contested cases—Notice—Hearing—Summary orders—Informal disposition—Record—Findings of fact—Agency's powers.</p> <p>Contested cases—Rules of evidence—Cross-examination.</p> <p>Agency hearings and contested cases—Hearings, oaths, subpoenas, evidence, witnesses—Contempt.</p> <p>Contested cases—Procedure when deciding officials have not heard or read evidence.</p> <p>Consultation by agency officer as to issues.</p> <p>Contested cases—Adverse decisions and orders—Findings and conclusions.</p> <p>Contested cases—Judicial review.</p> <p>Contested cases—Direct review by court of appeals.</p> <p>Contested cases—Refusal of review by court of appeals.</p> <p>Appeal to supreme court or court of appeals.</p> <p>Exclusions from chapter or parts of chapter.</p> <p>Provisions applicable to licenses and licensing.</p> <p>Joint administrative rules review committee—Members—Appointment—Terms—Vacancies.</p> <p>Review of proposed rules—Notice.</p> <p>Review of existing rules—Notice—Hearing.</p>	<p>34.04.240</p> <p>34.04.250</p> <p>34.04.260</p> <p>34.04.270</p> <p>34.04.280</p> <p>34.04.290</p> <p>34.04.900</p> <p>34.04.901</p> <p>34.04.910</p> <p>34.04.920</p> <p>34.04.921</p> <p>34.04.930</p> <p>34.04.931</p> <p>34.04.940</p>	<p>Committee objections to agency action—Statement in register and WAC</p> <p>Recommendations and reports by committee to legislature.</p> <p>Review and objection procedures—No presumption established.</p> <p>Agency review of own rules for conformity with federal law.</p> <p>Reports by agency to office of financial management—Compilation by office of financial management provided to legislative officers.</p> <p>Application of RCW 34.04.270 and 34.04.280</p> <p>Severability—1959 c 234.</p> <p>Severability—1967 c 237</p> <p>General repeal and saving</p> <p>Effective dates—1959 c 234</p> <p>Effective date—1967 c 237.</p> <p>Operation of chapter in conflict with federal law</p> <p>Operation of 1967 amendatory act if in conflict with federal law.</p> <p>Savings—Authority of agencies to comply with chapter—Effect of subsequent legislation.</p>
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Hearings, procedures, rule making by various agencies to be in accordance with Administrative Procedure Act: Cf. the pertinent statute under which the particular agency is established.

RCW 34.04.010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before

SPEED RESTRICTIONS

46.61.400 Basic rule and maximum limits. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Rules of court: Monetary penalty schedule—JTIR 6.2.

Saving of existing orders, etc., establishing speed limits—1963 c 16: "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425, and 46.61.440.

46.61.405 Decreases by secretary of transportation. Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not

limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended. [1977 ex.s. c 151 § 34; 1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

46.61.410 Increases by secretary of transportation—Maximum speed limit for trucks—Auto stages—Signs and notices. (1) Subject to subsection (2) below the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington. [1977 ex.s. c 151 § 35; 1974 ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

46.61.415 When local authorities may alter maximum limits. (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation. [1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

46.61.425 Minimum speed regulation—Passing slow moving vehicle. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

Rules of court: Monetary penalty schedule—JTIR 6.2.

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

46.61.427 Slow moving vehicle to pull off roadway. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

46.61.428 Slow-moving vehicle permitted to drive on improved shoulders, when. (1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section. [1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Severability—1984 c 7: See note following RCW 47.01.141.

46.61.430 Authority of secretary of transportation to fix speed limits on limited access facilities exclusive—Local regulations. Notwithstanding any law to the contrary or inconsistent herewith, the secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect. [1977 ex.s. c 151 § 38; 1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.28.070 and 47.98.080.

46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways—Designated as arterials. The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

Severability—1975 c 62: See note following RCW 36.75.010.

Designation of city streets as arterials, stopping on entering: RCW 46.61.195.

Traffic control signals or devices upon city streets forming part of state highways: RCW 46.61.085.

46.61.440 Maximum speed limit when passing school or playground crosswalks. Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3,

part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

Severability—1975 c 62: See note following RCW 36.75.010

46.61.445 Due care required. Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

Duty to use due care: RCW 46.61.400(1)

46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses—Posting limits. It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less

than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

46.61.455 Vehicles with solid or hollow cushion tires. It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour. [1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

46.61.460 Special speed limitation on motor-driven cycle. No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

46.61.465 Exceeding speed limit evidence of reckless driving. The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

46.61.470 Speed traps defined, certain types permitted—Measured courses, speed measuring devices, timing from aircraft. (1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a

speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits, and such limits shall not be closer than one-fourth mile. [1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

46.61.475 Charging violations of speed regulations. (1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

RECKLESS DRIVING, DRIVING WHILE INTOXICATED, VEHICULAR HOMICIDE AND ASSAULT

46.61.500 Reckless driving—Penalty. (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person involved in reckless driving: RCW 10.31.100.

of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1979 ex.s. c 86 § 2; 1977 ex.s. c 151 § 57; 1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Severability—1979 ex.s. c 86: See note following RCW 13.24.040.

47.24.020 Jurisdiction, control of such streets. The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the

stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by

that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. [1983 c.338 §8, 1985 c.16 §7, 1985 c.171 §2, 1985 c.459 §2a]

801.045 Permissive use of private roadway. Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. [1983 c.338 §9]

801.050 Privilege of motorist to use highways. Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. [1983 c.338 §10; 1985 c.16 §8]

801.055 Weight standards; Department of Transportation responsibility for weight determination. (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. [1983 c.338 §11; 1985 c.172 §1]

DEFINITIONS

801.100 Definitions generally. Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. [1983 c.338 §12]

801.105 "Administrator." "Administrator" means the Administrator of the Motor Vehicles Division. [1983 c.338 §13]

801.110 "Alley." "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. [1983 c.338 §14]

801.115 "Ambulance." "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. [1983 c.338 §15]

801.120 "Ambulatory disability." "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. [1983 c.338 §16]

801.125 "Antique vehicle." "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. [1983 c.338 §17]

801.130 "Assembled vehicle." "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. [1983 c.338 §18; 1985 c.402 §3]

801.135 "Axle." "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two

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vertical parallel transverse planes 40 inches apart. [1983 c.338 §19]

801.140 "Balance trailer." "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

801.145 "Bail." "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c.338 §21]

801.150 "Bicycle." "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

801.155 "Bicycle lane." "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

801.160 "Bicycle path." "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

801.165 "Bus trailer." "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

801.170 "Business district." "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c.338 §26]

801.175 "Canceled." "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c.338 §27; 1985 c.16 §10]

801.180 "Camper." "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c.338 §28]

801.185 "Certificate of title." "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c.338 §29; 1985 c.16 §11]

801.190 "Class I all-terrain vehicle." "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c.459 §2]

801.195 "Combination of vehicles." "Combination of vehicles" means two or more vehicles coupled together. [1983 c.338 §31]

801.200 "Commercial bus." "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
 - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
 - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
 - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
 - (d) Transport persons or property, or both, between points in Oregon.

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

801.395 "Police officer." "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

801.400 "Premises open to the public." "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

801.405 "Reconstructed vehicle." "Reconstructed vehicle" means either:

- (1) A vehicle that:
 - (a) Has a body that resembles and primarily is a particular year model or make of vehicle;
 - (b) Is not a vehicle rebuilt by a manufacturer;
 - (c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and
 - (d) Is not a replica; or
- (2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §73; 1985 c.402 §4]

801.410 "Registration" or "register." "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

801.415 "Registration plate." "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

801.420 "Registration weight." "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21]

801.425 "Replica." "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

801.430 "Residence district." "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

- (1) Dwellings, churches, public parks within cities or other residential service facilities; or
- (2) Dwellings and buildings used for business. [1983 c.338 §79]

801.435 "Revoked." "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

801.440 "Right of way." "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

801.445 "Road authority." "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

801.450 "Roadway." "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

801.455 "School activity vehicle." "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

- (1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.
- (2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

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(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(g) A speed established under this subsection may be effective for not more than 120 days.

(h) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(i) The board may only establish a speed under this subsection upon the application of the road authority for the highway. [1983 c.338 §162; 1985 c.16 §51]

810.190 State Speed Control Board procedures. The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. [1983 c.338 §163; 1985 c.16 §52]

(Traffic Control Devices)

810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways. (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549, 1985 c.16 §250]

811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550, 1985 c.16 §231]

811.045 Failure to yield to pedestrian when making turn at stop light; penalty.

(1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

811.050 Failure to yield to bicycle on bicycle lane. (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicycle on a bicycle lane, is a Class B traffic infraction. [1983 c.338 §699, 1985 c.16 §336]

811.055 Failure to yield to bicyclist on sidewalk. (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1983 c.338 §702, 1985 c.16 §340]

SPEED

(Basic Rule)

811.100 Violation of basic speed rule; penalty. (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- The traffic.
- The surface and width of the highway.
- The hazard at intersections.
- Weather.
- Visibility.
- Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is as applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A fuel conservation maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. [1981 c.338 §563]

811.105 Speeds that are evidence of basic rule violation. Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

(1) Any speed posted by authority granted under ORS 810.180.

(2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:

(a) Fifteen miles per hour when driving on an alley.

(b) Twenty miles per hour in a business district.

(c) Twenty miles per hour when passing school grounds or a school crosswalk if:

(A) Children are present; and

(B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.

(d) Twenty-five miles per hour in any residence district or public park.

(e) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286]

(Maximum Speeds)

811.110 Violation of fuel conservation maximum speed limit; penalty. (1) A person commits the offense of violation of the fuel conservation maximum speed limit if:

(a) A fuel conservation maximum speed limit is established under ORS 810.180; and

(b) The person operates a vehicle at a speed in excess of the fuel conservation maximum speed limit.

(2) The following apply to the offense described in this section:

(a) A fuel conservation maximum speed limit established under ORS 810.180 is not subject to the basic speed rule under ORS 811.100 except where a special hazard or condition exists that requires a lower speed for compliance with the basic speed rule.

(b) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred

one or more convictions of a violation of the fuel conservation maximum speed limit.

(3) The offense described in this section, violation of the fuel conservation maximum speed limit, is a Class C traffic infraction. [1981 c.338 §565]

811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty. (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than fifty-five miles per hour on any highway:

(a) A motor truck with a registration weight of more than 8,000 pounds.

(b) A school bus.

(c) A school activity vehicle.

(d) A worker transport bus.

(e) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (13).

(2) The following apply to this section:

(a) This section does not apply to ambulances.

(b) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of the basic speed rule under ORS 811.100.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. [1983 c.338 §566; 1985 c.420 §8]

811.120 Violation of maximum speed limit on ocean shore; penalty. (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(a) Any maximum speed for ocean shores that is established and posted under ORS 810.180.

(b) If no speed is posted under ORS 810.180, 25 miles per hour.

(2) The following apply to this section:

(a) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

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shall suspend the driving privilege of such person for the period of time ordered by the judge.

C. When a person convicted of a violation of this section has been previously convicted of a violation of this section, section 13-1102 or 13-1103, subsection A, paragraph 1, in the driving of a vehicle, 28-692 or 28-708 within a period of twenty-four months, such person is guilty of a class 1 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than twenty days in jail. The judge shall require the surrender to him of any operator's or chauffeur's license of such convicted person and shall immediately forward to the department the license with the abstract of conviction. The department upon receipt thereof shall revoke the driving privilege of such person. The dates of the commission of the offense shall be the determining factor in applying this rule. A second or subsequent violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts. No judge may grant probation to or suspend the imposition or execution of a jail sentence or fail to secure the surrender to him of any license of any person for such a second or subsequent conviction.

D. The court may, upon pronouncement of any jail sentence under this section, provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

ARTICLE 3 -- SPEED RESTRICTIONS

28-701. Reasonable and prudent speed; prima facie evidence; exceptions; classification

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Except as provided in subsections C and D or where a special hazard requires a lesser speed, any speed in excess of these speeds is prima facie evidence that the speed is too great and therefore unreasonable:

1. Fifteen miles per hour approaching school crossing.
2. Twenty-five miles per hour in any business or residential district.
3. Sixty-five miles per hour in other locations.

C. The speed limits set forth in this section may be altered as authorized in sections 28-702 and 28-703.

D. The maximum speed as provided in this section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:

1. Approaching and crossing an intersection or railroad crossing.
2. Approaching and going around a curve.
3. Approaching a hill crest.
4. Traveling upon any narrow or winding roadway.
5. Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

E. A person shall not drive a motor vehicle at a speed that is less than that which is reasonable and prudent under existing conditions.

28-701.01 Definitions

In this article, unless the context otherwise requires:

28-701.01. Definitions

1. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such by the director of the department of transportation.

28-701.02. Excessive speed

A. A person shall not:

1. Exceed thirty-five miles per hour approaching a school crossing.
2. Exceed the posted speed limit in a business or residential district by more than twenty miles per hour, or if no speed limit is posted, forty-five miles per hour.
3. Exceed eighty-five miles per hour in other locations.

B. A person who violates subsection A is guilty of a class 3 misdemeanor.

C. A person charged with a violation of this section may not be issued a civil complaint for a violation of section 28-701 if the civil complaint alleges a violation arising out of the same circumstances.

28-702. Establishment of state speed zones

When the director determines upon the basis of an engineering and traffic investigation that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a state highway, the director may determine and declare a reasonable and safe maximum speed limit for such location, which shall be effective when appropriate signs giving notice thereof are erected. A maximum speed limit, as declared pursuant to this section, may be declared to be effective at all times or at such times as are indicated on the speed limit signs. Varying speed limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. Such varying limits shall be effective when posted upon appropriate fixed or variable signs.

28-702.01. Maximum speed limit; authority for order increasing; waste of a finite resource; fine; sanction

A. No maximum speed limit on any public highway in this state shall be in excess of fifty-five miles per hour notwithstanding any other higher maximum speed limit previously established pursuant to any other provision of law. This shall not be construed as altering any existing maximum speed limit which is less than fifty-five miles per hour or to prevent the appropriate jurisdiction from establishing, altering, or lowering any maximum speed limit which is less than fifty-five miles per hour within its respective jurisdiction.

B. The speed limit for all types of motor vehicles shall be fifty-five miles per hour on any portion of any public highway that has four or more traffic lanes, the opposing lanes of which are physically separated other than by striping, which portion of highway has had a speed limit for all types of motor vehicles of fifty-five miles or more on November 1, 1973.

C. The director may order that this maximum speed limit be increased up to seventy-five miles per hour on an individual highway or on all highways in the state if the governor declares by proclamation that an emergency does not exist and that the receipt of federal highway funds would not be withheld.

D. It is unlawful for any person to drive a motor vehicle at a speed in excess of fifty-five miles per hour, or in excess of a higher maximum speed if changed as set forth under subsection C of this section.

E. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is sixty-five miles per hour or less or the court finds that the defendant violated subsection D of this section and that the speed at which the defendant drove was not in excess of sixty-five miles per hour the offense shall be designated as the waste of a finite resource currently in short supply, which is a petty offense.

F. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is more than sixty-five miles per hour and the court so finds the offense shall be designated as unlawful speed which is a class 3 misdemeanor.

G. If a person is convicted of a petty offense under this section:

1. No department or agency of this state shall consider such violation for the purpose of determining whether such person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

3. The fine shall not exceed fifteen dollars plus the penalty assessment imposed pursuant to section 41-2403.

4. No report may be made under section 28-1061, subsection B.

28-702.02. Authority to change speed signs on freeways

When the director determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

28-702.03. Maximum speed limit on Interstate system highway; out of state violation

If a resident of this state is convicted of violating the maximum speed limit of fifty-five miles per hour on the interstate system highways of another state, but the speed at which the person is alleged to have driven is sixty-five miles per hour or less:

1. No department or agency of this state may consider the violation for the purpose of determining whether the person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

28-703. When local authorities may and shall alter maximum limits

A. When local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street or highway, the local authority subject to subsection D may determine and declare a reasonable and safe maximum speed limit at such location and based on such investigation may:

1. Decrease the limit at intersections.

2. Increase the limit within any business or residence district, but not to more than sixty-five miles per hour.

3. Decrease the limit outside any business or residence district.

4. Increase or decrease the limits on streets adjacent to school grounds.

B. Local authorities in their respective jurisdiction, shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this article for a business or residence district.

C. Any altered limit established as provided for in this section shall be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. Alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until the alteration has been approved by the director.

E. Not more than six such alterations as provided for in this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour except for school crossings.

28-703.01. End of speed zone; signs required

The agency or authority establishing a speed zone under the provisions of sections 28-702 or 28-703 shall be responsible for erecting, at the beginning of each such zone a sign designating the maximum allowable speed within the zone, and at the end thereof a sign bearing either the legend "resume speed" or setting forth the new maximum speed limit.

28-703.02. Establishing speed on multiple-lane highways

On multiple-lane highways and freeways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in sections 28-702, 28-703 and 28-703.01.

28-704. Minimum speed regulation

A. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. Whenever the director or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the director or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

28-705. Special speed limitation on motor-driven cycles

No person shall operate any motor-driven cycle at any time mentioned in section 28-922 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

28-706. Special speed limitations

A. No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

C. The director upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he thereupon finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article he shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of three hundred feet before each end of the structure.

D. Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the director and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

28-707. Charging violations and rule in civil actions

A. In every charge of violation of any speed regulation in this article, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action, other than a civil action to impose a civil sanction, from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

28-708. Racing on highways; classification

A. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

B. Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

C. Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing.

D. A person who violates this section is guilty of a class 2 misdemeanor. If a person is convicted of a second or subsequent violation within twenty-four months of a first conviction, such person is guilty of a class 2 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than ten days in jail.

E. The court may, upon pronouncement of any jail sentence under this section, in cases of extreme hardship provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

F. When any person is convicted of a violation of the provisions of this section, the judge may, upon a first conviction, and shall upon a second or subsequent conviction for an offense committed within a period of twenty-four months require the surrender to him of any operator's or chauffeur's license of such person and immediately forward same to the department with the abstract of conviction. Upon a first conviction the judge may order the suspension of the driving privileges of such person for a period not to exceed ninety days. The department upon receipt of the license, abstract of conviction, and order of the court, in the case of a first conviction, shall suspend the driving privileges of such person for the period of time ordered by the judge. In the case of a second or subsequent conviction for an offense committed within a period of twenty-four months, the department upon receipt of the license and the abstract of conviction shall revoke the driving privileges of such person.

G. The director may give authorization in writing for any organized and properly controlled event otherwise prohibited by this section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the highway or part of a highway to be utilized, and any special conditions the director may require for the particular event.

SSHB 532

The Labor and Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 532 (relating to civil actions; amending Alaska Rules of Civil Procedure 11, 49, 52, 58, 68, and 82; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 532 (L&C) (same title) and reports it back as follows: Hanley recommends do pass; Navarre (Chairman) recommends do not pass and signed "do not pass without amendment"; Pearce recommends do not pass and signed "do not pass without several liability amendment"; Koponen has no recommendation and signed "amend further"; Collins has no recommendation and signed "amend further to include sev. liab. amend."; Boucher has no recommendation and signed "needs further amendment as it relates to joint and several liability"; and Davis has no recommendation and signed "legislation needs work".

A zero fiscal note was attached.

A fiscal note appears in House Journal Supplement No. 111.

SSHB 532 was referred to the Judiciary Committee.

HB 552

The Finance Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Finance) (same title) and reports it back as follows: Adams (Chairman), Szymanski, Rieger, Frank, Ringstad, Larson, Uehling, Pourchot and Binkley recommend do pass; Duncan has no recommendation.

A zero fiscal note with analysis appears in House Journal Supplement No. 111.

HB 552 was referred to the Rules Committee for placement on the calendar.

HB 562

The Labor and Commerce Committee has considered HOUSE BILL NO. 562 (relating to the adoption of bylaws by a cooperative), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 562 (L&C) (same title) and reports it back as follows: Navarre (Chairman), Davis, Boucher, Hanley, Pearce, Collins and Koponen recommend do pass.

A zero fiscal note was attached.

HB 562 was referred to the Judiciary Committee.

HB 589

The Labor and Commerce Committee has considered HOUSE BILL NO. 589 (relating to participation in the state group life and health insurance policies by residents; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 589 (L&C):

"An Act relating to disability insurance; and providing for an effective date."

and reports it back as follows: Koponen recommends do pass; Hanley, Collins and Pearce recommend do not pass; Navarre (Chairman), Davis and Boucher have no recommendation.

A fiscal note appears in House Journal Supplement No. 111.

HB 589 was referred to the Judiciary Committee.

HB 590

The Transportation Committee has considered HOUSE BILL NO. 590 (relating to loitering on public highways) and reports it back as follows: Cato (Chairman), Pignalberi, Shultz and Furnace recommend do pass; Marrou and Davis have no recommendation.

A zero fiscal note was attached.

HB 590 was referred to the Judiciary Committee.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE RESOLUTIONS

HJR 72

HOUSE JOINT RESOLUTION NO. 72 by the Community and Regional Affairs Committee:

Relating to a joint legislative conference of the Yukon Legislative Assembly, the Northwest Territories Legislative Assembly, and the Alaska State Legislature.

was read the first time and referred to the State Affairs Committee.

UNFINISHED BUSINESSHB 552

Representative Cotten added his name as co-sponsor to HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones).

ENGROSSMENTHCR 47

HCR 47 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 436(R1s)

CSHB 436(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

HESS Subcommittee on HB 625 Mental Health Trust Land	Capitol 112	On adj., 4/8
HESS Added to schedule: HB 625 Mental Health Trust Land HB 424 Board of Behavioral Science Examiners	Capitol 112	4:30 p.m., 4/8
Bill Egan Forum Representative Grussendorf, Speaker	Treadwell Room	Noon, 4/8
Minority Caucus	Court Building	Noon, 4/8
Republican Luncheon	Elks' Club	Noon, 4/9

ADJOURNMENT

Representative Clocksin moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 9, 1986. There being no objection, the House adjourned at 11:38 p.m.

Irene Cashen
Chief Clerk

SSHB 456

A zero fiscal note was attached.

SSHB 456 was referred to the Judiciary Committee.

SSHB 506

The Labor & Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (relating to insurance; effective date); recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Davis, Boucher, Collins and Pearce recommend do pass.

A zero fiscal note was attached.

SSHB 506 was referred to the Judiciary Committee.

file
HB 552

The Transportation Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Marrou and Shultz recommend do pass; Davis has no recommendation.

HB 552 was referred to the Finance Committee.

HB 559

The Finance Committee has considered HOUSE BILL NO. 559 (approving the sale of Kuparuk River Unit royalty oil by the State of Alaska to Petro Star, Inc. and Chevron U.S.A., Inc.; effective date) and reports it back as follows: Adams (Chairman), Cotten, Ringstad, Duncan, Szymanski, Frank, Larson, Pourchot and Rieger recommend do pass.

HB 559 was referred to the Rules Committee for placement on the calendar.

HB 631

The State Affairs Committee has considered HOUSE BILL NO. 631 (relating to elections; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 631 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman) and Boucher recommend do pass; Jenkins recommends do not pass; Collins has no recommendation.

AG

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



TO: Rep. Katie Hurley, Chair
House State Affairs

FR: Sen. Vic Fischer

RE: Amendments to HB 552

DT: March 20, 1986

A handwritten signature in black ink, appearing to read "Vic Fischer", written over the "FR" and "RE" lines of the header.

Attached please find 3 amendments to HB 552 that I believe would greatly improve the neighborhood speed zone bill. A draft committee substitute shows my proposed amendments in context of the bill.

HB 552 introduced by Rep. Rick Uehling follows up on a hazardous streets crossing and pedestrian safety study undertaken by my office last interim with the help of the Municipality of Anchorage, Anchorage School District, and the state Department of Transportation.

The proposed amendments will fulfill the intended purpose not adequately dealt with in the original bill to ensure that community pedestrian and traffic flow concerns are properly included in DOT's deliberations when establishing speed zones and speed limits on state roads.

The amendments were developed with the help of and are supported by the Municipality of Anchorage and Cheryl Richardson, President of South Addition Community Council.

I am, by the way, not committed to the specific language of these amendments. My principal purpose is to help improve HB 552 so it actually does provide for greater safety in our neighborhoods.

A M E N D M E N T

#1

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, after line 13, insert a new bill section to read:

"* Sec. 2. AS 19.10.070 is amended by adding new subsections to read:

(b) In determining safe speed limits and safe speed zones within urban areas of a municipality under (a) of this section, the department shall consult with that municipality. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by the municipality.

(c) In determining safe speed limits and safe speed zones under (a) of this section, the department shall consult with the community council or other neighborhood organization in the affected area, if the community council or other neighborhood organization requests in writing to participate in the determination. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by the community council or other neighborhood organization."

Renumber remaining bill section.

EXPLANATION: The original HB 552 bill does not require that DOT work

with the existing municipal authorities or public when establishing speed zones and speed limits. The proposed language requires DOT to not only consult with the local government, but also requires that when DOT is determining speed zones or speed limits, the municipality and general public would be provided with information and the opportunity to comment.

Ford ✓

A M E N D M E N T

#2

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, line 13, after "highways" insert "and arterial roadways"

EXPLANATION: The amendment expands the original bill to include those streets not covered under the definition of "highways". There are a number of streets in the Municipality of Anchorage that are managed by DOT that are not highways but are arterials. This language assures that all streets managed by DOT are included under the provisions of the bill.

Ford ✓

A M E N D M E N T

#3

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, line 17, after "consider" insert:

"the following factors in the order of priority listed:"

Page 1, lines 18 - 25, delete all material and insert:

(1) neighborhood safety, including the presence of children and pedestrian traffic;

(2) the presence of schools, parks, and crosswalks;

(3) the presence of driveways, parked vehicles, and multiple turn locations;

(4) that speed at which safe and prudent drivers could pass through the speed zone;

(5) the effectiveness of local enforcement of the speed zone; and

X (6) the effects of the proposed speeds on air quality and noise levels."

EXPLANATION: The original bill reflects standard DOT policy when establishing speed zones and speed limits. If adopted, HB 552 would not require DOT to consider any additional community concerns beyond those already considered under existing practice.

The proposed language:

a. establishes the priority DOT is to assign community concerns when establishing speed zones and speed limits,

b. adds (#1) as a new concern. Neighborhood safety including the presence of children and pedestrian traffic is to be considered above all other concerns.

c. adds (#6). The effects of the proposed speeds on air quality and noise levels will be taken into consideration when establishing speed zones and limits. This concern was added at the request of an Anchorage community council.

HB 522
COMMITTEE BACK-UP

Letter from Rep. Uehling

Existing Statutes

Department of Transportation Position Paper

0 Fiscal note

Manual On Uniform Traffic Control Devices

Traffic Engineer Handbook

Current Regulations

Department of Transportation's Formal Policy and Procedure on
the establishment of speed zones.

House Research Report on regulations and polices in other
states which guide how speed limits are set.

Oregon Vehicle Code

Washington Administrative Procedures Act - Speed Limits

Arizona Transportation Laws