

ATLANTA TELFONE COMPANY
1987-1988

3710 HSTA - HB 552

Recommendation No. 2

The Legislature should consider amending Alaska Statute AS 04.11.510(c) to exclude board participation in informal conferences.

If an accusation is filed by the Director, the licensee is given the option of requesting an informal conference. Per AS 04.11.510(c), the informal conference may be held with the Director or the Board. If not satisfied with the results of the conference, the licensee may request a formal hearing. The ABC Board may delegate full authority to preside over the case to a hearing officer, or it may hear the case with the hearing officer. If the case is heard by the hearing officer, the officer is required to submit a proposed decision to the Board. The Board has the option of adopting the proposed decision or rendering a different one. If the case is heard by the Board and a hearing officer, the Board renders its final decision upon completion of the hearing.

When hearing a case, the Board should be unbiased and impartial. Evidence presented by the Director (the prosecutor) and the licensee (the defendant) should be weighed equally. Only evidence and testimony presented during the hearing may be considered in reaching a final decision. The Board's participation in informal conferences, prior to a formal hearing, may have a negative effect on their independence. No guidelines have been established to address what type of evidence can be submitted or what rules of law should be adhered to in the conferences.

For the most part, informal conferences are held by the Board without counsel to advise them on matters of law. As noted in Recommendation No. 1, Board action to resolve most cases resulted from informal conferences. If a hearing is requested by the disgruntled licensee after an informal conference, the Board runs the risk of having developed a biased opinion prior to the hearing.

To ensure the Board's independence, informal conferences held on pending cases should be limited to the Director. Any stipulations made by the Director and the licensee should be submitted to the Board for review. Board review of the stipulations should include an evaluation of the fairness of the resolution and an analysis of whether the terms are in compliance with statutory requirements. Final Board action should be documented by a motion and vote of the Board at an open meeting.

In addition, all informal conferences should be recorded to document the matters discussed. A brief summary of the discussion and agreements made should be transcribed and maintained in the licensee's file.

Recommendation No. 3

The ABC Board should cease the current practice of terminating a license without cause and seek legal advice for clarification of its authority.

The ABC Board has established an informal policy of requiring a licensee to surrender an existing license upon the issuance of a new license of a different type. For example, the holder of a restaurant/eating place license would be required to surrender that license upon the issuance of a beverage dispensary license for the same premise. The Board's authority to enforce this policy is questionable.

The ABC Board is governed by Title 4 of the Alaska Statutes. Per AS 04.11.070 the Board has the authority to issue, renew, transfer, suspend, or revoke a license. Alaska Statutes 04.11.360 and 04.11.370 list the conditions under which the Board can deny a transfer or revoke a license. The conditions listed primarily address violations by the licensee, actions which are contrary to statute, and actions which are not in the best interest of the public.

~~Our review of the licenses surrendered per the Board's informal policy showed that none of the conditions listed in AS 04.11.360 and AS 04.11.370 existed. In addition, we found that the Board was inconsistent in its application of the policy. The requirement to surrender a license was only imposed if the existing license was originally issued to the holder by the ABC Board. If the existing license was acquired through a transfer (purchase) then, the licensee was allowed to retain the license or transfer it. In the former case, the licensee was deprived of the privilege to transfer the license whereas in the latter case he was not. Our review disclosed three cases in which the licensee was deprived of the transfer option.~~

Due to the passage of House Bill 34, the population limits for the issuance of licenses was increased from 1,500 to 3,000. As a result, the license quota for the issuance of new licenses has been capped for most areas in the State. The ownership and transferability of a license is more valuable now than ever before. We noted in our review that one of the three licenses was surrendered in November 1984 under protest. The licensees feel their rights of ownership should not be denied. Although the ABC Board has taken no action on the protest to date, we strongly recommend that the Board obtain an Attorney General's opinion prior to taking action on the matter.

Recommendation No. 4

The ABC Board should improve documentation of its enforcement efforts.

This recommendation was made in our prior audit. Primarily, we had found that the ABC Board did not maintain adequate documentation of its enforcement actions from inception to final resolution. In addition, documentation of actions resulting from informal conferences held with the licensee was not adequate. Although the ABC Board staff has made some improvements (especially the Enforcement Section) our current review disclosed the following additional problems:

1. Documentation of the Director's review of investigative reports is not adequate.

The Director is required to review all investigative reports generated by the enforcement staff. However, our review showed that 26 of 46 reports did not have documentation of Director review.

2. Documentation of administrative decisions made by the Director is not adequate.

Not all violations noted by the ABC Board staff are prepared for prosecution. The Director is responsible for making the ultimate decision. Factors considered by the Director include; type of violation, evidence gathered by enforcement staff, prior violations, and the intent of the licensee. Therefore, a violation by one licensee may result in the filing of an accusation whereas a violation by another licensee may not. Our review showed that no documentation is maintained by the Director to show cause for not pursuing a case. As a result, in our review of 35 cases, we found nine cases which were not pursued by the Director although the violation and evidence gathered by the enforcement staff appeared to warrant further action. For example, an investigative report was prepared noting over 140 instances of violence on a licensee's premises over approximately a three year period. The investigators recommended an accusation be filed to suspend or revoke the license. An accusation was not filed and the file did not contain an explanation of why the case was not pursued. Documentation of administrative decisions would ensure proper review and fair treatment of cases.

3. The administrative filing system needs improvement.

An administrative file is established if violations noted by the Enforcement Section require prosecution by the Director. The file contains documentation of actions arising from the Director and/or Board review.

If another action involving the same licensee arises, then a separate file is created. No system has been established to record a historical summary of administrative actions and penalties imposed by the Board per each licensee. Thus, vital information which could be utilized by the Director and the Board in the decision making process is not readily available. In addition, a historical summary could also be utilized by the enforcement staff when conducting routine inspections to identify potential problem areas and ensure compliance to requirements stipulated by the Board.

We encourage the ABC Board to continue its efforts in implementing procedures to resolve the problems noted in our prior audit.

Additionally, we recommend that the ABC Board develop procedures to resolve the problems noted above.

Recommendation No. 5

The ABC Board should promulgate regulations for the creation of restaurant designation permits and the establishment of fees.

Alaska Statute 04.16.049 requires Board designation of a premise as a restaurant in order to allow access by a minor for dining or employment purposes. Approval of the governing body having jurisdiction over the premise is also required, if access of a minor is allowed for employment purposes.

In an effort to comply with the above requirement, the ABC Board required the licensee to submit an application indicating the type of designation requested. Upon receipt of the application a notification is sent to the governing body requesting their review and approval. The governing body is given 30 days to respond. Once reviewed and approved by the Board a notification is sent to the applicant and a permit is issued. The licensee is required to post the designation permit next to the liquor license. The permit is valid for one calendar year. A licensee must reapply for the permit annually.

Due to the process stated above, the ABC Board has created a new class of permits called restaurant designation permits. However, no regulations have been developed to formally establish the classification. In addition, no application fees or permit fees have been assessed to cover the expenses associated with the processing and issuance of the permits. According to the ABC Board staff, processing of the permits is very time consuming. Approximately 250 applications per year were processed in 1983 and 1984. Over 300 applications have been processed since January 1985.

Alaska Statute 04.06.100 gives the Board the authority to adopt regulations relating to the creation of permits and the establishment of fees. We recommend that the ABC Board take the necessary actions to exercise this authority.

Recommendation No. 6

The ABC Board should strengthen controls over liquor license stock.

A control log is maintained by the ABC Board to monitor the issuance of licenses. However, we found that license documents utilized in the renewal of active licenses are recorded by group sequence. No record is maintained to identify to which licensee each license document was issued.

In addition, the control log does not denote which license documents have been voided because of Board denial or revocation of the license.

A good system of internal controls would enable one to determine the status and location of a license at any given point in time.

The ABC Board should review the control over the issuance of licenses and develop procedures to resolve deficiencies.

Wilson Condon
Deputy Attorney General
Department of Law

October 31, 1979

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Opinion Request -
Effects of Discontinuation
of AEC Board During FY 80.

The Budget Review Committee has requested that the Department of Revenue, after consultation with the Departments of Law, Community and Regional Affairs, Health and Social Services and Public Safety, prepare a report outlining the effects of the discontinuation of the Alcoholic Beverage Control Board, analyzing the organizational options should the Board be discontinued, analyzing the pending legislation and recommending a position which the Administration should adopt. Therefore, we would like to amend our opinion request dated August 13, 1979, relating to the meaning of an agency's "concluding its affairs" under the sunset legislation and add to it the following questions:

1. Should the Board be terminated without further legislative action what provisions, if any, of AS 04 would remain in force and effect? In other words, would the termination of the Board constitute the effective repeal of all liquor control legislation in the State? Since the Board was technically terminated on June 30, 1979, pursuant to AS 44.66.010(a)(1), is that the situation now?

2. Given the Department of Law's long experience in working with the Board handling civil and criminal prosecutions, what is your Department's recommendation with regard to whether the Board should be discontinued? If you feel the Board should be terminated, do you feel the function should be transferred to a line agency within the Department of Revenue or within some other department? Any thoughts or comments on the above questions would be greatly appreciated.

The ERC has requested this Department's final report by November 15, 1979. We would, therefore, appreciate your response by November 9, 1979.

JKD:jrb

COMMERCIAL BOARD
OCT 31 1979
DEPARTMENT OF REVENUE
RECEIVED

MEMORANDUM

TO: [The Honorable Thomas Williams
Commissioner
Department of Revenue

DATE November 13, 1979

FILE NO.

ATTN: Joseph Donohue
Deputy Commissioner

TELEPHONE NO.

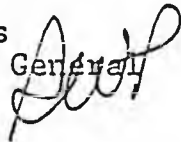
FROM: Avrum M. Gross
Attorney General

SUBJECT.

Effects of Discontinuation
of ABC Board
Our File: J-66-103-80

By:

Rodger W. Pegues
Assistant Attorney General
Department of Law



You have asked what the effects of the discontinuation of the Alcoholic Beverage Control (ABC) Board under the Sunset Law will be.

Assuming that the Sunset Law is constitutional, */ the termination of the ABC Board pursuant to its provisions probably will have the effect of repealing most, if not all, of Title 4 of the Alaska Statutes. The board's activities are inextricably intermingled within the state's liquor laws, and the latter -- almost in their entirety -- can have no force or effect without the board to apply them.

There are certain provisions of the liquor laws which do not require the existence of the board for implementation, e.g., hours of sale are prescribed by the law. AS 04.15.010, AS 04.15.080, as is the legal age. AS 04.15.020. (However, without a board, there will be no liquor licenses and no liquor licensees, and as a result, no prohibition against minors' consuming or being present on licensed premises.) Municipalities will still be able to regulate liquor without a board. AS 04.15.070. But they will have to start from scratch.

In brief, the ABC Board's existence is essential to the execution of the title on alcoholic beverages. If the board ceases to exist, the regulation of alcohol will, for most purposes, also cease. Again, this assumes that the Sunset Law is constitutional, a not at all certain proposition.

*/ Without going into detail, the Sunset Law raises serious questions under the separation of powers doctrine and the single-subject rule.

RWP:md

TO: Hon. Thomas K. Williams
 Commissioner
 Department of Revenue
 ATTN: Joseph K. Donohue
 Deputy Commissioner

DATE: November 9, 1979

FILE NO: J-66-103-80

TELEPHONE NO:

FROM: AVRUM M. GROSS
 ATTORNEY GENERAL

SUBJECT: Status of ABC
 Board in 1980

By:

Rodger W. Pegues
 Assistant Attorney General *RWP*

You have asked if it is within the scope of the Sunset Law to continue the normal exercise of the powers of the ABC Board at least until March 1980 and then, absent any statutory resurrection, phasing it out.

We believe that you are acting within the scope of the law.

The 1977 Legislature enacted a sunset law for two classes of agencies. §§ 2 and 3, ch. 149, SLA 1977. One section applies to 22 expressly designated professional and occupational licensing boards. It has been codified as AS 08.03.010. The other applies, first, to five expressly designated regulatory commissions and then to certain other agencies. It is codified as AS 44.66.010, 020. The latter, over a period of years, provides for review and potential termination of all state agencies and institutions. */ The ABC Board is one of the regulatory agencies specified in AS 44.66.010.

Both provide for "termination" on dates certain, e.g., June 30, 1979, in the case of the ABC Board. Both provide for a terminated agency to "continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs." Compare AS 08.03.010(c) with AS 44.66.010(b). It is at this point, however, that an apparent distinction arises.

Under AS 08.03.010(c), during its year of continued "existence," the terminated agency's powers expressly remain undiminished. A similar provision does not occur in AS 44.66.010(b). It is silent on the matter. Ordinarily,

*/ Because they are constitutionally established or mandated, certain agencies cannot be abolished, e.g., the Alaska Legislative Council, Alaska Const., art. II, § 11.

Joseph K. Donohue
November 9, 1979
Page #2

when two provisions are enacted together on related matters and are distinguishable in this manner, the distinction is considered to intend a substantial difference, i.e., here, that agencies terminated under AS 44.66.010 do not continue to possess their powers during this closing-out year. There is no reason, however, to perceive such a difference here. The situation is the same for both classes of agencies and for the objects of regulation and public protection. Indeed, AS 08.03.010(d) provides that the provisions of AS 44.66.050 govern the termination of agencies under AS 08.03, a rather persuasive indication that the same rules are to apply to both classes of agencies.

Our conclusion is, therefore, that the difference in wording is inadvertant and that there was no intention to strip the regulatory boards terminated under AS 44.66 of their powers during the year in which they are closing out. If the boards are not resurrected during that last year, then their powers cease to exist, and they cannot -- absent new legislation -- be delegated to the departments in which the boards were located.

RWP/pjg

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: HB 550
Title: Extending the Termination Date
of the ABC Board

FISCAL DETAIL

Agency Affected: Revenue
BRU: _____

Sponsor: (H) Judiciary Committee
Requestor: (H) State Affairs Committee
Date of Request: April 4, 1986

Components: Alcoholic Beverage Control
Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	540.7	540.7	540.7	540.7	540.7
TRAVEL	-	51.9	51.9	51.9	51.9	59.1
CONTRACTUAL	-	79.7	79.7	71.7	71.7	71.7
SUPPLIES	-	7.6	7.6	7.6	7.6	7.6
EQUIPMENT	-	10.1	10.1	10.1	10.1	10.1
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	690.0	690.0	690.0	690.0	690.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	690.0	690.0	690.0	690.0	690.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	11	11	11	11	11
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock
Division: Alcoholic Beverage Control Board

Phone: 277-8638
Date: April 8, 1986

Approved by Commissioner: Walter H. Stankovic
Agency: Department of Revenue

Date: April 8, 1986

Distribution (by Agency preparing fiscal note):

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

Opinion page

Viewpoint

Death in a Bottle

One death is too many. Eighteen deaths are way too many. State Troopers say at least 18 of the 36 deaths they have investigated in the Yukon Kuskokwim Delta this year were alcohol related. The figure could be higher. And nine out of ten of our Delta friends and neighbors who committed suicide this year had alcohol in their bloodstreams.

The price we pay for the bootlegging industry is heavy indeed in terms of assault, rape, murder.

The price we pay in dollars to bootleggers in Bethel alone may be as high as \$7 million. That could buy a lot of day care, seawall construction, counseling programs or library books. It could finance a number of small businesses employing people who actually pay taxes.

There is one simple solution: don't buy your liquor from bootleggers.

There's another: get involved. Report suspicious activity. Do what you can to help your community and your friends fight the death that comes in a plastic bottle.

And maybe we need some creative thinking. Why not change state law to allow small communities like Bethel to put a tax on importation? Let's say everyone can import one case of beer or liquor per flight for free, but each subsequent case will be taxed \$300 or \$500 or \$1000.

And what about the IRS? They're nobody's favorite people, but why aren't they investigating the millions of dollars of tax free revenue which winds up in the hands of bootleggers, bootleggers who often force the system to provide them free lawyers in the form of public defenders? They finally got Al Capone for tax evasion, not for his other criminal activities during the Prohibition era.

And what about us? Nobody can help an individual unless the individual wants to help himself. No one from outside can help a community unless the community wants to take action itself. Eighteen deaths in the Delta is a high price to pay for getting high. We must all make the decision that that price is simply unacceptable.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

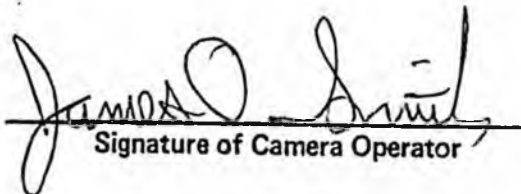
House State Affairs Committee 4/16/1986, 3:00pm



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Signature of Camera Operator

9/11/89
Date

H B

5 5 2

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

RC: Amendments to HB 552

DT: March 20, 1986

A handwritten signature in black ink, appearing to read "Vic Fischer", written over the recipient and sender information.

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.

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.



*City of Petersburg
P. O. Box 329
Petersburg, Alaska 99839*

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
Esp. 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 Nitkof 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 Nitkof 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 Nitkof 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

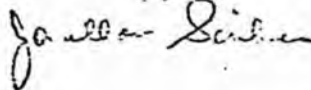
At your suggestion, I checked with experienced personnel from the judicial system. They indicate to me most speeding tickets are paid without going to court, and of the relatively few which do go to court, they have no preconceived size "rule" on what they will consider or how they will adjudicate them. 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 222 • 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

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES
FROM: HEIDI ELY
726 N STREET
ANCHORAGE, AK 99501 PHONE: 276-1445
SUBJECT: HB 552 - SPEED LIMITS AND SPEED ZONES

Handwritten notes:
3/25/86
11:45
Ely

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: JFOM *
* * * * *
* ORIGINAL *
* SENT: 02/25/86 TIME: 16:46 *
* FROM: JEAN MILLER *
* SUBJECT: POM *
* PRINT DATE: 02/25/86 TIME: 16:50 *
* * * * *

3

TO: REPRESENTATIVES HURLEY AND UEHLING
FROM: CHERYL RICHARDSON
1747 LAURENCE COURT
ANCHORAGE, AK 99501 PHONE: 272-0738
SUBJECT: HB 552 - NEIGHBORHOOD SPEED ZONES

FEB 26 1986

PLEASE PASS OUT HB 552, NEIGHBORHOOD SPEED ZONES. WE NEED RELIEF FROM HIGH SPEEDS ON STATE ARTERIALS IN FRONT OF OUR HOMES AND SCHOOLS.

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."

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 19.10.070 is amended by adding new subsections to read:

15 (b) In determining safe speed limits and safe speed zones within
16 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.

21 (c) In determining safe speed limits and safe speed zones under
22 (a) of this section, the department shall consult with the community
23 council or other neighborhood organization in the affected area, if
24 the community council or other neighborhood organization requests 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:

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

- (1) neighborhood safety, including the presence of children and pedestrian traffic;
- (2) the presence of schools, houses, 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; and
- (5) the effectiveness of local enforcement of the speed zone.

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

Alaska State Legislature

ANCHORAGE
DOWNTOWN
DISTRICT TWELVE



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

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

To: Rep. Katie Hurley
Chair, House State Affairs Committee
From: Rep. Rick Uehling *R.U.*
Subject: HB 552, "An Act relating to setting speed limits and
neighborhood speed zones"
Date: February 20, 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. Despite state law requiring it to do so, DOT has never promulgated formal regulations governing how speed limits are set and there has never been any public input into the process. 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 also for the quality of life in our local neighborhoods.

use of highways during certain seasons of the year. (§ 5 art III title II ch 152 SLA 1957; am § 1 ch 55 SLA 1963; am § 25 ch 144 SLA 1977)

Revisor's note (1972).—Executive Order No. 21, issued June 25, 1962, transferring authority and duties relating to motor vehicle weighing stations from the Department of Public Works to the Department of Commerce, was actually implemented by ch. 55, SLA 1963.

Cross reference. — As to duty of commissioner to adopt regulations, see AS 28.05.011.

Effect of amendment. — The 1977 amendment repealed paragraph (2), which read "issue special written permits authorizing the operation of overweight vehicles."

Am. Jur., ALR and C.J.S. references.—25 Am. Jur., Highways and Streets, §§ 165, 269.

Liability for damaging highway or a bridge by nature or weight of vehicles or loads transported over it, 5 ALR 768.

Construction and application of statute or ordinance designed to prevent use of vehicles or equipment thereof injurious to the highway, 134 ALR 550.

40 C.J.S. Highways § 233.

Sec. 19.10.070. Determination of safe speed limits. The department may conduct investigations with the assistance of the Department of Public Safety and shall determine safe speed limits on highways under its jurisdiction. (§ 6 art III title II ch 152 SLA 1957)

Am. Jur. reference.—5 Am. Jur., Automobiles, §§ 16, 38 et seq.

Sec. 19.10.080. Designation of through highways. The department may designate through highways by erecting stop signs at the entrances to them. (§ 7 art III title II ch 152 SLA 1957)

Sec. 19.10.090. Erection and maintenance of guard rails. The department may erect and maintain guard rails, stretch wires and other devices, on highways. (§ 8 art III title II ch 152 SLA 1957)

Am. Jur. reference.—53 Am. Jur., Trial, § 194.

Sec. 19.10.100. Closing highways. When it is necessary to exclude traffic from any portion of a highway, the department may close that portion of the highway by posting in a conspicuous manner, at each end of the portion closed, suitable signs warning the public that the road is closed under authority of law, and by erecting suitable obstructions. (§ 8 art IV title II ch 152 SLA 1957)

Am. Jur. reference.—25 Am. Jur., Highways and Streets, §§ 116, 311, 399.



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: HB 552

TITLE: An Act relating to setting speed limits and neighborhood speed zones

APPROVED: *Wm S. Spahr*
R. J. Knapp
Commissioner

DATE: 2-19-86

The attached Policy and Procedure (P&P) 70-7003 "Establishment Of Speed Zones" provides uniform departmental guidelines when speed controls are requested or required. The Alaska Statute (19.10.070), our P&P, and 13AAC02.273-330 all provide for coordination with appropriate enforcement agencies in the establishment of restricted speed zones. Criteria from the Manual on Uniform Traffic Control Devices and a traffic engineering handbook which provide for speed zone management by the department are also attached.

The department believes these existing documents sufficiently control the establishment of speed limits and speed zones.

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

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.

Gordon G. Hayes
Gordon G. Hayes

Prepared by : _____ Phone : 465-2968
 Division : Engineering & Operations Standards Date : February 21, 1986

Approved by Commissioner : _____ 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)

219

06.1-1978

Sections from:

**MANUAL
ON
UNIFORM
TRAFFIC
CONTROL
DEVICES**

FOR STREETS AND HIGHWAYS

*All states
subscribe to this
manual*

*These adopted
into
→
of Traffic
Manual*

**THIS EDITION DEVELOPED WITH THE COOPERATION OF
THE NATIONAL ADVISORY COMMITTEE
ON UNIFORM TRAFFIC CONTROL DEVICES**

**American Association of State Highway & Transportation Officials
Institute of Transportation Engineers
National Committee on Uniform Traffic Laws and Ordinances
National Association of Counties
National League of Cities
National Association of Governors' Highway Safety
Representatives
International Association of Chiefs of Police, Inc.
National Electrical Manufacturers Association
American Road and Transportation Builders' Association
International Bridge, Tunnel & Turnpike Association**



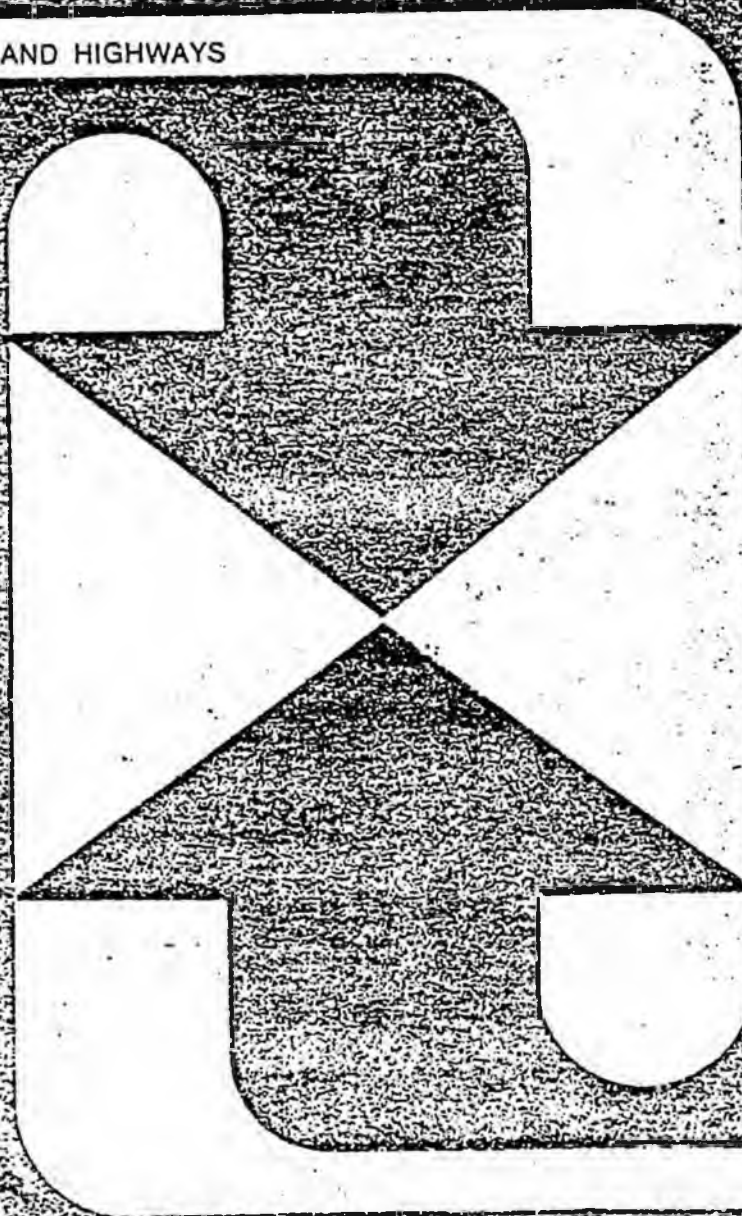
**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
1978**

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
is used where 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.

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

11-10 (c)
Rev. 3

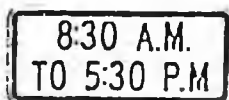
passengers, is not visible for a distance of 500 feet in advance. It shall have a minimum 30" x 30" size.

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.

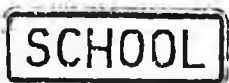
The fixed message sign assembly shall consist of a top panel (S4-3), 24" x 8" (the legend SCHOOL in black on a yellow background), a Speed Limit sign (R2-1), 24" x 36", and a bottom panel (S4-1) indicating the specific periods of the day and/or days of the week, when the special school speed limit applies. 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.



S4-1
24" x 10"



S4-2
24" x 10"



S4-3
24" x 8"



S4-4
24" x 10"

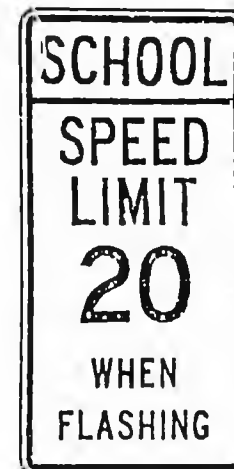
Variable display signs may be used to indicate the special school speed limit. These signs may use blank-out messages or other methods to display the school speed limit only during the periods it applies. A Speed Limit Sign Beacon may also be used, with a WHEN FLASHING sign (S4-4), to identify the periods 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.

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:

$$V = \sqrt{\frac{(e + f)R}{0.067}} = \sqrt{15(e + f)R}$$

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

[Handwritten Signature]
FROM: *[Handwritten Name]*
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 S.
DIRECTOR'S OFFICE

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's P & P No.	Dated
DIVISION Standards and Technical Services		SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones
		APPROVED BY <i>[Signature]</i>	

PURPOSE

To guide personnel in the uniform establishment of speed zones.

POLICY

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.

DISTRIBUTION

All holders of the "Design and Construction" and "Maintenance and Operations" Policy and Procedures manual, and Regional Traffic and Safety Engineers.

PROCEDURE

ESTABLISHMENT OF SPEED ZONES

1. Legal Authority

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.

Speed limits other than as set forth herein must have the specific approval of the Regional Deputy Commissioner.

2. Engineering and Traffic Investigation

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.

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

STATE OF ALASKA
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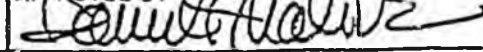
Effective Date
May 15, 1984

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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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APPROVED BY *[Signature]*

SUBJECT ESTABLISHMENT OF SPEED ZONES

DIVISION Standards and Technical Services

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CHAPTER TITLE 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

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
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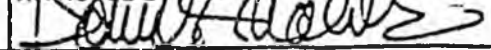
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ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No.

Dated

APPROVED BY



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CHAPTER TITLE
Speed Zones

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
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ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No. Dated

APPROVED BY

[Signature]

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 DSC 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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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

IN REFERENCE TO:

State Route CDS 196000

ORDER

Establishing a Speed Limit
on a State Highway

Between Mendenhall Loop Road (CDS 30.68) *

and Auke Lake Scenic Turnout (CDS 28.54)

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 previously 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 Special 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:

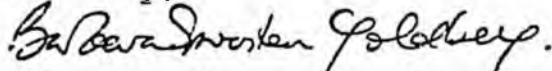
Over forty Chugach Elementary School parents unanimously agreed at last Wednesday's Parent Assembly that speeds along C Street should not exceed 30 MPH between 9th Avenue and Benson Boulevard.

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.

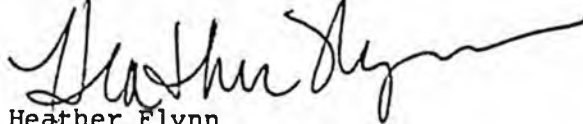
Commissioner, our neighborhood is very thankful that we finally have flashing yellow lights on L Street in the neighborhood of Inlet View School. But what, pray tell, is the difference between an 11 year old 6th grader crossing at 13th & L and a 12 year old 7th grader crossing at 26th and Minnesota? 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.



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 '84

§ 22102

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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.

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§ 22348

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 30 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 ()³ the right-hand lane, unless otherwise prohibited under ()³ this code. This subdivision ()³ 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 ()⁵ 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 provisions 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. 530, 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. 1965. Effective September 17, 1965.
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. 1301, Stats. 1959. Effective September 18, 1959.
Amended Ch. 545, Stats. 1974. Effective January 1, 1975.
Amended Ch. 361, 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 20, 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. Supersedes 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. 1959.

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. 1959. Effective September 18, 1959.

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. 1053, 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 (c) 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 Merritt 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.

Mass.

Massachusetts

90 §16

Motor Vehicle Laws

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

Motor Vehicles

90§18

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 autom-

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 other 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 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

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]

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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