

ALSTON COUNTY 1961-60 7100

3800 HTRA HB 552

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

Master Plan:

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

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

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

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

M E M O R A N D U M

February 6, 1986

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

TO: Representative Bette Cato

FROM: George Ucermohle  
Legislative Counsel

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

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

Section 2 AS 19.70

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

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

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

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

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

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

## Article 2. Powers and Duties

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

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

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

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

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

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

### Article 3. Acquisition of Property

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

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

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

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

#### Article 4. Ferry Terminal Facilities

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

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

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

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

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

February 6, 1986

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

#### Article 5. General Provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GU:mkr  
M2:140

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

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

Representative Clocksin objected.

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

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

SSSB 374 *file*

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

SSSB 374 was sent to the Finance Committee.

HB 611 *file*

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

HB 611 was sent to the Finance Committee.

CSHB 104(Jud)am

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

Representative Pignalberi objected.

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

Ford  
3/24/86

Original sponsors: Uehling, Martin,  
Ringstad, et al

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

6 For an Act entitled: "An Act relating to setting speed limits and <sup>neighborhood</sup> safe  
7 speed zones."

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

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

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

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

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

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

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

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

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

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

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

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

Ford  
3/21/86.

Original sponsors: Uehling, Martin,  
Ringstad, et al

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 IN THE HOUSE

2 HOUSE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

(b) In determining (of sec 2)

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

*\* Statewide bill*

THIS BILL HAS BEEN AN EXPERIENCE.

STATE AFFAIRS ZAPPED IT RIGHT OUT OF COMMITTEE FRIDAY BECAUSE:

1. IT HAD BEEN SCHEDULED FOR HEARING BEFORE AND

2. WE HAD IT SCHEDULED "PENDING REFERRAL"

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

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

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

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

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

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

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

thus de-emphasizing Uehling's intent

2. RESTRUCTURING OF BILL - A BIT MORE

3. Handled changing to plural

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

CLEAR AS MUD?

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

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

Keep your fingers crossed

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

Ford  
3/21/86.

Original sponsors: Uehling, Martin,  
Ringstad, et al

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2 CS FOR HOUSE BILL NO. 552 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
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13 speed zones on highways and arterial roadways under its jurisdiction.

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

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

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

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

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

*-Legisl. changed*

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

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

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

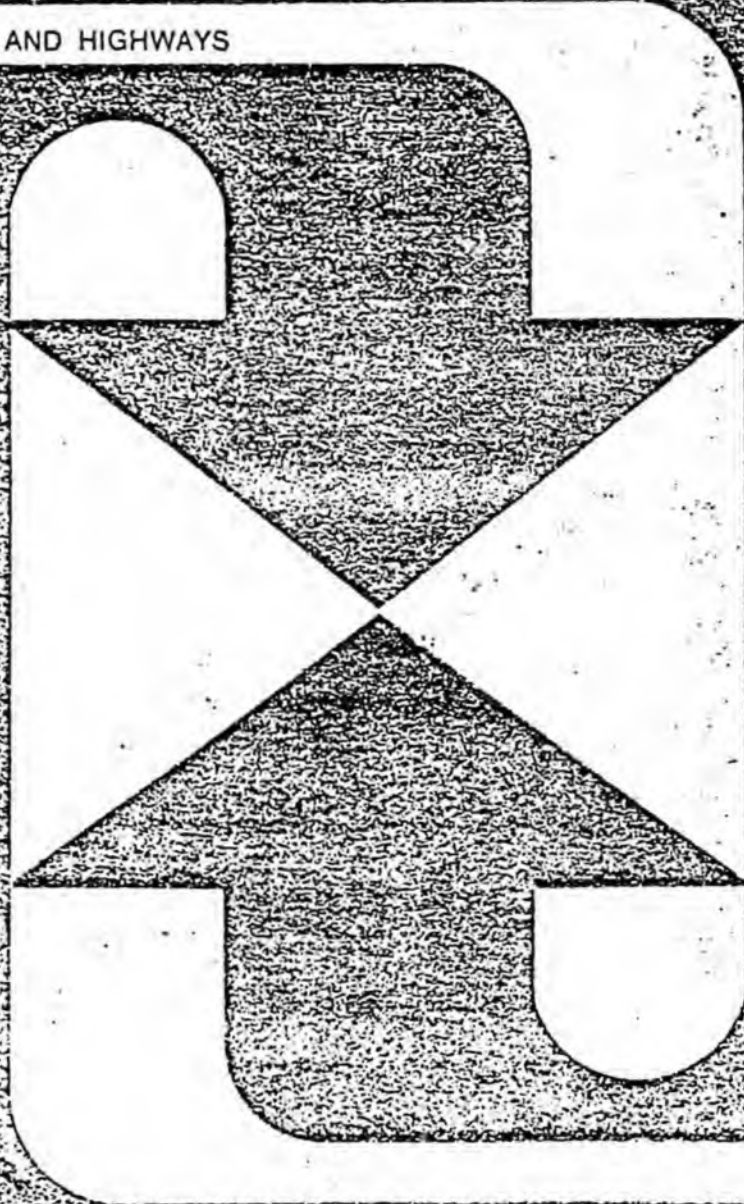
7                   (3) the presence of driveways, parked vehicles, and multi-  
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9                   (4) that speed at which safe and prudent drivers could pass  
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11                   (5) the effectiveness of local enforcement of the speed  
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**ALASKA TRAFFIC MANUAL**  
**UNIFORM**  
**TRAFFIC**  
**MUTCD with The Alaska Supplement**  
**DEVICES** -7/82

FOR STREETS AND HIGHWAYS



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

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

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

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

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

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

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

*ALL 50 STATES  
are used  
when estab  
speed zones*



R2-1  
24" x 30"



R2-2  
24" x 24"

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

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

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

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

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

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

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

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



R2-3  
24" x 24"

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

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



R2-4  
24" x 30"



R2-4a  
24" x 48"

#### 2B-13 Location of Speed Limit Sign

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

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

11-45 (c)  
Rev. 3

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

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

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

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

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

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



R2-5a  
24" x 30"



R2-5b  
24" x 30"



R2-5c  
24" x 30"

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

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

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

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

Where No Left Turn signs are needed, at least one should be placed over the roadway or at a left-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the left lane. Where No Turns signs are needed, two signs should be used, one at a location specified for a No Right Turn sign and one at a location specified for a No Left Turn sign. If signals are present, a No Turns sign may be placed adjacent to a signal face viewed by all motorists on that approach.

11-10 (c)  
Rev. 3

If advance signs are used, care should be taken that no alley or public driveway exists between them and the intersection where the turning movement is prohibited. At an intersection where one or more approaches to the intersection are limited to one-way traffic, whether signalized or not, the ONE WAY sign (sec. 2B-29) shall be used, and may be supplemented by the Turn Prohibition sign (fig. 2-3, page 2A-11). A Turn Prohibition sign is not needed at a ramp entrance to an expressway where the design is such as to indicate clearly the one-way traffic movement on

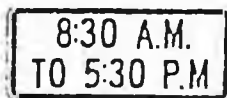
passengers, is not visible for a distance of 500 feet in advance. It shall have a minimum 30" x 30" size.

It is not intended that these signs be used everywhere a school bus stops to pick up or discharge passengers but for use only where terrain and roadway features limit the approach sight distance and where there is no opportunity to relocate the stop to another location with adequate visibility.

#### 7B-12 School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)

The School Speed Limit sign shall be used to indicate the speed limit where a reduced speed zone for a school area has been established (in accordance with law, after an engineering and traffic investigation) or when a speed limit is specified for such areas by statute. The sign shall be either a fixed-message sign assembly or a variable display type sign.

The fixed message sign assembly shall consist of a top panel (S4-3), 24" x 8" (the legend SCHOOL in black on a yellow background), a Speed Limit sign (R2-1), 24" x 30", and a bottom panel (S4-2) 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"

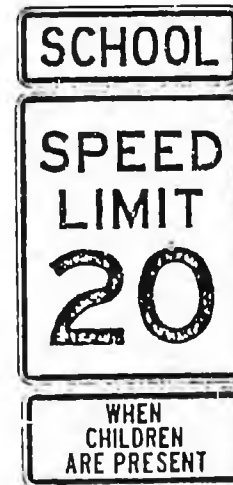


S4-4  
24" x 10"

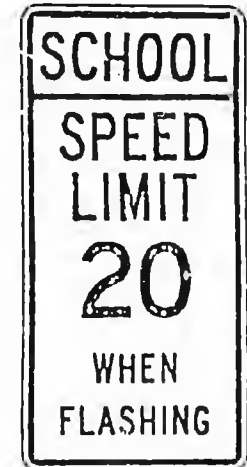
Variable display signs may be used to indicate the special school speed limit. These signs may use blank-out messages or other methods to display the school speed limit only during the periods it applies. A Speed Limit Sign Beacon may also be used, with a WHEN FLASHING sign (S4-4), to identify the periods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

Text book

Many European and other countries have tended historically either to enforce speed limits only in hazardous rural areas or in urban areas or to enact single speed limits by statute to cover all highways of a certain kind in a given area. The practice of setting special speed limits for specific roadway conditions is relatively new. In some cases (Route M-1 in England, for example) highways were or are operated with no speed limit whatever. This total lack of speed control has generally proven unsafe.

## SPEED REGULATIONS

### FACTORS AFFECTING SPEED REGULATIONS

**Public attitude.** The traffic engineer will receive many requests for establishing new speed limits or for altering existing limits upward or downward. Such requests often reflect citizen opinion that something is wrong with a particular section of highway or with the operation of traffic thereon. A request for a revised speed limit, usually lower than the limit posted, is sometimes the only immediate solution that the public can offer. Such requests often are based on the misconception that almost all motorists will automatically exceed the posted limit by 5 or 10 mph and that the only way to reduce speeds is to reduce the speed limit. Citizens, acting as individuals or groups, will frequently request lower speed limits for their own neighborhood streets than they, as drivers, would consider reasonable in similar neighborhoods elsewhere.

The consensus of traffic engineers in the United States is that motorists usually adjust their speeds according to conditions on the road and not necessarily to posted speed limits. Hence, if unreasonably low limits are posted, the limit will be violated by large numbers of drivers. This leads to disrespect of other posted limits as well.

Studies of speed in Europe have shown, almost without exception, that the speed of vehicles can be considerably reduced by installing a speed limit. Experience in the United States indicates that drivers do not drastically alter speed patterns with changes in speed limits. One possible explanation is that European experience generally deals with the application of speed limits for the first time, but the United States experience usually deals with revision of existing speed limits.<sup>1</sup>

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.<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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 conflicts<sup>11</sup>

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.

<sup>11</sup> 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.<sup>12</sup>

In using the office method for determination of advisory speed, the advisory speed indication for a curve may be calculated by the following formula:

$$V = \sqrt{\frac{(e + f)R}{0.06}} = \sqrt{15(e + f)R}$$

where  $V$  = advisory speed of vehicle in mph,  
 $e$  = superelevation in ft per ft of horizontal width,  
 $f$  = transverse coefficient of friction,  
 $R$  = radius of curvature in ft.

<sup>12</sup> *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

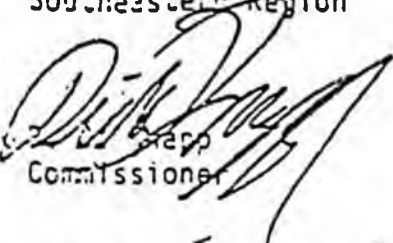
to Jon Scribner  
Deputy Commissioner  
Southeastern Region

DATE: May 15, 1984

FILE NO

TELEPHONE NO 465-3900

SUBJECT: Statewide Policy on  
Setting Speed Zones

  
Commissioner

Attached is a Policy and Procedure (P&P) on the establishment of speed zones on state-maintained roadways. This P&P formalizes the general procedure used by the Regional Traffic and Safety units.

The "speed order" on page 5 of the P&P should be prepared in a form suitable for your Region's organization, with appropriate position titles inserted under the delegated approval spaces. Please send a copy of the form to be used by your Region to my Standards and Technical Services Division for their files.

Attachment

cc: John J. Simpson, Director, Standards & Technical Services Division

mdh

MAY 17 1984

STANDARDS & TECHNICAL SERVICES  
DIRECTOR'S OFFICE

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

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

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

PITAL	0	0	0	0	0	0
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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  
 2/21/86

Prepared by : \_\_\_\_\_  
 Division : Engineering & Operations Standards

Phone : 465-2968  
 Date : February 21, 1986

Approved by Commissioner : \_\_\_\_\_  
 Agency : Transportation and Public Facilities

Date : 2/25/86

**Distribution (by Agency preparing fiscal note) :**

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

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES <b>POLICY AND PROCEDURES</b>		P & P No. 70-7003	Page 1 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supervisor P & P no.	Dated
DIVISION Standards and Technical Services		SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones
		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  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
**POLICY AND PROCEDURES**

P & P No.  
70-7003

Page 2 OF 6

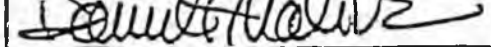
Effective Date  
May 15, 1984

SUBJECT  
ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No.

Dated

APPROVED BY



DIVISION Standards and  
Technical Services

SECTION Traffic and  
Highway Safety

CHAPTER TITLE  
Speed Zones

which require reduced speeds are best handled with a standard warning sign accompanied by an advisory speed plate (W13-1 in the Alaska Traffic Manual).

Short speed zones, including short transitional zones, should be avoided as they are ineffective and difficult to enforce. The minimum length of posted speed limit should be such that the motorist is in the zone a minimum of 25 seconds at the posted speed. (Exception: School Zone Speed Limits.) See 13 AAC 02.325(d)

The basic intent of speed zoning is to influence as many drivers as possible to operate at or near the same speed--thus reducing conflicts created by wide differentials in operating speeds. Low-volume streets, therefore, offer little opportunity for encouraging closely grouped speeds due to the absence of traffic platoons under normal conditions.

b. Speed surveys, consisting of multiple spot speed checks shall be made in accordance with procedures set forth in the Transportation and Traffic Engineering Handbook.

A sufficient number of spot speed checks should be made so that a representative speed profile can be determined for the subject section of road. If practicable, a minimum of three checks should be made for any proposed zone (one at each end and one in the center of the zone) and additional checks should be taken at intervals, particularly in the vicinity of road elements which affect vehicular speeds (presence or absence of parked vehicles, pedestrians, multiple turn locations, etc.).

Each spot speed check should consist of recording the speed of a minimum of 100 vehicles (totaled both directions). However, where more than two hours are required to obtain the speeds of a minimum of 100 vehicles, automatic speed recording equipment may be used. Only those vehicles which are free flowing, whose speed is not appreciably affected by other moving traffic, shall be recorded. Checks should be made only during daylight hours, with clear weather and dry pavement along tangent roadway sections, inasmuch as the limit to be posted represents the highest safe speed for that portion of roadway under the best conditions. During darkness or poor road and/or atmospheric conditions, the motorist is governed by the basic speed law which requires that he always drive at a safe and prudent speed regardless of higher posted limits.

When speed checks are taken near a traffic signal, only those vehicles which move through the intersection on a green light without slowing or stopping shall be recorded. Spot speed checks shall not be taken any closer than 300 feet from a stop sign facing traffic being studied.

c. Where restricted speed limits are needed, they shall be established at or near the 85th percentile speed, which is defined as that speed at or below which 85 percent of the traffic is traveling. Regardless of the posted limit, and to a certain extent the level of enforcement, the 85th percentile speed remains the same for a given section of road. The effects of posting a zone lower than the 85th percentile is to increase the percentage of drivers exceeding the posted limit and to

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
**POLICY AND PROCEDURES**

P & P No.  
70-7003

Page  
3 OF 6

Effective Date  
May 15, 1984

Supersedes P & P No.

Dated

APPROVED BY

*[Signature]*

SUBJECT  
ESTABLISHMENT OF SPEED ZONES

DIVISION ~~Standards and~~  
Technical Services

SECTION ~~Traffic and~~  
Highway Safety

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

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Dated

APPROVED BY

*[Signature]*

DIVISION Standards and  
Technical Services

SECTION Traffic and  
Highway Safety

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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 <b>POLICY AND PROCEDURES</b>		70-7003	5 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supersedes P & P No.	Dated
DIVISION <del>Standards and</del> Technical Services		SECTION <del>Traffic and</del> Highway Safety	CHAPTER TITLE Speed Zones
APPROVED BY <i>[Signature]</i>			

Highway" (Speed Order) using the format shown in Figure 1, which shows in italics an example of the particulars to be filled in.

The DSC representative shall forward the signed order to the Maintenance and Operations designee who, upon acknowledging concurrence, shall forward to the Standards and Technical Services Division and the appropriate enforcement agency/agencies copies indicating the actual or expected date the speed limit will be posted, and shall return the original to the D&C designee.

If the responsible parties do not agree, or in their opinion a limit other than that indicated by the speed profile is necessary, all pertinent data and recommendations shall be forwarded to the Regional Deputy Commissioner for resolution.

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

*[Handwritten signature]*

DIVISION ~~Standards and~~  
Technical Services

SECTION ~~Traffic and~~  
Highway Safety

CHAPTER TITLE  
Speed Zones

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

IN REFERENCE TO:

State Route CDS 296000

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 previous, conflicting order(s) issued for that portion of the roadway where the conflict exists.

Date \_\_\_\_\_

(Appropriate Title, Design and Construction Division)

Date \_\_\_\_\_

(Appropriate Title, Maintenance and Operations Division)

Signed copies to Director, Standards and Technical Services Division, and

Enforcement Jurisdiction Agency

Actual or Expected Posting Date

FIGURE 1

# speed zoning - why?

## FUNDAMENTALS OF REALISTIC SPEED ZONING

Most citizens can be relied upon to behave in a reasonable manner as they go about their daily activities. Many of our laws reflect observations of the way reasonable people behave under most circumstances. Traffic regulations are also based upon observations of the behavior of groups of motorists under various conditions. Generally speaking, traffic laws that reflect the behavior of the majority of motorists are found to be successful. Laws that arbitrarily restrict the majority of drivers encourage wholesale violations, lack public support and usually fail to bring about desirable changes in driving behavior. This is especially true of speed zoning.

Speed zoning is based upon several fundamental concepts deeply rooted in our American system of government and law:

- Driving behavior is an extension of social attitude, and the majority of drivers respond in a safe and reasonable manner as demonstrated by their consistently favorable driving records.
- The normally careful and competent actions of a reasonable person should be considered legal.
- Laws are established for the protection of the public and the regulation of unreasonable behavior of the individual.
- Laws cannot be effectively enforced without the consent and voluntary compliance of the public majority.

Public acceptance of these precepts is normally instinctive. However, the same public, when emotionally aroused in a specific instance, will invariably reject these fundamentals and rely instead on more comfortable and widely held misconceptions, such as:

- Speed limit signs will slow the speed of traffic.
- Speed limit signs will decrease the accident rate and increase safety.
- Raising a posted speed limit will cause an increase in the speed of traffic.
- Any posted speed limit must be safer than an unposted speed limit, regardless of traffic and roadway conditions prevailing.

October 14, 1985

1205 E Street  
Anchorage, Alaska 99501

R. J. Knapp, Commissioner  
Department of Transportation and Public Facilities  
Pouch Z  
Juneau, Alaska 99811

Dear Commissioner Knapp:

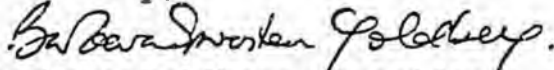
Over forty Chugach Elementary School parents unanimously agreed at last Wednesday's Parent Assembly that speeds along C Street should not exceed 30 MPH between 9th Avenue and Benson Boulevard.

This summer, State engineers wanted to sign the new A-C couplet at 45 MPH. In fact it is signed at 35 MPH as it opens this week. This is a much more appropriate speed for a residential area containing a number of schools. Our children use these streets to walk to and from school, they take walking field trips to parks and businesses, and they often use the Municipal bus system.

Representative Rick Uehling has labeled this concept "neighborhood speed zones" in a recent editorial. We need to protect our children and the public as they use the major arterials that pass through our area.

We will appreciate any help you can continue to give us in achieving this.

Sincerely,



Barbara Goldberg, President  
Chugach Elementary School Parent Assembly

# Municipality of Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4311

## ANCHORAGE ASSEMBLY

November 1, 1985

Commissioner Richard Knapp  
Department of Transportation & Public Facilities  
Juneau, AK

Dear Commissioner Knapp:

As you may know I was until October 30, 1985 the Anchorage Municipal Assembly representative to the AMATS Policy Committee. Dana Brockway, Assembly Member from South Anchorage, has recently taken my place.

At the meeting this week, Cheryl Richardson spoke about the traffic conditions on L Street and the Minnesota Bypass. By this time, your office is quite familiar with correspondence from and conversations with Cheryl Richardson, representing the South Addition Community Council. Please understand that I represent the area of town addressed by Ms. Richardson's concerns and am in full agreement with those concerns.

However, the reason behind this letter is that immediately upon leaving the AMATS meeting on Wednesday, I went to a meeting of the parents advisory council at Romig Jr. High School. Romig is located at 2600 Minnesota Drive, at the top of Romig hill. One of the primary concerns expressed at that meeting was the posted speed limits in front of the school. There was a very real concern that the speed limit was too high at 40 miles per hour. Imagine the dismay of both staff and parents when, following several complaints to lower the speed limit, it was increased to 45 miles per hour.

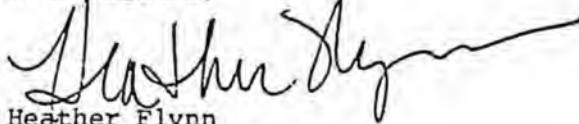
Commissioner, our neighborhood is very thankful that we finally have flashing yellow lights on L Street in the neighborhood of Inlet View School. But what, pray tell, is the difference between an 11 year old 6th grader crossing at 13th & L and a 12 year old 7th grader crossing at 26th and Minnesota? Should we assume that once children go into Jr. High School and High School that they suddenly obtain a measure of good judgement which they did not previously possess? As the Mother of a 7th and 8th grader, I can attest that the opposite is often times too true.

Please explain to me, and to the parents and staff at Romig Jr. High School, whatever possessed the Dept. of Transportation and Public Facilities to increase the speed limit in front of Romig Jr. High School. In case you are unaware, there are over 2500 students attending Romig and the neighboring West High School. In addition to the several dozen school buses that come twice a day, there are numerous after school activities and several education classes. All this adds to one of the major traffic points in all of Anchorage. There is a desperate need to lower, not raise the speed limit. Please rethink your decision and keep the speed at 35 miles an hour until the traffic gets south of Benson Blvd.

Page 2, Dept. of Transp. & Public Facilities, November 1, 1985

Thank you for your consideration of this matter.

Kind Regards,



Heather Flynn  
Anchorage Assembly

HF:jn

cc: George Jensen  
Dept. of Transportation and Public Facilities  
Anchorage

Governor Bill Sheffield

Assemblyman Dana Brockway

Anchorage Mayor Tony Knowles

Cheryl Richardson  
Anchorage South Addition Community Council

Frank Tecca  
Anchorage Public Works

Chip Dennerlein  
Office of Intergovernmental Affairs

Chief Byron Porter  
Anchorage Police Department

John Olsen  
Dept. of Public Facilities

Barbara Goldberg

Don Clocksin

✓ Rick Uehling

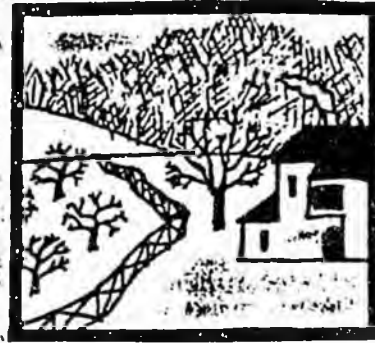
Senator Vic Fisher

Senator Joe Josephson

Rita J. Holthouse  
Principal Romig Jr. High School

# SOUND OFF

This editorial section offers an opportunity for an individual or community council to express their opinions on area-wide issues that concern them, subject to considerations of good taste, libel, and space available. Sound Off articles do not necessarily reflect the feelings of the Federation Board or staff.



## Pedestrian Safety

by Cheryl Richardson  
South Addition Community Council

(The South Addition Community Council has been actively pursuing the reduction of speed limits and advocating stricter enforcement of current speed limits in the downtown area, especially along L and I Streets.)

We know people want to get home as fast as they can. Unfortunately, that means 50 mph speeds along the arterials through our downtown neighborhoods. We don't know why the roads were designed for these high speeds, but we are suffering from the results. We know we have to live with more cars traveling through; we cannot live with the high speeds.

Our children are vulnerable as they walk to and from school, and as they walk on field trips. A State design engineer has said they (DOT) see no problem with a child using a sidewalk next to a 50 mph car "as long as the situation is safe".



Even using our cars to get across the arterials is dangerous with the many accidents occurring at non-signalized intersections. Pulling out of driveways on sidestreets between A & C Streets is risky because drivers don't reduce speeds enough as they exit A or C. Children crossing 10th at Denali are facing many more cars driving much faster than before.

We know the numbers of cars will increase; we object to the high speeds and disregard for pedestrians. Drivers gain only a few seconds by speeding between 9th and Fireweed, and the risk of accidents - for both drivers and pedestrians - is many times greater.

If the cars aren't slowed down, they'll drive people out of the low density residential areas near the arterials, and it will kill our neighborhoods. Streets empty of pedestrians lead to feelings of isolation and take away a neighborhood's sense of community. Our residential areas provide a market for downtown merchants, and we provide needed relief from a commercial midtown sprawling from 9th Avenue to Tudor.

Please help us by supporting our requests for more uniform, reduced speeds to DOT/PF. You may also want to ask DOT/PF just how fast they expect cars to travel along the new and redesigned roads they're building in your neighborhoods.



*City of Petersburg  
P. O. Box 329  
Petersburg, Alaska 99833*

February 12, 1986

Mr. Jonathan W. Scribner  
Deputy Commissioner  
Department of Transportation  
State of Alaska  
P. O. Box 3-1000  
Juneau, Alaska 99802

RECEIVED  
FEB 12 1986

Dept. of Trans. & PF  
Dep. Comm./S.E. Region

Re: Speed Limit Mitkof Highway

Dear Mr. Scribner:

There still seems to be a great deal of concern in our community over the proposed speed zone increase on South Mitkof Highway. In your letter to me of January 30, 1986, you mentioned speed studies being conducted on South Tongass Highway and I have interpreted that to mean South Mitkof Highway for we have no objection to your increasing speed on South Tongass Highway.

We appreciated your sending us copies of the Statewide Policy on setting speed zones and the speed studies you have had conducted on Mitkof Highway and we feel it is commendable that such a policy exists. The established "policy" if it conforms to the definition of a "policy" should be a guide to your decision making process and not interpreted as a legal mandate.

As you are probably aware there are numerous entrances onto Mitkof Highway from business places in the 3 Mile area of Mitkof Highway. These businesses include the State DOT Repair Facility which has heavy slow moving equipment going in and out on a regular basis, Tongass Marine which has vehicles towing large boats in and out throughout the year, Billikin and Lynden Transfer with large slow moving vehicles and Olsen Logging which has large slow moving trucks going in and out regularly. The speed increase will surely have an impact on the accident problem with the rear-end-type of collision you stated you hoped to reduce by a speed increase.

Our 1980-1983 accident data for South Mitkof Highway shows no less accidents related to rear-end-type accidents than the period of 1983-1986 when the speed was decreased.

Your letter mentioned the past accident history in this portion of the highway being classified as running into the ditch, overturning, hitting parked cars and running into culverts and you attributed them to the narrow shoulders. Our local law enforcement personnel attribute these accidents to excessive speed and driving while under the influence of alcohol or drugs.

There is a definite feeling that the speed increase will have a detrimental impact on the hikers, bikers, walkers and joggers even with the increase in the width of the shoulders.

We respect your position in trying to act in the interest of safety based on the best technical information made available to you and we would further like to aid in your decision making process by having you utilize the practical information you receive from the people who use this road which include: business concerns, our law enforcement personnel, local and transit motorists and pedestrians.

We again solicit your re-evaluation of the speed increase with greater consideration being given to what the non-motoring public consider as a safe speed, the environmental conditions at 3 mile, the law enforcement personnels objection to an increase in speed, the business owners objection to an increase in speed, and the home owners objection to an increase in speed. Safety in the final analysis comes down to people protection and in this case public opinion is that "The people would be best served by the continuation of the lower speed limit."

Sincerely,



Ed Pefferman  
City Manager

March 3, 1986

Mr. Ed Pefferman  
Manager, City of Petersburg  
P. O. Box 329  
Petersburg, Alaska 99833

Dear Mr. Pefferman,

Before I released my decision on the speed limit issue, I spent a good deal of time pondering your February 12 letter. I finally decided it would be best to go ahead and send the February 14 decision I had prepared earlier and respond separately to your February 12 letter.

Of primary concern to me is the suggestion pervasive in your letter that the proposal was to increase speed on Mitkof Highway. Please let there be no misunderstanding -- the proposal was to raise the posted speed limit -- not to increase speed.

The data provided to you earlier show vehicle speed is relatively independent of the posted speed limit. Vehicle speed on Mitkof Highway has remained nearly the same when the posted speed limit was 50 mph and when it was reduced to 35 mph. This experience is consistent with similar traffic studies nationwide.

Most people naturally travel at a speed they consider safe for the conditions they encounter on a road. As described in the policy I sent you earlier, this is the speed which is the basis for selecting the posted speed limit. Based only on the speed that people are driving, the speed limit along this portion of Mitkof Highway should be posted at 45 mph.

Since the posted speed limit has virtually no relationship to the speed most people drive, its value is limited primarily as an enforcement tool against those few people driving at an excessive, unsafe speed.

The speed limit should not be posted at less than a safe speed just to make it easier for an enforcement officer to issue larger, "more defensible" speeding tickets. Also, it would seem unfair to "threaten" prudent drivers with enforcement of an unrealistically low posted speed limit. Enforcement should be directed at people driving at an unsafe speed based on appropriate posted speed limit signs or adverse driving conditions, e.g., snow, ice, fog, etc.

Mr. Ed Pefferman

- 2 -

March 3, 1986

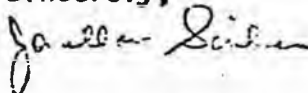
At your suggestion, I checked with experienced personnel from the judicial system. They indicate to me most speeding tickets are paid without going to court, and of the relatively few which do go to court, they have no preconceived size "rule" on what they will consider or how they will adjudicate them. They further indicate, as have others in the enforcement community, the speed over the posted speed limit at which legally supportable tickets are written is discretionary with the enforcement officers. I'm told penalty points begin at 3 mph and fines are \$2.00 per mph over the speed limit.

My decision to post the speed limit at 40 mph represents a sincere effort to balance the narrow legal and policy guidelines with consideration for the many other concerns. I am disappointed that my requests for comments from the city, my discussions with Mayor Gustafson and you, and my personal review of the driving conditions with you apparently have been perceived otherwise.

If there is a sincere desire to reduce speed along this roadway below what the prudent motorist drives, the only way I am aware of which may be effective is to have a strong, continual enforcement program. When enforcement is relaxed, speeds will stabilize at whatever people feel comfortable driving, regardless of the posted speed limit. Even with strict enforcement, studies have shown speeds are not reduced over 5 mph.

I am willing to help your effort to reduce vehicle speed to the extent there is some reasonable relationship between the posted speed limit and the speed people are driving. A 40 mph posted speed limit is at the low end of what is now reasonably supported by the data.

Sincerely,



Jonathan W. Scribner

bcc: ✓ R. J. Knapp, Commissioner  
D. D. Dieckmeyer, Director, Design and Construction, Southeast Region  
David L. Waldron, Director, Maintenance and Operations, Southeast Region

JWS:plj

NO, WE HAVEN'T MOVED, BUT  
OUR MAILING ADDRESS IS NOW  
BOX 128 STERLING  
(New Post Office)

## WALT & ELSA PEDERSEN

~~Star-Route Box 422~~ • Sterling, Alaska 99672  
128

February 27, 1986

Representative Rick Uehling  
Box V  
Juneau, AK 99811

Dear Representative Uehling:

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

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

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

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

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

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

Sincerely,

*Walt Pedersen*  
Walt Pedersen

→ Representative Katie Hurley, Chair, House State Affairs Committee  
Representative Bette Cato, Chair, House Transportation Committee  
Representative Andre Marrou  
Representative Mike Navarre

\*\*\*\*\*

*Committee  
Meeting  
FEB 26 1986*

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: HEIDI ELY  
726 M STREET  
ANCHORAGE, AK 99501 PHONE: 276-1445

SUBJECT: HB 552 - SPEED LIMITS AND SPEED ZONES

I SUPPORT THE INTENTION OF THIS BILL BUT IT DOESN'T GO FAR ENOUGH IN LIMITING HIGH SPEEDS ALONG NEIGHBORHOOD ARTERIALS, ESPECIALLY L AND I STREETS NEAR SCHOOLS AND HOMES. DOT HAS NOT BEEN RESPONSIVE TO OUR NEIGHBORHOOD SPEED CONCERNS.

\*\*\*\*\*  
\* DELIVER TO: JPOM \*  
\* \* \* \* \*  
\* ORIGINAL \*  
\* SENT: 02/25/86 TIME: 16:46 \*  
\* FROM: JEAN MILLER \*  
\* SUBJECT: FOM \*  
\* PRINT DATE: 02/25/86 TIME: 16:50 \*  
\* \* \* \* \*  
\*\*\*\*\*

3

TO: REPRESENTATIVES ~~WHELEY~~ AND UEHLING

*FEB 26 1986*

FROM: CHERYL RICHARDSON  
1747 LAURENCE COURT  
ANCHORAGE, AK 99501 PHONE: 272-0738

SUBJECT: HB 552 - NEIGHBORHOOD SPEED ZONES

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

that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. (1983 c.336 §8, 1985 c.16 §7, 1985 c.171 §2, 1985 c.459 §2a)

**801.045 Permissive use of private roadway.** Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. (1983 c.338 §9)

**801.050 Privilege of motorist to use highways.** Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. (1983 c.339 §10, 1985 c.16 §8)

**801.055 Weight standards; Department of Transportation responsibility for weight determination.** (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. (1983 c.338 §11; 1985 c.172 §1)

## DEFINITIONS

**801.100 Definitions generally.** Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. (1983 c.338 §12)

**801.105 "Administrator."** "Administrator" means the Administrator of the Motor Vehicles Division. (1983 c.338 §13)

**801.110 "Alley."** "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. (1983 c.338 §14)

**801.115 "Ambulance."** "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. (1983 c.338 §15)

**801.120 "Ambulatory disability."** "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. (1983 c.338 §16)

**801.125 "Antique vehicle."** "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. (1983 c.338 §17)

**801.130 "Assembled vehicle."** "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. (1983 c.338 §18, 1985 c.402 §3)

**801.135 "Axle."** "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two

vertical parallel transverse planes 40 inches apart. [1983 c.338 §19]

**801.140 "Balance trailer."** "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

**801.145 "Bail."** "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c.338 §21]

**801.150 "Bicycle."** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 "Bicycle lane."** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 "Bicycle path."** "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

**801.165 "Bus trailer."** "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

**801.170 "Business district."** "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c.338 §26]

**801.175 "Canceled."** "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c.338 §27; 1985 c.16 §10]

**801.180 "Camper."** "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c.338 §28]

**801.185 "Certificate of title."** "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c.338 §29; 1985 c.16 §11]

**801.190 "Class I all-terrain vehicle."** "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c.439 §2]

**801.195 "Combination of vehicles."** "Combination of vehicles" means two or more vehicles coupled together. [1983 c.338 §31]

**801.200 "Commercial bus."** "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
  - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
  - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
  - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
  - (d) Transport persons or property, or both, between points in Oregon.

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

**801.395 "Police officer."** "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

**801.400 "Premises open to the public."** "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

**801.405 "Reconstructed vehicle."** "Reconstructed vehicle" means either:

(1) A vehicle that:

(a) Has a body that resembles and primarily is a particular year model or make of vehicle;

(b) Is not a vehicle rebuilt by a manufacturer;

(c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(d) Is not a replica; or

(2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §73; 1985 c.402 §4]

**801.410 "Registration" or "register."** "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

**801.415 "Registration plate."** "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

**801.420 "Registration weight."** "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21]

**801.425 "Replica."** "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

**801.430 "Residence district."** "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

(1) Dwellings, churches, public parks within cities or other residential service facilities; or

(2) Dwellings and buildings used for business. [1983 c.338 §79]

**801.435 "Revoked."** "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

**801.440 "Right of way."** "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.445 "Road authority."** "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

**801.450 "Roadway."** "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

**801.455 "School activity vehicle."** "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.

(2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

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(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(g) A speed established under this subsection may be effective for not more than 120 days.

(h) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(i) The board may only establish a speed under this subsection upon the application of the road authority for the highway. (1983 c.338 §162, 1985 c.16 §51)

**810.190 State Speed Control Board procedures.** The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. (1983 c.338 §163; 1985 c.16 §52)

#### (Traffic Control Devices)

**810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways.** (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549, 1985 c.16 §250]

**811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550; 1985 c.16 §281]

**811.045 Failure to yield to pedestrian when making turn at stop light; penalty.**

(1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

**811.050 Failure to yield to bicycle on bicycle lane.** (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicyclist on a bicycle lane, is a Class B traffic infraction. [1987 c.338 §693, 1985 c.16 §336]

**811.055 Failure to yield to bicyclist on sidewalk.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1987 c.338 §702; 1985 c.16 §340]

## SPEED

### (Basic Rule)

**811.100 Violation of basic speed rule; penalty.** (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- The traffic.
- The surface and width of the highway.
- The hazard at intersections.
- Weather.
- Visibility.
- Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A fuel conservation maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. [1983 c.338 §563]

**811.105 Speeds that are evidence of basic rule violation.** Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

- (1) Any speed posted by authority granted under ORS 810.180.
- (2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:
  - (a) Fifteen miles per hour when driving on an alley.
  - (b) Twenty miles per hour in a business district.
  - (c) Twenty miles per hour when passing school grounds or a school crosswalk if:
    - (A) Children are present; and
    - (B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.
  - (d) Twenty-five miles per hour in any residence district or public park.
  - (e) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286]

**(Maximum Speeds)**

**811.110 Violation of fuel conservation maximum speed limit; penalty.** (1) A person commits the offense of violation of the fuel conservation maximum speed limit if:

- (a) A fuel conservation maximum speed limit is established under ORS 810.180; and
  - (b) The person operates a vehicle at a speed in excess of the fuel conservation maximum speed limit.
- (2) The following apply to the offense described in this section:
- (a) A fuel conservation maximum speed limit established under ORS 810.180 is not subject to the basic speed rule under ORS 811.100 except where a special hazard or condition exists that requires a lower speed for compliance with the basic speed rule.
  - (b) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred

one or more convictions of a violation of the fuel conservation maximum speed limit.

(3) The offense described in this section, violation of the fuel conservation maximum speed limit, is a Class C traffic infraction. [1983 c.338 §565]

**811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty.** (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than fifty-five miles per hour on any highway:

- (a) A motor truck with a registration weight of more than 8,000 pounds.
- (b) A school bus.
- (c) A school activity vehicle.
- (d) A worker transport bus
- (e) A bus operated for transporting children to and from church or an activity or function authorized by a church.
- (f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (13).

(2) The following apply to this section:

- (a) This section does not apply to ambulances.
- (b) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of the basic speed rule under ORS 811.100.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. [1983 c.338 §566; 1985 c.420 §8]

**811.120 Violation of maximum speed limit on ocean shore; penalty.** (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

- (a) Any maximum speed for ocean shores that is established and posted under ORS 810.180.
- (b) If no speed is posted under ORS 810.180, 25 miles per hour.

(2) The following apply to this section:

- (a) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

# Chapter 34.04 RCW

## ADMINISTRATIVE PROCEDURE ACT

<p>Sections</p> <p>34.04.010</p> <p>34.04.020</p> <p>34.04.022</p> <p>34.04.025</p> <p>34.04.026</p> <p>34.04.027</p> <p>34.04.030</p> <p>34.04.040</p> <p>34.04.045</p> <p>34.04.048</p> <p>34.04.050</p> <p>34.04.052</p> <p>34.04.055</p> <p>34.04.057</p> <p>34.04.058</p> <p>34.04.060</p> <p>34.04.070</p> <p>34.04.080</p> <p>34.04.090</p> <p>34.04.100</p> <p>34.04.105</p> <p>34.04.110</p> <p>34.04.115</p> <p>34.04.120</p> <p>34.04.130</p> <p>34.04.133</p> <p>34.04.135</p> <p>34.04.140</p> <p>34.04.150</p> <p>34.04.170</p> <p>34.04.210</p> <p>34.04.220</p> <p>34.04.230</p>	<p>Definitions</p> <p>Adoption of rules of practice and procedure—Organizational description—Records of decisions, orders, and opinions open to public—Exceptions—Effect of failure to comply</p> <p>Uniform procedural rules—Application—Conduct of contested cases.</p> <p>Notices of intention to adopt rules—Opportunity to submit data—Proceedings on rule barred until twenty days after register distribution—Noncompliance, effect.</p> <p>Specific reference to rule-making authority to be included—Alternatives—Format—Request for more specific reference.</p> <p>Failure to give twenty days notice of intended action—Effect.</p> <p>Emergency rules and amendments.</p> <p>Rules filed with code reviser—Register—Effective dates—Report.</p> <p>Statement of proposed rule's purpose and how implemented—Contents—Distribution by agency.</p> <p>Withdrawal of proposed rules.</p> <p>Code reviser to compile and edit rules, publish register—Removal of unconstitutional rules—Distribution of registers and codes—County law library trustees to maintain set—Judicial notice of rules.</p> <p>Scope of editing and revision of rules.</p> <p>Regulations on filing and form of rules and notices.</p> <p>Style, format, and numbering of rules—Agency compliance.</p> <p>Format and style of rules amending existing sections, adding new sections—Effect of failure to comply</p> <p>Petition for adoption, amendment, repeal of rule—Agency action.</p> <p>Declaratory judgment on validity of rule—Small business economic impact statement action as part of record.</p> <p>Declaratory ruling by agency—Petition—Court review.</p> <p>Contested cases—Notice—Hearing—Summary orders—Informal disposition—Record—Findings of fact—Agency's powers.</p> <p>Contested cases—Rules of evidence—Cross-examination.</p> <p>Agency hearings and contested cases—Hearings, oaths, subpoenas, evidence, witnesses—Contempt.</p> <p>Contested cases—Procedure when deciding officials have not heard or read evidence.</p> <p>Consultation by agency officer as to issues.</p> <p>Contested cases—Adverse decisions and orders—Findings and conclusions.</p> <p>Contested cases—Judicial review.</p> <p>Contested cases—Direct review by court of appeals.</p> <p>Contested cases—Refusal of review by court of appeals.</p> <p>Appeal to supreme court or court of appeals.</p> <p>Exclusions from chapter or parts of chapter.</p> <p>Provisions applicable to licenses and licensing.</p> <p>Joint administrative rules review committee—Members—Appointment—Terms—Vacancies.</p> <p>Review of proposed rules—Notice.</p> <p>Review of existing rules—Notice—Hearing.</p>	<p>34.04.240</p> <p>34.04.250</p> <p>34.04.260</p> <p>34.04.270</p> <p>34.04.280</p> <p>34.04.290</p> <p>34.04.900</p> <p>34.04.901</p> <p>34.04.910</p> <p>34.04.920</p> <p>34.04.921</p> <p>34.04.930</p> <p>34.04.931</p> <p>34.04.940</p>	<p>Committee objections to agency action—Statement in register and WAC</p> <p>Recommendations and reports by committee to legislature.</p> <p>Review and objection procedures—No presumption established.</p> <p>Agency review of own rules for conformity with federal law.</p> <p>Reports by agency to office of financial management—Compilation by office of financial management provided to legislative officers.</p> <p>Application of RCW 34.04.270 and 34.04.280</p> <p>Severability—1959 c 234.</p> <p>Severability—1967 c 237</p> <p>General repeal and saving</p> <p>Effective dates—1959 c 234</p> <p>Effective date—1967 c 237.</p> <p>Operation of chapter in conflict with federal law</p> <p>Operation of 1967 amendatory act if in conflict with federal law.</p> <p>Savings—Authority of agencies to comply with chapter—Effect of subsequent legislation.</p>
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Hearings, procedures, rule making by various agencies to be in accordance with Administrative Procedure Act: Cf. the pertinent statute under which the particular agency is established.

**RCW 34.04.010** Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before

## SPEED RESTRICTIONS

**46.61.400 Basic rule and maximum limits.** (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

*Saving of existing orders, etc., establishing speed limits—1963 c 16:* "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425, and 46.61.440.

**46.61.405 Decreases by secretary of transportation.** Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not

limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended. [1977 ex.s. c 151 § 34; 1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

*Federal requirements—Severability—1977 ex.s. c 151:* See RCW 47.98.070 and 47.98.080.

**46.61.410 Increases by secretary of transportation—Maximum speed limit for trucks—Auto stages—Signs and notices.** (1) Subject to subsection (2) below the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington. [1977 ex.s. c 151 § 35; 1974 ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.415 When local authorities may alter maximum limits.** (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation. [1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.425 Minimum speed regulation—Passing slow moving vehicle.** (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.427 Slow moving vehicle to pull off roadway.** On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

**46.61.428 Slow-moving vehicle permitted to drive on improved shoulders, when.** (1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section. [1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Severability—1984 c 7: See note following RCW 47.01.141.

**46.61.430 Authority of secretary of transportation to fix speed limits on limited access facilities exclusive—Local regulations.** Notwithstanding any law to the contrary or inconsistent herewith, the secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect. [1977 ex.s. c 151 § 38; 1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

**Federal requirements—Severability—**1977 ex.s. c 151: See RCW 47.28.070 and 47.98.080.

**46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways—**Designated as arterials. The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

**Severability—**1975 c 62: See note following RCW 36.75.010.

*Designation of city streets as arterials, stopping on entering:* RCW 46.61.195.

*Traffic control signals or devices upon city streets forming part of state highways:* RCW 46.61.085.

**46.61.440 Maximum speed limit when passing school or playground crosswalks.** Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3,

part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

**Severability—**1975 c 62: See note following RCW 36.75.010

**46.61.445 Due care required.** Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

*Duty to use due care:* RCW 46.61.400(1)

**46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses—Posting limits.** It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less

than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

**Federal requirements—Severability—**1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.455 Vehicles with solid or hollow cushion tires.** It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour. [1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

**46.61.460 Special speed limitation on motor-driven cycle.** No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

**46.61.465 Exceeding speed limit evidence of reckless driving.** The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

**46.61.470 Speed traps defined, certain types permitted—Measured courses, speed measuring devices, timing from aircraft.** (1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a

speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits, and such limits shall not be closer than one-fourth mile. [1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

**46.61.475 Charging violations of speed regulations.** (1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

#### RECKLESS DRIVING, DRIVING WHILE INTOXICATED, VEHICULAR HOMICIDE AND ASSAULT

**46.61.500 Reckless driving—Penalty.** (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

**Rules of court: Bail in traffic offense cases—Mandatory appearance—**JCrR 2.09.

**Effective date—Severability—**1979 ex.s. c 136: See notes following RCW 46.63.010.

**Arrest of person involved in reckless driving: RCW 10.31.100.**

of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1979 ex.s. c 86 § 2; 1977 ex.s. c 151 § 57; 1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

*Severability*—1979 ex.s. c 86: See note following RCW 13.24.040.

**47.24.020 Jurisdiction, control of such streets.** The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the

stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by

that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. [1983 c.336 §8, 1985 c.16 §7, 1985 c.171 §2, 1985 c.459 §2a]

**801.045 Permissive use of private roadway.** Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. [1983 c.338 §9]

**801.050 Privilege of motorist to use highways.** Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. [1983 c.338 §10; 1985 c.16 §8]

**801.055 Weight standards; Department of Transportation responsibility for weight determination.** (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. [1983 c.338 §11; 1985 c.172 §1]

## DEFINITIONS

**801.100 Definitions generally.** Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. [1983 c.338 §12]

**801.105 "Administrator."** "Administrator" means the Administrator of the Motor Vehicles Division. [1983 c.338 §13]

**801.110 "Alley."** "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. [1983 c.338 §14]

**801.115 "Ambulance."** "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. [1983 c.338 §15]

**801.120 "Ambulatory disability."** "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. [1983 c.338 §16]

**801.125 "Antique vehicle."** "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. [1983 c.338 §17]

**801.130 "Assembled vehicle."** "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. [1983 c.338 §18; 1985 c.402 §3]

**801.135 "Axle."** "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two

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[1983 c.338 §19]

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vertical parallel transverse planes 40 inches apart. [1983 c.338 §19]

**801.140 "Balance trailer."** "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

**801.145 "Bail."** "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c.338 §21]

**801.150 "Bicycle."** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 "Bicycle lane."** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 "Bicycle path."** "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

**801.165 "Bus trailer."** "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

**801.170 "Business district."** "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c.338 §26]

**801.175 "Canceled."** "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c.338 §27; 1985 c.16 §10]

**801.180 "Camper."** "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c.338 §28]

**801.185 "Certificate of title."** "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c.338 §29; 1985 c.16 §11]

**801.190 "Class I all-terrain vehicle."** "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c.459 §2]

**801.195 "Combination of vehicles."** "Combination of vehicles" means two or more vehicles coupled together. [1983 c.338 §31]

**801.200 "Commercial bus."** "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
  - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
  - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
  - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
  - (d) Transport persons or property, or both, between points in Oregon.

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

**801.395 "Police officer."** "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

**801.400 "Premises open to the public."** "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

**801.405 "Reconstructed vehicle."** "Reconstructed vehicle" means either:

- (1) A vehicle that:
  - (a) Has a body that resembles and primarily is a particular year model or make of vehicle;
  - (b) Is not a vehicle rebuilt by a manufacturer;
  - (c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and
  - (d) Is not a replica; or
- (2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §73; 1985 c.402 §4]

**801.410 "Registration" or "register."** "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

**801.415 "Registration plate."** "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

**801.420 "Registration weight."** "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21]

**801.425 "Replica."** "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

**801.430 "Residence district."** "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

- (1) Dwellings, churches, public parks within cities or other residential service facilities; or
- (2) Dwellings and buildings used for business. [1983 c.338 §79]

**801.435 "Revoked."** "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

**801.440 "Right of way."** "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.445 "Road authority."** "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

**801.450 "Roadway."** "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

**801.455 "School activity vehicle."** "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

- (1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.
- (2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

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(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(g) A speed established under this subsection may be effective for not more than 120 days.

(h) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(i) The board may only establish a speed under this subsection upon the application of the road authority for the highway. [1983 c.338 §162; 1985 c.16 §51]

**810.190 State Speed Control Board procedures.** The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. [1983 c.338 §163; 1985 c.16 §52]

#### (Traffic Control Devices)

**810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways.** (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549, 1985 c.16 §250]

**811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550, 1985 c.16 §231]

**811.045 Failure to yield to pedestrian when making turn at stop light; penalty.**

(1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

**811.050 Failure to yield to bicycle on bicycle lane.** (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicycle on a bicycle lane, is a Class B traffic infraction. [1983 c.338 §699, 1985 c.16 §336]

**811.055 Failure to yield to bicyclist on sidewalk.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1983 c.338 §702, 1985 c.16 §340]

## SPEED

### (Basic Rule)

**811.100 Violation of basic speed rule; penalty.** (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- (a) The traffic.
- (b) The surface and width of the highway.
- (c) The hazard at intersections.
- (d) Weather.
- (e) Visibility.
- (f) Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is as applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A fuel conservation maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. [1981 c.338 §563]

**811.105 Speeds that are evidence of basic rule violation.** Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

(1) Any speed posted by authority granted under ORS 810.180.

(2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:

(a) Fifteen miles per hour when driving on an alley.

(b) Twenty miles per hour in a business district.

(c) Twenty miles per hour when passing school grounds or a school crosswalk if:

(A) Children are present; and

(B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.

(d) Twenty-five miles per hour in any residence district or public park.

(e) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286]

**(Maximum Speeds)**

**811.110 Violation of fuel conservation maximum speed limit; penalty.** (1) A person commits the offense of violation of the fuel conservation maximum speed limit if:

(a) A fuel conservation maximum speed limit is established under ORS 810.180; and

(b) The person operates a vehicle at a speed in excess of the fuel conservation maximum speed limit.

(2) The following apply to the offense described in this section:

(a) A fuel conservation maximum speed limit established under ORS 810.180 is not subject to the basic speed rule under ORS 811.100 except where a special hazard or condition exists that requires a lower speed for compliance with the basic speed rule.

(b) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred

one or more convictions of a violation of the fuel conservation maximum speed limit.

(3) The offense described in this section, violation of the fuel conservation maximum speed limit, is a Class C traffic infraction. [1981 c.338 §565]

**811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty.** (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than fifty-five miles per hour on any highway:

(a) A motor truck with a registration weight of more than 8,000 pounds.

(b) A school bus.

(c) A school activity vehicle.

(d) A worker transport bus.

(e) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (13).

(2) The following apply to this section:

(a) This section does not apply to ambulances.

(b) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of the basic speed rule under ORS 811.100.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. [1983 c.338 §566; 1985 c.420 §8]

**811.120 Violation of maximum speed limit on ocean shore; penalty.** (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(a) Any maximum speed for ocean shores that is established and posted under ORS 810.180.

(b) If no speed is posted under ORS 810.180, 25 miles per hour.

(2) The following apply to this section:

(a) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

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shall suspend the driving privilege of such person for the period of time ordered by the judge.

C. When a person convicted of a violation of this section has been previously convicted of a violation of this section, section 13-1102 or 13-1103, subsection A, paragraph 1, in the driving of a vehicle, 28-692 or 28-708 within a period of twenty-four months, such person is guilty of a class 1 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than twenty days in jail. The judge shall require the surrender to him of any operator's or chauffeur's license of such convicted person and shall immediately forward to the department the license with the abstract of conviction. The department upon receipt thereof shall revoke the driving privilege of such person. The dates of the commission of the offense shall be the determining factor in applying this rule. A second or subsequent violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts. No judge may grant probation to or suspend the imposition or execution of a jail sentence or fail to secure the surrender to him of any license of any person for such a second or subsequent conviction.

D. The court may, upon pronouncement of any jail sentence under this section, provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

#### ARTICLE 3 -- SPEED RESTRICTIONS

##### 28-701. Reasonable and prudent speed; prima facie evidence; exceptions; classification

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Except as provided in subsections C and D or where a special hazard requires a lesser speed, any speed in excess of these speeds is prima facie evidence that the speed is too great and therefore unreasonable:

1. Fifteen miles per hour approaching school crossing.
2. Twenty-five miles per hour in any business or residential district.
3. Sixty-five miles per hour in other locations.

C. The speed limits set forth in this section may be altered as authorized in sections 28-702 and 28-703.

D. The maximum speed as provided in this section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:

1. Approaching and crossing an intersection or railroad crossing.
2. Approaching and going around a curve.
3. Approaching a hill crest.
4. Traveling upon any narrow or winding roadway.
5. Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

E. A person shall not drive a motor vehicle at a speed that is less than that which is reasonable and prudent under existing conditions.

##### 28-701.01 Definitions

In this article, unless the context otherwise requires:

**28-701.01. Definitions**

1. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such by the director of the department of transportation.

**28-701.02. Excessive speed**

A. A person shall not:

1. Exceed thirty-five miles per hour approaching a school crossing.
2. Exceed the posted speed limit in a business or residential district by more than twenty miles per hour, or if no speed limit is posted, forty-five miles per hour.
3. Exceed eighty-five miles per hour in other locations.

B. A person who violates subsection A is guilty of a class 3 misdemeanor.

C. A person charged with a violation of this section may not be issued a civil complaint for a violation of section 28-701 if the civil complaint alleges a violation arising out of the same circumstances.

**28-702. Establishment of state speed zones**

When the director determines upon the basis of an engineering and traffic investigation that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a state highway, the director may determine and declare a reasonable and safe maximum speed limit for such location, which shall be effective when appropriate signs giving notice thereof are erected. A maximum speed limit, as declared pursuant to this section, may be declared to be effective at all times or at such times as are indicated on the speed limit signs. Varying speed limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. Such varying limits shall be effective when posted upon appropriate fixed or variable signs.

**28-702.01. Maximum speed limit; authority for order increasing; waste of a finite resource; fine; sanction**

A. No maximum speed limit on any public highway in this state shall be in excess of fifty-five miles per hour notwithstanding any other higher maximum speed limit previously established pursuant to any other provision of law. This shall not be construed as altering any existing maximum speed limit which is less than fifty-five miles per hour or to prevent the appropriate jurisdiction from establishing, altering, or lowering any maximum speed limit which is less than fifty-five miles per hour within its respective jurisdiction.

B. The speed limit for all types of motor vehicles shall be fifty-five miles per hour on any portion of any public highway that has four or more traffic lanes, the opposing lanes of which are physically separated other than by striping, which portion of highway has had a speed limit for all types of motor vehicles of fifty-five miles or more on November 1, 1973.

C. The director may order that this maximum speed limit be increased up to seventy-five miles per hour on an individual highway or on all highways in the state if the governor declares by proclamation that an emergency does not exist and that the receipt of federal highway funds would not be withheld.

D. It is unlawful for any person to drive a motor vehicle at a speed in excess of fifty-five miles per hour, or in excess of a higher maximum speed if changed as set forth under subsection C of this section.

E. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is sixty-five miles per hour or less or the court finds that the defendant violated subsection D of this section and that the speed at which the defendant drove was not in excess of sixty-five miles per hour the offense shall be designated as the waste of a finite resource currently in short supply, which is a petty offense.

F. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is more than sixty-five miles per hour and the court so finds the offense shall be designated as unlawful speed which is a class 3 misdemeanor.

G. If a person is convicted of a petty offense under this section:

1. No department or agency of this state shall consider such violation for the purpose of determining whether such person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

3. The fine shall not exceed fifteen dollars plus the penalty assessment imposed pursuant to section 41-2403.

4. No report may be made under section 28-1061, subsection B.

**28-702.02. Authority to change speed signs on freeways**

When the director determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

**28-702.03. Maximum speed limit on Interstate system highway; out of state violation**

If a resident of this state is convicted of violating the maximum speed limit of fifty-five miles per hour on the interstate system highways of another state, but the speed at which the person is alleged to have driven is sixty-five miles per hour or less:

1. No department or agency of this state may consider the violation for the purpose of determining whether the person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

**28-703. When local authorities may and shall alter maximum limits**

A. When local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street or highway, the local authority subject to subsection D may determine and declare a reasonable and safe maximum speed limit at such location and based on such investigation may:

1. Decrease the limit at intersections.

2. Increase the limit within any business or residence district, but not to more than sixty-five miles per hour.

3. Decrease the limit outside any business or residence district.

4. Increase or decrease the limits on streets adjacent to school grounds.

B. Local authorities in their respective jurisdiction, shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this article for a business or residence district.

C. Any altered limit established as provided for in this section shall be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. Alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until the alteration has been approved by the director.

E. Not more than six such alterations as provided for in this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour except for school crossings.

**28-703.01. End of speed zone; signs required**

The agency or authority establishing a speed zone under the provisions of sections 28-702 or 28-703 shall be responsible for erecting, at the beginning of each such zone a sign designating the maximum allowable speed within the zone, and at the end thereof a sign bearing either the legend "resume speed" or setting forth the new maximum speed limit.

**28-703.02. Establishing speed on multiple-lane highways**

On multiple-lane highways and freeways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in sections 28-702, 28-703 and 28-703.01.

**28-704. Minimum speed regulation**

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

B. Whenever the director or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the director or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

**28-705. Special speed limitation on motor-driven cycles**

No person shall operate any motor-driven cycle at any time mentioned in section 28-922 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

**28-706. Special speed limitations**

A. No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

C. The director upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he thereupon finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article he shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of three hundred feet before each end of the structure.

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

**28-707. Charging violations and rule in civil actions**

A. In every charge of violation of any speed regulation in this article, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action, other than a civil action to impose a civil sanction, from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

**28-708. Racing on highways; classification**

A. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

B. Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

C. Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing.

D. A person who violates this section is guilty of a class 2 misdemeanor. If a person is convicted of a second or subsequent violation within twenty-four months of a first conviction, such person is guilty of a class 2 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than ten days in jail.

E. The court may, upon pronouncement of any jail sentence under this section, in cases of extreme hardship provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

F. When any person is convicted of a violation of the provisions of this section, the judge may, upon a first conviction, and shall upon a second or subsequent conviction for an offense committed within a period of twenty-four months require the surrender to him of any operator's or chauffeur's license of such person and immediately forward same to the department with the abstract of conviction. Upon a first conviction the judge may order the suspension of the driving privileges of such person for a period not to exceed ninety days. The department upon receipt of the license, abstract of conviction, and order of the court, in the case of a first conviction, shall suspend the driving privileges of such person for the period of time ordered by the judge. In the case of a second or subsequent conviction for an offense committed within a period of twenty-four months, the department upon receipt of the license and the abstract of conviction shall revoke the driving privileges of such person.

G. The director may give authorization in writing for any organized and properly controlled event otherwise prohibited by this section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the highway or part of a highway to be utilized, and any special conditions the director may require for the particular event.

SSHB 532

The Labor and Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 532 (relating to civil actions; amending Alaska Rules of Civil Procedure 11, 49, 52, 58, 68, and 82; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 532 (L&C) (same title) and reports it back as follows: Hanley recommends do pass; Navarre (Chairman) recommends do not pass and signed "do not pass without amendment"; Pearce recommends do not pass and signed "do not pass without several liability amendment"; Koponen has no recommendation and signed "amend further"; Collins has no recommendation and signed "amend further to include sev. liab. amend."; Boucher has no recommendation and signed "needs further amendment as it relates to joint and several liability"; and Davis has no recommendation and signed "legislation needs work".

A zero fiscal note was attached.

A fiscal note appears in House Journal Supplement No. 111.

SSHB 532 was referred to the Judiciary Committee.

HB 552

The Finance Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Finance) (same title) and reports it back as follows: Adams (Chairman), Szymanski, Rieger, Frank, Ringstad, Larson, Uehling, Pourchot and Binkley recommend do pass; Duncan has no recommendation.

A zero fiscal note with analysis appears in House Journal Supplement No. 111.

HB 552 was referred to the Rules Committee for placement on the calendar.

HB 562

The Labor and Commerce Committee has considered HOUSE BILL NO. 562 (relating to the adoption of bylaws by a cooperative), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 562 (L&C) (same title) and reports it back as follows: Navarre (Chairman), Davis, Boucher, Hanley, Pearce, Collins and Koponen recommend do pass.

A zero fiscal note was attached.

HB 562 was referred to the Judiciary Committee.

HB 589

The Labor and Commerce Committee has considered HOUSE BILL NO. 589 (relating to participation in the state group life and health insurance policies by residents; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 589 (L&C):

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

and reports it back as follows: Koponen recommends do pass; Hanley, Collins and Pearce recommend do not pass; Navarre (Chairman), Davis and Boucher have no recommendation.

A fiscal note appears in House Journal Supplement No. 111.

HB 589 was referred to the Judiciary Committee.

HB 590

The Transportation Committee has considered HOUSE BILL NO. 590 (relating to loitering on public highways) and reports it back as follows: Cato (Chairman), Pignalberi, Shultz and Furnace recommend do pass; Marrou and Davis have no recommendation.

A zero fiscal note was attached.

HB 590 was referred to the Judiciary Committee.

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE RESOLUTIONS

HJR 72

HOUSE JOINT RESOLUTION NO. 72 by the Community and Regional Affairs Committee:

Relating to a joint legislative conference of the Yukon Legislative Assembly, the Northwest Territories Legislative Assembly, and the Alaska State Legislature.

was read the first time and referred to the State Affairs Committee.

UNFINISHED BUSINESSHB 552

Representative Cotten added his name as co-sponsor to HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones).

ENGROSSMENTHCR 47

HCR 47 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 436(R1s)

CSHB 436(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

HESS Subcommittee on HB 625 Mental Health Trust Land	Capitol 112	On adj., 4/8
HESS Added to schedule: HB 625 Mental Health Trust Land HB 424 Board of Behavioral Science Examiners	Capitol 112	4:30 p.m., 4/8
Bill Egan Forum Representative Grussendorf, Speaker	Treadwell Room	Noon, 4/8
Minority Caucus	Court Building	Noon, 4/8
Republican Luncheon	Elks' Club	Noon, 4/9

ADJOURNMENT

Representative Clocksin moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 9, 1986. There being no objection, the House adjourned at 11:38 p.m.

Irene Cashen  
Chief Clerk

SSHB 456

A zero fiscal note was attached.

SSHB 456 was referred to the Judiciary Committee.

SSHB 506

The Labor & Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (relating to insurance; effective date); recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Davis, Boucher, Collins and Pearce recommend do pass.

A zero fiscal note was attached.

SSHB 506 was referred to the Judiciary Committee.

HB 552 *file*

The Transportation Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Marrou and Shultz recommend do pass; Davis has no recommendation.

HB 552 was referred to the Finance Committee.

HB 559

The Finance Committee has considered HOUSE BILL NO. 559 (approving the sale of Kuparuk River Unit royalty oil by the State of Alaska to Petro Star, Inc. and Chevron U.S.A., Inc.; effective date) and reports it back as follows: Adams (Chairman), Cotten, Ringstad, Duncan, Szymanski, Frank, Larson, Pourchot and Rieger recommend do pass.

HB 559 was referred to the Rules Committee for placement on the calendar.

HB 631

The State Affairs Committee has considered HOUSE BILL NO. 631 (relating to elections; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 631 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman) and Boucher recommend do pass; Jenkins recommends do not pass; Collins has no recommendation.

AG

## Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



TO: Rep. Katie Hurley, Chair  
House State Affairs

FR: Sen. Vic Fischer

RE: Amendments to HB 552

DT: March 20, 1986

A handwritten signature in black ink, appearing to read "Vic Fischer", written over the recipient and subject lines of the memo.

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Attached please find 3 amendments to HB 552 that I believe would greatly improve the neighborhood speed zone bill. A draft committee substitute shows my proposed amendments in context of the bill.

HB 552 introduced by Rep. Rick Uehling follows up on a hazardous streets crossing and pedestrian safety study undertaken by my office last interim with the help of the Municipality of Anchorage, Anchorage School District, and the state Department of Transportation.

The proposed amendments will fulfill the intended purpose not adequately dealt with in the original bill to ensure that community pedestrian and traffic flow concerns are properly included in DOT's deliberations when establishing speed zones and speed limits on state roads.

The amendments were developed with the help of and are supported by the Municipality of Anchorage and Cheryl Richardson, President of South Addition Community Council.

I am, by the way, not committed to the specific language of these amendments. My principal purpose is to help improve HB 552 so it actually does provide for greater safety in our neighborhoods.

A M E N D M E N T

#1

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, after line 13, insert a new bill section to read:

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

(b) In determining safe speed limits and safe speed zones within urban areas of a municipality under (a) of this section, the department shall consult with that municipality. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by the municipality.

(c) In determining safe speed limits and safe speed zones under (a) of this section, the department shall consult with the community council or other neighborhood organization in the affected area, if the community council or other neighborhood organization requests in writing to participate in the determination. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by the community council or other neighborhood organization."

Renumber remaining bill section.

EXPLANATION: The original HB 552 bill does not require that DOT work

with the existing municipal authorities or public when establishing speed zones and speed limits. The proposed language requires DOT to not only consult with the local government, but also requires that when DOT is determining speed zones or speed limits, the municipality and general public would be provided with information and the opportunity to comment.

Ford ✓

A M E N D M E N T

#2

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, line 13, after "highways" insert "and arterial roadways"

EXPLANATION: The amendment expands the original bill to include those streets not covered under the definition of "highways". There are a number of streets in the Municipality of Anchorage that are managed by DOT that are not highways but are arterials. This language assures that all streets managed by DOT are included under the provisions of the bill.

Ford ✓

A M E N D M E N T

#3

Offered in the HOUSE

By V. Fischer

TO: HB 552

Page 1, line 17, after "consider" insert:

"the following factors in the order of priority listed:"

Page 1, lines 18 - 25, delete all material and insert:

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

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

(3) the presence of driveways, parked vehicles, and multiple turn locations;

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

(5) the effectiveness of local enforcement of the speed zone; and

X (6) the effects of the proposed speeds on air quality and noise levels."

EXPLANATION: The original bill reflects standard DOT policy when establishing speed zones and speed limits. If adopted, HB 552 would not require DOT to consider any additional community concerns beyond those already considered under existing practice.

The proposed language:

a. establishes the priority DOT is to assign community concerns when establishing speed zones and speed limits,

b. adds (#1) as a new concern. Neighborhood safety including the presence of children and pedestrian traffic is to be considered above all other concerns.

c. adds (#6). The effects of the proposed speeds on air quality and noise levels will be taken into consideration when establishing speed zones and limits. This concern was added at the request of an Anchorage community council.

HB 522  
COMMITTEE BACK-UP

Letter from Rep. Uehling

Existing Statutes

Department of Transportation Position Paper

0 Fiscal note

Manual On Uniform Traffic Control Devices

Traffic Engineer Handbook

Current Regulations

Department of Transportation's Formal Policy and Procedure on  
the establishment of speed zones.

House Research Report on regulations and polices in other  
states which guide how speed limits are set.

Oregon Vehicle Code

Washington Administrative Procedures Act - Speed Limits

Arizona Transportation Laws