

# House Bill 3094

Sponsored by Representative BENTZ; Representatives ESQUIVEL, HACK, HEARD, KRIEGER, NEARMAN, POST, STARK, WEIDNER, WHISNANT, Senator FERRIOLI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases speed limit to 75 miles per hour for certain vehicles on interstate highways. Creates speed limit of 65 miles per hour on state highways.

Limits scope of Department of Transportation's authority to decrease designated speed on interstate highways, except within highway work zones.

## A BILL FOR AN ACT

Relating to highway speed; creating new provisions; and amending ORS 810.180 and 811.111.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle:

(A) On an interstate highway at a speed greater than [65] **75** miles per hour;

(B) **On a state highway at a speed greater than 65 miles per hour; or**

(C) *[or, if a different speed is posted under ORS 810.180 (3),]* **On an interstate highway or state highway** at a speed greater than the **speed** posted [*speed*] **under authority granted by ORS 810.180 (3).**

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating 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 825.017 (9).

(c) 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 designated speed for ocean shores that is established and posted under ORS 810.180.

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

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted **under authority granted by ORS 810.180**, the following:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

2 (B) Twenty miles per hour in a business district.

3 (C) Twenty-five miles per hour in a public park.

4 (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an  
5 arterial highway.

6 **(E) Sixty-five miles per hour on a state highway.**

7 ~~[(E)]~~ **(F)** ~~[(Sixty-five)]~~ **Seventy-five** miles per hour on an interstate highway.

8 ~~[(F)]~~ **(G)** Fifty-five miles per hour in locations not otherwise described in this paragraph.

9 (e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone  
10 is:

11 (A) A segment of highway described in ORS 801.462 (1)(a) and:

12 (i) The school zone has a flashing light used as a traffic control device and operated under ORS  
13 810.243 and the flashing light indicates that children may be arriving at or leaving school; or

14 (ii) If the school zone does not have a flashing light used as a traffic control device, the person  
15 drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

16 (B) A crosswalk described in ORS 801.462 (1)(b) and:

17 (i) A flashing light used as a traffic control device and operated under ORS 810.243 indicates  
18 that children may be arriving at or leaving school; or

19 (ii) Children are present, as described in ORS 811.124.

20 (2) The offense described in this section, violating a speed limit, is punishable as provided in  
21 ORS 811.109.

22 **SECTION 2.** ORS 810.180 is amended to read:

23 810.180. (1) As used in this section:

24 (a) "Designated speed" means the speed that is designated by a road authority as the maximum  
25 permissible speed for a highway and that may be different from the statutory speed for the highway.

26 **(b) "Highway work zone" has the meaning given that term in ORS 811.230.**

27 ~~[(b)]~~ **(c)** "Statutory speed" means the speed that is established as a speed limit under ORS  
28 811.111, or is established as the speed the exceeding of which is prima facie evidence of violation  
29 of the basic speed rule under ORS 811.105.

30 (2)(a) A designated speed established under this section is a speed limit if the highway for which  
31 the speed is designated is subject to a statutory speed limit under ORS 811.111 that is in addition  
32 to the speed limit established under ORS 811.111 (1)(b).

33 (b) A speed greater than a designated speed established under this section is prima facie evi-  
34 dence of violation of the basic speed rule if the designated speed is established for a highway on  
35 which there is no speed limit other than the limit established under ORS 811.111 (1)(b).

36 (3) The Department of Transportation may establish by rule **a** designated [*speeds*] **speed** on any  
37 specified section of interstate highway **within a highway work zone** if the department determines  
38 that speed limits established under ORS 811.111 (1)(a) are greater [*or less*] than is reasonable or safe  
39 [*under the conditions that exist*] with respect to that section of the interstate highway. [*Designated*  
40 *speeds established under this subsection are subject to all of the following:*]

41 [*(a) The department may not establish a designated speed under this subsection of more than:*]

42 [*(A) Sixty-five miles per hour for vehicles described in ORS 811.111 (1)(b); and*]

43 [*(B) Seventy miles per hour for all other vehicles.*]

44 [*(b) If the department establishes designated speeds under this subsection that are greater than 65*  
45 *miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least five*

1 *miles per hour lower than the designated speed for all other vehicles on the specified section of inter-*  
 2 *state highway.]*

3 [(c)] (4) The department may establish a designated speed under *[this]* subsection (3) of this  
 4 **section** only if an engineering and traffic investigation indicates that the statutory speed for the  
 5 interstate highway is greater *[or less]* than is reasonable or safe under conditions the department  
 6 finds to exist.

7 [(d)] (5) A designated speed established under *[this]* subsection (3) of this **section** is effective  
 8 when appropriate signs giving notice of the designated speed are posted on the section of interstate  
 9 highway where the designated speed is imposed.

10 [(4)(a)] (6)(a) The department may establish, pursuant to a process established by rule, a desig-  
 11 nated speed on a state highway outside of a city. The authority granted under this subsection in-  
 12 cludes, but is not limited to, the authority to establish different designated speeds for different kinds  
 13 or classes of vehicles as the department determines reasonable and safe. A designated speed estab-  
 14 lished under this subsection for any kind or class of vehicles may not exceed the speed limit for the  
 15 highway for that kind or class of vehicles as established in ORS 811.111 or, if there is no speed limit  
 16 for the highway other than the limit established in ORS 811.111 (1)(b), may not exceed 55 miles per  
 17 hour.

18 (b) The department may establish a designated speed under this subsection only if an engineer-  
 19 ing and traffic investigation indicates that the statutory speed for the highway is greater or less  
 20 than is reasonable or safe under conditions the department finds to exist.

21 (c) A designated speed established under this subsection is effective when appropriate signs  
 22 giving notice of the designated speed are posted on the portion of highway where the designated  
 23 speed is imposed.

24 [(5)] (7) After a written request is received from a road authority for a highway other than a  
 25 highway described in subsection [(3) or (4)] (3) or (6) of this section, the department, pursuant to a  
 26 process established by rule, may establish a designated speed for the highway. The authority granted  
 27 under this subsection includes, but is not limited to, the authority to establish different designated  
 28 speeds for different kinds or classes of vehicles as the department determines reasonable and safe.  
 29 The authority granted under this subsection is subject to all of the following:

30 (a) The written request from the road authority must state a recommended designated speed.

31 (b) The department may establish a designated speed under this subsection only if an engineer-  
 32 ing and traffic investigation indicates that the statutory speed for the highway is greater or less  
 33 than is reasonable or safe under conditions the department finds to exist.

34 (c) The department may not make a final decision to establish a designated speed under this  
 35 subsection without providing the affected road authorities with notice and opportunity for a hearing.

36 (d) A road authority may file a written objection to a designated speed that is proposed by the  
 37 department under this subsection and that affects the road authority.

38 (e) A designated speed established under this subsection is effective when appropriate signs  
 39 giving notice of the designated speed are posted on the portion of the highway where the designated  
 40 speed is imposed. The expense of erecting any sign under this subsection shall be borne by the road  
 41 authority having jurisdiction over the portion of the highway where the designated speed is imposed.

42 (f) The department, pursuant to a process established by rule, may delegate its authority under  
 43 this subsection with respect to highways that are low volume or unpaved to a city or county with  
 44 jurisdiction over the highway. The department shall delegate authority under this paragraph only  
 45 if it determines that the city or county will exercise the authority according to criteria adopted by

1 the department.

2 [(6)] (8) The department may override the speed limit established for ocean shores under ORS  
3 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section  
4 of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c)  
5 is greater than is reasonable or safe under the conditions that exist with respect to that part of the  
6 ocean shore. The authority granted under this subsection is subject to all of the following:

7 (a) The department may make the determination required under this subsection only on the basis  
8 of an investigation.

9 (b) A designated speed established under this subsection is effective when posted upon appro-  
10 priate fixed or variable signs on the portion of ocean shore where the designated speed is imposed.

11 [(7)] (9) A road authority may adopt a designated speed to regulate the speed of vehicles in  
12 parks under the jurisdiction of the road authority. A road authority regulating the speed of vehicles  
13 under this subsection shall post and maintain signs at all park entrances to give notice of any des-  
14 ignated speed.

15 [(8)] (10) A road authority may establish by ordinance or order a temporary designated speed  
16 for highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed  
17 may be established under this subsection if, in the judgment of the road authority, the temporary  
18 designated speed is necessary to protect any portion of the highway from being unduly damaged, or  
19 to protect the safety of the public and workers when temporary conditions such as construction or  
20 maintenance activities constitute a danger. The following apply to the authority granted under this  
21 subsection:

22 (a) Statutory speeds may be overridden by a temporary designated speed only:

23 (A) For a specific period of time for all vehicles; or

24 (B) For a specified period of time for a specific kind or class of vehicle that is causing identified  
25 damage to highways.

26 (b) This subsection may not be used to establish a permanent designated speed.

27 (c) The authority granted by this subsection may be exercised only if the ordinance or order that  
28 imposes the temporary designated speed:

29 (A) Specifies the hazard, damage or other condition requiring the temporary designated speed;  
30 and

31 (B) Is effective only for a specified time that corresponds to the hazard, damage or other con-  
32 dition specified.

33 (d) A temporary designated speed imposed under this subsection must be imposed by a proper  
34 written ordinance or order. A sign giving notice of the temporary designated speed must be posted  
35 at each end of the portion of highway where the temporary designated speed is imposed and at such  
36 other places on the highway as may be necessary to inform the public. The temporary designated  
37 speed shall be effective when signs giving notice of the temporary designated speed are posted.

38 [(9)] (11) A road authority may establish an emergency speed on any highway under the juris-  
39 diction of the road authority that is different from the existing speed on the highway. The authority  
40 granted under this subsection is subject to all of the following:

41 (a) A speed established under this subsection is effective when appropriate signs giving notice  
42 thereof are posted upon the highway or portion of highway where the emergency speed is imposed.  
43 All signs posted under this subsection must comply with ORS 810.200.

44 (b) The expense of posting any sign under this subsection shall be borne by the road authority  
45 having jurisdiction over the highway or portion of highway where the emergency speed is imposed.

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

2 [(10)] (12) A road authority may establish by ordinance a designated speed for a highway under  
3 the jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The  
4 following apply to the authority granted under this subsection:

5 (a) The highway is located in a residence district.

6 (b) The statutory speed may be overridden by a designated speed only if:

7 (A) The road authority determines that the highway has an average volume of fewer than 2,000  
8 motor vehicles per day, more than 85 percent of which are traveling less than 30 miles per hour;  
9 and

10 (B) There is a traffic control device on the highway that indicates the presence of pedestrians  
11 or bicyclists.

12 (c) The road authority shall post a sign giving notice of the designated speed at each end of the  
13 portion of highway where the designated speed is imposed and at such other places on the highway  
14 as may be necessary to inform the public. The designated speed shall be effective when signs giving  
15 notice of the designated speed are posted.

16 **SECTION 3. The amendments to ORS 810.180 and 811.111 by sections 1 and 2 of this 2015**  
17 **Act apply to offenses committed on or after the effective date of this 2015 Act.**

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