

# House Bill 3402

Sponsored by Representatives BARRETO, WEIDNER; Representatives BUEHLER, ESQUIVEL, EVANS, HACK, HAYDEN, HEARD, HUFFMAN, KENNEMER, KRIEGER, LIVELY, NEARMAN, PARRISH, POST, WHISNANT, WHITSETT, Senators BATES, BOQUIST, GIROD, HANSELL, KNOPP, THOMSEN, WHITSETT

## 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 for certain vehicles on specified portions of certain 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) **Except as provided in subsections (2) to (5) of this section**, a person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway, **other than the portions of interstate highway described in subsection (2) of this section**, at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(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 described in subsections (2) to (5) of this section**, 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:

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

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

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

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

4 (E) Sixty-five miles per hour on an interstate highway.

5 (F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

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

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

9 (i) The school zone has a flashing light used as a traffic control device and operated under ORS  
10 810.243 and the flashing light indicates that children may be arriving at or leaving school; or

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

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

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

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

17 **(2) A person commits the offense of violating a speed limit if the person drives a vehicle**  
18 **on the portion of Interstate 84 beginning at the eastern city limit of The Dalles and ending**  
19 **at the Idaho state line at a speed greater than:**

20 (a) **Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or**

21 (b) **Seventy-five miles per hour for all other vehicles.**

22 **(3) A person commits the offense of violating a speed limit if the person drives a vehicle**  
23 **on the portion of State Highway 95 beginning at the Idaho state line and ending at the**  
24 **Nevada state line at a speed greater than:**

25 (a) **Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or**

26 (b) **Seventy miles per hour for all other vehicles.**

27 **(4) A person commits the offense of violating a speed limit if the person drives a vehicle**  
28 **on the portion of State Highway 20 beginning in Bend and ending in Ontario at a speed**  
29 **greater than:**

30 (a) **Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or**

31 (b) **Seventy miles per hour for all other vehicles.**

32 **(5) A person commits the offense of violating a speed limit if the person drives a vehicle**  
33 **on the portion of State Highway 197 beginning in The Dalles and ending at its intersection**  
34 **with State Highway 97 and the portion of State Highway 97 beginning at its intersection with**  
35 **State Highway 197 and ending in Klamath Falls at a speed greater than:**

36 (a) **Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or**

37 (b) **Seventy miles per hour for all other vehicles.**

38 [(2)] **(6) The offense described in this section, violating a speed limit, is punishable as provided**  
39 **in ORS 811.109.**

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

41 810.180. (1) As used in this section:

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

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

45 [(b)] (c) "Statutory speed" means the speed that is established as a speed limit under ORS

1 811.111, or is established as the speed the exceeding of which is prima facie evidence of violation  
 2 of the basic speed rule under ORS 811.105.

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

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

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

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

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

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

17 [(b) *If the department establishes designated speeds under this subsection that are greater than 65*  
 18 *miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least five*  
 19 *miles per hour lower than the designated speed for all other vehicles on the specified section of inter-*  
 20 *state highway.*]

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

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

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

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

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

42 [(5) (7) After a written request is received from a road authority for a highway other than a  
 43 highway described in subsection (3) or [(4)] (6) of this section, the department, pursuant to a process  
 44 established by rule, may establish a designated speed for the highway. The authority granted under  
 45 this subsection includes, but is not limited to, the authority to establish different designated speeds

1 for different kinds or classes of vehicles as the department determines reasonable and safe. The  
 2 authority granted under this subsection is subject to all of the following:

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

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

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

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

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

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

20 [(6)] (8) The department may override the speed limit established for ocean shores under ORS  
 21 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section  
 22 of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c)  
 23 is greater than is reasonable or safe under the conditions that exist with respect to that part of the  
 24 ocean shore. The authority granted under this subsection is subject to all of the following:

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

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

29 [(7)] (9) A road authority may adopt a designated speed to regulate the speed of vehicles in  
 30 parks under the jurisdiction of the road authority. A road authority regulating the speed of vehicles  
 31 under this subsection shall post and maintain signs at all park entrances to give notice of any des-  
 32 ignated speed.

33 [(8)] (10) A road authority may establish by ordinance or order a temporary designated speed  
 34 for highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed  
 35 may be established under this subsection if, in the judgment of the road authority, the temporary  
 36 designated speed is necessary to protect any portion of the highway from being unduly damaged, or  
 37 to protect the safety of the public and workers when temporary conditions such as construction or  
 38 maintenance activities constitute a danger. The following apply to the authority granted under this  
 39 subsection:

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

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

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

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

45 (c) The authority granted by this subsection may be exercised only if the ordinance or order that

1 imposes the temporary designated speed:

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

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

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

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

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

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

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

20 [(10)] (12) A road authority may establish by ordinance a designated speed for a highway under  
21 the jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The  
22 following apply to the authority granted under this subsection:

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

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

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

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

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

34 **SECTION 3. The amendments to ORS 811.111 by section 1 of this 2015 Act apply to of-**  
35 **fenses committed on or after the effective date of this 2015 Act.**

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