

# Senate Bill 397

Sponsored by Senator BENTZ (at the request of Judge Dan Joyce) (Pre-session filed.)

## 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**.

Allows Department of Transportation to establish lower designated speed on state highway outside of city limits in low-population counties in eastern Oregon without engineering and traffic investigation under certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to highway speeds; amending ORS 810.180.

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

4 **SECTION 1.** ORS 810.180 is amended to read:

5 810.180. (1) As used in this section:

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

8 (b) "Statutory speed" means the speed that is established as a speed limit under ORS 811.111,  
9 or is established as the speed the exceeding of which is prima facie evidence of violation of the basic  
10 speed rule under ORS 811.105.

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

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

17 (3) The Department of Transportation may establish by rule designated speeds on any specified  
18 section of interstate highway if the department determines that speed limits established under ORS  
19 811.111 (1) are greater or less than is reasonable or safe under the conditions that exist with respect  
20 to that section of the interstate highway. Designated speeds established under this subsection are  
21 subject to all of the following:

22 (a) The department may not establish a designated speed under this subsection of more than:

23 (A) Sixty-five miles per hour for vehicles described in ORS 811.111 (1)(b); and

24 (B) Seventy miles per hour for all other vehicles.

25 (b) If the department establishes designated speeds under this subsection that are greater than  
26 65 miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least  
27 five miles per hour lower than the designated speed for all other vehicles on the specified section  
28 of interstate highway.

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

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

4 (4)(a) **Except as provided in subsection (12) of this section,** the department may establish,  
5 pursuant to a process established by rule, a designated speed on a state highway outside of a city.  
6 The authority granted under this subsection includes, but is not limited to, the authority to establish  
7 different designated speeds for different kinds or classes of vehicles as the department determines  
8 reasonable and safe. A designated speed established under this subsection for any kind or class of  
9 vehicles may not exceed the speed limit for the highway for that kind or class of vehicles as estab-  
10 lished in ORS 811.111 or, if there is no speed limit for the highway other than the limit established  
11 in ORS 811.111 (1)(b), may not exceed 55 miles per hour.

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

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

18 (5) After a written request is received from a road authority for a highway other than a highway  
19 described in subsection (3) or (4) of this section, the department, pursuant to a process established  
20 by rule, may establish a designated speed for the highway. The authority granted under this sub-  
21 section includes, but is not limited to, the authority to establish different designated speeds for dif-  
22 ferent kinds or classes of vehicles as the department determines reasonable and safe. The authority  
23 granted under this subsection is subject to all of the following:

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

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

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

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

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

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

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

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

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

5 (7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks  
6 under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under  
7 this subsection shall post and maintain signs at all park entrances to give notice of any designated  
8 speed.

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

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

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

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

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

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

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

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

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

32 (9) A road authority may establish an emergency speed on any highway under the jurisdiction  
33 of the road authority that is different from the existing speed on the highway. The authority granted  
34 under this subsection is subject to all of the following:

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

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

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

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

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

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

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

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

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

10 (11) The City of Portland may establish by ordinance a designated speed for a highway under  
11 the jurisdiction of the city that is five miles per hour lower than the statutory speed. The following  
12 apply to the authority granted under this subsection:

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

14 (b) The highway is not an arterial highway.

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

19 **(12)(a) As used in this subsection:**

20 **(A) "Eastern Oregon" means that portion of the State of Oregon lying east of a line be-**  
21 **ginning at the intersection of the northern boundary of this state and the western boundary**  
22 **of Hood River County, and from there proceeding southerly along the western boundaries of**  
23 **Hood River, Wasco, Jefferson, Deschutes and Klamath Counties to the southern boundary**  
24 **of this state.**

25 **(B) "Low-population county" means a county that, based on a certificate of population**  
26 **prepared under ORS 190.510 to 190.610, has a population of not more than 40,000.**

27 **(b) The department may establish, pursuant to a process established by rule, a designated**  
28 **speed that is lower than the statutory speed:**

29 **(A) On a state highway outside of a city;**

30 **(B) In a low-population county in eastern Oregon; and**

31 **(C) For a distance of one mile or less without conducting an engineering and traffic in-**  
32 **vestigation if:**

33 **(i) The sheriff of the county gives notice to the road authority that the current speed**  
34 **on the portion of highway is a danger;**

35 **(ii) The road authority makes a written request to the department stating the recom-**  
36 **ended designated speed; and**

37 **(iii) The county pays for at least half of the costs to post signs giving notice of the des-**  
38 **ignated speed.**

39 **(c) The authority granted under this subsection includes, but is not limited to, the au-**  
40 **thority to establish different designated speeds for different kinds or classes of vehicles as**  
41 **the department determines reasonable and safe. A designated speed established under this**  
42 **subsection for any kind or class of vehicle may not exceed the speed limit for the highway**  
43 **for that kind or class of vehicle as established in ORS 811.111 or, if there is no speed limit**  
44 **for the highway other than the limit established in ORS 811.111 (1)(b), may not exceed 55**  
45 **miles per hour.**

1       **(d) A designated speed established under this subsection is effective when appropriate**  
2 **signs giving notice of the designated speed are posted on the portion of highway where the**  
3 **designated speed is imposed.**

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