

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2702**

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages
2 2 through 4 and insert:

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

4 “810.180. (1) As used in this section:

5 “(a) ‘Designated speed’ means the speed that is designated by a road au-
6 thority as the maximum permissible speed for a highway and that may be
7 different from the statutory speed for the highway.

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

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

15 “(b) A speed greater than a designated speed established under this sec-
16 tion is prima facie evidence of violation of the basic speed rule if the desig-
17 nated speed is established for a highway on which there is no speed limit
18 other than the limit established under ORS 811.111 (1)(b).

19 “(3) The Department of Transportation may establish by rule designated
20 speeds on any specified section of interstate highway if the department de-
21 termines that speed limits established under ORS 811.111 (1) are greater or

1 less than is reasonable or safe under the conditions that exist with respect
2 to that section of the interstate highway. Designated speeds established un-
3 der this subsection are subject to all of the following:

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

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

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

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

14 “(c) The department may establish a designated speed under this sub-
15 section only if an engineering and traffic investigation indicates that the
16 statutory speed for the interstate highway is greater or less than is reason-
17 able or safe under conditions the department finds to exist.

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

21 “(4)(a) The department may establish, pursuant to a process established
22 by rule, a designated speed on a state highway outside of a city. The au-
23 thority granted under this subsection includes, but is not limited to, the au-
24 thority to establish different designated speeds for different kinds or classes
25 of vehicles as the department determines reasonable and safe. A designated
26 speed established under this subsection for any kind or class of vehicles may
27 not exceed the speed limit for the highway for that kind or class of vehicles
28 as established in ORS 811.111 or, if there is no speed limit for the highway
29 other than the limit established in ORS 811.111 (1)(b), may not exceed 55
30 miles per hour.

1 “(b) The department may establish a designated speed under this sub-
2 section only if an engineering and traffic investigation indicates that the
3 statutory speed for the highway is greater or less than is reasonable or safe
4 under conditions the department finds to exist.

5 “(c) A designated speed established under this subsection is effective when
6 appropriate signs giving notice of the designated speed are posted on the
7 portion of highway where the designated speed is imposed.

8 “(5) After a written request is received from a road authority for a high-
9 way other than a highway described in subsection (3) or (4) of this section,
10 the department, pursuant to a process established by rule, may establish a
11 designated speed for the highway. The authority granted under this sub-
12 section includes, but is not limited to, the authority to establish different
13 designated speeds for different kinds or classes of vehicles as the department
14 determines reasonable and safe. The authority granted under this subsection
15 is subject to all of the following:

16 “(a) The written request from the road authority must state a recom-
17 mended designated speed.

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

22 “(c) The department may not make a final decision to establish a desig-
23 nated speed under this subsection without providing the affected road au-
24 thorities with notice and opportunity for a hearing.

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

28 “(e) A designated speed established under this subsection is effective when
29 appropriate signs giving notice of the designated speed are posted on the
30 portion of the highway where the designated speed is imposed. The expense

1 of erecting any sign under this subsection shall be borne by the road au-
2 thority having jurisdiction over the portion of the highway where the des-
3 ignated speed is imposed.

4 “(f) The department, pursuant to a process established by rule, may dele-
5 gate its authority under this subsection [*with respect to highways that are*
6 *low volume or unpaved*] to a city or county with jurisdiction over the high-
7 way. The department shall delegate authority under this paragraph only if
8 it determines that the city or county will exercise the authority according
9 to criteria adopted by the department.

10 “(6) The department may override the speed limit established for ocean
11 shores under ORS 811.111 (1)(c) and establish a designated speed of less than
12 25 miles per hour on any specified section of ocean shore if the department
13 determines that the speed limit established under ORS 811.111 (1)(c) is
14 greater than is reasonable or safe under the conditions that exist with re-
15 spect to that part of the ocean shore. The authority granted under this sub-
16 section is subject to all of the following:

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

19 “(b) A designated speed established under this subsection is effective
20 when posted upon appropriate fixed or variable signs on the portion of ocean
21 shore where the designated speed is imposed.

22 “(7) A road authority may adopt a designated speed to regulate the speed
23 of vehicles in parks under the jurisdiction of the road authority. A road au-
24 thority regulating the speed of vehicles under this subsection shall post and
25 maintain signs at all park entrances to give notice of any designated speed.

26 “(8) A road authority may establish by ordinance or order a temporary
27 designated speed for highways in its jurisdiction that is lower than the
28 statutory speed. A temporary designated speed may be established under this
29 subsection if, in the judgment of the road authority, the temporary desig-
30 nated speed is necessary to protect any portion of the highway from being

1 unduly damaged, or to protect the safety of the public and workers when
2 temporary conditions such as construction or maintenance activities consti-
3 tute a danger. The following apply to the authority granted under this sub-
4 section:

5 “(a) Statutory speeds may be overridden by a temporary designated speed
6 only:

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

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

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

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

14 “(A) Specifies the hazard, damage or other condition requiring the tem-
15 porary designated speed; and

16 “(B) Is effective only for a specified time that corresponds to the hazard,
17 damage or other condition specified.

18 “(d) A temporary designated speed imposed under this subsection must be
19 imposed by a proper written ordinance or order. A sign giving notice of the
20 temporary designated speed must be posted at each end of the portion of
21 highway where the temporary designated speed is imposed and at such other
22 places on the highway as may be necessary to inform the public. The tem-
23 porary designated speed shall be effective when signs giving notice of the
24 temporary designated speed are posted.

25 “(9) A road authority may establish an emergency speed on any highway
26 under the jurisdiction of the road authority that is different from the exist-
27 ing speed on the highway. The authority granted under this subsection is
28 subject to all of the following:

29 “(a) A speed established under this subsection is effective when appro-
30 priate signs giving notice thereof are posted upon the highway or portion

1 of highway where the emergency speed is imposed. All signs posted under
2 this subsection must comply with ORS 810.200.

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

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

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

12 “(a) The highway is located in a residence district.

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

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

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

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

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

28 “(a) The highway is located in a residence district.

29 “(b) The highway is not an arterial highway.

30 “(c) The city shall post a sign giving notice of the designated speed at

1 each end of the portion of highway where the designated speed is imposed
2 and at such other places on the highway as may be necessary to inform the
3 public. The designated speed shall be effective when signs giving notice of
4 the designated speed are posted.”.

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