



# Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

**DATE:** February 4, 2020

**TO:** Joint Committee on Transportation

**FROM:** Mac Lynde, Deputy Administrator, Delivery and Operations Division

**SUBJECT:** HB 4103 (-2) and (-3) – Speed Setting

## INTRODUCTION

House Bill 4103 (-2) and (-3) allows the Oregon Department of Transportation (ODOT) to delegate speed setting authority to a city or named counties on roads under their jurisdiction. ODOT supports HB 4103 with the -2 and -3 amendments.

## BACKGROUND

Under current law, speeds on public roads in Oregon are set in one of two ways: 1) by the Legislature via statute; or 2) by ODOT after a speed zone engineering investigation is conducted. Speeds set pursuant to an engineering investigation consider roadside character, traffic mix and volume, crash data, roadway widths, and travel speeds.

ODOT recently revised the Oregon Administrative Rules (OAR) establishing the speed setting methodology to better reflect the context of the road, respond to the desire to address the changing urban environment, and align with national research and evolving best practices. In March 2020, the Oregon Transportation Commission will formally consider these rules for final adoption. Under the revised rules, in urban areas speeds will be based on speed ranges and contexts. For areas outside of city limits speeds will be based on the 85<sup>th</sup> or 50<sup>th</sup> percentile (the 85<sup>th</sup> and 50<sup>th</sup> percentile defines the speed at which 85 percent or 50 percent of drivers will drive at or below).

When designating speeds on Oregon roadways, ODOT aims to ensure consistency, predictability, and ease of enforcement and compliance for drivers and law enforcement officials across the state. By utilizing a standard methodology, ODOT ensures consistent speed zones for similar segments of roadways. If HB 4103 becomes law, any local jurisdictions with delegated speed setting authority will be required to follow the recently revised OAR process.

## DISCUSSION

House Bill 4103 (-2) and (-3), allows ODOT to delegate its statutory authority for speed setting to a city or named county for roads under their jurisdiction. Through the Oregon Administrative Rule process ODOT will establish criteria local jurisdictions must meet in order to receive delegated speed setting authority; for example, local jurisdictions must utilize an accepted methodology, must have necessary engineering staff, and must provide sufficient notice (signage) to alert drivers of changes in speed. Rulemaking will also include accountability and reporting measures. Under this delegated authority model, ODOT will retain the ability to rescind the delegated authority if necessary. The new speed setting methodology established in revised administrative rules will be in place by the end of September 2020.

**CONCLUSION**

For the past year and a half, ODOT has engaged with other local jurisdictions across the state to strike an appropriate balance between local control of speed setting, and consistency and predictability for drivers and law enforcement. Delegation of speed setting authority to local governments pursuant to certain criteria is a step in the right direction; this proposed change represents a positive evolution of the current process of speed setting in Oregon, with the goal of increasing efficiency and ensuring safety of all road users.

Please feel free to reach out to me with any additional questions.