

House Bill 4103

Sponsored by Representative NOSSE, Senator MANNING JR; Representatives GOMBERG, HELT, HOLVEY, LEWIS, MEEK, POST, REARDON, SANCHEZ, ZIKA, Senators FREDERICK, KNOPP, ROBLAN (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**.

Expands Department of Transportation's authority to allow city to designate speeds on highways within city's jurisdiction 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

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 or less than is reasonable or safe under conditions the department finds to exist.

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

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

41 **(g) The department, pursuant to a process established by rule, may delegate its authority**
 42 **under this subsection to a city with jurisdiction over the highway. The department shall**
 43 **delegate authority under this paragraph only if it determines that the city will exercise the**
 44 **authority according to criteria adopted by the department.**

45 (6) The department may override the speed limit established for ocean shores under ORS 811.111

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (10) A road authority may establish by ordinance a designated speed for a highway under the

1 jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The
2 following apply to the authority granted under this subsection:

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

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

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

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

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

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

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

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

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

23 (12) Notwithstanding ORS 801.430, as used in subsection (11) of this section, "residence
24 district" includes territory not comprising a business district that is contiguous to a highway and
25 has access to dwellings provided by alleys.

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