

HOUSE AMENDMENTS TO HOUSE BILL 3252

By COMMITTEE ON TRANSPORTATION

May 16

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and in-
2 sert “amending ORS 810.180.”.

3 Delete lines 4 through 32 and delete pages 2 through 5 and insert:

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
12 which the speed is designated is subject to a statutory speed limit under ORS 811.111 that is in
13 addition 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) [*may not be more*
27 *than*] **must be at least** five miles per hour lower than the designated speed for all other vehicles
28 on the specified section of interstate highway.

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

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

35 “(4)(a) The department may establish by rule a designated speed on a state highway outside of

1 a city. The authority granted under this subsection includes, but is not limited to, the authority to
2 establish different designated speeds for different kinds or classes of vehicles as the department de-
3 termines reasonable and safe. A designated speed established under this subsection for any kind or
4 class of vehicles may not exceed the speed limit for the highway for that kind or class of vehicles
5 as established in ORS 811.111 or, if there is no speed limit for the highway other than the limit es-
6 tablished in ORS 811.111 (1)(b), may not exceed 55 miles per hour.

7 “(b) The department may establish a designated speed under this subsection only if an engi-
8 neering and traffic investigation indicates that the statutory speed for the highway is greater or less
9 than is reasonable or safe under conditions the department finds to exist.

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

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

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

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

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

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

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

31 “(f) The department, by rule, may delegate its authority under this subsection with respect to
32 highways that are low volume or unpaved to a city or county with jurisdiction over the highway.
33 The department shall delegate authority under this paragraph only if it determines that the city or
34 county will exercise the authority according to criteria adopted by the department.

35 “(6) The department may override the speed limit established for ocean shores under ORS
36 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section
37 of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c)
38 is greater than is reasonable or safe under the conditions that exist with respect to that part of the
39 ocean shore. The authority granted under this subsection is subject to all of the following:

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

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

44 “(7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks
45 under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under

1 this subsection shall post and maintain signs at all park entrances to give notice of any designated
2 speed.

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

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

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

12 “(B) For a specified period of time for a specific kind or class of vehicle that is causing identi-
13 fied damage to highways.

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

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

17 “(A) Specifies the hazard, damage or other condition requiring the temporary designated speed;
18 and

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

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

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

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

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

34 “(c) A speed established under this subsection may be effective for not more than 120 days.”
35