

House Bill 3252

Sponsored by COMMITTEE ON TRANSPORTATION

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**.

Establishes rural interstate highway speeds.

A BILL FOR AN ACT

Relating to highway speeds; creating new provisions; and amending ORS 810.180 and 811.111.

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

SECTION 1. Section 2 of this 2005 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. "Rural interstate highway" means the portion of an interstate highway that is not within the city limits of a city with a population of 50,000 or more.

SECTION 3. ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway **that is not a rural interstate highway** at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway **that is not a rural interstate highway** or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck or truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(c) **Drives a vehicle on a rural interstate highway at a speed greater than 70 miles per hour.**

(d) **Notwithstanding paragraph (c) of this subsection, drives any of the following vehicles at a speed greater than 60 miles per hour on a rural interstate highway:**

(A) **A motor truck or truck tractor with a gross vehicle weight rating of more than 8,000 pounds.**

(B) **A school bus.**

(C) **A school activity vehicle.**

(D) **A worker transport bus.**

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 **(E) A bus operated for transporting children to and from church or an activity or func-**
2 **tion authorized by a church.**

3 **(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as**
4 **provided in ORS 825.017 (9).**

5 [(c)] **(e)** Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed
6 greater than any of the following:

7 (A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

8 (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

9 [(d)] **(f)** Drives a vehicle upon a highway in any city at a speed greater than a speed posted by
10 authority granted under ORS 810.180 or, if no speed is posted, the following:

11 (A) Fifteen miles per hour when driving on an alley.

12 (B) Twenty miles per hour in a business district.

13 (C) Twenty-five miles per hour in a public park.

14 (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an
15 arterial highway.

16 (E) Sixty-five miles per hour on an interstate highway **that is not a rural interstate**
17 **highway.**

18 **(F) Seventy miles per hour on a rural interstate highway.**

19 [(F)] **(G)** Fifty-five miles per hour in locations not otherwise described in this paragraph.

20 [(e)] **(g)** Drives a vehicle in a school zone at a speed greater than 20 miles per hour:

21 (A) At any time, if the school zone is a segment of highway described in ORS 801.462 (1)(a) that
22 is contiguous to a segment of highway on which:

23 (i) There is a posted speed of 30 miles per hour or less;

24 (ii) There is a speed limit of 30 miles per hour or less; or

25 (iii) A speed of 30 miles per hour or less is prima facie evidence of violation of the basic speed
26 rule under ORS 811.105.

27 (B) At any time that a flashing light described in ORS 811.106 is operating or at any time posted
28 on signs in the school zone, if the school zone is a segment of highway described in ORS 801.462
29 (1)(a) that is contiguous to a segment of highway on which:

30 (i) There is a posted speed greater than 30 miles per hour;

31 (ii) There is a speed limit greater than 30 miles per hour; or

32 (iii) A speed greater than 30 miles per hour is prima facie evidence of violation of the basic
33 speed rule under ORS 811.105.

34 (C) At any time that a flashing light described in ORS 811.106 is operating, at any time posted
35 on signs in the school zone or at any time that children are present, if the school zone is a cross-
36 walk described in ORS 801.462 (1)(b).

37 (2) The offense described in this section, violating a speed limit, is punishable as provided in
38 ORS 811.109.

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

40 810.180. (1) As used in this section:

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

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

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

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

7 (3) The Department of Transportation may establish by rule designated speeds on any specified
 8 section of interstate highway, **except for sections of a rural interstate highway**, if the depart-
 9 ment determines that speed limits established under ORS 811.111 (1) are greater or less than is
 10 reasonable or safe under the conditions that exist with respect to that section of the interstate
 11 highway. Designated speeds established under this subsection are subject to all of the following:

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

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

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

15 (b) If the department establishes designated speeds under this subsection that are greater than
 16 65 miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) may not be more
 17 than five miles per hour lower than the designated speed for all other vehicles on the specified
 18 section of interstate highway.

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

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

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

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

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

38 (5) After a written request is received from a road authority for a highway other than a **rural**
 39 **interstate highway or a** highway described in subsection (3) or (4) of this section, the department,
 40 by rule, may establish a designated speed for the highway. The authority granted under this sub-
 41 section includes, but is not limited to, the authority to establish different designated speeds for dif-
 42 ferent kinds or classes of vehicles as the department determines reasonable and safe. The authority
 43 granted under this subsection is subject to all of the following:

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

45 (b) The department may establish a designated speed under this subsection only if an engineer-

1 ing and traffic investigation indicates that the statutory speed for the highway is greater or less
 2 than is reasonable or safe under conditions the department finds to exist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 dition specified.

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

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

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

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

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

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