

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. 254

INTRODUCED BY Ernie Raney Wm Ryan
Battlett

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION AND LOCAL AUTHORITIES TO CONSIDER OTHER FACTORS IN ADDITION TO AN ENGINEERING AND TRAFFIC STUDY IN ESTABLISHING A SPECIAL SPEED LIMIT; REQUIRING CONCURRENCE BY A LOCAL GOVERNMENT FOR SPECIAL SPEED LIMITS FOR FEDERAL-AID HIGHWAYS IN INCORPORATED MUNICIPALITIES AND TOWNS; AND AMENDING SECTIONS 61-8-309 AND 61-8-310, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones limits. (1) If the department of transportation determines, based upon the ~~basis of an engineering and traffic investigation~~ considerations in subsection (2), that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that ~~part~~ location.

(2) In determining reasonable and safe speed, the commission shall consider the following:

(a) results of engineering and traffic studies;

(b) the effect of traffic speed on noise and air quality, including dust;

(c) the effect on pedestrian and bicycle travel along and across the highway; and

(d) the proximity of concentrations of children, seniors, or disabled persons to the highway.

~~(2)(3)~~ The department shall erect and maintain appropriate signs giving notice of these special limits. When ~~they~~ the signs are erected, the limits are effective at that ~~part~~ location at all times, or at other times that the commission sets.

~~(3)(4)~~ The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

~~(4)(5)~~ This section does not authorize the commission to set a ~~state-wide~~ statewide speed limit."

Section 2. Section 61-8-310, MCA, is amended to read:

1 **"61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its jurisdiction
 2 determines, ~~on the basis of an engineering and traffic investigation~~ pursuant to the considerations in
 3 61-8-309(2), that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less
 4 than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the
 5 local authority may set a reasonable and safe limit that:

6 (a) decreases the limit at an intersection;

7 (b) increases the limit within an urban district, but not to more than 55 miles per hour during the
 8 nighttime; or

9 (c) decreases the limit outside an urban district, but not to less than 15 miles per hour; ~~or~~

10 ~~(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or~~
 11 ~~a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen~~
 12 ~~center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5 but not less~~
 13 ~~than 25 miles an hour, of the speed limit that would be set on the basis of an engineering and traffic~~
 14 ~~investigation.~~

15 (2) A board of county commissioners may set limits as provided in subsection (1)(c) without an
 16 engineering and traffic investigation on a county road, as defined in 60-1-103.

17 (3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and
 18 shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted
 19 under 61-8-303 for an urban district.

20 (4) (a) Special speed limits on all federal-aid highways or extensions of federal-aid highways in all
 21 incorporated municipalities and towns must be set by the commission in accordance with 61-8-309 and
 22 with the concurrence of the local government.

23 (b) If a local government does not concur or ceases to concur with a special speed limit that is
 24 subject to subsection (4)(a), the local government shall inform the commission of the nonconcurrence and
 25 the commission shall establish within 180 days a new special speed limit in accordance with 61-8-309 and
 26 in which the local government concurs.

27 ~~(4)(5)~~ An altered limit established as authorized under this section is effective at all times or at
 28 other times determined by the authority when appropriate signs giving notice of the altered limit are erected
 29 upon the highway.

30 ~~(5)(6)~~ Except as provided in subsection ~~(4)(d)~~ (4), the commission has exclusive jurisdiction to set

1 special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities
2 or urban areas. The commission shall set these limits in accordance with 61-8-309."

3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0254, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the department of transportation and local authorities to consider other factors in addition to an engineering and traffic study in establishing a special speed limit; requiring concurrence by a local government for special speed limits for federal-aid highways in incorporated municipalities and towns.

ASSUMPTIONS:

1. There are approximately 1,000 speed zones statewide. Currently, the department of transportation conducts an average of approximately 20 speed zone investigations per year. The current level of effort requires about 1.00 FTE (estimated 107 hrs per investigation) plus travel and miscellaneous expenses. About 10 investigations per year result in a change of speed limits and therefore require resigning.
2. The department cannot reliably project the number of speed zone investigations resulting from HB0254 but anticipates a significant increase. For purposes of this fiscal note, 40 investigations per year are assumed.
3. Due to the requirement for local government concurrence, 35 speed zone investigations are assumed to result in changes in speed limits, requiring installation of new speed limit signs (6 signs per zone @ \$150 per sign).
4. The department estimates that the additional workload will require 2.00 FTE (grade 14 planner; grade 12 designer) plus travel and miscellaneous expenses.
5. Air quality and noise level testing equipment will be required at an estimated one-time cost of \$50,000.
6. Speed zone investigations are conducted at state expense. Federal highway administration funds are not available for this purpose.


FISCAL IMPACT:

Expenditures:

Construction Program:	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
FTE	2.00	2.00
Personal Services	58,313	58,517
Operating Expenses	27,400	27,400
Equipment	<u>50,000</u>	<u>0</u>
Total	135,713	85,917
Highway Special Revenues (02)	135,713	85,917

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

If speed zone investigations result in speed limits which are out of compliance with the Manual of Uniform Traffic Control Devices, federal highway administration funding could be disallowed and/or discontinued for that stretch of road. The state would be exposed to additional tort liability if traffic accidents occur which are deemed to have been the result of speed limits out of compliance with state and federal standards.

 1-25-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DAVID EWER, PRIMARY SPONSOR DATE

Fiscal Note for HB0254, as introduced

HB 254