

*Bracey* House BILL NO. *326*

INTRODUCED BY *Brainard* *Wills Clark* ORR

*Anderson Denny* *Tracy*

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH URBAN TRANSIT ZONES THAT PROVIDE SPEED LIMITS SUITABLE FOR HIGH-DENSITY COMMUTER TRAFFIC ON PUBLIC ROADS IN THE COUNTY; PROVIDING FOR ENFORCEMENT OF SPEED LIMITS IN URBAN TRANSIT ZONES; ESTABLISHING A FINE SCHEDULE FOR VIOLATION OF A SPEED LIMIT IN AN URBAN TRANSIT ZONE; DIRECTING THE MONEY COLLECTED FROM FINES TO THE COUNTY GENERAL FUND; AND AMENDING SECTIONS 7-14-2113, 61-8-306, 61-8-309, 61-8-310, AND 61-8-312, MCA."

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

**Section 1.** Section 7-14-2113, MCA, is amended to read:

**"7-14-2113. County authority to establish speed limits.** (1) A board of county commissioners may, by ordinance, establish a special speed limit or an urban transit zone in accordance with 61-8-306 and 61-8-310 ~~on any county road.~~

(2) Before establishing an urban transit zone, a board of county commissioners shall request the department of transportation to conduct an engineering and traffic study of the specific area. The department of transportation shall report to the commissioners its findings and speed limit recommendations."

**Section 2.** Section 61-8-306, MCA, is amended to read:

**"61-8-306. Lower speed limits.** Nothing in 61-8-304 through 61-8-307 ~~shall prohibit~~ prohibits any state, county, municipal, or other local official, board, or body ~~which~~ that has authority to enact laws relating to motor vehicle speed limits from establishing speed limits lower than ~~that required by federal law~~ on any public streets or highways as permitted by law on March 2, 1974 those established in this part."

**Section 3.** Section 61-8-309, MCA, is amended to read:

**"61-8-309. Establishment of special speed zones.** (1) (a) If the department of transportation



1 determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is  
 2 greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve,  
 3 dangerous location, or any other part of a highway under its jurisdiction, the commission may set a  
 4 reasonable and safe special speed limit at that location.

5 (b) ~~If a~~ A local authority ~~requests~~ may request the department of transportation to conduct an  
 6 engineering and traffic investigation based on:

7 (i) the belief that a speed limit on a highway under the department's jurisdiction is greater than is  
 8 reasonable or safe; or

9 (ii) the establishment of an urban transit zone, as defined in 61-8-310 ~~the commission may not~~  
 10 ~~increase the speed limit under consideration as a result of the investigation.~~

11 (2) The department of transportation shall erect and maintain appropriate signs giving notice of  
 12 these special limits. When they are erected, the limits are effective at that part of the road or the zone at  
 13 all times or at other times that the commission sets.

14 (3) The authority of the commission under this section includes the authority to set reduced  
 15 nighttime speed limits on curves and other dangerous locations. The commission may not increase the  
 16 speed limit set by 61-8-303 as a result of the investigation conducted under subsection (1)(b).

17 (4) This section does not authorize the commission to set a statewide speed limit."  
 18

19 **Section 4.** Section 61-8-310, MCA, is amended to read:

20 **"61-8-310. When local authorities may and shall alter limits -- urban transit zone -- definition.** (1)  
 21 As used in 7-14-2113, 61-8-309, and this section, "urban transit zone" means a public road on which a  
 22 board of county commissioners sets speed limits suitable for high-density commuter traffic in the county.  
 23 Any public road in the county may be included in an urban transit zone.

24 ~~(1)(2)~~ If a local authority in its jurisdiction determines on the basis of an engineering and traffic  
 25 investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less  
 26 than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the  
 27 local authority may set a reasonable and safe limit that:

28 (a) decreases the limit at an intersection;

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

1 (c) decreases the limit outside an urban district, but not to less than 15 miles per hour; or  
 2 (d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or  
 3 a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen  
 4 center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit  
 5 that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an  
 6 hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed  
 7 limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the  
 8 provisions of 61-8-206.

9 ~~(2)(3)~~ Except when establishing an urban transit zone, a A board of county commissioners may  
 10 set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county  
 11 road, as defined in 60-1-103.

12 (4) (a) A board of county commissioners may establish an urban transit zone by setting speed limits  
 13 suitable for high-density commuter traffic on any public road in the county.

14 (b) Before establishing an urban transit zone, a board of county commissioners shall request the  
 15 department of transportation to conduct an engineering and traffic study of the specific area. The  
 16 department of transportation shall report to the commissioners its findings and speed limit  
 17 recommendations.

18 (c) County law enforcement officers shall enforce the speed limits in an urban transit zone.

19 (d) The board of county commissioners shall establish the fines for violation of the speed limit in  
 20 an urban transit zone pursuant to the following schedule:

<u>Miles per hour over urban transit</u>	<u>Fine not to exceed</u>
<u>zone speed limit</u>	
<u>5-10 mph</u>	<u>\$ 20</u>
<u>11-20 mph</u>	<u>100</u>
<u>21-30 mph</u>	<u>300</u>
<u>31 or more mph</u>	<u>500</u>

27 (e) Money collected for violations of the speed limits in an urban transit zone must be deposited  
 28 in the county's general fund and may be used for costs incurred in the administration of this subsection (4).

29 ~~(3)(5)~~ A local authority in its jurisdiction may determine the proper speed for all arterial streets and  
 30 shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted

1 under 61-8-303 for an urban district.

2 ~~(4)~~(6) An altered limit established as authorized under this section is effective at all times or at  
3 other times determined by the authority when appropriate signs giving notice of the altered limit are erected  
4 upon the highway.

5 ~~(6)~~(7) Except as provided in subsection ~~(1)~~(d) (2)(d), the commission has exclusive jurisdiction to  
6 set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities  
7 or urban areas. The commission shall set these limits in accordance with 61-8-309."

8

9 **Section 5.** Section 61-8-312, MCA, is amended to read:

10 **"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles**  
11 **towing house trailers. Subject to 61-8-310, the following speed limits apply:**

12 (1) A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000  
13 pounds, at a speed greater than 65 miles per hour on those completed sections of interstate and four-lane  
14 divided highways and 60 miles per hour on those completed sections of primary and secondary highways.  
15 However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.

16 (2) A person may not operate a vehicle subject to a term permit under 61-10-124(3)(d) or a  
17 truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits  
18 under 61-10-124(6) at a speed greater than 55 miles per hour.

19 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed  
20 greater than 35 miles per hour unless the motor-driven cycle is equipped with a headlamp or lamps that are  
21 adequate to reveal a person or vehicle at a distance of 300 feet ahead.

22 (4) A person may not operate a vehicle that is towing a house trailer at a speed greater than a  
23 maximum of 50 miles per hour."

24

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0326, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill allowing a board of county commissioners to establish urban transit zones that provide speed limits suitable for high-density commuter traffic on public roads in the county.

ASSUMPTIONS:

1. The Montana Department of Transportation (MDT) assumes that there will be 30 Urban Transit Zones (UTZ) established each year of the biennium. Each UTZ would require an engineering study by the MDT.
2. The 30 new studies per year would be performed by private contractors. A recent study performed cost \$15,000. It is assumed that this will be the average amount paid per contract. Estimated study costs per year would then be \$450,000 (30 x \$15,000).
3. Each new UTZ is expected to result in new speed limits, thus requiring new signs. Each sign costs about \$450 installed. The number of signs per UTZ varies depending on length, major intersections, step downs in speed, and reminders. It is assumed each UTZ will average 8 signs. The cost per year for signs will be \$108,000 (8 x 30 x \$450).
4. Additional staff would be required to handle the administrative duties generated from this new workload. A 1.00 FTE administrative assistant (grade 12) at an annual cost of \$27,300 will be needed.
5. The MDT is concerned that, in most cases, the UTZ will establish a speed limit lower than the recommendation from the study. The slower-than-normal limit may cause accidents, and the speed limit may not be defensible in court. Although no fiscal impact is shown, litigation costs may result.

FISCAL IMPACT:

Department of Transportation:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal Services	27,300	27,300
Operating Expenditures	<u>558,000</u>	<u>558,000</u>
Total	585,300	585,300
 <u>Funding:</u>		
Highway state special (02)	585,300	585,300

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

If speed limits are set at a less than the recommended rate, and the counties elect to strongly enforce the limits, a possibility of additional potentially significant revenue exists.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The number of UTZ requested will likely decline after the initial rush.

(Continued)

*Dave Lewis 1.29.97*  
 \_\_\_\_\_  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

*1/29/97*

*NO*

\_\_\_\_\_  
 MATT BRAINARD, PRIMARY SPONSOR      DATE  
 Fiscal Note for HB0326, as introduced  
**HB 326**

TECHNICAL NOTES:

Sec. 2 (2) provides that "the Department of Transportation shall erect and maintain appropriate signs". This language could put the department in the position of having to provide and maintain signs on systems (such as city streets) they have no jurisdiction over.

Sec. 4 (4) (c) gives county law enforcement the sole authority to enforce the law. This may mean city police could not issue tickets enforcing the urban transit zone on city streets under their jurisdiction. Likewise for the Highway Patrol on state routes.

MCA 61-1-410 provides for "urban districts" as they relate to speed zones. The term "urban transit zone" as it relates to speed zones in this bill may cause confusion.

MCA 61-8-202 requires the state to adopt a signing manual which includes provisions for speed zone studies. This bill appears to be in conflict with current law.

Current law 61-8-310(5), MCA, gives the Highway Commission exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. This may be in conflict with proposed law.