

HOUSE BILL NO. 22
INTRODUCED BY C. KAUFMANN
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND UPDATING PROVISIONS GOVERNING TRAFFIC CONTROL DEVICES AND PEDESTRIAN CONTROL SIGNALS; ESTABLISHING VEHICLE OPERATOR REQUIREMENTS WHEN LANE USE CONTROL SIGNALS ARE IN PLACE; AMENDING SECTIONS 61-8-201, 61-8-202, 61-8-203, 61-8-207, 61-8-208, 61-8-209, AND 61-8-210, MCA; AND REPEALING SECTION 61-8-205, MCA."

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

Section 1. Section 61-8-201, MCA, is amended to read:

"61-8-201. Obedience to traffic control devices -- exception for emergency certain vehicles and funeral processions. (1) ~~The~~ Unless otherwise directed by a peace officer, flag person, crossing guard, or public safety worker, the driver of a vehicle shall obey the instructions of an official traffic control device applicable to ~~his~~ the driver's vehicle and placed in accordance with the provisions of this chapter, ~~unless otherwise directed by a highway patrol officer or police officer, subject to the exceptions granted in this chapter to the~~ The driver of an authorized emergency vehicle, a police vehicle, or a highway patrol vehicle and ~~to~~ the driver of a motor vehicle in a funeral procession are exempt from obedience to official traffic control devices as provided in this chapter.

(2) A provision of this chapter for which ~~signs~~ traffic control devices are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official ~~sign~~ traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state ~~the signs that official traffic control devices~~ are required, the section is effective even though ~~no signs~~ traffic control devices are not erected or in place.

(3) Official traffic control devices that are placed or held in position substantially conforming to the requirements of this chapter and the requirements of the uniform system adopted by the department of transportation pursuant to 61-8-202 are presumed to have been placed by an official act or at the discretion of a lawful authority."

Section 2. Section 61-8-202, MCA, is amended to read:

"61-8-202. Department of transportation to adopt sign manual. The department of transportation shall adopt a manual for a uniform system of traffic control devices consistent with this chapter for use upon highways within the state. ~~This uniform system shall~~ The manual adopted by the department of transportation must correlate with and so far as possible conform to the manual on uniform traffic control devices, as amended Manual on Uniform Traffic Control Devices, as amended, published by the United States federal highway administration."

Section 3. Section 61-8-203, MCA, is amended to read:

"61-8-203. Department of transportation to sign place traffic control devices on all state highways it maintains and approve traffic control devices on highways under its jurisdiction. (1) The department of transportation shall place and maintain traffic control devices, conforming to its manual and specifications, upon all state highways maintained by the department of transportation that the department it considers necessary to ~~indicate and to~~ carry out the provisions of this chapter and chapter 9 or to regulate, warn, or guide traffic.

(2) A local authority or other entity may not place or maintain a traffic control device upon a highway under the jurisdiction of the department of transportation except ~~by~~ with the ~~latter's~~ department's permission.

(3) ~~Only the department may erect and maintain these traffic control devices conforming to its manual and specifications on a controlled-access highway or controlled-access facility.~~ The unauthorized erection of a sign, marker, ~~or emblem,~~ or other traffic control device on a ~~controlled-access facility or controlled-access highway~~ under the jurisdiction of the department of transportation by any other ~~public authority, or agent, or by a private individual, firm, or corporation~~ entity is unlawful and a misdemeanor and is punishable as provided in 61-8-712.

(4) The erection or maintenance of a sign, marker, emblem, or traffic control device on a ~~state highway except a controlled-access highway or controlled-access facility,~~ under the jurisdiction of the department of transportation is subject to the rules and specifications that the department adopts and publishes in the interest of public safety and convenience."

Section 4. Section 61-8-207, MCA, is amended to read:

"61-8-207. Traffic control signal legend. ~~Whenever~~ Except for lane use control signals and special pedestrian control signals carrying a legend, whenever traffic is controlled by traffic control signals exhibiting ~~the words "Go", "Caution", or "Stop" or exhibiting different colored lights or colored lighted arrows~~ successively one at a time or with arrows in combination, the following colors only must be used and the terms and only the colors

green, red, and yellow may be used. The lights must indicate and apply to drivers of vehicles and pedestrians as follows:

~~(1) green alone or "Go":~~

(1) (a) Vehicular traffic facing the a circular green signal may proceed straight through or turn left or right unless a sign traffic control device at the place prohibits either turn. But However, vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Vehicular traffic facing a green arrow signal shown alone or in combination with another indication may cautiously enter the intersection only to make either the movement indicated by the arrow or another movement that is permitted by another indication shown at the same time. Vehicular traffic making the movements permitted by this subsection (1)(b) must yield the right-of-way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

~~(b)(c) Pedestrians~~ Unless otherwise directed by a pedestrian control signal as provided in 61-8-208, a pedestrian facing the a green signal, except when the only green signal is a turn arrow, may proceed in the direction of the green signal across the roadway within any marked or unmarked crosswalk. A driver of a vehicle shall yield the right-of-way to the pedestrian.

~~(2) yellow alone or "Caution" when shown following the green or "Go" signal:~~

(2) (a) Vehicular traffic facing the a steady circular yellow or yellow arrow signal is warned that the traffic movement permitted by the related green signal is being terminated or that a red or "Stop" signal will be exhibited immediately thereafter, and vehicular Vehicular traffic may not enter the intersection when the red or "Stop" signal is exhibited after the yellow signal.

~~(b) Pedestrians~~ Unless otherwise directed by a pedestrian control signal as provided in 61-8-208, a pedestrian facing the signals are a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway, and a pedestrian then starting to cross shall yield the right-of-way to all vehicles before a red indication is shown.

~~(3) red alone or "Stop":~~

(3) (a) Vehicular traffic facing the a steady circular red signal must stop at a marked stop line. If there is not a marked stop line, vehicular traffic must stop before entering the crosswalk on the near side of the intersection, or, if none, then If there is not a marked crosswalk, vehicular traffic must stop before entering the intersection and, except as provided in subsection (3)(c), must remain standing until green or "Go" an indication to proceed is shown alone, until a right turn can safely be made, or until a left turn can safely be made from the

far left lane if the turn is made from a one-way street onto another one-way street going left. In making the turn, vehicular traffic must yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection. If a traffic sign legend indicating that no right turn on red or no left turn on red may be made after a stop is posted at the intersection, the movement cannot be made until green or "Go" is shown alone.

(b) ~~A pedestrian facing a signal may not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.~~ Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow and must stop at a marked stop line unless the traffic is entering the intersection to make a movement indicated by another signal. If there is not a marked stop line, vehicular traffic must stop before entering the crosswalk on the near side of the intersection. If there is not a marked crosswalk, vehicular traffic must stop before entering the intersection and must remain standing until an indication is shown that permits movement.

(c) (i) Except when a traffic control device is in place that prohibits a turn, vehicular traffic facing a steady circular red signal may cautiously enter the intersection to turn right or to turn left from a one-way street onto another one-way street after stopping as required under subsection (3)(a). After stopping, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching the intersection close enough to constitute an immediate hazard during the time that the operator is moving within the intersection.

(ii) An operator of a vehicle entering an intersection as provided in subsection (3)(c)(i) shall yield the right-of-way to pedestrians within the intersection or within an adjacent crosswalk.

(d) Unless otherwise directed by a pedestrian control signal as provided in 61-8-208, a pedestrian facing a steady circular red or red arrow signal alone may not enter the roadway.

~~(4) red with a green arrow:~~

~~—— (a) Vehicular traffic facing a signal may cautiously enter the intersection only to make the movement indicated by the arrow but must yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection.~~

~~—— (b) A pedestrian facing a signal may not enter the roadway unless the pedestrian can do so safely and without interfering with vehicular traffic.~~

~~—— (5) traffic control signal at a place other than an intersection:~~

~~(4) (a) In the event~~ If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions that by their very nature can have no application.

(b) ~~Any~~ A required stop required must be made at a sign or marking on the pavement indicating where

the stop must be made, but in the absence of any sign or marking, the stop must be made at the signal."

Section 5. Section 61-8-208, MCA, is amended to read:

"61-8-208. Pedestrian control signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "~~Wait~~" or "Don't Walk" or symbols of a walking person or an upraised palm are in place, ~~such~~ the signals shall indicate as follows:

(1) ~~Walk. Pedestrians~~ A pedestrian facing such a "Walk" signal or a walking person symbol may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers operators of all vehicles shall yield the right-of-way to the pedestrian.

(2) ~~Wait or Don't Walk. No~~ A pedestrian shall may not start to cross the roadway in the direction of such a signal exhibiting a flashing or steady "Don't Walk" signal or upraised palm symbol, but any a pedestrian who has partially completed his crossing on the walk "Walk" signal or walking person symbol shall proceed to a sidewalk or safety island while the wait "Don't Walk" signal or upraised palm symbol is showing. An operator of a vehicle shall yield the right-of-way to a pedestrian who has partially completed crossing and is proceeding to the sidewalk or safety island.

(3) A pedestrian may not start to cross a roadway in the direction of a steady "Don't Walk" signal or upraised palm symbol."

Section 6. Section 61-8-209, MCA, is amended to read:

"61-8-209. Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal ~~control device~~, ~~it shall require~~ requires obedience by vehicular traffic as follows:

(a) ~~Flashing red (stop signal):~~ When a red lens is illuminated with rapid intermittent flashes, ~~drivers of vehicles~~ an operator of a vehicle shall stop at a marked stop line. If there is no marked stop line, an operator shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked or, if none, then before entering the intersection, and the ~~If there is no crosswalk, an operator shall stop at the point nearest the intersecting roadway where the operator has a view of approaching traffic. The right to proceed shall be~~ is subject to the rules applicable after making a stop at a stop sign, as provided in 61-8-344.

(b) ~~Flashing yellow (caution signal):~~ When a yellow lens is illuminated with rapid intermittent flashes, ~~drivers of vehicles~~ the operator of a vehicle may proceed through the intersection or past such the flashing yellow signal only with caution.

(2) This section ~~shall not~~ does not apply at railroad grade crossings. Conduct of ~~drivers of vehicles~~ an

~~operator of a vehicle approaching a railroad grade crossings shall be crossing is governed by the rules as set forth in provisions of 61-8-347."~~

NEW SECTION. Section 7. Lane use control signals. When lane use control signals are placed over individual lanes, the signals indicate and apply to operators of vehicles as follows:

(1) An operator of a vehicle may drive in the lane over which a steady downward green arrow signal is located.

(2) An operator of a vehicle must be prepared to vacate, in a safe manner, the lane over which a steady yellow X signal is located because a lane control change is being made to a steady red X signal.

(3) An operator of a vehicle may not use the lane over which the steady red X signal is located.

(4) An operator of a vehicle may use a lane over which a steady white two-way left-turn arrow signal is located for a left turn but not for through travel. The operator must be aware that common use of the lane by oncoming vehicular traffic is also permitted.

(5) An operator of a vehicle may use a lane over which a steady white one-way left-turn arrow signal is located for a left turn but not for through travel.

Section 8. Section 61-8-210, MCA, is amended to read:

"61-8-210. Display of unauthorized signs, signals, or markings. (1) ~~No A person shall~~ may not place, maintain, or display upon or in view of ~~any a~~ highway any unauthorized sign, signal, marking, or device ~~which that~~ purports to be or is an imitation of or resembles an official traffic control device, ~~or railroad sign, or signal, or which that~~ attempts to direct the movement of traffic, or ~~which that~~ hides from view or interferes with the effectiveness of any official traffic control device ~~or any railroad sign or signal.~~

(2) ~~No A person shall~~ may not place or maintain ~~nor shall any and a public authority~~ may not permit ~~upon any highway any traffic sign or signal bearing thereon any commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of transportation.~~

(3) This section ~~shall not be deemed to~~ does not prohibit the erection of signs upon private property adjacent to highways ~~of signs giving that give~~ useful directional information and ~~that are~~ of a type that cannot be mistaken for official signs.

(4) ~~The prohibition of this section shall not apply to portable "Caution" signs placed in the vicinity of schools at those times during which school children are going to and coming from school."~~

NEW SECTION. **Section 9. Repealer.** Section 61-8-205, MCA, is repealed.

NEW SECTION. **Section 10. Codification instruction.** [Section 7] is intended to be codified as an integral part of Title 61, chapter 8, part 2, and the provisions of Title 61, chapter 8, part 2, apply to [section 7].

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