

HOUSE BILL NO. 587
INTRODUCED BY E. CARNEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ALTERNATIVE METHOD OF ESTABLISHING A SPECIAL SPEED ZONE; PROVIDING FOR A PETITION TO REQUEST AN ENGINEERING AND TRAFFIC INVESTIGATION; PROVIDING FOR SUBMITTING THE QUESTION OF ESTABLISHING A SPECIAL SPEED ZONE TO THE ELECTORS; PROVIDING THAT A SPECIAL SPEED ZONE MUST BE ESTABLISHED IF APPROVED BY THE ELECTORS; AND AMENDING SECTION 61-8-309, 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. (1) (a) If the commission determines upon the basis of an engineering and traffic investigation or of a vote, as provided in subsection (1)(d), 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, or dangerous location or on a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the jurisdiction of the department of transportation is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The

commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department of transportation.

(d) A local authority may request a reduced speed limit based upon a petition received by the people who live adjacent to the segment of a highway proposed to have a reduced speed limit. The petition must state the basis for the request and the need for the reduced speed limit. Upon receipt of the petition, the local authority may request that the department conduct an engineering and traffic investigation or may conduct the investigation at its own expense. If the engineering and traffic investigation does not result in a reduced speed limit, the local authority may submit the question of a reduced speed limit to the electors of the county or to a district encompassing the area for which a reduced speed limit is proposed. The election must be conducted in conjunction with a regular or other special election. If the vote is in favor of the reduced speed limit, the local authority shall notify the commission. Upon receipt of the notification from the local authority, the commission shall establish a reduced speed limit pursuant to subsection (1)(a).

~~(d)~~(e) A local authority may request a temporary special reduced or increased speed zone for a route or route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b), ~~or (1)(c), or (1)(d)~~. If a local authority makes multiple requests for temporary special reduced or increased speed zones, the local authority shall prioritize the requests. The department of transportation shall conduct a preliminary visual and engineering review of a route or a route segment for which a temporary special speed zone is requested. The reviewing party must include a representative of the local authority. Upon completion of the preliminary review, if the department of transportation concurs with the local authority that a temporary special reduced or increased speed limit is warranted, a temporary special reduced or increased speed zone may be established upon formal approval by the commission. The temporary special reduced or increased speed limit remains in effect until a complete traffic and engineering study has been done on the route or route segment and the commission has made a determination on changing the speed limit.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of special limits. When the signs are erected, the limits are effective for those zones at all times or at other times that the commission sets.

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

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

- END -