

SENATE BILL NO. 161

INTRODUCED BY M. TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE REQUIREMENTS FOR ESTABLISHING A SPECIAL SPEED ZONE; 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 -- engineering and traffic investigation. (1) (a)

If the commission determines upon the basis of an engineering and traffic investigation 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. In the case of a school zone adjacent to a state highway, the commission is not required to base its speed limit determination solely upon the results of the engineering and traffic investigation.

(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

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

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

14 (2) The department of transportation shall erect and maintain appropriate signs giving notice of special
15 limits. IF THE SPECIAL LIMITS APPLY TO A SCHOOL ZONE, THE DEPARTMENT SHALL CONSIDER THE USE OF ELECTRONIC
16 SIGNS IN LIEU OF OR IN ADDITION TO OTHER APPROPRIATE SIGNS. When the signs are erected, the limits are effective
17 for those zones at all times or at other times that the commission sets.

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

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

21 - END -