

1 HOUSE BILL NO. 440

2 INTRODUCED BY D. LOGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL SPEED ZONE LAWS; ALLOWING FOR
5 SPECIAL SPEED LIMITS FOR HIGH CRASH FREQUENCY CORRIDORS; ALLOWING FOR TEMPORARY
6 SPECIAL REDUCED LIMITS IN EVENT OF EMERGENCY, ADVERSE WEATHER, OR OTHER FACTORS
7 IMPACTING SAFE TRAVEL; AND AMENDING SECTION 61-8-309, MCA."

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

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11 **Section 1.** Section 61-8-309, MCA, is amended to read:12 **"61-8-309. Establishment of special speed zones -- engineering and traffic investigation.** (1) (a)

13 (i) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set
14 by 61-8-303 or 61-8-312 is greater or less than is reasonable or safe under the conditions found to exist at an
15 intersection, curve, or dangerous location or on a segment of a highway less than 50 miles in length under its
16 jurisdiction, or on a highway corridor under its jurisdiction greater than 50 miles in length on which increased
17 crash frequency or fatal crash data is observed, the commission may set a reasonable and safe special speed
18 limit at that location or corridor. In the case of a school zone adjacent to a state highway, the commission is not
19 required to base its speed limit determination solely upon the results of the engineering and traffic investigation.

20 (ii) In the event of a vehicle emergency, adverse weather condition, or identification of another highway
21 safety factor that warrants decreasing the speed limit for reasonable and safe travel, the commission may, in
22 advance of the safety event, adopt localized geographic area temporary special reduced speed limits that are
23 lower than a speed limit set by 61-8-303 or 61-8-312. The temporary special reduced speed limit becomes
24 effective upon posting appropriate fixed or variable signs, and shall remain in effect while the fixed or variable
25 signs remain posted.

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

30 (c) (i) A local authority may request at its own expense that an engineering and traffic investigation be

1 completed by a licensed professional engineer selected from a list compiled and approved by a committee as
2 provided in subsection (1)(c)(ii).

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

8 (iii) Upon completion of an engineering and traffic investigation conducted for a local government, the
9 department of transportation shall submit a report to the commission with findings and recommendations. The
10 commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the
11 date the investigation is submitted to the department of transportation.

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

23 (2) Pending completion of an engineering and traffic investigation as provided for in subsection (1), the
24 commission may temporarily set a speed limit of not less than 75 miles an hour on a segment of the federal-aid
25 interstate highway system that it reasonably believes is not suitable for the limit established in 61-8-303(1)(a).

26 (3) The department of transportation shall erect and maintain appropriate signs giving notice of special
27 limits. If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu
28 of or in addition to other appropriate signs. When the signs are erected, the limits are effective for those zones
29 at all times or at other times that the commission sets.

30 (4) The authority of the commission under this section includes the authority to set reduced nighttime

1 speed limits on curves and other dangerous locations.

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

3 (6) (a) The violation of a speed limit established under this section, except subsection (2), is a
4 misdemeanor offense and is punishable as provided in 61-8-711.

5 (b) The violation of a speed limit established under subsection (2) is punishable as provided in 61-8-725."

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