

TRAFFIC CODE AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to school speed zones and speed limits on state highways.

Highlighted Provisions:

This bill:

- ▶ provides that Utah Department of Transportation rules governing school speed zones must provide for the extension of a reduced speed school zone if requested by a local highway authority;
- ▶ modifies the required elements of a traffic and engineering study used when establishing a speed limit on a state highway; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-303, as renumbered and amended by Chapter 2, Laws of Utah 2005

41-6a-602, as renumbered and amended by Chapter 2, Laws of Utah 2005



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-6a-303** is amended to read:

30 **41-6a-303. Definition of reduced speed school zone -- Operation of warning lights**
31 **-- School crossing guard requirements -- Responsibility provisions -- Rulemaking**
32 **authority.**

33 (1) As used in this section "reduced speed school zone" means a designated length of a
34 highway extending from a school zone speed limit sign with warning lights operating to an end
35 school zone sign.

36 (2) The Department of Transportation for state highways and local highway authorities
37 for highways under their jurisdiction:

38 (a) shall establish reduced speed school zones at elementary schools after written
39 assurance by a local highway authority that the local highway authority complies with
40 Subsections (3) and (4); and

41 (b) may establish reduced speed school zones for secondary schools at the request of
42 the local highway authority.

43 (3) For all reduced speed school zones on highways, including state highways within
44 the jurisdictional boundaries of a local highway authority, the local highway authority shall:

45 (a) (i) provide shuttle service across highways for school children; or

46 (ii) provide, train, and supervise school crossing guards in accordance with this
47 section;

48 (b) provide for the:

49 (i) operation of reduced speed school zones, including providing power to warning
50 lights and turning on and off the warning lights as required under Subsections (4) and (5); and

51 (ii) maintenance of reduced speed school zones except on state highways as provided
52 in Section 41-6a-302; and

53 (c) notify the Department of Transportation of reduced speed school zones on state
54 highways that are in need of maintenance.

55 (4) While children are going to or leaving school during opening and closing hours all
56 reduced speed school zones shall have:

57 (a) the warning lights operating on each school zone speed limit sign; and

58 (b) a school crossing guard present if the reduced speed school zone is for an

59 elementary school.

60 (5) The warning lights on a school zone speed limit sign may not be operating except
61 as provided under Subsection (4).

62 (6) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
63 the Department of Transportation shall make rules establishing criteria and specifications for
64 the:

65 [~~(a)~~] (i) establishment, location, and operation of school crosswalks, school zones, and
66 reduced speed school zones;

67 [~~(b)~~] (ii) training, use, and supervision of school crossing guards at elementary schools
68 and secondary schools; and

69 [~~(c)~~] (iii) content and implementation of child access routing plans under Section
70 53A-3-402.

71 (b) Rules established under Subsection (6)(a) shall provide for the extension of an
72 existing reduced speed school zone if requested by a local highway authority.

73 (7) Each local highway authority shall pay for providing, training, and supervising
74 school crossing guards in accordance with this section.

75 Section 2. Section **41-6a-602** is amended to read:

76 **41-6a-602. Speed limits established on state highways.**

77 (1) (a) The Department of Transportation may determine the reasonable and safe speed
78 limit for each highway or section of highway under its jurisdiction.

79 (b) Each speed limit shall be based on traffic engineering and safety studies for each
80 highway or section of the highway.

81 (c) The traffic engineering and safety studies [~~shall~~] may include:

82 (i) the design speed;

83 (ii) prevailing vehicle speeds;

84 (iii) accident history;

85 (iv) highway, traffic, and roadside conditions; [~~and~~] or

86 (v) other highway safety factors.

87 (2) In addition to the provisions of Subsection (1), the Department of Transportation
88 may establish different speed limits on a highway or section of highway based on:

89 (a) time of day;

- 90 (b) highway construction;
- 91 (c) type of vehicle;
- 92 (d) weather conditions; and
- 93 (e) other highway safety factors.
- 94 (3) (a) Except as provided in Subsection (3)(b), a posted speed limit may not exceed 65
- 95 miles per hour.
- 96 (b) A posted speed limit on a freeway or other limited access highways may not exceed
- 97 75 miles per hour.
- 98 (c) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).
- 99 (4) When establishing or changing a speed limit, the Department of Transportation
- 100 shall consult with the following entities prior to erecting or changing a speed limit sign:
- 101 (a) the county for state highways in an unincorporated area of the county;
- 102 (b) the municipality for state highways within the municipality's incorporated area;
- 103 (c) the Department of Public Safety; and
- 104 (d) the Transportation Commission.
- 105 (5) The speed limit is effective when appropriate signs giving notice are erected along
- 106 the highway or section of the highway.

Legislative Review Note
as of 1-30-06 11:04 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel