

HOUSE BILL NO. 440

INTRODUCED BY D. LOGE, F. ANDERSON, N. DURAM, D. FERN, F. GARNER, K. HOLMLUND,  
B. TSCHIDA

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL SPEED ZONE LAWS; ALLOWING FOR  
SPECIAL SPEED LIMITS FOR HIGH CRASH FREQUENCY CORRIDORS; ALLOWING FOR TEMPORARY  
SPECIAL REDUCED LIMITS IN EVENT OF EMERGENCY, ADVERSE WEATHER, OR OTHER FACTORS  
IMPACTING SAFE TRAVEL; 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)

(i) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set 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 intersection, curve, or dangerous location or on a segment of a highway less than 50 miles in length under its jurisdiction, or on a highway corridor under its jurisdiction greater than 50 miles in length on which increased crash frequency or fatal crash data is observed, the commission may set a reasonable and safe special speed limit at that location or corridor. 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.

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

(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.

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

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

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

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

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

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

