

IN THE SENATE

SENATE BILL NO. 1284, As Amended, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SPEED LIMITS ON INTERSTATE AND OTHER HIGHWAYS; AMENDING SECTION 49-654, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 49-201, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AND AMENDING SECTION 49-207, IDAHO CODE, TO PROVIDE AN INCREASED SPEED LIMIT ON HIGHWAYS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-654, Idaho Code, be, and the same is hereby amended to read as follows:

49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding highway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Where no special hazard or condition exists that requires lower speed for compliance with subsection (1) of this section the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the maximum limits:

(a) Thirty-five (35) miles per hour in any residential, business or urban district, unless otherwise posted in accordance with section 49-207(2) or (3), Idaho Code;

(b) Seventy-five (75) miles per hour on interstate highways provided that this speed may be increased to eighty (80) miles per hour if the department completes an engineering and traffic study on the interstate highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(c) Sixty-five (65) miles per hour on state highways provided that this speed may be increased to seventy (70) miles per hour if the department completes an engineering and traffic study on the state highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(d) Fifty-five (55) miles per hour in other locations unless otherwise posted up to a maximum of ~~sixty-five~~ seventy (65/70) miles per hour.

(3) ~~The maximum lawful speed limit on interstate highways shall not exceed sixty five (65) miles per hour f~~For vehicles with five (5) or more axles operating at a gross weight of more than twenty-six thousand (26,000) pounds the maximum lawful speed limit on interstate highways in nonurban

1 areas shall not exceed ten (10) miles per hour less for vehicles with less
2 than five (5) axles and operating at a gross weight of twenty-six thousand
3 (26,000) pounds or less, and in urban areas the maximum lawful speed limit on
4 interstate highways for such vehicles shall not exceed sixty-five (65) miles
5 per hour.

6 SECTION 2. That Section 49-201, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 49-201. DUTIES OF BOARD. (1) With the exception of requirements for
9 sections 49-217 and 49-218 and chapters 6 and 9, title 49, Idaho Code, which
10 shall be the responsibility of the director of the Idaho state police, and
11 section 49-447, Idaho Code, which shall be the responsibility of the di-
12 rector of the department of parks and recreation, the board shall adopt
13 and enforce administrative rules and may designate agencies or enter into
14 agreements with private companies or public entities as may be necessary to
15 carry out the provisions of this title. It shall also provide suitable forms
16 for applications, registration cards, vehicle licenses, and all other forms
17 requisite for the purpose of the provisions of this title, and shall prepay
18 all transportation charges.

19 (2) The board may enter into agreements, compacts or arrangements with
20 other jurisdictions on behalf of Idaho for the purpose of conforming proce-
21 dures for proportional registration of commercial vehicles and other types
22 of reciprocal agreements. Copies of agreements, compacts or arrangements
23 shall be placed on file in the department and the board shall, as to all fil-
24 ings and adoption, conform with the provisions of chapter 52, title 67, Idaho
25 Code. The board may approve, on a case-by-case basis, exemption from oper-
26 ating fees for private nonprofit entities who are bringing public interest
27 programs into the state. These entities may not be in competition with com-
28 panies who transport goods and services for hire.

29 (3) The board shall adopt a manual and specifications for a uniform sys-
30 tem of traffic-control devices consistent with the provisions of this title
31 for use upon highways within the state. The uniform system shall correlate
32 with and, so far as possible, conform to the system set forth in the most re-
33 cent edition of the manual on uniform traffic-control devices for streets
34 and highways and other standards issued or endorsed by the federal highway
35 administrator.

36 (4) Whenever the board shall determine upon the basis of an engineer-
37 ing and traffic investigation that any maximum speed is greater or less than
38 is reasonable or safe under the conditions found to exist at any intersec-
39 tion or other place or upon any part of the state highway or interstate high-
40 way system, the board may determine and declare a reasonable and safe maxi-
41 mum limit, thereat, not exceeding a maximum limit of seventy-five (75) miles
42 per hour on interstate highways provided that this speed may be increased
43 to eighty (80) miles per hour if the department completes an engineering and
44 traffic study on the interstate highway and concludes that the increase is in
45 the public interest and the transportation board concurs with such conclu-
46 sion and sixty-five (65) miles per hour on state highways provided that this
47 speed may be increased to seventy (70) miles per hour if the department com-
48 pletes an engineering and traffic study on the state highway and concludes
49 that the increase is in the public interest and the transportation board con-

1 curs with such conclusion, which shall be effective when appropriate signs
 2 giving notice are erected. The speed limit may be declared to be effective
 3 at all times or at the times as indicated upon the signs. Differing limits
 4 may be established for different times of day, different types of vehicles,
 5 varying weather conditions, and other factors bearing on safe speeds, which
 6 shall be effective when posted upon appropriate fixed or variable signs.

7 (5) The board shall adopt and enforce rules as may be consistent with
 8 and necessary to determine the classification of and the basis on which fees
 9 shall be computed.

10 SECTION 3. That Section 49-207, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 49-207. MUNICIPAL REGISTRATION PROHIBITED -- POWER TO ENACT REGULA-
 13 TORY ORDINANCES NOT ABOLISHED. (1) Authorities of counties and cities shall
 14 have no power to pass, enforce or maintain any ordinance requiring, from any
 15 owner of a vehicle or any dealer to which this title shall be applicable, any
 16 tax, license or permit for the free use of the public highways of a county
 17 or city, or prohibiting or excluding any owner or dealer from the free use
 18 of such highways or excluding or prohibiting any vehicle registered in com-
 19 pliance with the provisions of this title from the free use of the highways.
 20 Powers given by general statutes to local authorities in cities to enact gen-
 21 eral ordinances applicable equally and generally to all vehicles and the use
 22 of highways to bring about the orderly passage of vehicles upon certain high-
 23 ways in such cities where the traffic is heavy and continuous, and powers
 24 given to cities to regulate vehicles offered to the public for hire, or pro-
 25 ceSSIONS, assemblages or parades on the highways or in public places shall
 26 remain in full force and effect, and all ordinances which may have been or
 27 which may be enacted in pursuance of those powers shall remain in full force
 28 and effect. These provisions of law shall not be construed to prevent cities
 29 from enacting and enforcing general ordinances prescribing additional re-
 30 quirements as to speed, manner of driving or operating vehicles on any of the
 31 highways of such cities, and prescribing other requirements pertaining to
 32 signals to be given by drivers or operators of motor vehicles, the carrying
 33 of lights on motor vehicles, the turning of motor vehicles on highways, and
 34 requirements for motor vehicles in passing other vehicles and pedestrians.

35 (2) Whenever local authorities in their respective jurisdictions de-
 36 termine on the basis of an engineering or traffic investigation, and the res-
 37 idential, urban or business character of the neighborhood abutting the high-
 38 way in a residential, business or urban district that the speed limit permit-
 39 ted under this title is greater than is reasonable and safe under the condi-
 40 tions found to exist upon a highway or part of a highway or because of the res-
 41 idential, urban or business character of the neighborhood abutting the high-
 42 way in a residential, business or urban district, the local authority may de-
 43 termine and declare a reasonable and safe maximum limit which:

- 44 (a) Decreases the limit within a residential, business or urban dis-
 45 trict;
 46 (b) Increases the limit within a nonresidential area of an urban dis-
 47 trict but not to more than sixty-five seventy (~~65~~70) miles per hour; or
 48 (c) Decreases the limit outside an urban district.

1 (3) Local authorities in their respective jurisdictions shall deter-
2 mine by an engineering or traffic investigation the proper maximum speed not
3 exceeding a maximum limit of ~~sixty-five~~ seventy (~~65~~70) miles per hour for
4 all arterial highways and shall declare a reasonable and safe maximum limit
5 which may be greater or less than the limit permitted under this title for an
6 urban district.

7 (4) Any altered speed limit established shall be effective at all times
8 or during hours of darkness or at other times as may be determined when ap-
9 propriate signs giving notice are erected upon the highway. Any alteration
10 of maximum limits on state highways or extensions in a municipality by local
11 authorities shall not be effective until the alteration has been approved by
12 the department. Provided however, that any alteration of speed limits must
13 be based upon a traffic engineering study approved by the department and com-
14 pleted according to department standards. The alteration of speed limits by
15 local authorities shall be done in consultation with the department. In the
16 event of disagreement between the department and local authorities, the de-
17 partment traffic study shall be adopted, unless the local government traf-
18 fic study is submitted to the Idaho transportation department board and the
19 board adopts the local study in whole or in part.