

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

FILED

11/22/2019 11:19 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Speed Zone Definitions; Establishment of Speed Zones on Public Roads

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/17/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Kathleen McConnell

Traffic Services

Filed By:

503-986-3609

4040 Fairview Industrial Drive SE

Lauri Kunze

kathleen.e.mcconnell@odot.state.or.us Salem, OR 97302

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/17/2020

TIME: 2:00 PM

OFFICER: Brian Barnett

ADDRESS: Motor Carrier

Transportation Division

Ashland Conference Room

3930 Fairview Industrial Drive SE

Salem, OR 97301

NEED FOR THE RULE(S):

ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads. As amended, 734-020-0014 and 734-0202-0015 reflect changes to wording to cover speed zoning on public roads in urban and rural areas of the state. Edits have been made to 734-020-0014 and 734-020-0015 to clarify conditions that influence decisions for setting speeds and to provide improved guidance when establishing speed limits on Oregon roadways. The major change was adding context and functional class to factors that influence decisions on setting posted speeds in urban areas. Due to the edits within 734-020-0015, reference to that rule is edited in 734-020-0016.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ODOT Speed Zone Manual, which is available on the Oregon Department of Transportation, Traffic-Roadway Section website at: http://www.oregon.gov/ODOT/HWY/TRAFFIC-ROADWAY/docs/pdf/Speed_Zone_Manual.pdf or by calling the ODOT Speed Zone Specialist at (503) 986-3571.

The Manual on Uniform Traffic Control Devices (2009 Edition) which can be found on the US Department of

FISCAL AND ECONOMIC IMPACT:

It is anticipated that the proposed rule amendments will have little or no fiscal or economic impact to the Department of Transportation. It is possible that there may be an increase in requests for review from jurisdictions that want particular roads reexamined in order to implement the new methodology. In addition, it is possible that there may be an increase in requests for investigations from jurisdictions.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Sixteen groups representing small businesses were notified of the department's intent to amend this rule. The groups were given the opportunity to comment on the impact of the amended rule on small businesses. None of the groups provided comments.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

734-020-0014, 734-020-0015, 734-020-0016

AMEND: 734-020-0014

RULE SUMMARY: Adding definitions of terms being implemented in OAR 734-020-0015.

CHANGES TO RULE:

734-020-0014

Speed Zone Definitions ¶

The following definitions apply to OAR 734-020-0014 through 734-020-0017-8.¶

- (1) "Average crash rate" means the average of the crash rates for a group of similar highway segments within the same functional class and the same geographical area (either countywide or statewide). ¶
- (2) "Average daily traffic" (ADT) means the total number of vehicles to operate over a designated segment of highway during a given time period greater than one day and less than one year, divided by the number of whole days in that time period. ¶
- (2) "Crash rate" means the number of crashes per million vehicle-miles (MVM) traveled on a section of road. 3) "Business district" has the meaning defined in ORS 801.170. ¶
- (4) "City limits" means the limits of an incorporated city. ¶
- (5) "Computed eighty-fifth percentile speed" means the eighty-fifth percentile speed minus the crash rate (if the crash rate is above the average crash rate for the same functional classification highways within the road authority's jurisdiction), with maximum possible deduction of 5mph. If there is no average crash rate available for the highway, then the computed eighty-fifth percentile speed is the eighty-fifth percentile speed. ¶
- (6) "Context" means the State Traffic-Roadway Engineer's designation of a highway within the limits of an incorporated city, based on the existing land use types, building density, set back of buildings, and numbers and

types of users of the transportation system. In descending order of density, the four types of Context are:¶

(3a) "Computed Speed" means the eighty-fifth percentile speed minus the crash rate above the average statewide crash rate for similar functional classification highways. "Urban Core," which generally includes downtown areas with the highest development densities and building heights in the urban area, minimal setbacks (building in back of sidewalk), parking on the street within a well-connected roadway system and typically smaller consistent block sizes.¶

(b) "Urban Mix," which generally includes mixed-use (commercial, retail, restaurant, office and residential) high density areas on small lots with buildings typically adjacent to the sidewalk and parking on the streets, where buildings are typically not as tall as urban core and may have parking in front or behind the buildings within a well-connected roadway system and typically small to medium block sizes.¶

(c) "Suburban Commercial or Residential," which generally includes areas of land uses that have residential, offices, restaurants or retail spaces with setbacks from the roadway usually meant to be more accessible by car and may include large parking lots, or which may be characterized by big box stores, commercial strip centers, auto dealers, office parks or gas stations, or which may be large residential neighborhoods that have their access from widely spaced roadway connections with few driveways to the roadway, and are have disconnected or sparse roadway connections and typically large blocks.¶

(d) "Suburban Fringe," which generally includes transition areas between urban and rural areas where there may be few homes and structures, sparsely developed land, lower density of businesses and fewer driveways, intermittent commercial or industrial uses and typically have fewer street connections and larger lot sizes.¶

(7) "Crash rate" means the number of crashes per million vehicle-miles (MVM) traveled on a segment of road.¶

(48) "Department" means the Oregon Department of Transportation.¶

(59) "Designated speed" means the speed that is designated under ORS 810.180 as the maximum permissible speed for a highway. The designated speed is established through a speed zone order or rule. Designated speeds shall be in multiples of 5 mph. The designated speed supersedes the statutory speed that would be in effect if no designated speed was established except for school speed zones.¶

(610) "Eighty-fifth percentile speed" means the speed at or below which 85 percent of the motorists drive on a segment of road for which speeds were measured.¶

(711) "Fifty-fifth percentile speed" means the speed of vehicles when at or below which 50 percent of the motorists drive on a segment of road for which speeds were measured.¶

(12) "Free flowing" means the circumstances under which drivers tend to drive at their chosen speed unrestricted by conditions such as congestion, inclement weather, road work, law enforcement activity or traffic control such as traffic signals, stop or yield signs or by road geometry such as infrequent curves or hills.¶

(813) "Engineering study" means a documented investigation with analysis and evaluation of the pertinent information and applicable engineering principles. "Functional class" means a type or class of highway as defined by the Federal Highway Administration (FHWA) in 23 CR 470.105 and the FHWA Functional Classification Guidelines. The Functional Class of all highways in Oregon are shown on maps maintained by the Department. The five types of functional class used in these rules are: ¶

(9a) "Gravel road" means an unpaved road which has a running surface of small rock, gravel or other approved aggregate road surfacing material and may have a dust palliative applied. "Arterial" which includes "Other Principal Arterials" and "Minor Arterials"¶

(b) "Collector" which includes "Major Collectors" and "Minor Collector"¶

(c) "Interstate"¶

(d) "Local"¶

(e) "Other Freeways and Expressways"¶

(104) "Highway" means every public way, road, street, thoroughfare and place as described in ORS 801.305.¶

(145) "Interested jurisdiction" means any governing agencies, other than the Road Authority, which may have interest in the speed on a highway by virtue of being within the city limits, or having responsibility for maintaining the highway.¶

(126) "Low volume road" means any road, street or thoroughfare which has an average daily traffic of less than

400 vehicles, and is open to travel by the public. State highways are not considered low volume roads, regardless of ADT-average daily traffic.¶

(17) "Mph" means miles per hour.¶

(18) "Order" means the official document prepared and issued by the Department or the Road Authority as per ORS 810.180 that delineates the highway segment(s) and designates the speed in a speed zone or speed zones established. This is commonly known as a speed zone order.¶

(139) "Pace limits" means the ten mile-per-hour range containing the largest number of sample vehicles observed in a spot speed check.¶

(1420) "Paved road" means a regularly maintained solidified hard surfaced road typically solid bituminous (asphalt concrete), oil mat or Portland cement concrete.¶

(215) "Recommended Speed" is the speed (in a multiple of 5 miles per hour) that has been determined from an engineering study. Recommended speeds shall be in multiples of 5 mph.¶

(16)¶

(22) "Rescission" means a cancellation or repeal of a previously valid order. ¶

(23) "Residence district" has the meaning defined in ORS 801.430.¶

(24) "Road authority" means the governing agency which has the jurisdiction to place, maintain and operate traffic control devices as defined in Oregon Revised Statute RS 810.010.¶

(1725) "Rural state highway" means a section of highway under the jurisdiction of community" means an area outside of incorporated city limits where there is a small concentration of development, which may: contain residential or commercial development immediately surrounded by rural, undeveloped area; be a Residence or Business District; or be listed in the Department and outside the city limits of an incorporated city.¶

(18) of Land Conservation and Development's listing of Oregon unincorporated communities.¶

(26) "School zone exception" means a specific section of highway where a statutory school speed limit (20 mph) is posted as specified in ORS 811.111.¶

(1927) "Speed zone" means a specific section of highway where a designated speed is posted under ORS 810.180.¶

(208) "Speed Zone Review Panel" means the hearings panel created in OAR 734-020-0015.¶

(21)¶

(29) "State Traffic-Roadway Engineer" means the position so designated by the Chief Engineer.¶

(30) "Statutory speed" means the speed that is established in statute, under ORS 811.111 or 811.105.¶

(2231) "Transition speed zone" means a speed zone(s) established to make the change in legal speeds less abrupt for drivers. As an example, instead of going directly from a 55 mph section to a 25 mph section, it may be desirable to establish one or more transition speed zones in between, such as 45 mph and 35 mph.¶

(232) "Unpaved road" means a road which has a surface that does not meet the definition of a paved road. The road surface may be dirt, rock, gravel, or other non-solidified material and may have a dust palliative applied.¶

(24) "Written order" means the official document prepared and issued by the Department or the Road Authority as per ORS 810.180 that delineates the roadway segment(s) and designates the speed in a speed zone or speed zones established. This is commonly known as a speed zone order.

Statutory/Other Authority: ORS 184.616, 184.619, 810.010, 810.180

Statutes/Other Implemented: ORS 810.180

AMEND: 734-020-0015

RULE SUMMARY: Updating speed zoning process with more options for local jurisdictions and more focus on context and functional class of roads.

CHANGES TO RULE:

734-020-0015

Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads ¶¶

(1) Purpose: This rule is adopted for the purpose of establishing speed zones on public roads by the Department and other road authorities under ORS 810.180. This rule applies to all public roads except for the establishment of speed limits on interstate highways under OAR 734-020-0010 or where the Department may delegate its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5) (f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017. Establishment of speed zones on low volume roads may follow the standard method described in this rule or the procedures described in OAR 734-020-0016. The State Traffic Roadway Engineer may approve an experimental alternative investigation method that could be used instead of the standard engineering study identified in section (2) of this rule after consideration of the recommendation of the Speed Zone Review Panel.¶¶

(2) Speed Zone Standard Method:¶¶

(a) An engineering study must be performed to determine the recommended speed for proposed speed zoning. The standard engineering study will use the following criteria:¶¶

(A) Analysis of the speed of free flowing traffic to include the eighty-fifth percentile speed and pace limits;¶¶

(B) The crash rate for the specific section of highway being considered;¶¶

(C) The average crash rate for similar functional classification highways (if available); ¶¶

(D) The difference between the crash rate for the specific section being considered and the average crash rate for similar functional classification highways; and¶¶

(E) The computed speed, which is the eighty-fifth percentile speed minus the crash rate above the average rate as determined in paragraph (D) of this subsection.¶¶

(b) The following additional factors may be considered in the standard engineering study:¶¶

(A) Accesses;¶¶

(B) Crash history;¶¶

(C) Enforcement;¶¶

(D) Geometric features;¶¶

(E) Pedestrian and bicycle movements;¶¶

(F) Public testimony;¶¶

(G) Traffic volumes;¶¶

(H) Type and density of adjacent land use; and¶¶

(I) Other applicable factors.¶¶

(c) Speed Zone Recommendation. The Department is subject to the following guidelines when determining the recommended speed using the standard engineering study:¶¶

(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the computed speed on all public roads except for state highways outside city limits.¶¶

(B) The recommended speed may not be varied, except under paragraph (2)(c)(C), more than five miles per hour above or below the computed speed on rural state highways.¶¶

(C) The recommended speed may be varied a maximum of 10 miles per hour below the computed speed on state highways outside city limits for one or more of the following reasons: ¶¶

(i) The crash rate for the specific section exceeds the average crash rate for similar functional classification highways;¶¶

(ii) There has been more than one fatal or serious injury crash in the last three years;¶¶

(iii) The specific section meets the definition of a "business district" under ORS 801.170 or a "residence district"

under ORS 801.430; ¶¶

(iv) There are residences, businesses, or other public service facilities that front the specific section, and the section is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community, and is listed in the Survey of Oregon Unincorporated Communities; ¶¶

(v) The specific section has urban character and environment and pedestrian attractions such as businesses, schools, parks or other facilities; or ¶¶

(vi) There is limited stopping sight distance which has contributed to crashes or near misses. ¶¶

(d) Transition speed zones should be considered when the difference between two adjoining posted speeds would otherwise exceed 20 miles per hour: ¶¶

(A) The recommended speed for transition speed zones may exceed 10 miles per hour above or below the computed speed as deemed appropriate by the Department; and ¶¶

(B) The Department is not restricted by paragraphs (A) through (C) of subsection (2)(c) when determining the recommended speed for transition speed zones. ¶¶

(e) The section length used for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length. ¶¶

(f) An existing designated speed zone may, at the discretion of the State Traffic Roadway Engineer, be extended or shortened up to 500 feet without obtaining a spot speed check within that section. ¶¶

(3) An experimental alternative investigation to replace the standard engineering study in order to determine a speed zone recommendation on certain City of Portland streets (not state highways) may be approved for a two-year trial period by the State Traffic Roadway Engineer. The alternative method must include an evaluation plan for the City of Portland to provide a review and report to the Speed Zone Review Panel at the end of the trial period for a recommendation on the suitability of the City's alternative method. ¶¶

(a) After the two-year trial period, the State Traffic Roadway Engineer will decide whether to continue or terminate the alternative method. ¶¶

(A) The Speed Zone Review Panel will review the evaluation of the alternative method and make a recommendation on whether or not to adopt the alternative method as an additional standard (not experimental) method, extend the evaluation period an additional year or terminate the use of the alternative method. ¶¶

(B) The State Traffic Roadway Engineer will consider the Speed Zone Review Panel recommendation in the final decision. ¶¶

(C) Establishment of the alternative method as an additional standard speed zoning procedure after the two-year trial period requires Department adoption by administrative rule. ¶¶

(b) The alternative method shall include the following factors as a minimum: ¶¶

(A) Street classification; ¶¶

(B) Street character and roadside development; ¶¶

(C) Traffic volumes; ¶¶

(D) Street width and lane configuration; and ¶¶

(E) An analysis of the current speed distribution of free-flowing vehicles. ¶¶

(c) The alternative method will not be used on streets that are state highways or ones that are classified as Arterials in the Federal Functional Classification System. Federal Functional Classification is shown on ODOT City and County maps. ¶¶

(d) The Department could determine that the standard engineering method, not the alternative method, is to be used on any street. ¶¶

(e) If another local agency is involved in the jurisdiction of the street (an interested jurisdiction), the local agency using the alternative method must obtain the interested jurisdiction's concurrence with the use of the alternative method and the speed zone recommendation. ¶¶

(f) The road authority shall perform the alternative investigation and submit the report containing the recommended speed to the Department for review and approval. The road authority shall refer to the Department for accepted report format and content. ¶¶

(4) Speed Zone Procedures: ¶¶

(a) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed, using the standard engineering study method, on state highways within city limits, city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180: ¶¶

(A) The road authority and interested jurisdiction, if any, must make written request to the State Traffic-Roadway Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The application must state the recommended designated speed for the highway or section of highway by the road authority and interested jurisdiction, if any; ¶¶

(B) The Department must determine the recommended speed by performing or causing to be performed an engineering study; ¶¶

(C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the requestors to perform or cause to be performed an engineering study of the roadway section under its own jurisdiction and remit a copy of the investigation to the Department for review. Refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones; ¶¶

(D) The Department must allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation; ¶¶

(E) The Department may recommend a change in the existing designated or statutory speed for a specific section of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question; ¶¶

(F) The Department must give written notice to the road authority and interested jurisdiction, if any, of the Department's determination concerning a recommended speed; ¶¶

(G) The Department must issue a Speed Zone Order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any; ¶¶

(H) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel; ¶¶

(I) A written speed zone order must be issued to establish a designated speed; ¶¶

(J) A copy of the written speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation's records for each speed zone established; and ¶¶

(K) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed. ¶¶

(b) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed on rural state highways under ORS 810.180 unless otherwise provided under ORS 810.180: ¶¶

(A) A Government agency or citizen must make written request for the Department to perform an engineering study with respect to speed on a highway under ORS 810.180. The request must be made to the State Traffic-Roadway Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning; ¶¶

(B) The Department may perform or cause to be performed an engineering study. If the engineering study is performed by someone other than the Department, that person should refer to the Department for accepted methodologies and procedures for an engineering study of speed zones; ¶¶

(C) The Department may change the existing designated or statutory speed for a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question; ¶¶

(D) The Department must give a written reply to the original requestor of the Department's determination concerning a designated speed; ¶¶

(E) Written objections by the requestor may be filed with the Department to any speed established by the Department; ¶¶

- (F) If the recommended speed exceeds the guidelines established under paragraph (2)(c)(B) or (2)(c)(C) of this rule, the Department may refer the matter to the Speed Zone Review Panel;¶
- (G) A written speed zone order must be issued to establish a designated speed;¶
- (H) The original written order must be retained in the Department of Transportation's records for each speed zone established; and¶
- (I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.¶
- (c) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed using the alternative method in the City of Portland.¶
- (A) The Department will evaluate the recommendation on the report using the factors from (3)(b) as approved by the State Traffic Roadway Engineer for the alternative method. The Department may change the existing designated or statutory speed for a specific section of highway if the alternative method establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe.¶
- (B) If the recommended speed is mutually agreeable to the road authority, the Department and any interested jurisdictions, the Department will issue a written speed zone order.¶
- (C) When differences of opinion about the recommended speed occur among the Department, the road authority and any interested jurisdictions, the road authority may take the matter to the Speed Zone Review Panel for decision.¶
- (D) A written speed zone order must be issued to establish a designated speed. A copy of the written speed zone order must be provided to the road authority and any interested jurisdictions, and the original retained in the Department's records.¶
- (E) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the street where the designated speed is imposed.¶
- (F) A speed zone established under the approved alternative method shall be considered as duly established under ORS 810.180 whether the alternative method becomes permanent or is terminated.¶
- (G) Subsections (2)(d), (e), and (f) and Sections 5 and 6 of this rule apply to the alternative method process (as well as the standard engineering study method).¶
- (5) Speed Zone Review Panel.¶
- (a) The Speed Zone Review Panel is created to conduct hearings for deciding contested speed zone recommendations and to serve as an advisory body to the Department. The panel must consist of the five following persons:¶
- (A) The Chair of the Governor's Transportation Safety Committee or a representative designated by the Chair;¶
- (B) The Superintendent of State Police or a representative designated by the superintendent;¶
- (C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and¶
- (D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.¶
- (b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.¶
- (c) The State Traffic Roadway Engineer will designate the Chairperson.¶
- (d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.¶
- (e) The Speed Zone Review Panel must conduct a hearing when the State Traffic Roadway Engineer determines the Department has received a sufficient number of appeals to convene the panel.¶
- (A) The State Traffic Roadway Engineer must arrange the hearing date and present the speed zone appeals;¶
- (B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing in writing at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the

Department, road authority and any interested jurisdiction;¶¶

(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;¶¶

(D) Written testimony received by the State Traffic Roadway Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;¶¶

(E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;¶¶

(F) The decision of the panel is final and any speed zone order must be issued accordingly; and¶¶

(G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.¶¶

(6) Rescission.¶¶

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.¶¶

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.¶¶

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed and Intent: ¶¶

(a) This rule establishes the processes for designating speed zones on public roads under ORS 810.180. This rule applies to all public roads except interstate highways under OAR 734-020-0010 or roads on which the Department has delegated its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5)(f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017¶¶

(b) The investigation methodologies described in this rule are intended to result in engineering studies which apply objective standards to balance the safety objectives of road authorities and operational needs of public roads based on functional classes and contexts in a manner consistent with the standards for traffic control devices adopted in OAR 734-020-0005. ¶¶

(2) Standard Method / Urban Speed Zones: This method is used to establish speed zones for highways within city limits. Speed zone studies for highways designated in the functional class of "Other Freeways or Expressways" must be conducted as described for Standard Method / Rural Speed Zones, regardless of whether the highway is within city limits. ¶¶

(a) An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered:¶¶

(A) Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling);¶¶

(B) The crash rate;¶¶

(C) The average crash rate (if available); ¶¶

(D) Crash history over the preceding three years, including noting any fatal or serious injury crash;¶¶

(E) Average daily traffic;¶¶

(F) Context, accompanied by a description of the type and density of adjacent land use and noting if the context is inconsistent, otherwise difficult to determine or development along the segment is very sparse;¶¶

(G) Functional class;¶¶

(H) Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices; ¶¶

(I) The presence, type and kind of pedestrian and bicycle facilities;¶¶

(J) Recommended speed, which must be a multiple of 5 mph; and¶¶

(K) Other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone. Such information may include, but is not limited to:¶¶

- (i) Number and location of accesses, driveways and intersections, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences;
- (ii) Transit routes or facilities;
- (iii) Input from the enforcement agency responsible for the segment;
- (iv) Geometric features;
- (v) Public testimony;
- (vi) Length and consistency of segment(s); and
- (vii) Demographics of users (seniors, children, tourists, commuters, etc.).
- (b) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds, listed below by context / functional class:
 - (A) Urban Core / Arterial 25 mph - 30 mph
 - (B) Urban Core / Collector 25 mph - 30 mph
 - (C) Urban Core / Local 20 mph - 25 mph
 - (D) Urban Mix / Arterial 30 mph - 35 mph
 - (E) Urban Mix / Collector 25 mph - 30 mph
 - (F) Urban Mix / Local 20 mph - 25 mph
 - (G) Suburban Commercial or Residential / Arterial 30 mph - 40 mph
 - (H) Suburban Commercial or Residential / Collector 30 mph - 35 mph
 - (I) Suburban Commercial or Residential / Local 30 mph - 35 mph
 - (J) Suburban Fringe / Arterial 35 mph - 45 mph
 - (K) Suburban Fringe / Collector 30 mph - 40 mph
 - (L) Suburban Fringe / Local 30 mph - 35 mph
- (c) Notwithstanding subsection (b), the recommended speed may fall outside the range of recommended speeds under the following circumstances.
 - (A) The recommended speed may be between 5 mph below the fiftieth percentile speed (or 20 mph, whichever is higher) and 5 mph above the fiftieth percentile speed if:
 - (i) The context of the highway is inconsistent, otherwise difficult to determine or very sparse development;
 - (ii) The fiftieth percentile speed is 5 mph or more greater than the range maximum listed in (b); or
 - (iii) The highway has widely spaced public road intersections and with few private driveways leading to businesses or residences.
 - (B) The recommended speed may be 10 mph below the fiftieth percentile speed or 20 mph, whichever is higher, if:
 - (i) The crash rate for the segment exceeds 150% of the average crash rate for the same functional class of highway within the jurisdiction of the road authority;
 - (ii) There has been more than one fatal or serious injury in the past three years; or
 - (iii) The segment is contiguous to a residence district.
- (3) Standard Method / Rural Speed Zones. This method is used to establish speed zones for highways outside of city limits and for highways designated as functional class "Other Freeway and Expressway," regardless of location.
 - (a) An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered:
 - (A) Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling);
 - (B) Crash history over the preceding three years, including noting any fatal or serious injury crash
 - (C) The crash rate;
 - (D) The average crash rate (if available);
 - (E) Computed eighty-fifth percentile speed;
 - (F) The difference between the crash rate for the specific segment being considered and the average crash rate for

similar functional class highways; ¶

(G) Average daily traffic; ¶

(H) A description of the type and density of adjacent land use; ¶

(I) Functional class; ¶

(J) Recommended speed, which must be a multiple of 5 mph; ¶

(K) Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices; and ¶

(L) Other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone. Such information may include, but is not limited to: ¶

(i) Number and location of accesses, driveways and intersections, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences; ¶

(ii) Input from the enforcement agency responsible for the segment; ¶

(iii) Geometric features; and ¶

(iv) Public testimony. ¶

(b) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds described below: ¶

(A) For State Highways the recommended speed range is: five mph below the computed eighty-fifth percentile speed to five mph above the computed eighty-fifth percentile speed. ¶

(B) For Non-State Highways in the functional classes "Arterial" or "Other Freeway and Expressway" the recommended speed range is: five mph below the computed eighty-fifth percentile speed to five mph above the computed eighty-fifth percentile speed. ¶

(C) For Non-State Highways in the functional classes "Collector" or "Local" the recommended speed range is: five mph below the fiftieth percentile speed to five mph above the computed eighty-fifth percentile speed. ¶

(c) Notwithstanding subsection (b), the recommended speed may fall outside the range of recommended speeds under the following circumstances ¶

(A) The recommended speed may be up to 10 mph below the computed eighty-fifth percentile speed if: ¶

(i) The crash rate for the specific segment exceeds 150% of the average crash rate; ¶

(ii) There have been more than one fatal or serious injury crash in the last three years; or ¶

(iii) There is limited stopping sight distance which has contributed to crashes. ¶

(B) For any highway in a rural community, the recommended speed may be 10 mph above or below the fiftieth percentile speed for the highway if: ¶

(i) The segment is contiguous to a business district or a residence district; ¶

(ii) The segment is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community and is listed in the Survey of Oregon Unincorporated Communities; or ¶

(iii) The specific segment has residences, businesses, or other public service facilities fronting it or has pedestrian attractions such as businesses, schools, parks or other facilities. ¶

(4) Alternative Investigation Method ¶

(a) With the approval of the State Traffic-Roadway Engineer, the alternative investigation method may be used instead of the standard method to conduct an engineering study to recommend a speed zone on certain streets within city limits. The alternative investigation method may not be used for engineering studies on state highways or any highway in the functional classes of "Arterial," "Interstate," or "Other Freeways and Expressways." ¶

(b) An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered: ¶

(A) Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling); ¶

(B) The crash rate; ¶

(C) The average crash rate (if available); ¶

- (D) Crash history over the preceding three years, including noting any fatal or serious injury crash;¶
- (E) Average daily traffic;¶
- (F) Context accompanied by a description of the type and density of adjacent land use, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences;¶
- (G) Functional class; ¶
- (H) Recommended speed, which must be a multiple of 5 mph.¶
- (I) Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices; and¶
- (J) Any other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone.¶
- (c) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds, listed by context / functional class in subsection (2)(b) or within the circumstances in subsection (2)(c) of this rule.¶
- (d) A road authority using the alternative investigation method must obtain the concurrence with its use of that method and its resulting speed zone recommendation from any interested jurisdiction.¶
- (5) Speed Zone Investigation Procedures: ¶
- (a) The following procedures apply when the Department exercises its authority to establish designated speeds on state highways within city limits, or on city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180: ¶
- (A) The road authority and interested jurisdiction, if any, may submit a request to the State Traffic-Roadway Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The request must state the recommended designated speed for the highway or segment of highway by the road authority and interested jurisdiction, if any;¶
- (B) The Department shall determine the recommended speed by performing or causing to be performed an engineering study; ¶
- (C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the requestors to perform or cause to be performed an engineering study of the highway segment under its own jurisdiction and remit a copy of the investigation to the Department for review. The report shall be in a form acceptable to the Department. ¶
- (D) For road authorities authorized to perform the alternative investigation method, they shall submit the report containing the recommended speed to the Department for review and approval. The road authority shall refer to the Department for accepted report format. ¶
- (E) The Department shall allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation; ¶
- (F) The Department may recommend a change in the existing designated or statutory speed for a specific segment of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific segment in question;¶
- (G) The Department shall give written notice to the road authority and interested jurisdiction, if any, of the Department's determination concerning a recommended speed;¶
- (H) The Department shall issue a speed zone order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any;¶
- (I) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel;¶
- (J) A speed zone order must be issued to establish a designated speed; ¶
- (K) A copy of the speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation's records for each speed zone established; ¶
- (L) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted

on the portion of the highway where the designated speed is imposed; and¶

(M) The Department may determine, at its discretion, whether a highway adjacent to a city limit boundary (i.e., the city limit boundary runs mostly along the right of way of the segment of highway) can be considered as being within the city limits for purposes of designating speeds. ¶

(b) The following procedures apply when the Department exercises its authority to establish designated speeds on state highways outside of city limits under ORS 810.180 unless otherwise provided under ORS 810.180:¶

(A) A Government agency or citizen may submit a request for the Department to perform an engineering study with respect to speed on a state highway outside of city limits under ORS 810.180. The request must be made to the State Traffic-Roadway Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning; ¶

(B) The Department may perform or cause to be performed an engineering study, prepared in a form acceptable to the Department; ¶

(C) The Department may change the existing designated or statutory speed for a specific segment of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific segment in question; ¶

(D) The Department shall notify the original requestor of the Department's determination concerning a designated speed; ¶

(E) The requestor may file written objections with the Department to any speed established by the Department; ¶

(F) If the recommended speed exceeds the guidelines established under subsection (2) or (3) of this rule, the Department may refer the matter to the Speed Zone Review Panel;¶

(G) Following a determination by the Speed Zone Review Panel, the Department shall issue a speed zone order to establish the designated speed for the segment as the speed determined by the Speed Zone Review Panel;¶

(H) The Department shall retain the original order in its records for each speed zone established; and¶

(I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed. ¶

(6) Speed Zone Review Panel:¶

(a) The Speed Zone Review Panel is created to conduct hearings for contested speed zones and determine the speed to be designated. The Panel also serves as an advisory body to the Department on speed zoning issues and practices. The panel must consist of the five following persons:¶

(A) The Chair of the Governor's Transportation Safety Committee or a representative designated by the Chair;¶

(B) The Superintendent of State Police or a representative designated by the superintendent;¶

(C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and¶

(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.¶

(b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.¶

(c) The State Traffic-Roadway Engineer will designate the Chairperson.¶

(d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.¶

(e) The Speed Zone Review Panel must conduct a hearing when the State Traffic-Roadway Engineer determines the Department has received a sufficient number of appeals to convene the panel:¶

(A) The State Traffic-Roadway Engineer must arrange the hearing date and present the speed zone appeals;¶

(B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the Department, road authority and any interested jurisdiction;¶

(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;¶

- (D) Written testimony received by the State Traffic-Roadway Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;¶
- (E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;¶
- (F) The decision of the panel is final and any speed zone order must be issued accordingly; and¶
- (G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.¶
- (7) Rescission.¶
- (a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.¶
- (b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the highway and the highway meets the statutory definition of the proposed statutory speed.¶
- (c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.¶
- (8) Transition Speed Zones; Speed Zone Length; Preliminary Investigations¶
- (a) If the Department determines that a transition speed zone is needed, it shall consider the feasibility of accomplishing the transition to the lower speed in one segment. Notwithstanding any rule regarding recommended speeds, the Department may determine the recommended speed for transition speed zones at its discretion. ¶
- (b) The segment length for a single speed zone must be at least one-quarter of a mile in length; however, transition speed zones may be one thousand feet in length.¶
- (c) A designated speed zone may, at the discretion of the State Traffic-Roadway Engineer, be extended or shortened up to 500 feet without performing an engineering study within that segment.¶
- (d) The Department may conduct a preliminary investigation, consisting of some but not all of the elements of a Standard Method engineering study in order to determine the practicability investigating the request further. The Department may prepare a final response to the request based entirely on its preliminary investigation, as approved by the State Traffic-Roadway Engineer.

Statutory/Other Authority: ~~184.616~~, ORS 184.619, 810.010, 810.180

Statutes/Other Implemented: ORS 810.180

AMEND: 734-020-0016

RULE SUMMARY: Amending reference to OAR 734-0015 in OAR 734-020-0016(2)(c).

CHANGES TO RULE:

734-020-0016

Establishment of Speed Zones on Public Paved Low Volume Roads ¶¶

(1) Purpose. This rule is adopted for the purpose of establishing speed zones on public paved low volume roads by the Department and other road authorities and interested jurisdictions when appropriate. Establishment of speed zones on low volume roads may follow the standard method described in OAR 734-020-0015 or the method described in this rule.¶¶

(2) Delegation of Authority.¶¶

(a) Upon the request of a road authority, the Department may delegate its authority under ORS 810.180 for public paved low volume roads if the road authority agrees to exercise the authority according to this rule. The written application must:¶¶

(A) Be made to the State Traffic Engineer requesting delegated authority to determine and establish speed zones for public paved low volume roads under their jurisdiction;¶¶

(B) Include a specific roadway or all roadways under their jurisdiction for which the road authority is requesting delegation;¶¶

(C) If there is an interested jurisdiction on any public paved low volume roads within the boundaries of the road authority, the written application from the road authority must include a statement that the road authority and interested jurisdiction have agreed to the need to perform an engineering study and if appropriate, establish a designated speed according to this rule; and¶¶

(D) Specify that the road authority will perform or cause to be performed an engineering study to determine the appropriate designated speed.¶¶

(b) If the Department determines that the road authority has established a speed zone without complying with this rule, the Department may withdraw the delegation of authority and the road authority must remove existing speed zone signing and post the section of roadway at the speed that was posted preceding the engineering study.¶¶

(c) The Department may perform the engineering study at the request of the road authority following the procedures set forth in OAR 734-020-0015(4)(a).¶¶

(3) Speed Zone Criteria. A road authority granted speed zone authority under section (2) of this rule is subject to the following:¶¶

(a) Perform or cause to be performed an engineering study to determine the recommended speed for the proposed speed zone using the eighty-fifth percentile speed.¶¶

(b) The following additional factors may be considered in the engineering study:¶¶

(A) Accesses;¶¶

(B) Crash history;¶¶

(C) Enforcement;¶¶

(D) Geometric features;¶¶

(E) Pedestrian and bicycle movements;¶¶

(F) Public testimony;¶¶

(G) Traffic volumes;¶¶

(H) Type and density of adjacent land use; and¶¶

(I) Other applicable factors.¶¶

(c) Speed Zone Recommendation. The road authority is subject to the following guidelines when determining the recommended speed:¶¶

(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the eighty-fifth percentile speed; and¶¶

(B) The section investigated for speed zoning should be at least one-quarter of a mile in length except transitions speed zones may be a minimum of one thousand feet in length.¶

(4) Speed Zone Procedures.¶

(a) The road authority may establish a different speed on a specific section of highway if the engineering study finds that the existing designated or statutory speed is greater or less than reasonable or safe under the conditions found in the specific section in question unless any part of subsections (b) or (c) of this section apply.¶

(b) If the recommended speed exceeds 10 mph above or below the eighty-fifth percentile speed, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.¶

(c) If there is an interested jurisdiction on the section of road, the following procedures must be followed:¶

(A) If the recommended speed is within 10 mph difference from the eighty-fifth percentile speed and it is mutually agreed to by the road authority and interested jurisdiction then the road authority may issue a written order to establish the speed zone; or¶

(B) When differences of opinion between the road authority and interested jurisdiction occur, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.¶

(d) The road authority and interested jurisdiction, if any, should refer to the Department for further guidance on acceptable methodologies for an engineering study of speed zones.¶

(e) The road authority must file with the Department a copy of the written speed zone order and engineering study.¶

(f) The road authority must retain the original speed zone order and engineering study.¶

(g) The road authority may authorize the Department to issue the speed zone order by submitting a copy of the engineering study.¶

(h) The road authority is responsible for installing speed zone signing.¶

(i) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.¶

(5) Rescission.¶

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.¶

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.¶

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 810.010, 810.180

Statutes/Other Implemented: ORS 810.180