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ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

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

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CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

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

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CONTACT: Lauri Kunze
503-986-3171
lauri.g.kunze@odot.state.or.us

Business Services Branch MS 51
355 Capitol Street NE
Salem,OR 97301

Filed By:
Lauri Kunze
Rules Coordinator

RULES:
734-020-0011, 734-020-0014, 734-020-0015

AMEND: 734-020-0011

RULE TITLE: Locations of Interstate Speed Limits Other Than Set in Statute

NOTICE FILED DATE: 06/12/2017

RULE SUMMARY: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. As amended 734-020-0011 reflects changes to wording to cover all Interstate speed limits due to HB 3402 (2015/2016), which amended ORS 811.111 increasing speeds on a portion of Interstate 84 and also increases speeds for vehicles listed in ORS 811.111(1)(b) on specific sections of interstates as listed. Minor edits have been made to 734-020-0014 and 734-020-0015 to clarify three speed zoning definitions and will update the State Traffic-Roadway Engineer's title listed throughout the OAR.

RULE TEXT:
(1) All locations of mainline interstate highways not specifically listed in section (2) of this rule have maximum speed limits listed in ORS 811.111.
(2) Under the provisions of ORS 810.180(3), the speed limits on the following sections of interstate highways are established as follows:
(a) Pacific Highway (I-5):
(A) Mile Post 0.00-10.08 -- 55 MPH (All VEHICLES);
(B) Mile Post 10.08-27.00 – 60 MPH (Vehicles as described in 811.111(1)(b));
(C) Mile Post 27.00-30.85 -- 55 MPH (ALL VEHICLES);
(D) Mile Post 30.85-73.18 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(E) Mile Post 73.18-73.95 (Southbound) -- 55 MPH (ALL VEHICLES);
(F) Mile Post 73.95-107.86 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(G) Mile Post 30.85-107.83 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(H) Mile Post 107.83-108.85 (Northbound) -- 50 MPH (ALL VEHICLES);

(I) Mile Post 108.85-123.43 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(J) Mile Post 123.43-127.48 (Northbound) – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(K) Mile Post 127.48-190.41 (Northbound) - 60 MPH (Vehicles as described in 811.111(1)(b));
(L) Mile Post 107.86-108.67 (Southbound) -- 50 MPH (ALL VEHICLES);
(M) Mile Post 108.67-123.32 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(N) Mile Post 123.32-126.96 (Southbound) - 60 MPH (All Vehicles except as described in 811.111(1)(b));
(O) Mile Post 126.96-190.41 (Southbound) - 60 MPH (Vehicles as described in 811.111(1)(b));
(P) Mile Post 190.41-196.00 -- 60 MPH (All Vehicles except as described in 811.111(1)(b));
(Q) Mile Post 196.00-251.00 – 60 MPH (Vehicles as described in 811.111(1)(b))
(R) Mile Post 251.00-260.85 (Northbound) -- 60 MPH (All Vehicles except as described in 811.111(1)(b));
(S) Mile Post 260.85-288.60 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(T) Mile Post 251.00-259.86 (Southbound) -- 60 MPH (All Vehicles except as described in 811.111(1)(b));
(U) Mile Post 259.86-288.60 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b))
(V) Mile Post 288.60-296.34 -- 55 MPH (ALL VEHICLES);
(W) Mile Post 296.34-298.02 -- 50 MPH (ALL VEHICLES);
(X) Mile Post 298.02-299.53 -- 55 MPH (ALL VEHICLES);
(Y) Mile Post 299.53-303.49 -- 50 MPH (ALL VEHICLES);
(Z) Mile Post 303.49-307.30 -- 55 MPH (ALL VEHICLES);
(AA) Mile Post 307.30-308.38 -- 50 MPH (ALL VEHICLES).
(b) Columbia River Highway (I-84):
(A) Mile Post 0.00-0.84 -- 50 MPH (ALL VEHICLES);
(B) Mile Post 0.84-9.94 -- 55 MPH (ALL VEHICLES);
(C) Mile Post 9.94-18.25 -- 60 MPH (All Vehicles except as described in 811.111(1)(b));
(D) Mile Post 18.25-81.75 – 60 MPH (Vehicles as described in 811.111(1)(b)).
(c) Eugene-Springfield Highway (I-105):
(A) Mile Post 0.00-0.54 -- 45 MPH (ALL VEHICLES);
(B) Mile Post 0.54-3.49 -- 55 MPH (ALL VEHICLES).
(d) East Portland Freeway (I-205):
(A) Mile Post 0.00-6.00 – 60 MPH (Vehicles as described in 811.111(1)(b));
(B) Mile Post 6.00-26.60 -- 55 MPH (ALL VEHICLES).
(e) Stadium Freeway (I-405): Mile Post 0.00-4.21 -- 50 MPH (ALL VEHICLES).

STATUTORY/OTHER AUTHORITY: ORS 184.616, 184.619, 810.180, 811.111

STATUTES/OTHER IMPLEMENTED: ORS 810.180, 811.111

AMEND: 734-020-0014

RULE TITLE: Speed Zone Definitions

NOTICE FILED DATE: 06/12/2017

RULE SUMMARY: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads,
including interstate highways. As amended 734-020-0011 reflects changes to wording to cover all Interstate speed limits due to HB 3402 (2015/2016), which amended ORS 811.111 increasing speeds on a portion of Interstate 84 and also increases speeds for vehicles listed in ORS 811.111(1)(b) on specific sections of interstates as listed. Minor edits have been made to 734-020-0014 and 734-020-0015 to clarify three speed zoning definitions and will update the State Traffic-Roadway Engineer's title listed throughout the OAR.

RULE TEXT:

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

(1) “Average daily traffic” (ADT) means the total number of vehicles 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) “Computed Speed” means the eighty-fifth percentile speed minus the crash rate above the average statewide crash rate for similar functional classification highways.

(4) “Department” means the Oregon Department of Transportation.

(5) “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. 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.

(6) “Eighty-fifth percentile speed” means the speed at or below which 85 percent of the motorists drive on a section of road for which speeds were measured.

(7) “Free flow speed” means the speed of vehicles when 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.

(8) “Engineering study” means a documented investigation with analysis and evaluation of the pertinent information and applicable engineering principles.

(9) “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.

(10) “Highway” means every public way, road, street, thoroughfare and place as described in ORS 801.305.

(11) “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.

(12) “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.

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

(14) “Paved road” means a regularly maintained solidified hard surfaced road typically solid bituminous (asphalt concrete), oil mat or Portland cement concrete.

(15) “Recommended Speed” is the speed that has been determined from an engineering study. Recommended speeds shall be in multiples of 5 mph.

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

(17) “Rural state highway” means a section of highway under the jurisdiction of the Department and outside the city limits of an incorporated city.

(18) “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.
(19) “Speed zone” means a specific section of highway where a designated speed is posted under ORS 810.180.
(20) “Speed Zone Review Panel” means the hearings panel created in OAR 734-020-0015.
(21) “Statutory speed” means the speed that is established in statute, under ORS 811.111 or 811.105.
(22) “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.
(23) “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 TITLE: Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads

NOTICE FILED DATE: 06/12/2017

RULE SUMMARY: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads,
including interstate highways. As amended 734-020-0011 reflects changes to wording to cover all Interstate speed limits due to HB 3402 (2015/2016), which amended ORS 811.111 increasing speeds on a portion of Interstate 84 and also increases speeds for vehicles listed in ORS 811.111(1)(b) on specific sections of interstates as listed. Minor edits have been made to 734-020-0014 and 734-020-0015 to clarify three speed zoning definitions and will update the State Traffic-Roadway Engineer's title listed throughout the OAR.

RULE TEXT:

(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.

STATUTORY/OTHER AUTHORITY: 184.616, 184.619, 810.010, 810.180

STATUTES/OTHER IMPLEMENTED: ORS 810.180