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CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

FILING CAPTION: Delegating Speed Zone Investigations and Setting Speeds for Public Roads to Local Public Agencies

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RULES:
734-020-0013, 734-020-0014, 734-020-0015

ADOPT: 734-020-0013

RULE TITLE: Establishment of Speed Zones on Local Agency Public Paved Roads

NOTICE FILED DATE: 12/28/2021

RULE SUMMARY: This rule outlines the process for local agencies to request delegated authority to establish speed zones on public paved roads by city and county authorities when appropriate.

RULE TEXT:
(1) Purpose. This rule is adopted to describe the process and requirements for delegating the authority to establish speed zones on public paved roads by city and county road authorities when appropriate. The delegation and establishment of speed zones on roads under the authority of city and county governing agencies follow the methods described in OAR 734-020-0015 and any of the additional conditions specified 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 roads under the jurisdiction of the road authority, if the road authority agrees to exercise the authority delegated according to this rule. A delegation covers all roadways under the road authority's jurisdiction. To request a delegation, the road authority must submit a written application, which must:
(A) Be made to the State Traffic-Roadway Engineer requesting delegated authority to determine and establish speed zones for roads under the road authority's jurisdiction; and
(B) Specify that the road authority must perform or cause to be performed an engineering study to determine the appropriate designated speed as outlined in OAR 734-020-0015 for each speed zone.
(b) The road authority must agree to the Department's delegation process as follows.
(A) The road authority must participate in training provided by the Department on the criteria and speed zoning practices.
(B) The road authority must designate one qualified registered Professional Engineer to be responsible for decision making and assuring all methods and procedures in this rule are followed.

(C) The road authority must prepare and submit to the Department a quality control plan for assuring compliance with program rules and procedures.
(c) Compliance and Oversight
(A) The road authority must submit at least one engineering study and written order to ODOT, to demonstrate the road authority's understanding of the process prior to delegation.
(B) Upon delegation, the Department will conduct an initial review of delegated speed zoning by the road authority. The initial review will be of the first ten speed zones established under this delegation to determine if the road authority satisfactorily performed speed zoning in conformance with this rule. Based on the results of the Department's initial review of the engineering study and order, the Department will provide an analysis noting any concerns or suggestions and may do one or more of the following:
(i) Make a recommendation to do further reviews to follow-up on concerns;
(ii) Terminate the delegation of authority, if the road authority is unable to satisfactorily perform the speed zoning in compliance with these rules, OAR 734-020-0013 to 734-020-015; or
(iii) Continue delegation of authority, if the Department finds that the road authority substantially performs speed zoning in compliance with these rules, OAR 734-020-0013 to 734-020-015.
(C) The Department may perform a periodic review of the speed zoning by the road authority every five years following delegation to the road authority.
(i) During the periodic review the Department may select a sample of up to ten speed zones and prepare an assessment of the selected reports, noting any concerns or suggestions.
(ii) If the periodic review finds areas of concerns, the Department may choose to analyze additional speed zones established by the road authority.
(iii) The Department may recommend a more frequent review cycle based on concerns documented in the review.
(iv) If the Department determines that the road authority substantially performs speed zoning in compliance with these rules, OAR 734-020-0013 to 734-020-0015, the Department may monitor the speed zoning again in five years.
(D) In addition to a periodic review performed under section (2)(c)(C) of this rule, the Department may at any time undertake a periodic review of speed zoning by a road authority if the Department has reason to believe the road authority is not in compliance with these rules, OAR 734-020-0013 to 734-020-015. A periodic review performed under this section (2)(c)(D) is performed in the same manner as outlined in section (2)(c)(C) of this rule.
(E) As a result of a periodic review, if the Department determines that the road authority continues to fail to substantially comply with these rules, OAR 734-020-0013 to 734-020-0015, as documented by the reviews, the Department may do one or more of the following:
(i) Withdraw the delegation of authority;
(ii) Require the road authority to post the section of roadway at the speed that was posted preceding the engineering study; or
(iii) Cause a study to be performed to properly designate the speed.
(F) The Department, at its discretion, may take the results of any initial or periodic review to the Speed Zone Review panel for recommendations on actions.
(3) 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 unless any part of subsections (b) or (c) of this section (3) apply.
(b) If the recommended speed exceeds the authority of the road authority to set speeds pursuant to OAR 734-020-0015, 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 the criteria allowed pursuant to OAR 734-020-0015 and road authority and interested jurisdiction agree to the recommended speed, then the road authority may issue a written order to establish the speed zone; or

(B) If the road authority and interested jurisdiction disagree on the recommended speed, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.
(d) Following a determination by the Speed Zone Review Panel, the road authority shall issue a speed zone order to establish the designated speed for the segment as determined by the Speed Zone Review Panel.
(e) 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.
(f) The road authority is responsible for issuing speed zone orders to implement any new speed zone unless the Department agrees to issue the order.
(g) The road authority may ask the Department to issue the speed zone order if the speed zone order crosses multiple road authority boundaries.
(h) The road authority and the Department (or another agency with delegated authority) may jointly issue a speed zone order that crosses multiple road authority boundaries.
(i) When multiple road authorities are listed on a previous speed zone order and the road authority does not have delegated authority for issuing speed zone orders for the entire previous order, the road authority may not issue a new speed zone order until the Department and road authority agree to issue a new speed zone order or orders.
(j) A road authority may not issue a speed zone order where multiple road authorities are listed in the previous order until the Department has had an opportunity to determine the appropriate lengths and segment descriptions of the speed zones and issue a new order.
(k) The road authority must provide written notice to the Department, including a copy of the speed zone order and engineering study 30 days prior to installing any new speed zone signing.
(L) The road authority must retain the original speed zone order until rescinded and original engineering study issued by the road authority until a new investigation for the segment has been performed.
(m) The road authority is responsible for installing speed zone signing.
(4) Rescission of previous Speed Zone Orders.
(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the previous speed zone order. If a previous speed zone order exists for a segment of roadway a road authority must determine if the Department established the previous order or if it was established by an order the road authority previously issued.
(A) If the Department previously issued the order the road authority must submit a request to the Department to rescind the previous speed zone order prior to the road authority establishing a new speed zone order for the same segment of roadway.
(B) If the order was previously issued by the road authority, the road authority must rescind the previous order prior to establishing a new order.
(b) A designated speed established in a speed zone order created under ORS 810.180 supersedes any statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.
(A) A road authority may 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.
(B) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.
(c) A road authority that rescinds any previous speed zone order must provide the Department with written notice 30 days prior to installing any new speed zone signing.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 810.010, 810.180

STATUTES/OTHER IMPLEMENTED: ORS 810.180

AMEND: 734-020-0014

RULE TITLE: Speed Zone Definitions

NOTICE FILED DATE: 12/28/2021

RULE SUMMARY: Certain definitions around speed zoning were updated.

RULE TEXT:

The following definitions apply to OAR 734-020-0013 through 734-020-0018.

(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” 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.

(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 difference between the crash rate and the average 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 roadway characteristics and land uses accessible by parking or driveway along the highway segment, determined based on the existing land use types, building density, set back of buildings and numbers and types of users of the transportation system accessible along the roadway segment. In descending order of density, the four urban contexts are:

(a) “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 along the corridor or that have their access from widely spaced roadway connections with few driveways to the roadway

(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.

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

(9) “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.

(10) “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.

(11) “Engineering study” means a written engineering and traffic investigation with an analysis and evaluation of pertinent information, for the purpose of deciding upon a designated speed that is reasonable and safe under the

conditions found to exist. An engineering study shall be performed by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the applicable OAR 734-020-0013 through 734-020-0018.
(12) “Fiftieth percentile speed” means the speed at or below which 50 percent of the motorists drive on a segment of road for which speeds were measured.
(13)“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.
(14) “Functional class” means a type or class of highway as defined by the Federal Highway Administration (FHWA) in 23 CFR 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:
(a) “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”
(15) “Highway” means every public way, road, street, thoroughfare and place as described in ORS 801.305.
(16) “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.
(17) “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 average daily traffic.
(18) “Minor adjustment study” means the engineering study of pertinent elements, as determined by the engineer, to assess the proper location and engineering application of a 500 foot speed zone extension or reduction or to add a transition speed zone to an adjacent designated or statutory speed zone.
(19) “Mph” means miles per hour.
(20) “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.
(21) “Pace limits” means the ten mph range containing the largest number of sample vehicles observed in a spot speed check.
(22) “Paved road” means a regularly maintained solidified hard surfaced road typically solid bituminous (asphalt concrete), oil mat or Portland cement concrete.
(23) “Recommended speed” is the speed (in a multiple of 5 miles per hour) that has been determined from an engineering study.
(24) “Rescission” means a cancellation or repeal of a previously valid order.
(25) “Residence district” has the meaning defined in ORS 801.430.
(26) “Road authority” means the governing agency which has the jurisdiction to place, maintain and operate traffic control devices as defined in ORS 810.010.
(27) “Roadway character” means the characteristics of the roadway such as road and shoulder width, number of lanes, alignment, parking, curbs and sidewalks, and other physical characteristics of the roadway.
(28) “Rural community” means an area outside city limits with a concentration of land uses such as residential, businesses, industrial or other public uses. The segment is:
(a) Contiguous to a business district or residence district; or
(b) An unincorporated community that includes a permanent residential dwelling but also has at least two other land uses in separate buildings that provide commercial, industrial or public services for the community, surrounding area or persons traveling through the area.

(29) “School zone exception” means a specific segment of highway where a statutory school speed limit (20 mph) is posted as specified in ORS 811.111.
(30) “Speed zone” means a specific segment of highway where a designated speed is posted under ORS 810.180.
(31) “Speed Zone Review Panel” means the hearings panel created in OAR 734-020-0015.
(32) “State Traffic-Roadway Engineer” means the position so designated by the Chief Engineer.
(33) “Statutory speed” means the speed that is established in statute, under ORS 811.111 or 811.105.
(34) “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 segment to a 25 mph segment, it may be desirable to establish one or more transition speed zones in between, such as 45 mph and 35 mph.
(35) “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.

STATUTORY/OTHER AUTHORITY: ORS 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: 12/28/2021

RULE SUMMARY: This rule was updated to align with newly adopted OAR 734-020-0013, delegating speed zoning authority to local agencies.

RULE TEXT:

(1) Purpose 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 certain roads under ORS 810.180. The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017. The delegation of authority for roads under the jurisdiction of cities and counties is covered in OAR 734-020-0013.

(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 between city limits and the urban growth boundary may be conducted as described for Standard Method / Urban Speed Zones if the highway segment has the same context and roadway character as the adjacent segment within the city limits. Speed zone studies for highways designated in the functional class of “Other Freeways and 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 development along the highway segment and noting if the context is inconsistent, otherwise difficult to determine or development along the segment is very sparse;

(G) Functional class;

(H) Description of pedestrian and bicycle activity 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) Transit routes or facilities;

(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;

(iv) Public testimony;

(v) Length and consistency of segment(s); and

(vi) 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 20 mph - 25 mph
(B) Urban Core / Collector 20 mph – 25 mph
(C) Urban Core / Local 20 mph – 25 mph
(D) Urban Mix / Arterial 25 mph – 30 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 – 35 mph
(H) Suburban Commercial or Residential / Collector 25 mph – 35 mph
(I) Suburban Commercial or Residential / Local 25 mph – 35 mph
(J) Suburban Fringe / Arterial 35 mph – 45 mph
(K) Suburban Fringe / Collector 30 mph – 40 mph
(L) Suburban Fringe / Local 25 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 10 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 between 10 mph below the fiftieth percentile speed (or 20 mph, whichever is higher) and 10 mph above the fiftieth percentile speed 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 speed-related crash in the past three years; or
(iii) The segment is contiguous to a residence district.
(d) Notwithstanding subsections (b) and (c), if the fiftieth percentile speed is 35 mph or higher, the recommended speed must fall between 5 mph below the fiftieth percentile speed and 10 mph above the fiftieth percentile speed, unless any of the conditions in subsection (c)(B) are present, in which case the recommended speed must fall between 10 mph below the fiftieth percentile speed and 10 mph above the fiftieth percentile speed.
(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. The Standard Method / Urban Speed Zones method may be used to conduct a speed zone study between city limits and the urban growth boundary, as described in section (2) of this rule, if the highway segment has the same roadway character as the adjacent segment within the 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) 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) Description of pedestrian and bicycle activity 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 either of the following circumstances:
(A) For any highway in a rural community, the recommended speed may be 10 mph above or below the fiftieth percentile speed for the highway; or
(B) 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 speed-related crash in the last three years; or
(iii) There is limited stopping sight distance which has contributed to crashes.
(4) Alternative Investigation Method
(a) The alternative investigation method may be used instead of the standard method to conduct an engineering study to recommend a speed zone on certain highways. 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) Description of pedestrian and bicycle activity 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 applicable range of recommended speeds established under subsection (2) or (3) 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 734-020-0013, 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.
(d) A designated speed established in a speed zone order created under ORS 810.180 supersedes and rescinds any former designated speed established n a previous speed zone order, except for temporary and emergency speed zone orders issued under ORS 810.180(8) or (9).
(8) Transition Speed Zones; Speed Zone Length; Preliminary Investigations
(a) If the Road Authority 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 Road Authority may determine the recommended speed for transition speed zones at its discretion.
(b) A transition speed zone may be a minimum of one thousand feet in length and up to one-quarter mile in length with a minor adjustment study. A transition speed zone may be longer than one-quarter mile in length in unusual circumstances such as between two speed zones where the intervening segment is less than one-half mile. Any transition zone longer than one-quarter mile must be approved by the State Traffic-Roadway Engineer.
(c) The segment length for a single speed zone must be at least one-quarter of a mile in length. The segment length may be less than one-quarter mile in unusual circumstances, such as when the segment begins and ends at intersecting streets or is a dead end.
(d) A designated speed zone may be extended or shortened up to 500 feet no more than once by performing a minor adjustment study within that segment.
(e) The Department or road authority may conduct a preliminary investigation, consisting of at least a crash data review, a speed sample and a site visit, in order to determine the practicability of investigating the request further. If the Department or Road Authority determines the request is not practical to move forward it may prepare a final response to deny the request based entirely on its preliminary investigation.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 810.010, 810.180

STATUTES/OTHER IMPLEMENTED: ORS 810.180