

March 1974

COMMITTEE ON JUDICIARY
Room 14, State Capitol
Salem, Oregon

PROPOSED AMENDMENTS TO

SPEED RESTRICTIONS
Preliminary Draft No. 2

Section 5. (State Speed Control Board; appointment, vacancy, compensation and expenses of certain members.) (1) There hereby is created the State Speed Control Board. The board shall consist of the Administrator of the Motor Vehicles Division of the Department of Transportation, the Superintendent of the Department of State Police, the Administrator of the Highway Division, and two additional members appointed by the Governor as provided in subsection (2) of this section for a term of two years. The Administrator of the Motor Vehicles Division of the Department of Transportation, the Superintendent of the Department of State Police and the Director of the Department of Transportation may each designate a representative to serve in his place.

(2) In appointing the two additional members of the State Speed Control Board, the Governor shall choose a representative of the interests of cities and a representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties may each nominate five persons for appointment as the board member representing the interests of the cities and counties respectively. The Governor shall appoint one of the persons nominated by the League of Oregon Cities and one of the persons nominated by the Association of Oregon Counties as the two board members representing city and

county interests respectively. A vacancy in the office of the additional member shall be filled by appointment by the Governor as provided in this subsection for a two-year term.

(3) The board members appointed under subsection (2) of this section are entitled to compensation and expenses as provided in ORS 292.495.

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Section 6. (Powers and duties of State Speed Control Board.)

(1) The board may make or cause to be made an engineering and traffic investigation with respect to the maximum speeds provided in section 2 of this Article applicable to any highway or section of highway upon which the Transportation Commission is not authorized by section 4 of this Article to designate any maximum speed. If requested by a state or local authority or federal agency having jurisdiction over a highway to make such an investigation the board shall make the investigation or authorize the state or local authority or federal agency having jurisdiction of the highway to proceed with the investigation and make a report thereof to the board. When a state or county highway lies within the corporate limits of a city and is under the jurisdiction of the Transportation Commission or the county governing authority of the relevant county, the city governing authority may request the board to make an investigation with respect to the maximum speed on the highway. The board shall make the investigation or authorize the city to proceed with the investigation and make a report thereof to the board. In any event the authority or agency requesting an investigation shall be allowed to participate with the board in the investigation.

(2) When a state or local authority or federal agency having jurisdiction of a highway or a city within whose incorporated limits is located a state or county highway requests an investigation by the board with respect to speed of the highway, it shall do so by written application and shall state in the application the maximum speed recommended by the requesting authority for the highway or section of highway in question.

(3) When an investigation is made in accordance with subsections (1) and (2) of this section, if the board finds that the maximum speed is greater than is reasonable or safe or less than is reasonable under the conditions found to exist at the area investigated, after due notice and opportunity for hearing to the authority or agency affected thereby, it shall give written notice to the authority or agency of any proposed deviation from the maximum designated speed. Within 30 days after receipt of the written notice the state or local authority or federal agency shall file with the board a written statement of objections, if any, to the proposed deviation and may request a hearing thereon. The board shall hold a hearing after giving written notice thereof to the affected agency or authority. The hearing shall be called not less than five days after giving the written notice. The board shall not order a deviation until after consideration of written objections and a hearing if the objecting authority or agency has so requested.

(4) After due consideration of written objections or after hearing if a hearing has been requested the board may designate different maximum speeds on the highways or sections thereof considered pursuant to subsections (1), (2) and (3) of this section. The speeds designated shall be effective when appropriate signs giving notice thereof are erected upon the highway or section of highway.