

1 **H. B. 2354**

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3 (By Delegates Caputo and Longstreth)
4 [Introduced January 12, 2011; referred to the
5 Committee on Roads and Transportation then the
6 Judiciary.]
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10 A BILL to amend and reenact §17C-6-3 of the Code of West Virginia,
11 1931, as amended, relating to allowing local authorities the
12 authority to lower the speed limit on streets and highways
13 where school buses travel.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §17C-6-3 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. SPEED RESTRICTIONS.**

18 **§17C-6-3. When local authorities may alter speed limits.**

19 (a) *At intersection.* -- Whenever local authorities within
20 their respective jurisdictions determine upon ~~the basis of~~ an
21 engineering and traffic investigation that the speed permitted
22 under this chapter at any intersection is greater than is
23 reasonable ~~or safe~~ under the conditions found to exist at such
24 intersection, such local authority subject to subsection ~~(e)~~ (f) of

1 this section shall determine ~~and declare~~ a reasonable ~~and safe~~
2 speed limit ~~thereat~~, which shall be effective at all times or
3 during hours of daylight or darkness or at such other times ~~as may~~
4 ~~be determined~~ when appropriate speed limit signs ~~giving notice~~
5 ~~thereof~~ are erected at such intersection or upon the approaches
6 thereto.

7 (b) *Authority to increase twenty-five mile limit.* -- Local
8 authorities in their respective jurisdictions may in their
9 discretion, but subject to subsection ~~(e)~~ (f) of this section,
10 authorize by ordinance higher speeds than those stated in section
11 one of this article upon through highways or upon highways ~~or~~
12 ~~portions thereof~~ where there are no intersections or between widely
13 spaced intersections, which higher speed shall be effective at all
14 times or during hours of daylight or at such other times as may be
15 determined when appropriate speed limit signs are erected ~~giving~~
16 ~~notice of the authorized speed~~, but local authorities shall not
17 have authority to modify ~~or alter~~ the basic rule set forth in
18 subsection (a), section one of this article, or ~~in any event to~~
19 authorize by ordinance a speed in excess of fifty-five miles per
20 hour.

21 (c) *Authority to decrease fifty-five mile limit.* -- Whenever
22 local authorities within their respective jurisdictions determine
23 upon ~~the basis of~~ an engineering and traffic investigation that the
24 speed under this chapter upon open country highway outside a
25 business or residence district is greater than is reasonable ~~or~~

1 ~~safe~~ under the conditions found to exist ~~upon such street or~~
 2 ~~highway,~~ the local authority may determine ~~and declare~~ a reasonable
 3 ~~and safe~~ limit ~~thereon~~ but in no event less than thirty-five miles
 4 per hour and subject to subsection ~~(e)~~ (f) of this section, which
 5 reduced limit shall be effective at all times or during hours of
 6 darkness or at other times as may be determined when appropriate
 7 speed limit signs giving notice ~~thereof~~ are erected ~~upon such~~
 8 ~~street or highway.~~

9 (d) *Authority to decrease twenty-five mile limit.* -- A
 10 municipality may in its discretion, but subject to subsection ~~(e)~~
 11 (f) of this section, authorize by ordinance lower speeds than those
 12 stated in subdivision (2), subsection (b), section one of this
 13 article upon local dedicated rights-of-way in a residential district
 14 or portions thereof, which lower speed shall be effective at all
 15 times or during hours of daylight or at such other times as may be
 16 determined when appropriate speed limit signs are erected. ~~giving~~
 17 ~~notice of the authorized speed.~~

18 (e) Authority to decrease speed limit on streets and highways
 19 where school buses travel. -- Whenever local authorities within
 20 their respective jurisdictions determine upon an engineering and
 21 traffic investigation that the speed under this chapter upon streets
 22 and highways where school buses travel is greater than is reasonable
 23 under the conditions found to exist upon the street or highway, the
 24 local authority may determine a reasonable limit subject to
 25 subsection (f) of this section. This reasonable limit shall be

1 effective at all times or during hours of darkness, during hours of
2 daylight or at other times as may be determined when appropriate
3 speed limit signs giving notice are erected.

4 ~~(e)~~ (f) *Alteration of limits on state highways in*
5 *municipalities.* -- Alteration of limits on state highways or
6 extensions thereof in a municipality by local authorities shall not
7 be effective until ~~such alteration has been~~ approved by the
8 Commissioner of Highways.

NOTE: The purpose of this bill is to give local authorities the authority to decrease the speed limit on streets and highways where school buses travel.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.