

H. B. 2078

(By Delegates Caputo and Longstreth)

[Introduced January 15, 2015; referred to the

Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. SPEED RESTRICTIONS.

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

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

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

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

14 (c) *Authority to decrease fifty-five mile limit.* -- Whenever local authorities within their
 15 respective jurisdictions determine upon ~~the basis of~~ an engineering and traffic investigation that the
 16 speed under this chapter upon open country highway outside a business or residence district is
 17 greater than is reasonable ~~or safe~~ under the conditions found to exist ~~upon such street or highway,~~
 18 the local authority may determine ~~and declare~~ a reasonable ~~and safe~~ limit ~~thereon~~ but in no event less
 19 than thirty-five miles per hour and subject to subsection ~~(e)~~ (f) of this section, which reduced limit
 20 shall be effective at all times or during hours of darkness or at other times as may be determined
 21 when appropriate speed limit signs giving notice ~~thereof~~ are erected. ~~upon such street or highway.~~

22 (d) *Authority to decrease twenty-five mile limit.*-- A municipality may in its discretion, but

1 subject to subsection ~~(e)~~ (f) of this section, authorize by ordinance lower speeds than those stated in
 2 subdivision (2), subsection (b), section one of this article upon local dedicated rights-of-way in a
 3 residential district or portions thereof, which lower speed shall be effective at all times or during
 4 hours of daylight or at such other times as may be determined when appropriate speed limit signs
 5 are erected. ~~giving notice of the authorized speed.~~

6 (e) Authority to decrease speed limit on streets and highways where school buses travel. --
 7 Whenever local authorities within their respective jurisdictions determine upon an engineering and
 8 traffic investigation that the speed under this chapter upon streets and highways where school buses
 9 travel is greater than is reasonable under the conditions found to exist upon the street or highway,
 10 the local authority may determine a reasonable limit subject to subsection (f) of this section. This
 11 reasonable limit shall be effective at all times or during hours of darkness, during hours of daylight
 12 or at other times as may be determined when appropriate speed limit signs giving notice are erected.

13 ~~(e)~~ (f) Alteration of limits on state highways in municipalities. -- Alteration of limits on state
 14 highways or extensions thereof in a municipality by local authorities shall not be effective until ~~such~~
 15 ~~alteration has been~~ approved by the 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. The bill provides that no lowering of a speed limit is effective until approved by the Commissioner of Highways.

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