

**Enrolled**  
**House Bill 2095**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for League of Oregon Cities)

CHAPTER .....

AN ACT

Relating to traffic safety; amending ORS 810.180 and 810.438.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 810.438 is amended to read:

810.438. (1) *[The following jurisdictions may, at their own cost,] A city at its own cost may operate photo radar.[:]*

- [(a) Albany.]*
- [(b) Beaverton.]*
- [(c) Bend.]*
- [(d) Eugene.]*
- [(e) Gladstone.]*
- [(f) Medford.]*
- [(g) Milwaukie.]*
- [(h) Oregon City.]*
- [(i) Portland.]*
- [(j) Tigard.]*

(2) A photo radar system operated under this section:

- (a) May be used on streets in residential areas or school zones.
- (b) May be used in other areas if the governing body of the city makes a finding that speeding has had a negative impact on traffic safety in those areas.

*[(c) May not be used for more than four hours per day in any one location.]*

*[(d)] (c)* May not be used on controlled access highways.

*[(e)] (d)* May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign posted under this paragraph must:

- (A) Be on the street on which the photo radar unit is being used;
- (B) Be between 100 and 400 yards before the location of the photo radar unit;
- (C) Be at least two feet above ground level; and
- (D) If posted in a school zone not otherwise marked by a flashing light used as a traffic control device, indicate that school is in session.

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (a) The effect of the use of the photo radar system on traffic safety;
- (b) The degree of public acceptance of the use of the photo radar system; and

(c) The process of administration of the use of the photo radar system.

(4) By March 1 of each odd-numbered year, each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

**SECTION 2.** ORS 810.180 is amended to read:

810.180. (1) As used in this section:

(a) "Designated speed" means the speed that is designated by a road authority as the maximum permissible speed for a highway and that may be different from the statutory speed for the highway.

(b) "Statutory speed" means the speed that is established as a speed limit under ORS 811.111, or is established as the speed the exceeding of which is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(2)(a) A designated speed established under this section is a speed limit if the highway for which the speed is designated is subject to a statutory speed limit under ORS 811.111 that is in addition to the speed limit established under ORS 811.111 (1)(b).

(b) A speed greater than a designated speed established under this section is prima facie evidence of violation of the basic speed rule if the designated speed is established for a highway on which there is no speed limit other than the limit established under ORS 811.111 (1)(b).

(3) The Department of Transportation may establish by rule designated speeds on any specified section of interstate highway if the department determines that speed limits established under ORS 811.111 (1) are greater or less than is reasonable or safe under the conditions that exist with respect to that section of the interstate highway. Designated speeds established under this subsection are subject to all of the following:

(a) The department may not establish a designated speed under this subsection of more than:

(A) Sixty-five miles per hour for vehicles described in ORS 811.111 (1)(b); and

(B) Seventy miles per hour for all other vehicles.

(b) If the department establishes designated speeds under this subsection that are greater than 65 miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least five miles per hour lower than the designated speed for all other vehicles on the specified section of interstate highway.

(c) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the interstate highway is greater or less than is reasonable or safe under conditions the department finds to exist.

(d) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the section of interstate highway where the designated speed is imposed.

(4)(a) The department may establish, pursuant to a process established by rule, a designated speed on a state highway outside of a city. The authority granted under this subsection includes, but is not limited to, the authority to establish different designated speeds for different kinds or classes of vehicles as the department determines reasonable and safe. A designated speed established under this subsection for any kind or class of vehicles may not exceed the speed limit for the highway for that kind or class of vehicles as established in ORS 811.111 or, if there is no speed limit for the highway other than the limit established in ORS 811.111 (1)(b), may not exceed 55 miles per hour.

(b) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the highway is greater or less than is reasonable or safe under conditions the department finds to exist.

(c) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.

(5) After a written request is received from a road authority for a highway other than a highway described in subsection (3) or (4) of this section, the department, pursuant to a process established by rule, may establish a designated speed for the highway. The authority granted under this sub-

section includes, but is not limited to, the authority to establish different designated speeds for different kinds or classes of vehicles as the department determines reasonable and safe. The authority granted under this subsection is subject to all of the following:

(a) The written request from the road authority must state a recommended designated speed.

(b) The department may establish a designated speed under this subsection only if an engineering and traffic investigation indicates that the statutory speed for the highway is greater or less than is reasonable or safe under conditions the department finds to exist.

(c) The department may not make a final decision to establish a designated speed under this subsection without providing the affected road authorities with notice and opportunity for a hearing.

(d) A road authority may file a written objection to a designated speed that is proposed by the department under this subsection and that affects the road authority.

(e) A designated speed established under this subsection is effective when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed. The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the portion of the highway where the designated speed is imposed.

(f) The department, pursuant to a process established by rule, may delegate its authority under this subsection with respect to highways that are low volume or unpaved to a city or county with jurisdiction over the highway. The department shall delegate authority under this paragraph only if it determines that the city or county will exercise the authority according to criteria adopted by the department.

(g) The department, pursuant to a process established by rule, may delegate its authority under this subsection to Clackamas County, Multnomah County or a city with jurisdiction over the highway. The department shall delegate authority under this paragraph only if it determines that Clackamas County, Multnomah County or the city will exercise the authority according to criteria adopted by the department. When Clackamas County, Multnomah County or a city establishes a designated speed under this paragraph, the county or city shall provide written notice to the department. The designated speed established under this paragraph is effective 30 days after the department receives the notice.

(6) The department may override the speed limit established for ocean shores under ORS 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c) is greater than is reasonable or safe under the conditions that exist with respect to that part of the ocean shore. The authority granted under this subsection is subject to all of the following:

(a) The department may make the determination required under this subsection only on the basis of an investigation.

(b) A designated speed established under this subsection is effective when posted upon appropriate fixed or variable signs on the portion of ocean shore where the designated speed is imposed.

(7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under this subsection shall post and maintain signs at all park entrances to give notice of any designated speed.

(8) A road authority may establish by ordinance or order a temporary designated speed for highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed may be established under this subsection if, in the judgment of the road authority, the temporary designated speed is necessary to protect any portion of the highway from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger. The following apply to the authority granted under this subsection:

(a) Statutory speeds may be overridden by a temporary designated speed only:

(A) For a specific period of time for all vehicles; or

(B) For a specified period of time for a specific kind or class of vehicle that is causing identified damage to highways.

(b) This subsection may not be used to establish a permanent designated speed.

(c) The authority granted by this subsection may be exercised only if the ordinance or order that imposes the temporary designated speed:

(A) Specifies the hazard, damage or other condition requiring the temporary designated speed; and

(B) Is effective only for a specified time that corresponds to the hazard, damage or other condition specified.

(d) A temporary designated speed imposed under this subsection must be imposed by a proper written ordinance or order. A sign giving notice of the temporary designated speed must be posted at each end of the portion of highway where the temporary designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The temporary designated speed shall be effective when signs giving notice of the temporary designated speed are posted.

(9) A road authority may establish an emergency speed on any highway under the jurisdiction of the road authority that is different from the existing speed on the highway. The authority granted under this subsection is subject to all of the following:

(a) A speed established under this subsection is effective when appropriate signs giving notice thereof are posted upon the highway or portion of highway where the emergency speed is imposed. All signs posted under this subsection must comply with ORS 810.200.

(b) The expense of posting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway or portion of highway where the emergency speed is imposed.

(c) A speed established under this subsection may be effective for not more than 120 days.

(10) A road authority may establish by ordinance a designated speed for a highway under the jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The following apply to the authority granted under this subsection:

(a) The highway is located in a residence district.

(b) The statutory speed may be overridden by a designated speed only if:

(A) The road authority determines that the highway has an average volume of fewer than 2,000 motor vehicles per day, more than 85 percent of which are traveling less than 30 miles per hour; and

(B) There is a traffic control device on the highway that indicates the presence of pedestrians or bicyclists.

(c) The road authority shall post a sign giving notice of the designated speed at each end of the portion of highway where the designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The designated speed shall be effective when signs giving notice of the designated speed are posted.

(11) A city may establish by ordinance a designated speed for a highway under the jurisdiction of the city that is *[five]* **up to 10** miles per hour lower than the statutory speed, **so long as the designated speed is not less than 20 miles per hour**. The following apply to the authority granted under this subsection:

(a) The highway is located in a residence district.

(b) The highway is not an arterial highway.

*[(c) The city shall post a sign giving notice of the designated speed at each end of the portion of highway where the designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The designated speed shall be effective when signs giving notice of the designated speed are posted.]*

**(c) The designated speed is effective when appropriate signs giving notice of the designated speed are posted on the highway where the designated speed is imposed.**

(12) Notwithstanding ORS 801.430, as used in subsection (11) of this section, “residence district” includes territory not comprising a business district that is contiguous to a highway and has access to dwellings provided by alleys.

**Passed by House April 5, 2023**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate April 24, 2023**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

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Shemia Fagan, Secretary of State