TRAFFIC CODE AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: ____________

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to the operation of a motor vehicle.

Highlighted Provisions:

This bill:

- authorizes the Department of Transportation to establish a posted speed limit that exceeds 75 miles per hour if the speed limit is based on a traffic engineering and safety study and is located between certain mile posts on a portion of the interstate;
- requires the Department of Transportation to consider the roadway geometry and population density when establishing a speed limit that exceeds certain maximum speed limits;
- requires the Department of Transportation to analyze the results and impacts of imposing a higher speed limit;
- requires the Department of Transportation to report its evaluation results to the Transportation Interim Committee of the Legislature;
- provides that an operator of a vehicle that is exempt from minimum speed regulations while operating on a grade is not exempt from the requirement to promptly pass an overtaken vehicle on the left at a safe distance; and
- makes technical changes.

Monies Appropriated in this Bill:
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6a-602 is amended to read:

41-6a-602. Speed limits established on state highways.

(1) (a) The Department of Transportation shall determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.

(b) For each highway or section of highway, each speed limit shall be based on a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the "Manual on Uniform Traffic Control Devices."

(c) The traffic engineering and safety studies shall include:

(i) the design speed;

(ii) prevailing vehicle speeds;

(iii) accident history;

(iv) highway, traffic, and roadside conditions; and

(v) other highway safety factors.

(2) In addition to the provisions of Subsection (1), the Department of Transportation may establish different speed limits on a highway or section of highway based on:

(a) time of day;

(b) highway construction;

(c) type of vehicle;

(d) weather conditions; and

(e) other highway safety factors.

(3) (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not exceed 65 miles per hour.
(b) [A] Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other limited access highway may not exceed 75 miles per hour.

(c) (i) The department may establish a posted speed limit on a freeway or other limited access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is:

(A) based on a highway traffic engineering and safety study; and

(B) is located on a portion of the interstate system that is between milepost 222 and milepost 64.

(ii) The department shall consider the roadway geometry and population density that may be appropriate for a higher speed limit when establishing a speed limit under this Subsection (3)(c).

(iii) If the department establishes a posted speed limit that exceeds the limit under Subsection (3)(b), the department shall evaluate the results and impacts of increasing a speed limit under Subsection (3)(c).

(iv) The department shall report the findings of an evaluation conducted under Subsection (3)(c)(iii) to the Transportation Interim Committee no later than one year after a speed limit has been imposed under this Subsection (3)(c).

(d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).

(4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:

(a) the county for state highways in an unincorporated area of the county;

(b) the municipality for state highways within the municipality's incorporated area;

(c) the Department of Public Safety; and

(d) the Transportation Commission.

(5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Section 2. Section 41-6a-704 is amended to read:

41-6a-704. Overtaking and passing vehicles proceeding in same direction.

(1) (a) On any highway:

[(a)] (i) the operator of a vehicle overtaking another vehicle proceeding in the same
direction shall:

[(i)] (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and

[(ii)] (B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;

[(b)] (ii) the operator of an overtaken vehicle:

[(i)] (A) shall give way to the right in favor of the overtaking vehicle; and

[(ii)] (B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).

(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:

(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and

(b) may not impede the movement or free flow of traffic in the left general purpose lane.

(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).

(4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:

(a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a);

(b) preparing to turn left or taking a different highway or an exit on the left;

(c) responding to emergency conditions;

(d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
(e) following the direction of a traffic-control device that directs the use of a designated lane.

Legislative Review Note
as of 1-31-08 12:22 PM

Office of Legislative Research and General Counsel
Fiscal Note

State Impact
Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact
Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.


Office of the Legislative Fiscal Analyst