

HB86 INTRODUCED



1 020Z6G-1

2 By Representative Wood (D)

3 RFD: Transportation, Utilities and Infrastructure

4 First Read: 07-Mar-23

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SYNOPSIS:

Under existing law, a municipality is responsible for setting speed limits on streets within its corporate limits.

This bill would provide that a municipality may not set speed limits on county-maintained streets within its corporate limits.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles and traffic; to amend Sections 11-49-4, 32-5A-173, and 32-5A-176, Code of Alabama 1975; to prohibit a municipality from setting speed limits on county-maintained streets within its corporate limits; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-49-4, 32-5A-173, and 32-5A-176, Code of Alabama 1975, are amended to read as follows:



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29 "§11-49-4

30 (a) Except as otherwise provided in this Code, ~~the~~
31 ~~several cities and towns in this state~~ each municipality shall
32 fix by ordinance the speed at which motor vehicles may be
33 operated within ~~their respective~~ its corporate limits and
34 shall fix the punishment for any violation of such ordinance
35 ~~within the limits of fine and imprisonment or either as now~~
36 ~~authorized or required by~~ in accordance with state law.

37 (b) Notwithstanding subsection (a), a municipality may
38 not fix the speed at which motor vehicles may be operated on a
39 county-maintained street, as defined in Section 11-49-80,
40 located within the corporate limits of the municipality."

41 "§32-5A-173

42 (a) ~~Whenever~~ Except as provided in subsection (f),
43 whenever local authorities in their respective jurisdictions
44 determine on the basis of an engineering and traffic
45 investigation that the maximum speed permitted under this
46 article ~~is greater or less than is reasonable and safe~~ is
47 unreasonable under the conditions found to exist upon a
48 highway or part of a highway, the local authority may
49 ~~determine and declare~~ set a reasonable ~~and safe~~ maximum limit
50 ~~thereon~~ which:

51 (1) Decreases the limit at intersections;

52 (2) Increases the limit within an urban district ~~but~~
53 ~~not to more than the maximum rate of speed that may be~~
54 ~~prescribed by the Governor under subdivision (6) of~~ consistent
55 with Section 32-5A-171;

56 (3) Decreases the limit on any street, unpaved road, or



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57 highway under the jurisdiction and control of any county
58 commission; or

59 (4) Increases the limit on any street, unpaved road, or
60 highway under the jurisdiction and control of any county
61 commission ~~but not to more than the maximum rate of speed that~~
62 ~~is prescribed under subdivision (3) or by the Governor under~~
63 ~~subdivision (6) of~~ consistent with Section 32-5A-171.

64 (b) Local authorities in their respective jurisdictions
65 shall determine by an engineering and traffic investigation
66 the proper maximum speed for all arterial streets and shall
67 declare a reasonable ~~and safe~~ maximum limit thereon ~~which may~~
68 ~~be greater or less than the maximum speed permitted under this~~
69 ~~chapter for an urban district.~~

70 (c) Any altered limit established ~~as hereinabove~~
71 ~~authorized shall~~ according to this section may be effective at
72 all times, or during hours of darkness, or at other times as
73 may be determined when appropriate signs giving notice thereof
74 are erected upon the street or highway.

75 (d) Any alteration of maximum limits on state highways
76 or extensions thereof in a municipality by local authorities
77 shall not be effective until the alteration has been approved
78 by the Department of Transportation.

79 (e) (1) Not more than six alterations ~~as hereinabove~~
80 authorized pursuant to this section shall be made per mile
81 along a street or highway, except in the case of reduced
82 limits at intersections, ~~and the~~.

83 (2) The difference between adjacent limits shall not be
84 more than 10 miles per hour.



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85 (f) A municipality may not fix the speed at which motor
86 vehicles may be operated on a county-maintained street, as
87 defined in Section 11-49-80, located within the corporate
88 limits of the municipality."

89 "§32-5A-176

90 (a) No person shall drive a vehicle over any bridge or
91 other elevated structure constituting a part of a highway at a
92 speed ~~which that~~ is greater than the maximum speed ~~which that~~
93 can be safely maintained ~~with safety to on~~ such bridge or
94 structure, when ~~such the bridge or~~ structure is signposted as
95 provided in this section.

96 (b) ~~The~~ Except as provided in subsection (d), the
97 Department of Transportation and local authorities on highways
98 under their respective jurisdictions may conduct an
99 investigation of any bridge or other elevated structure
100 constituting a part of a highway, and if ~~it shall thereupon~~
101 ~~find that such~~ the department or local authority finds that
102 the bridge or structure cannot ~~with safety to itself~~ safely
103 withstand vehicles traveling at the speed otherwise
104 permissible under this chapter, the Department of
105 Transportation or local authority shall ~~determine and declare~~
106 ~~the set a~~ maximum vehicle speed ~~of vehicles which such that~~
107 the structure can safely withstand, and shall cause or permit
108 suitable signs stating ~~such the~~ maximum speed to be erected
109 and maintained before each end of ~~such the~~ structure.

110 (c) Upon the trial of any person charged with a
111 violation of this section, proof of the determination of the
112 maximum speed by the Department of Transportation and the



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113 existence of the signs shall constitute conclusive evidence of
114 the maximum speed ~~which~~that can be safely maintained ~~with~~
115 ~~safety to such~~on the bridge or structure.

116 (d) A municipality may not fix the speed at which motor
117 vehicles may be operated on a county-maintained street, as
118 defined in Section 11-49-80, located within the corporate
119 limits of the municipality."

120 Section 2. This act shall become effective on the first
121 day of the third month following its passage and approval by
122 the Governor, or its otherwise becoming law.