Chapter 734
Department of Transportation, Highway Division

734-020-0015
Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads

(1) Purpose and Intent:

(a) This rule establishes the processes for designating speed zones on public roads under ORS 810.180. This rule applies to all public roads except interstate highways under OAR 734-020-0010 or roads on which the Department has delegated its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5)(f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017.

(b) The investigation methodologies described in this rule are intended to result in engineering studies which apply objective standards to balance the safety objectives of road authorities and operational needs of public roads based on functional classes and contexts in a manner consistent with the standards for traffic control devices adopted in OAR 734-020-0005.

(2) Standard Method / Urban Speed Zones: This method is used to establish speed zones for highways within city limits. Speed zone studies for highways designated in the functional class of “Other Freeways or Expressways” must be conducted as described for Standard Method / Rural Speed Zones, regardless of whether the highway is within city limits.

(a) An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered:

(A) Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling);

(B) The crash rate;

(C) The average crash rate (if available);

(D) Crash history over the preceding three years, including noting any fatal or serious injury crash;

(E) Average daily traffic;

(F) Context, accompanied by a description of the type and density of adjacent land use and noting if the context is inconsistent, otherwise difficult to determine or development along the segment is very sparse;

(G) Functional class;

(H) Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices;

(I) The presence, type and kind of pedestrian and bicycle facilities;

(J) Recommended speed, which must be a multiple of 5 mph; and
(K) Other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone. Such information may include, but is not limited to:

(i) Number and location of accesses, driveways and intersections, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences;

(ii) Transit routes or facilities;

(iii) Input from the enforcement agency responsible for the segment;

(iv) Geometric features;

(v) Public testimony;

(vi) Length and consistency of segment(s); and

(vii) Demographics of users (seniors, children, tourists, commuters, etc.).

(b) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds, listed below by context / functional class:

(A) Urban Core / Arterial 20 mph - 25 mph

(B) Urban Core / Collector 20 mph – 25 mph

(C) Urban Core / Local 20 mph – 25 mph

(D) Urban Mix / Arterial 25 mph – 30 mph

(E) Urban Mix / Collector 25 mph – 30 mph

(F) Urban Mix / Local 20 mph – 25 mph

(G) Suburban Commercial or Residential / Arterial 30 mph – 35 mph

(H) Suburban Commercial or Residential / Collector 25 mph – 35 mph

(I) Suburban Commercial or Residential / Local 25 mph – 35 mph

(J) Suburban Fringe / Arterial 35 mph – 45 mph

(K) Suburban Fringe / Collector 30 mph – 40 mph

(L) Suburban Fringe / Local 25 mph – 35 mph

(c) Notwithstanding subsection (b), the recommended speed may fall outside the range of recommended speeds under the following circumstances.

(A) The recommended speed may be between 5 mph below the fiftieth percentile speed (or 20 mph, whichever is higher) and 5 mph above the fiftieth percentile speed if:
The context of the highway is inconsistent, otherwise difficult to determine or very sparse development;

The fiftieth percentile speed is 5 mph or more greater than the range maximum listed in (b); or

The highway has widely spaced public road intersections and with few private driveways leading to businesses or residences.

The recommended speed may be 10 mph below the fiftieth percentile speed or 20 mph, whichever is higher, if:

The crash rate for the segment exceeds 150% of the average crash rate for the same functional class of highway within the jurisdiction of the road authority;

There has been more than one fatal or serious injury in the past three years; or

The segment is contiguous to a residence district.

Standard Method / Rural Speed Zones. This method is used to establish speed zones for highways outside of city limits and for highways designated as functional class “Other Freeway and Expressway,” regardless of location.

An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered:

Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling);

Crash history over the preceding three years, including noting any fatal or serious injury crash

The crash rate;

The average crash rate (if available);

Computed eighty-fifth percentile speed;

The difference between the crash rate for the specific segment being considered and the average crash rate for similar functional class highways;

Average daily traffic;

A description of the type and density of adjacent land use;

Functional class;

Recommended speed, which must be a multiple of 5 mph;

Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices; and

Other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone. Such information may include, but is not limited to:
(i) Number and location of accesses, driveways and intersections, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences;

(ii) Input from the enforcement agency responsible for the segment;

(iii) Geometric features; and

(iv) Public testimony.

(b) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds described below:

(A) For State Highways the recommended speed range is: five mph below the computed eighty-fifth percentile speed to five mph above the computed eighty-fifth percentile speed.

(B) For Non-State Highways in the functional classes “Arterial” or “Other Freeway and Expressway” the recommended speed range is: five mph below the computed eighty-fifth percentile speed to five mph above the computed eighty-fifth percentile speed.

(C) For Non-State Highways in the functional classes “Collector” or “Local” the recommended speed range is: five mph below the fiftieth percentile speed to five mph above the computed eighty-fifth percentile speed.

(c) Notwithstanding subsection (b), the recommended speed may fall outside the range of recommended speeds under the following circumstances

(A) The recommended speed may be up to 10 mph below the computed eighty-fifth percentile speed if:

(i) The crash rate for the specific segment exceeds 150% of the average crash rate;

(ii) There have been more than one fatal or serious injury crash in the last three years; or

(iii) There is limited stopping sight distance which has contributed to crashes.

(B) For any highway in a rural community, the recommended speed may be 10 mph above or below the fiftieth percentile speed for the highway if:

(i) The segment is contiguous to a business district or a residence district;

(ii) The segment is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community and is listed in the Survey of Oregon Unincorporated Communities; or

(iii) The specific segment has residences, businesses, or other public service facilities fronting it or has pedestrian attractions such as businesses, schools, parks or other facilities.

(4) Alternative Investigation Method

(a) With the approval of the State Traffic-Roadway Engineer, the alternative investigation method may be used instead of the standard method to conduct an engineering study to recommend a speed zone on
certain streets within city limits. The alternative investigation method may not be used for engineering studies on state highways or any highway in the functional classes of “Arterial,” “Interstate” or “Other Freeways and Expressways.”

(b) An engineering study must be in writing and must include the following components or information regarding the segment of highway being considered:

(A) Analysis of the speed characteristics of free flowing traffic (eighty-fifth percentile speed, fiftieth percentile speed, pace limits, percent of traffic operating within the pace limits, and the maximum speed observed during sampling);

(B) The crash rate;

(C) The average crash rate (if available);

(D) Crash history over the preceding three years, including noting any fatal or serious injury crash;

(E) Average daily traffic;

(F) Context accompanied by a description of the type and density of adjacent land use, and a statement of whether the highway has widely spaced public road intersections and with few private driveways leading to businesses or residences;

(G) Functional class;

(H) Recommended speed, which must be a multiple of 5 mph.

(I) Volume of pedestrian and bicycle traffic including, but not limited to, those on skates, scooters and personal assistive devices; and

(J) Any other information which, in the professional judgment of the engineer preparing the study, are relevant to the designation of the speed zone.

(c) The engineering study must recommend a speed for the highway which falls within the range of recommended speeds, listed by context / functional class in subsection (2)(b) or within the circumstances in subsection (2)(c) of this rule.

(d) A road authority using the alternative investigation method must obtain the concurrence with its use of that method and its resulting speed zone recommendation from any interested jurisdiction.

(5) Speed Zone Investigation Procedures:

(a) The following procedures apply when the Department exercises its authority to establish designated speeds on state highways within city limits, or on city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) The road authority and interested jurisdiction, if any, may submit a request to the State Traffic-Roadway Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The request must state the recommended designated speed for the highway or segment of highway by the road authority and interested jurisdiction, if any;

(B) The Department shall determine the recommended speed by performing or causing to be
performed an engineering study;

(C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the requestors to perform or cause to be performed an engineering study of the highway segment under its own jurisdiction and remit a copy of the investigation to the Department for review. The report shall be in a form acceptable to the Department.

(D) For road authorities authorized to perform the alternative investigation method, they shall submit the report containing the recommended speed to the Department for review and approval. The road authority shall refer to the Department for accepted report format.

(E) The Department shall allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation;

(F) The Department may recommend a change in the existing designated or statutory speed for a specific segment of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific segment in question;

(G) The Department shall give written notice to the road authority and interested jurisdiction, if any, of the Department’s determination concerning a recommended speed;

(H) The Department shall issue a speed zone order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any;

(I) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel;

(J) A speed zone order must be issued to establish a designated speed;

(K) A copy of the speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation’s records for each speed zone established;

(L) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed; and

(M) The Department may determine, at its discretion, whether a highway adjacent to a city limit boundary (i.e., the city limit boundary runs mostly along the right of way of the segment of highway) can be considered as being within the city limits for purposes of designating speeds.

(b) The following procedures apply when the Department exercises its authority to establish designated speeds on state highways outside of city limits under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) A Government agency or citizen may submit a request for the Department to perform an engineering study with respect to speed on a state highway outside of city limits under ORS 810.180. The request must be made to the State Traffic-Roadway Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning;

(B) The Department may perform or cause to be performed an engineering study, prepared in a form acceptable to the Department;
(C) The Department may change the existing designated or statutory speed for a specific segment of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific segment in question;

(D) The Department shall notify the original requestor of the Department's determination concerning a designated speed;

(E) The requestor may file written objections with the Department to any speed established by the Department;

(F) If the recommended speed exceeds the guidelines established under subsection (2) or (3) of this rule, the Department may refer the matter to the Speed Zone Review Panel;

(G) Following a determination by the Speed Zone Review Panel, the Department shall issue a speed zone order to establish the designated speed for the segment as the speed determined by the Speed Zone Review Panel;

(H) The Department shall retain the original order in its records for each speed zone established; and

(I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(6) Speed Zone Review Panel:

(a) The Speed Zone Review Panel is created to conduct hearings for contested speed zones and determine the speed to be designated. The Panel also serves as an advisory body to the Department on speed zoning issues and practices. The panel must consist of the five following persons:

(A) The Chair of the Governor’s Transportation Safety Committee or a representative designated by the Chair;

(B) The Superintendent of State Police or a representative designated by the superintendent;

(C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and

(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.

(b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.

(c) The State Traffic-Roadway Engineer will designate the Chairperson.

(d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.

(e) The Speed Zone Review Panel must conduct a hearing when the State Traffic-Roadway Engineer determines the Department has received a sufficient number of appeals to convene the panel:
(A) The State Traffic-Roadway Engineer must arrange the hearing date and present the speed zone appeals;

(B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the Department, road authority and any interested jurisdiction;

(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;

(D) Written testimony received by the State Traffic-Roadway Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;

(E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;

(F) The decision of the panel is final and any speed zone order must be issued accordingly; and

(G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.

7) Rescission.

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the highway and the highway meets the statutory definition of the proposed statutory speed.

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.

8) Transition Speed Zones; Speed Zone Length; Preliminary Investigations

(a) If the Department determines that a transition speed zone is needed, it shall consider the feasibility of accomplishing the transition to the lower speed in one segment. Notwithstanding any rule regarding recommended speeds, the Department may determine the recommended speed for transition speed zones at its discretion.

(b) The segment length for a single speed zone must be at least one-quarter of a mile in length; however, transition speed zones may be one thousand feet in length.

(c) A designated speed zone may, at the discretion of the State Traffic-Roadway Engineer, be extended or shortened up to 500 feet without performing an engineering study within that segment.

(d) The Department may conduct a preliminary investigation, consisting of some but not all of the elements of a Standard Method engineering study in order to determine the practicability investigating the request further. The Department may prepare a final response to the request based entirely on its
preliminary investigation, as approved by the State Traffic-Roadway Engineer.

**Statutory/Other Authority:** ORS 184.619, 810.010, 810.180

**Statutes/Other Implemented:** ORS 810.180