

LEGISLATIVE BILL 436

Approved by the Governor March 25, 1986

Introduced by Withem, 14

AN ACT relating to rules of the road; to amend section 39-663, Reissue Revised Statutes of Nebraska, 1943; to set and change speed limits during maintenance, repair, and construction; to provide a penalty; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-663. (1) Whenever the Department of Roads shall determine, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway on the condition that the maximum rural and freeway limits set forth in sections 39-601 to 39-6,122 shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the Department of Roads provided for in subsection (1) of this section shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders, but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the Department of Roads. Certified

copies of such authorizations shall be available from the Department of Roads at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected, as provided in subsection (1) of this section.

(3) County boards, on county roads not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission or a natural resources district, and outside of the corporate limits of cities and villages, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads. The limit outside of a business or ~~residence~~ residential district shall not be decreased to less than thirty-five miles per hour.

(4) Incorporated cities and villages on all streets within their corporate limits, except on state-maintained freeways which are part of the state highway system, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if the change is based on engineering and traffic investigation, except that no imposition of speed limits on streets which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the Department of Roads.

(5) The director of any state institution, the Game and Parks Commission, or a natural resources district, with regard to roads not a part of the state highway system and within the limits of such institution or area under Game and Parks Commission or natural resources district control, and outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads.

(6) Not more than six such speed limits shall be set per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.

(7) The maximum speed limit through any maintenance, repair, or construction zone on the state

highway system shall be thirty-five miles per hour in rural areas and twenty-five miles per hour in urban areas. Such speed limits shall take effect only after appropriate signs giving notice of the speed limit are erected or displayed in a conspicuous place in advance of the area where the maintenance, repair, or construction activity is or will be taking place. Such signs shall conform to the Manual on Uniform Traffic Control Devices and shall be regulatory signs imposing a legal obligation and restriction on all traffic proceeding into the maintenance, construction, or repair zone. The signs may be displayed upon a fixed, variable, or movable stand. While maintenance, construction, or repair is being performed, the signs may be mounted upon moving Department of Roads vehicles displaying such signs well in advance of the maintenance zone. The Director-State Engineer may increase the speed limit through any highway maintenance, repair, or construction zone in increments of five miles per hour if the speed set does not exceed the maximum speed limits established in subsections (1) to (6) of this section or section 39-662 or 39-666. The Director-State Engineer may delegate the authority to raise speed limits through any maintenance, repair, or construction zone to any Department of Roads employee in a supervisory capacity or may delegate such authority to a county, municipal, or local engineer who has the duty to maintain the state highway system in such jurisdiction if the maintenance is performed on behalf of the Department of Roads by contract with the local authority. Such increased speed limit through a maintenance, repair, or construction zone shall be effective when the Director-State Engineer or any officer to whom authority has been delegated gives a written order for such increase and signs posting such speed limit are erected or displayed.

Any person violating the speed limit posted in such maintenance, repair, or construction zone shall be guilty of a traffic infraction.

Sec. 2. That original section 39-663, Reissue Revised Statutes of Nebraska, 1943, is repealed.