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HOUSE BILL NO. 1531

Offered January 14, 2015

Prefiled January 6, 2015

A BILL to amend and reenact §§ 46.2-873 and 46.2-878 of the Code of Virginia, relating to changing speed limits in school zones.

Patrons—Minchew, Futrell, Hope, Keam, Simon, Villanueva and Watts

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-873 and 46.2-878 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-873. Maximum speed limits at school crossings; penalty.**

A. The maximum speed limit shall be twenty-five miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway and bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than 600 feet from the limits of the school property or crossing in the vicinity of the school. However, "school crossing" signs may be placed in any location if the Department of Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town, such portable signs shall be furnished and delivered by the Department of Transportation. The principal or chief administrative officer of each school or a school board designee, preferably not a classroom teacher, shall place such portable signs in the highway at a point not more than 600 feet from the limits of the school property and remove such signs when their presence is no longer required by this section. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction, but shall not be placed so as to obstruct the roadway.

B. Such portable signs, tilt-over signs, or blinking signs shall be in a position, or be turned on, for thirty minutes preceding regular school hours, for thirty minutes thereafter, and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. The governing body of any county, city, or town may, however, decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or lit if it determines that no children will be going to or from school during the period of time that it subtracts from the thirty-minute period.

C. The governing body of any county, city, or town may, if the portion of the highway to be posted is within the limits of such county, city, or town, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

D. The City of Virginia Beach may establish school zones as provided in this section and mark such zones with flashing warning lights as provided in this section on and along all highways adjacent to Route 58.

E. Any person operating any motor vehicle in excess of a maximum speed limit established specifically for a school crossing zone, when such school crossing zone is (i) indicated by appropriately placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection B of this section shall be guilty of a traffic infraction punishable by a fine of not more than \$250, in addition to other penalties provided by law.

For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.

F. Notwithstanding the foregoing provisions of this section, the maximum speed limit in school zones in residential areas may be decreased to fifteen miles per hour if (i) the school board having jurisdiction over the school nearest to the affected school zone passes a resolution requesting the reduction of the maximum speed limit for such school zone from twenty-five miles per hour to fifteen miles per hour and (ii) the local governing body of the jurisdiction in which such school is located enacts an ordinance

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59 establishing the speed-limit reduction requested by the school board.

60 **§ 46.2-878. Authority to change speed limits.**

61 A. Notwithstanding the other provisions of this article, the Commissioner of Highways or other
62 authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and
63 may increase or decrease the speed limits set forth in §§ ~~46.2-873~~ 46.2-873.1 through 46.2-875 on any
64 highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime
65 by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for
66 daytime or decreasing for nighttime the speed limits set forth in §§ ~~46.2-873~~ 46.2-873.1 through
67 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such
68 differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed
69 after a traffic engineering investigation and when indicated on the highway by signs. It shall be unlawful
70 to operate any motor vehicle in excess of speed limits established and posted as provided in this section.
71 The increased or decreased speed limits over highways under the control of the Commissioner of
72 Highways shall be effective only when prescribed in writing by the Commissioner of Highways and kept
73 on file in the Central Office of the Department of Transportation. Whenever the speed limit on any
74 highway has been increased or decreased or a differential speed limit has been established and such
75 speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was
76 properly established in accordance with the provisions of this section.

77 B. Notwithstanding any other provision of this article, including the provisions of subsection A, the
78 governing body of any town located entirely within the confines of a United States military base may by
79 ordinance reduce the speed limit to less than 25 miles per hour on any highway within its boundaries,
80 provided such reduced speed limit is indicated by lawfully placed signs.