SB33 ENROLLED



- 1 CXORWQ-3
- 2 By Senator Livingston
- 3 RFD: County and Municipal Government
- 4 First Read: 07-Mar-23

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6 2023 Regular Session



1 Enrolled, An Act, 2 3 4 Relating to motor vehicles and traffic; to amend 5 Sections 11-49-4, 32-5A-173, and 32-5A-176, Code of Alabama 1975; to prohibit a municipality from setting speed limits on 6 7 county-maintained streets within its corporate limits in certain circumstances; and to make nonsubstantive, technical 8 9 revisions to update the existing code language to current 10 style. 11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. Sections 11-49-4, 32-5A-173, and 32-5A-176, 12 13 Code of Alabama 1975, are amended to read as follows: "\$11-49-4 14 15 (a) Except as otherwise provided in this Code, the several cities and towns in this state each municipality shall 16 fix by ordinance the speed at which motor vehicles may be 17 18 operated within their respective its corporate limits and 19 shall fix the punishment for any violation of such ordinance within the limits of fine and imprisonment or either as now 20 21 authorized or required by in accordance with state law. 22 (b) Notwithstanding subsection (a), a municipality may 23 not fix the speed at which motor vehicles may be operated on a 24 county-maintained street, as defined in Section 11-49-80, 25 located within the corporate limits of the municipality unless 26 the municipality conducts an engineering and traffic investigation and receives written approval from the county 27 28 engineer to fix the speed based on the results of that



29	investigation."
30	"§32-5A-173
31	(a) Whenever Except as provided in subsection (f),
32	whenever local authorities in their respective jurisdictions
33	determine on the basis of an engineering and traffic
34	investigation that the maximum speed permitted under this
35	article is greater or less than is reasonable and safe <u>is</u>
36	unreasonable under the conditions found to exist upon a
37	highway or part of a highway, the local authority may
38	determine and declare set a reasonable and safe maximum limit
39	thereon which:
40	(1) Decreases the limit at intersections;
41	(2) Increases the limit within an urban district but
42	not to more than the maximum rate of speed that may be
43	prescribed by the Governor under subdivision (6) of consistent
44	<pre>with Section 32-5A-171;</pre>
45	(3) Decreases the limit on any street, unpaved road, or
46	highway under the jurisdiction and control of any county
47	commission; or
48	(4) Increases the limit on any street, unpaved road, or
49	highway under the jurisdiction and control of any county
50	commission but not to more than the maximum rate of speed that

commission but not to more than the maximum rate of speed that is prescribed under subdivision (3) or by the Governor under subdivision (6) of consistent with Section 32-5A-171.

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(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may



- 57 be greater or less than the maximum speed permitted under chapter for an urban district. 58
 - (c) Any altered limit established as hereinabove authorized shall according to this section may be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon the street or highway.
 - (d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until the alteration has been approved by the Department of Transportation.
 - (e) (1) Not more than six alterations as hereinabove authorized pursuant to this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the.
- (2) The difference between adjacent limits shall not be 72 73 more than 10 miles per hour.
 - (f) A municipality may not fix the speed at which motor vehicles may be operated on a county-maintained street, as defined in Section 11-49-80, located within the corporate limits of the municipality unless the municipality conducts an engineering and traffic investigation and receives written approval from the county engineer to fix the speed based on the results of that investigation."
- 81 "\$32-5A-176

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(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a 83 speed which that is greater than the maximum speed which that

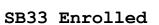


structure, when such the bridge or structure is signposted as provided in this section.

- (b) The Except as provided in subsection (d), the

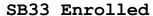
 Department of Transportation and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such the department or local authority finds that the bridge or structure cannot with safety to itself safely withstand vehicles traveling at the speed otherwise permissible under this chapter, the Department of

 Transportation or local authority shall determine and declare the set a maximum vehicle speed of vehicles which such that the structure can safely withstand, and shall cause or permit suitable signs stating such the maximum speed to be erected and maintained before each end of such the structure.
- (c) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the Department of Transportation and the existence of the signs shall constitute conclusive evidence of the maximum speed which that can be safely maintained with safety to such on the bridge or structure.
- (d) A municipality may not fix the speed at which motor vehicles may be operated on a county-maintained street, as defined in Section 11-49-80, located within the corporate limits of the municipality unless the municipality conducts an engineering and traffic investigation and receives written





113	approval from the county engineer to fix the speed based on
114	the results of that investigation."
115	Section 2. This act shall become effective on the first
116	day of the third month following its passage and approval by
117	the Governor, or its otherwise becoming law.





President and Presiding Officer of the Senate Speaker of the House of Representatives SB33 Senate 04-Apr-23 I hereby certify that the within Act originated in and passed the Senate, as amended. Patrick Harris, Secretary. House of Representatives Passed: 27-Apr-23 146 By: Senator Livingston