

**House Transportation, Utilities and Infrastructure  
Engrossed Substitute for HB86**



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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 **in certain circumstances**; 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:

"§11-49-4

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

(b) Notwithstanding subsection (a), a municipality may



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29 not fix the speed at which motor vehicles may be operated on a  
30 county-maintained street, as defined in Section 11-49-80,  
31 located within the corporate limits of the municipality unless  
32 the municipality conducts an engineering and traffic  
33 investigation and receives written approval from the county  
34 engineer to fix the speed based on the results of that  
35 investigation."

36 "§32-5A-173

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

46 (1) Decreases the limit at intersections;

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

51 (3) Decreases the limit on any street, unpaved road, or  
52 highway under the jurisdiction and control of any county  
53 commission; or

54 (4) Increases the limit on any street, unpaved road, or  
55 highway under the jurisdiction and control of any county  
56 commission ~~but not to more than the maximum rate of speed that~~



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57 ~~is prescribed under subdivision (3) or by the Governor under~~  
58 ~~subdivision (6) of~~ consistent with Section 32-5A-171.

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

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

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

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

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

80 (f) A municipality may not fix the speed at which motor  
81 vehicles may be operated on a county-maintained street, as  
82 defined in Section 11-49-80, located within the corporate  
83 limits of the municipality unless the municipality conducts an  
84 engineering and traffic investigation and receives written



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85 approval from the county engineer to fix the speed based on  
86 the results of that investigation."

87 "§32-5A-176

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

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

108 (c) Upon the trial of any person charged with a  
109 violation of this section, proof of the determination of the  
110 maximum speed by the Department of Transportation and the  
111 existence of the signs shall constitute conclusive evidence of  
112 the maximum speed ~~which that~~ can be safely maintained ~~with~~



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113 ~~safety to such~~ on the bridge or structure.

114 (d) A municipality may not fix the speed at which motor  
115 vehicles may be operated on a county-maintained street, as  
116 defined in Section 11-49-80, located within the corporate  
117 limits of the municipality unless the municipality conducts an  
118 engineering and traffic investigation and receives written  
119 approval from the county engineer to fix the speed based on  
120 the results of that investigation."

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