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HOUSE BILL 1451

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives R. Fisher, Braddock, Ferguson, Phillips, Jacobsen and Cole.

Read first time January 30, 1991.                      Referred to Committee on Transportation.

1            AN ACT Relating to speed limits; and amending RCW 46.61.400,  
2 46.61.405, and 46.61.410.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 46.61.400 and 1965 ex.s. c 155 s 54 are each amended  
5 to read as follows:

6            (1) No person shall drive a vehicle on a highway at a speed greater  
7 than is reasonable and prudent under the conditions and having regard  
8 to the actual and potential hazards then existing. In every event  
9 speed shall be so controlled as may be necessary to avoid colliding  
10 with any person, vehicle or other conveyance on or entering the highway  
11 in compliance with legal requirements and the duty of all persons to  
12 use due care.

13            (2) Except when a special hazard exists that requires lower speed  
14 for compliance with subsection (1) of this section, the limits  
15 specified in this section or established as hereinafter authorized

1 shall be maximum lawful speeds, and no person shall drive a vehicle on  
2 a highway at a speed in excess of such maximum limits.

3 (a) Twenty-five miles per hour on city and town streets;

4 (b) Fifty miles per hour on county roads;

5 (c) ~~((Sixty))~~ Fifty-five miles per hour on state highways.

6 The maximum speed limits set forth in this section may be altered  
7 as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

8 (3) The driver of every vehicle shall, consistent with the  
9 requirements of subsection (1) of this section, drive at an appropriate  
10 reduced speed when approaching and crossing an intersection or railway  
11 grade crossing, when approaching and going around a curve, when  
12 approaching a hill crest, when traveling upon any narrow or winding  
13 roadway, and when special hazard exists with respect to pedestrians or  
14 other traffic or by reason of weather or highway conditions.

15 **Sec. 2.** RCW 46.61.405 and 1987 c 397 s 3 are each amended to read  
16 as follows:

17 Whenever the secretary of transportation shall determine upon the  
18 basis of an engineering and traffic investigation that any maximum  
19 speed ~~((hereinbefore))~~ set forth in RCW 46.61.400 is greater than is  
20 reasonable or safe with respect to a state highway under the conditions  
21 found to exist at any intersection or upon any other part of the state  
22 highway system or at state ferry terminals, or that a general reduction  
23 of any maximum speed set forth in RCW 46.61.400 ~~((is necessary in order  
24 to comply with a national maximum speed limit))~~ would aid in the  
25 conservation of energy resources, the secretary may determine and  
26 declare a reasonable and safe lower maximum limit or a lower maximum  
27 limit which will ~~((comply with a national maximum speed limit))~~  
28 reasonably conserve energy resources, for any state highway, the entire  
29 state highway system, or any portion thereof, which shall be effective

1 when appropriate signs giving notice thereof are erected. The  
2 secretary may also fix and regulate the speed of vehicles on any state  
3 highway within the maximum speed limit allowed by this chapter for  
4 special occasions including, but not limited to, local parades and  
5 other special events. Any such maximum speed limit may be declared to  
6 be effective at all times or at such times as are indicated upon the  
7 said signs; and differing limits may be established for different times  
8 of day, different types of vehicles, varying weather conditions, and  
9 other factors bearing on safe speeds, which shall be effective (a) when  
10 posted upon appropriate fixed or variable signs or (b) if a maximum  
11 limit is established for auto stages which is lower than the limit for  
12 automobiles, the auto stage speed limit shall become effective thirty  
13 days after written notice thereof is mailed in the manner provided in  
14 subsection (4) of RCW 46.61.410(~~(, as now or hereafter amended)~~).

15 **Sec. 3.** RCW 46.61.410 and 1987 c 397 s 4 are each amended to read  
16 as follows:

17 (1)(a) Subject to subsection (2) of this section the secretary may  
18 increase the maximum speed limit on any highway or portion thereof to  
19 not more than seventy miles per hour in accordance with the design  
20 speed thereof (taking into account all safety elements included  
21 therein), or whenever the secretary determines upon the basis of an  
22 engineering and traffic investigation that such greater speed is  
23 reasonable and safe under the circumstances existing on such part of  
24 the highway.

25 (b) (~~If the federal government increases the national maximum~~  
26 ~~speed limit to at least sixty five miles per hour on any part of the~~  
27 ~~highway system, the secretary of transportation shall forthwith~~  
28 ~~increase to that same speed the maximum speed limit on any such highway~~  
29 ~~or portion thereof then posted at fifty five miles per hour to a~~

1 ~~maximum of sixty five miles per hour, subject to subsection (2) of this~~  
2 ~~section, if such limit had been established for that highway or portion~~  
3 ~~thereof in order to comply with the former national maximum speed~~  
4 ~~limit. However, if an engineering and traffic investigation conducted~~  
5 ~~by the department clearly indicates that a speed limit above fifty five~~  
6 ~~miles an hour would be unsafe for that highway or a portion thereof,~~  
7 ~~the secretary of transportation shall not increase the speed limit for~~  
8 ~~that highway or portion thereof above the safe speed indicated by the~~  
9 ~~investigation. The speed limit on interstate route number 5 between~~  
10 ~~Everett and Olympia may not be increased above fifty five miles per~~  
11 ~~hour under this subsection (b).~~

12 ~~(e))~~ The greater maximum limit established under (a) ~~((or (b)))~~ of  
13 this subsection shall be effective when appropriate signs giving notice  
14 thereof are erected, or if a maximum limit is established for auto  
15 stages which is lower than the limit for automobiles, the auto stage  
16 speed limit shall become effective thirty days after written notice  
17 thereof is mailed in the manner provided in subsection (4) of this  
18 section.

19 ~~((d))~~ (c) Such maximum speed limit may be declared to be  
20 effective at all times or at such times as are indicated upon said  
21 signs or in the case of auto stages, as indicated in said written  
22 notice; and differing limits may be established for different times of  
23 day, different types of vehicles, varying weather conditions, and other  
24 factors bearing on safe speeds, which shall be effective when posted  
25 upon appropriate fixed or variable signs or if a maximum limit is  
26 established for auto stages which is lower than the limit for  
27 automobiles, the auto stage speed limit shall become effective thirty  
28 days after written notice thereof is mailed in the manner provided in  
29 subsection (4) of this section.

1           (2) The maximum speed limit for vehicles over ten thousand pounds  
2 gross weight and vehicles in combination except auto stages shall not  
3 exceed ((~~sixty~~)) fifty-five miles per hour and may be established at a  
4 lower limit by the secretary as provided in RCW 46.61.405.

5           (3) The word "trucks" used by the department on signs giving notice  
6 of maximum speed limits means vehicles over ten thousand pounds gross  
7 weight and all vehicles in combination except auto stages.

8           (4) Whenever the secretary establishes maximum speed limits for  
9 auto stages lower than the maximum limits for automobiles, the  
10 secretary shall cause to be mailed notice thereof to each auto  
11 transportation company holding a certificate of public convenience and  
12 necessity issued by the Washington utilities and transportation  
13 commission. The notice shall be mailed to the chief place of business  
14 within the state of Washington of each auto transportation company or  
15 if none then its chief place of business without the state of  
16 Washington.