## SB33 ENGROSSED



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

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6	A BILL
7	TO BE ENTITLED
8	AN ACT
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10	Relating to motor vehicles and traffic; to amend
11	Sections 11-49-4, 32-5A-173, and 32-5A-176, Code of Alabama
12	1975; to prohibit a municipality from setting speed limits on
13	county-maintained streets within its corporate limits in
14	certain circumstances; and to make nonsubstantive, technical
15	revisions to update the existing code language to current
16	style.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Sections 11-49-4, 32-5A-173, and 32-5A-176,
19	Code of Alabama 1975, are amended to read as follows:
20	<b>"</b> §11-49-4
21	(a) Except as otherwise provided in this Code, the
22	several cities and towns in this state each municipality shall
23	fix by ordinance the speed at which motor vehicles may be
24	operated within their respective its corporate limits and
25	shall fix the punishment for any violation of such ordinance
26	within the limits of fine and imprisonment or either as now
27	authorized or required by in accordance with state law.
28	(b) Notwithstanding subsection (a), a municipality may



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	<pre>with Section 32-5A-171;</pre>
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



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

- (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 be greater or less than the maximum speed permitted under this chapter for an urban district.
- (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 <u>pursuant to this section</u> shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the.
- 78 <u>(2) The</u> difference between adjacent limits shall not be 79 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."

"\$32-5A-176

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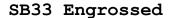
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- 94 (b) The Except as provided in subsection (d), the 95 Department of Transportation and local authorities on highways under their respective jurisdictions may conduct an 96 97 investigation of any bridge or other elevated structure 98 constituting a part of a highway, and if it shall thereupon 99 find that such the department or local authority finds that the bridge or structure cannot with safety to itself safely 100 withstand vehicles traveling at the speed otherwise 101 102 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.
  - (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





113 safety to such on the bridge or structure. 114 (d) A municipality may not fix the speed at which motor vehicles may be operated on a county-maintained street, as 115 116 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." Section 2. This act shall become effective on the first 121 day of the third month following its passage and approval by 122 123 the Governor, or its otherwise becoming law.





124 125 126 Senate Read for the first time and referred ..........07-Mar-23 127 to the Senate committee on County 128 and Municipal Government 129 130 131 Read for the second time and placed .................21-Mar-23 on the calendar: 132 133 1 amendment 134 Read for the third time and passed ............04-Apr-23 135 136 as amended Yeas 29 137 138 Nays 0 Abstains 0 139 140 141 142 Patrick Harris, 143 Secretary. 144