

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1438 Session of
2005

INTRODUCED BY FLICK, ARMSTRONG, WILT, BALDWIN, BARRAR, BASTIAN,
BEBKO-JONES, BELARDI, BOYD, CALTAGIRONE, CRAHALLA, CREIGHTON,
DALLY, DeLUCA, DENLINGER, FREEMAN, GEORGE, GILLESPIE,
GOODMAN, HARRIS, HENNESSEY, HERMAN, HICKERNELL, KOTIK,
MANDERINO, McILHATTAN, O'NEILL, PAYNE, RAYMOND, REICHLEY,
SCHRODER, SHANER, STERN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE,
WALKO, YOUNGBLOOD AND KAUFFMAN, APRIL 26, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 26, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for maximum speed limits and for
3 the authority to erect traffic-control devices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Sections 3362(a) and (b) and 6122(a) of Title 75
7 of the Pennsylvania Consolidated Statutes are amended to read:

8 § 3362. Maximum speed limits.

9 (a) General rule.--Except when a special hazard exists that
10 requires lower speed for compliance with section 3361 (relating
11 to driving vehicle at safe speed), the limits specified in this
12 section or established under this subchapter shall be maximum
13 lawful speeds and no person shall drive a vehicle at a speed in
14 excess of the following maximum limits:

15 (1) 35 miles per hour in any urban district.

16 (1.1) 65 miles per hour for all vehicles on freeways

1 where the department has posted a 65-miles-per-hour speed
2 limit.

3 (1.2) 25 miles per hour in a residence district, if the
4 highway:

5 (i) is not a numbered traffic route; and

6 (ii) is functionally classified by the department as
7 a local highway.

8 (1.3) 25 miles per hour on a portion of a highway
9 determined by the local authority to meet any of the
10 following conditions:

11 (i) the available sight distance on side roads or
12 driveways is less than the minimum stopping sight values
13 specified in department regulations for through vehicles
14 traveling more than 25 miles per hour;

15 (ii) an accident analysis conducted by the local
16 authority based on reports filed with and by a police
17 authority indicates that a majority of accidents are
18 related to pedestrians, driveways, pedalcycles, parked
19 vehicles or excessive speed, and the accident rate
20 exceeds the high-accident rate compiled by the
21 department; or

22 (iii) pedestrian activity and parallel parking
23 frequently occur along the highway, and the highway is
24 used primarily to provide access to residential
25 dwelling.

26 This paragraph does not apply to freeways or highways
27 designated as U.S. traffic routes.

28 (2) 55 miles per hour in other locations.

29 (3) Any other maximum speed limit established under this
30 subchapter.

(b) Posting of speed limit.--

(1) No maximum speed limit established under subsection (a)(1), (1.2), (1.3) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

* * *

§ 6122. Authority to erect traffic-control devices.

(a) General rule.--The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) Local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) Local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance

1 with department regulations.

2 (3) Notwithstanding any other provision of this title,
3 where a need exists for the installation of a traffic-control
4 signal on a State-designated highway on or near the boundary
5 of two adjoining municipalities, one of the municipalities
6 may seek approval of the department for installation of the
7 traffic-control signal if the municipality making the request
8 agrees to pay the costs of installation, maintenance and
9 operation of the traffic-control signal. The department shall
10 not require the consent or agreement of the adjoining
11 municipality before approving the installation of a traffic-
12 control signal under this paragraph.

13 * * *

14 Section 2. This act shall take effect in 90 days.