

1977

State of Utah In the Interest of Prisbrey, David (6/3/59) A Person Under Eighteen Years of Age : Brief of Respondent

Utah Supreme Court

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Grant M. Prism; Attorneys for Appellant Robert B. Hanson; Attorneys for Respondent

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IN THE SUPREME COURT OF THE
STATE OF UTAH

:
STATE OF UTAH
In the Interest of :

PRISBREY, DAVID (6/3/59) :

Case No.
15312

A person under eighteen
years of age. :

BRIEF OF RESPONDENT

APPEAL FROM THE JUDGMENT OF THE SECOND
JUVENILE COURT DISTRICT, IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH, THE
HONORABLE JOHN FARR LARSON, JUDGE

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FILED

SEP 30 1977

Clerk, Supreme Court, Utah

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IN THE SUPREME COURT OF THE
STATE OF UTAH

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STATE OF UTAH :
In the Interest of :
PRISBREY, DAVID (6/3/59) : Case No.
: 15312
A person under eighteen :
years of age. :

- - - - - : - - - - -
BRIEF OF RESPONDENT
- - - - -

STATEMENT OF THE NATURE OF THE CASE

Appellant was charged with a speeding violation on December 2, 1976, allegedly having traveled 75 miles per hour in a 55 mile per hour zone.

DISPOSITION IN THE LOWER COURT

Appellant contested this traffic citation in a hearing before the District Juvenile Court for Salt Lake County, Utah, the Honorable John Farr Larson, presiding. Counsel for appellant and the State stipulated that the appellant did speed in excess of 55 miles per hour, to-wit: 75 miles per hour. The Court found that the 55 mile per hour speed limit was valid and that therefore the appellant was within its jurisdiction. Accordingly, the Court ordered

appellant to pay a \$40.00 fine, staying the execution pending this appeal.

RELIEF SOUGHT ON APPEAL

Respondent seeks an order of this Court affirming the ruling of the lower court and fine imposed upon the appellant.

STATEMENT OF FACTS

On December 2, 1976, appellant was driving a vehicle in the vicinity of U.S. Interstate 15 in Salt Lake County. He was stopped by Highway Patrol Officer George Dawson and cited for speeding 75 miles per hour in a 55 mile per hour zone (Record: 24).

On March 23, 1977, a hearing on this matter was held before the Referee of the Court at which time appellant failed to appear. The Referee found the appellant guilty and ordered a default fine of \$20.00 (Record: 8,18). On June 1, 1977, appellant appeared before the Honorable John Farr Larson to appeal the Referee's ruling. Representing appellant was his father, Grant M. Prisbrey, an attorney (Record: 8).

Appellant moved to dismiss the proceedings on the grounds that the citation failed to meet due process requirements because it did not adequately inform appellant of the charge against him and because the 55 mile per hour speed limit was not in effect on the day of the alleged offense

(Record: 10-12). The Court heard arguments pertaining to this motion and then denied it, concluding that "... the child and parents had sufficient notice of the nature of the charge and that the Governor's Proclamation of January 2, 1974, effectively established the maximum speed at 55 miles per hour, that this is the law applicable in this state, and that it is not nullified by the subsequent action of the Federal Government nullifying the conditions upon which the Governor's action was based. . . ." (Record: 2).

Appellant's counsel and the State stipulated that the appellant had indeed been speeding at a rate of 75 miles per hour in a 55 mile per hour zone (Record: 2,8); whereupon the Court found the appellant in violation of the speeding law and assessed the fine hereinbefore mentioned (Record: 3,8).

ARGUMENT

POINT I

THE PROCLAMATION OF FORMER GOVERNOR RAMPTON ISSUED JANUARY 2, 1974, AND THE PROCLAMATION OF GOVERNOR MATHESON ISSUED APRIL 4, 1977, ESTABLISHING A 55 MILE PER HOUR MAXIMUM SPEED LIMIT ON HIGHWAYS WITHIN THE STATE HAVE ESTABLISHED AT ALL TIMES MENTIONED HEREIN CONSTITUTIONALLY

PERMISSIBLE AND LEGALLY ENFORCEABLE SPEEDING STANDARDS.¹

During the critical period following the Arab oil embargo in late 1973, the Emergency Highway Energy Conservation Act, Public Law 93-239; 87 Stat. 1046 [H.R. 11372], was signed into law, establishing a temporary maximum speed limit of 55 miles per hour on all highways (see Appendix "A"). The legislative history of this act, discussed in 1974 U.S. Code Congressional and Administrative News, pp. 8019-8020, included the following report:

"Uniform National Speed Limit and Enforcement. This era of energy shortage has brought about a dramatic change in the public attitude toward energy and its use. The Arab oil embargo in November 1973 focused public attention on the issue and prompted a series of measures designed to reduce our consumption of fuel. Congressional action was taken to reduce the speed limits on our Nation's highways.

-
- 1 Although many of the acts and rulings mentioned in respondent's brief are not a part of the record below, respondent asks this Court's indulgence to consider these outside references. The Utah Rules of Evidence, effective July 1, 1971, specifically Rule 12, permits the reviewing court to use its discretion in deciding whether to take judicial notice of facts which are relevant to the issues in dispute, whether or not they were judicially noticed by the lower court. Where respondent refers to documents or other resources not a part of the record, it attaches copies of same as appendices for the Court's convenience.

The Emergency Highway Energy Conservation Act (Public Law 93-239) was signed into law on January 2, 1974, establishing a temporary maximum speed limit of 55 miles per hour on all highways. The speed limit continues in effect until the President declares that there is not a fuel shortage requiring the application of the Act or until June 30, 1975, whichever first occurs.

The benefits of the lower maximum speed limit has been so substantial that the Committee is proposing that it be continued until such time as the Congress declares by concurrent resolution that it is no longer necessary.

According to reports from the Federal Energy Administration, over five million gallons of fuel have been saved daily as a result of the reduction in speeds and travel on the highways. This should be reason enough to maintain the lower speed limits; however, there has also been a sharp reduction in highway fatalities. The National Highway Traffic Safety Administration has estimated a 20-percent drop in traffic fatalities, which represents 1,000 fewer Americans being killed each month.

Several recent studies have attempted to identify factors contributing to the reduction of traffic fatalities. Results of a National Safety Council study indicate that 46 percent of the reduction is the result of reduced speeds, 21 percent the result of reduced travel on the highways, and the remainder attributable to other factors such as reduced occupancy and greater use of safety belts. A recent study by the American Association of State Highway and Transportation Officials found that approximately half of the reduction in traffic fatalities is the result of reduced speeds and more uniform speeds and half as attributable to all other factors.

A recent Gallup Poll showed that 72 percent of the American people favor keeping the 55 miles per hour speed limit. A solid majority in each major region of the nation favored keeping the speed limit, even in the Midwest and West where highway traffic is often lighter. Despite the fact that fuel conservation was the reason for reducing the speed limits, the key reason given by those who favored the lower speed was the saving of lives.

In terms of realizing greater fuel conservation and fatality reduction on the highways, the Emergency Highway Energy Conservation Act has been a success. The Committee is concerned about the lack of enforcement of the 55 miles per hour speed limit.

If the 55 miles per hour speed limit is to remain effective as an energy and life saving measure, it must be effectively enforced. The Committee has included in the bill a provision requiring States to certify annually that they are enforcing all State laws with respect to existing maximum vehicle sizes and weights permitted on the Interstate System and with respect to the 55 miles per hour speed limit. Failure to comply will result in the withholding of approval of Federal aid highway projects, under section 106 of Title 23, United States Code." (Emphasis added.)

As indicated in this report, in an effort to induce the states to effectively enforce the lower speed limit, a National Maximum Speed Limit was enacted on January 4, 1975, to make this maximum speeding limit permanent and to withhold approval of federal aid to highway projects to those states failing to comply:

"§ 154. National maximum speed limit.

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portions of a highway.

(b) As used in this section the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section." 23 U.S.C. 154 (Public Laws 93-643). (Emphasis added.)²

2 Further, to implement the requirements of 23 U.S.C. 154, federal regulations were promulgated specifying what states must do in order to be considered to have successfully complied with the federal conservation measures (see Appendix "B").

On January 2, 1974, pursuant to these federal measures, then Governor Calvin Rampton issued a proclamation (Appendix "C"), acknowledging President Richard Nixon's declaration of the existence of conditions amounting to a national emergency. He therefore established by proclamation a policy of a 55 mile per hour maximum speed limit on highways within the State. The Governor drew authority for his action from Utah Code Ann. § 41-6-46(4) (1953), which states:

"Provided, that the governor by proclamation, in time of war or national emergency, may upon recommendation of the federal authorities, change the speed on the highways of the state, to conform to such recommendations."

The State Road Commission issued a Resolution on January 25, 1974, adopting "a maximum speed limit on all highways within the State of Utah of 55 miles per hour pursuant to the Emergency Highway Energy Conservation Act which became effective January 2, 1974. Said limit to remain in effect until the date the President declares there is no fuel shortage or on June 30, 1975, whichever date first occurs." (See Appendix "D".)

On May 23, 1975, apparently anticipating the termination date of the Emergency Highway Energy Conservation Act, the State Road Commission adopted a 55 mile per hour maximum speed

limit "pursuant to Federal law, said limit to remain in effect until amended, modified or repealed by lawful Resolution of the Commission or its successor, or by the legislature of the State of Utah." (See Appendix "E".)

When Governor Scott Matheson assumed office, he apparently saw the need to issue a proclamation on this issue in his own name. Therefore, on April 4, 1977, Governor Matheson issued a proclamation nearly identical to that issued previously by Governor Rampton (see Appendix "F"). Finally, in a resolution adopted August 26, 1977, the Utah Transportation Commission formally adopted the 55 mile per hour maximum speed limit on highways within the State of Utah for the following reasons:

1. ". . . the United States, by action of Congress on January 4, 1975, and subsequent approval of the President, has repealed Section 2 of the Emergency Highway Energy Conservation Act, establishing a temporary national maximum speed limit of 55 miles per hour. . . ."

2. ". . . the same action by Congress and the President of the United States established a permanent 55 miles-per-hour maximum speed limit. . . ."

3. ". . . studies completed by the National Highway Traffic Safety Administration support the concept that the 55 mile-per-hour speed limit has resulted in saving lives. . . ."

4. "... Utah Department of Transportation engineering and traffic investigations indicate that compliance with the 55 mile-per-hour speed limit would result in fewer accidents and would be a benefit to the health, safety, and welfare of the State." (See Appendix "G".)

Such is the background of the administrative and legislative activity on both the State and Federal levels in relation to this matter.

In light of this, the appellant seems to argue the following:

1. That apparently the proclamation issued by Governor Rampton was invalid because no national emergency existed.

2. That the National Maximum Speed Limit, Public Law 93-643, repealed the Emergency Highway Energy Conservation Act, Public Law 93-239, so even if the governor's proclamation had validity to begin with, it no longer did after the repeal January 4, 1975.

3. That if Public Law 93-643 did not effect a termination then the Emergency Highway Energy Conservation Act died by its own terms June 30, 1975.

4. That assuming the proclamation was valid, it cannot live forever, and since the legislature has not ratified the 55 mile per hour speed limit, then it should have at some point become ineffective, probably before

the date of the appellant's speeding violation.

Respondent submits that each and every one of appellant's claims is meritless and contrary to the weight of authority. Appellant fails to support his claims with legal authority because none exists in support thereof. Admittedly, the interaction with federal and state law is an exceedingly complex affair and confusion is not an unlikely result in the absence of clear cut guidelines. Moreover, in the area of gubernatorial proclamations there is a dearth of statutory or case law pertaining to the durations of proclamations issued by those offices. However, respondent submits that what law does exist supports the proposition that the 55 mile per hour maximum speed limit is both permissible and in effect in Utah at all times mentioned herein.

The situation we now find ourselves in had its inception in the days of the Arab oil embargo. This embargo acted like a catalyst, alerting the country to the realization that our oil resources were in a delicate, precarious and critical balance. During the closing months of 1973, President Nixon encouraged immediate and severe energy conservation. Rumors of possible gas rationing floated about, along with other alarming ideas. Although these particular fears never materialized, our new President,

Jimmy Carter, has also strongly emphasized the seriousness of our energy situation. Possible penalties for "gas-guzzling" automobiles may become a reality; tax incentives for home insulation may become a reality, along with other energy conservation policies. What kind of period we are now in has been characterized by our President and by many experts as very critical insofar as energy conservation is concerned.

1. Initially, the Emergency Highway Energy Conservation Act was enacted to cope with the imminent threat of running out of oil. Thereafter, the permanent National Maximum Speed Limit, supra, was adopted to make citizens alert to the very present danger of wasting fuel during the critical period in which this country is adopting to other, more available energy resources.

In the recent decision of State v. Foukas, 560 P.2d 312 (Utah 1977), this Court upheld the 55 mile per hour maximum speed limit. In interpreting Utah Code Ann. § 41-6-46(4) (1953), as amended, this Court noted that the term "emergency" meant "an unforeseen combination of circumstances which calls for immediate action. . . ." In applying this definition to the time when the Governor issued his proclamation, the Court decided that conditions

then existed which did constitute a national emergency. In dicta, Justice Ellett stated that the energy crisis in the intervening years may not appear to be "as serious as originally forecasted." Id. at 313. Respondent submits that although the situation may not have been as acute as it was in late 1973 and early 1974, a continuing threat exists nonetheless and that this threat is serious enough to our elected representatives in Washington to warrant legislation encouraging conservation.

Furthermore, the term "national emergency" articulated in Section 41-6-46(4) and defined in State v. Foukas, supra, is broad enough to be flexible with changing post-enactment circumstances:

"Statutes are practical documents having practical effects. It is therefore improper to construe them in the abstract, without regard for the implications of the historical milieu into which they are thrust for the purpose of exerting an influence and with which they must interact. Since legislation is, in the nature of things, addressed to the future, information about contemporaneous and post-enactment facts and developments is relevant to a quest for legislative intent on the general ground that the legislature must have contemplated the interaction of the new law with such facts and developments even though it could not then foresee their precise character.

Correlatively, such information is also relevant to a decision according to what the statute means to others to the extent that people affected by an act could be expected to have their understanding of it influenced by knowledge about such facts and developments.

Contemporaneous and practical construction brings to bear the judgments and responses of administrative authorities, enforcement officials, and others closely involved in the actual operation of a statute concerning how it relates to the unfolding circumstances of history." Sutherland on Statutory Construction, 4th Ed., Vol. 2A, § 49.01.

"In construing their own state statutes the courts should take judicial notice of contemporaneous circumstances and usage, although the rule may be different where the construction of local ordinances or regulations and statutes of other states are involved." Id. at § 49.03.

Further, this Court in Utah Power and Light Co. v. Public Service Commission, 107 Utah 155, 152 P.2d 542 (1944) stated that courts should give great weight to "consistent administrative interpretations over the years by the officers charged with the duty of applying the statute and making each part work efficiently and smoothly. . . ." Id., 107 Utah at 187, 152 P.2d at 557. See also authority cited therein. Additionally, this Court approved of the proposition of harmonizing where possible the language of an act with the "carrying out of the responsibilities" of an administrative

agency in "the most prudent and profitable manner possible."

Colman v. Utah State Land Board, 17 Utah 2d 14, 18, 403 P.2d 781, 783 (1965).

Finally, authority exists for the position that a governor's proclamation made in the discharges of his official duties are as much due process of law as the judgment of a court. The general rule is that a court cannot interfere with the executive actions of a governor, which include proclamations, so long as they fall within the scope of his lawful authority, except in cases of extreme urgency. His decisions are regarded as conclusive and his acts are not reviewable as to the error of judgment in the exercise of his duties. Indeed, it is often held that whenever the action of a governor in any matters authorized by law comes before the court for review, it is its duty to sustain him. Hatfield v. Graham, 73 W.Va. 759, 81 S.E. 533 (1914); State ex rel. Brotherton v. Moore, 230 S.E.2d 638 (1976); State ex rel. Brotherton v. Blankenship, 207 S.E.2d 421 (1973); State v. Jones, 17 Utah 2d 190, 407 P.2d 571 (1965).

In the case at bar, not just one but two governors have interpreted their duties as requiring them to issue these respective proclamations. This kind of "consistent administrative interpretation" should be given great weight by this Court. Moreover, these actions were within the sphere of our governor's legal authority and should be sustained by this Court.

2. The National Maximum Speed Limit, supra, apparently abrogated the Emergency Highway Energy Conservation Act but this abrogation does not by implication amount to a declaration that no critical energy situation any longer exists. Admittedly, Section 2 in the Emergency Highway Energy Conservation Act was deleted in the later bill, but it must be noted that the second act was intended to make permanent what the first act had only made temporary. If any implication should be drawn concerning the second act's intent, it should be that the second act was intended to implement an on-going energy conservation policy in the face of a critical situation.

3. Finally, appellant contends that a governor's proclamation should not be of indefinite duration. While respondent does not now disagree with this contention, it submits that the point is not in issue in the case at bar. The proclamation issued by Governor Rampton and the one issued by Governor Matheson are both valid and have been at all times mentioned herein for three reasons:

A. There exists an ongoing critical energy situation. "The governor's powers are those the constitution confers on him and such additional powers as the legislature reposes in him." Holmes v. Osborn, 115 P.2d 775, 783 (1941). Having been conferred duties in Art. VII § 5 of the Utah Constitution and the power to issue proclamations as per

Section 41-6-46(4), the governor is considered to be in the position to determine whether or not a national emergency exists. The way he construes this or other statutes, although not binding on the courts, if his construction is "not out of harmony with the apparent intent, the administrative interpretation will be given some weight in applying the statutes to controversies that arise thereunder." State v. Hatch, 9 Utah 2d 288, 290, 342 P.2d 1103, 1105 (1959); State v. Davenport, 149 P.2d 360 (1944).

B. In the case at bar the Utah Legislature has not repealed or in any other way attempted to nullify the governors' proclamation in four scheduled meetings, which appellant himself points out. Respondent submits that such inaction tends to ratify the governors' proclamations by inaction. Sutherland on Statutory Construction points out:

"Where there has been a long continued administrative interpretation of a statute which has two or more possible reasonable interpretations, the rulings of the administrative body should be controlling.

The conclusiveness of a contemporaneous and practical interpretation will depend upon a number of additional elements that give efficacy to the rule. In general, these elements are: (1) that the interpretation originated from a reliable source; (2) that the interpretation was made at or near the time of the enactment of the statute, and

(3) that the interpretation has continued for a long period of time and received wide acceptance and following. Where these factors are present the vagueness usually surrounding the other aids of construction are not present, and therefore the rule serves as one of the most definite and reliable sources of statutory meaning." Id., Vol. 2A, § 49.04. (Emphasis added.)

C. Appellant cites H.B. 79, the bill regarding the 55 mile per hour speed limit which was vetoed, in support of his claim that the governor has thwarted legislative efforts while seeking to enforce his own proclamation. H.B. 79 (see Exhibit "H") did not replace the 55 mile per hour maximum speed limit; it provided, inter alia, that anyone cited for violating that upper limit would not be assessed points against his driving record for that speeding. Such a bill would have taken the teeth out of the maximum speed limit so as to make a mockery out of the 55 mile per hour maximum speed limit. Since the governor has the duty to report enforcement of the speeding limit in order to effectively comply with the National Maximum Speed Limit, supra, he would be rendered unable to do so if H.B. 79 passed, thereby causing Utah to lose federal funding for its highways.

In view of the foregoing authority and reasoning, respondent submits that the proclamation issued to establish a maximum 55 mile per hour speed limit was lawfully permissible and in effect when appellant violated it and at all times mentioned herein.

POINT II

THE LAW PERTAINING TO THE 55 MILE PER HOUR SPEED LIMIT IS CLEAR AND OBVIOUS TO DRIVERS IN THE STATE OF UTAH AND APPELLANT IS WITHOUT GROUNDS TO ARGUE HE WAS DENIED DUE PROCESS BECAUSE OF ANY ALLEGED AMBIGUITY.

Appellant argues that because the governor's proclamation has in his opinion questionable validity and because district court judges have made differing rulings on the subject, that therefore a situation of "legal chaos" exists such that it is impossible for anyone to know what the speed limit has been during the times since January 2, 1974. Admittedly although this issue is complicated and a ruling by this Court at this point is desirable, the governor was acting within the scope of his authority in issuing the proclamation of January 2, 1974, State v. Foukas, supra, establishing the 55 mile per hour speed limit. In coordination with that proclamation the Department of Highway did post signs to reflect the 55 mile per hour maximum speed limit order. Moreover, the governor's proclamation ordered that 55 miles per hour was to be an "absolute limitation and not merely a prima facie establishment of safe and reasonable speed." (See Appendix "C".)

Appellant makes reference to newspaper articles stating to the effect that the Attorney General's Office had advised that citations could charge an accused with violation of either the Governor's proclamation or the prima facie speed law. Since appellant made no more specific citation to these alleged stories or made no copies of them for the Court's and respondent's perusal, respondent is **not** in a position to examine the context in which these alleged statements were made. Respondent does submit, however, that the governor's January 2, 1974, proclamation made 55 miles per hour a maximum speed limit and naturally traffic offenders can be charged with excessive prima facie speed in a zone designated with a different **speed limit**. Further, respondent's position in the instant case is consistent with the position asserted by this office in its letter opinion to the Commissioner of the Department of Public Safety dated August 12, 1977, wherein it states:

"Thus, the existing federal laws pertaining to a 55 mph speed limit do not, in our opinion, create an offense for which someone may be convicted. They are merely measures compelling compliance to a national conservation policy. Therefore, it is our conclusion that those drivers alleged to have exceeded 55 mph should be charged with and convicted of only the applicable state traffic laws now existing." See Appendix "I".

Appellant cites several cases which were dealt with at the city or district court level which also are not of record or included in appellant's brief for respondent's inspection. Nevertheless, respondent submits that these cases are neither controlling for purposes of this decision nor are they consistent with this Court's ruling in State v. Foukas, supra. In ruling that the proclamation issued in January, 1974, was valid and affirming Foukas' conviction in its decision in 1977, this Court in effect acknowledged the extended authority to that proclamation. Respondent readily admits that the time has come for the Legislature to responsibly act with respect to this issue in a way such that the State of Utah will not lose the federal money necessary for the maintenance and construction of its highways. H.B. 79 would have led to an inevitable collision with the compliance requirements of the National Maximum Speed Limit, supra. Respondent submits, therefore, that in the absence of appropriate legislation the governor's proclamation of January 2, 1974, and the one of April 4, 1977, constitute a legally established speed limit.

It should be noted that the appellant has admitted to traveling 75 miles per hour in the 55 mile per hour zone,

a violation of the prima facie speed limit of the law prior to January 2, 1974; he should not be free to argue that the law was so unclear that he did not know he was in violation of a traffic law.

Due process requirements of the Utah Constitution and the Fifth and Fourteenth Amendments to the United States Constitution are such that a law may not be so vague as to fail to alert citizens of the nature and scope of the law. Respondent submits such is not the case at bar. Every administrative ruling regarding the maximum speed limit maintained 55 miles per hour as that maximum speed. All signs for high speed zones indicated 55 miles per hour as the maximum speed. The State Legislature through the vetoed H.B. 79 set the maximum speed at 55 miles per hour. In sum, no administrative or legislative statements have varied from the nationally declared policy of 55 miles per hour maximum speed. Respondent submits therefore that the law pertaining to the 55 mile per hour speed limit is clear and obvious to drivers in the State of Utah and appellant is thereby without grounds to argue he was denied due process because of any alleged ambiguity.

POINT III

NO QUESTION EXISTS THAT 55 MILES PER HOUR IS THE MAXIMUM SPEED LIMIT IN THE STATE OF UTAH.

Appellant claims that the Highway Commission's Resolution of August 25, 1977, indicates some kind of uncertainty regarding the validity of the governor's proclamation. Quite to the contrary, the Commission's action merely reaffirms the proclamation and comports with its duties under Section 41-6-47 in that after traffic investigation it has determined that the 55 mile per hour speed is "reasonable and prudent under the conditions found to exist at any intersection or other place or upon any part of a state highway. . . ."

Respondent therefore submits that the governor and the appropriate administrative agencies have acted in a proper and permissible manner to effectuate the maximum speeding laws of this state, that they have been consistent in so doing, and that the orders and rulings of some are presumptively valid and existing at all times mentioned herein. No question exists in the minds of the administrative officials nor in the minds of the citizens of this State that the maximum speed limit in the State of Utah is 55 miles per hour and has been since January 2, 1974.

CONCLUSION

In view of the foregoing reasoning and authority, respondent urges that this Court affirm the ruling of the lower court and find that the maximum speed limit established by two governors is valid and in effect.

Respectfully submitted,

ROBERT B. HANSEN
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WILLIAM W. BARRETT
Assistant Attorney General

Attorneys for Respondent

the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Sec. 741. None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

Sec. 742. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Sec. 743. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

Sec. 744. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public or private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

Sec. 745. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Sec. 746. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

TITLE VIII

DEFENSE MANPOWER COMMISSION

There is hereby appropriated the sum of \$400,000 to the Defense Manpower Commission for use in carrying out the provisions of title VII of the Department of Defense Appropriation Authorization Act, 1974.

This Act may be cited as the "Department of Defense Appropriation Act, 1974".

Approved January 2, 1974.

EMERGENCY HIGHWAY ENERGY CONSERVATION ACT

For Legislative History of Act, see p. 3344

PUBLIC LAW 93-239; 87 STAT. 1046

[H. R. 11372]

An Act to conserve energy on the Nation's highways.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act be cited as the "Emergency Highway Energy Conservation Act".

Sec. 2. (a) The purpose of this section is to conserve fuel during periods of current and imminent fuel shortages through the establishment of a national maximum highway speed limit.

(b) After the sixtieth day after the date of enactment of this Act, the Secretary of Transportation shall not approve any project under section 106 of title 23 of the United States Code in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit for all types of motor vehicles other than 55 miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of 55 miles, or more, per hour on November 1, 1973, and (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(c) (1) For the purposes of this section the terms "highway" and "State" shall have the same meanings as in section 101 of title 23, United States Code.

(2) As used in this Act, the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(d) Notwithstanding the provisions of section 120 of title 23, United States Code, sums apportioned to any State under section 104 of title 23, United States Code, shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(e) This section shall cease to be in effect (1) on and after the date on which the President declares that there is not a fuel shortage requiring the application of this Act, or (2) on and after June 30, 1975, whichever date first occurs.

(f) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

Sec. 3. (a) To conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary of Transportation is authorized to approve demonstration projects designed to encourage the use of carpools in urban areas.

(b) Proposals shall be originated by local officials and submitted by the State in accordance with the provisions of section 105(d) of

title 23, United States Code. The Secretary of Transportation shall approve for funding those projects which offer reasonable prospects of achieving the objectives set forth in subsection (a) of this section.

(c) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities, designating existing highway lanes as preferential carpool highway lanes or shared bus and carpool lanes, providing related traffic control devices, and designating existing publicly owned facilities for use as preferential parking for carpools.

(d) A project authorized by this section shall be subject to, and carried out in accordance with all of the provisions of chapter 1 of title 23, United States Code, applicable to highway projects, except that the Federal share of such project shall be 90 per centum, the Federal share shall not exceed \$1,000,000 for any single project, and only funds apportioned under section 104(b)(3) and (6) of such title shall be available to carry out projects authorized by this section. The Secretary shall not approve any project under this section after December 31, 1974.

(e) The Secretary of Transportation shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall, in cooperation with the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in carpool ridership in urban areas throughout the country, and shall identify any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions, and recommendations resulting from such investigation and study. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study authorized by this subsection.

Sec. 4. Section 601(d) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421) ⁹⁴ is amended to read as follows:

"EMERGENCY LOCATOR TRANSMITTERS

"(d) (1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator transmitters shall be installed—

"(A) on any fixed-wing, powered civil aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

⁹⁴. 49 U.S.C.A. § 1421(d).

(B) on any fixed-wing, powered civil aircraft used in air commerce after three years and six months following such date.

"(2) The provisions of this subsection shall not apply to:

"(A) Turbojet-powered aircraft;

"(B) Aircraft while engaged in scheduled flights by scheduled air carriers certificated by the Board;

"(C) Aircraft while engaged in training operations conducted entirely within a fifty-mile radius of the airport from which such local flight operations began;

"(D) Aircraft while engaged in flight operations incident to design and testing;

"(E) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;

"(F) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;

"(G) Aircraft certificated by the Administrator for research and development purposes;

"(H) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

"(I) Aircraft, equipped to carry not more than one person." Approved January 2, 1974.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT, 1974

PUBLIC LAW 93-240; 87 STAT. 1048

[H. R. 11771]

An Act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes, namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until June 30, 1974, unless otherwise specified herein, as follows:

ECONOMIC ASSISTANCE

Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$284,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be

APPENDIX "B"

Scope and purpose.

Scope. This part implements the national maximum speed limit of 23 U.S.C. 154, sec. 114, 23-643, and the provisions of 23 U.S.C. 107, Pub. L. 93-643, relating to the States of their speed limit requirements of 23 U.S.C. 134, the maximum weight requirements of 23 U.S.C. 135, and the State size and weight requirements on Federal-aid highways. The purpose of this part is to conserve fuel and increase safety enforcement of the 55 mph national speed limit and to pre-harvest pavement and structures to increase safety through enforcement of maximum vehicle size and weight.

Adoption of national maximum speed limit.

To obtain approval of Federal-aid projects under 23 U.S.C. 106, each State shall adopt or maintain maximum speeds as follows:

The maximum speed limit on any highway in the State shall be 55 mph, except that emergency and motor vehicles may be authorized to travel at higher speeds when necessary to protect health or safety.

Except as provided in paragraphs (d) of this section, the speed limit on any portion of a highway shall be uniformly applicable to all types of vehicles, using such portion of the highway, on November 1, 1973, such as if on highway had a speed limit

was uniformly applicable to all vehicles using it.

Notwithstanding the provisions of paragraph (b) of this section, a State may establish a lower speed limit for a vehicle operating under a special license because of any weight or dimension of such vehicle, including any load thereon.

Notwithstanding the provisions of paragraph (b) of this section, a State may establish nonuniform speed limits on any portion of a highway when the condition of the highway, weather, an accident, or other condition creates a hazard to the safety of traffic on any portion of a highway.

§ 658.6 Statement of compliance.

Each Governor, or an official designated by each Governor, shall submit to the Federal Highway Administrator, not later than 30 days after issuance of this part, a statement that the State has complied with section 154 of title 23, United States Code.

(a) Contents of statement. The statement shall include—

(1) A copy of each law, regulation, or administrative order adopted by the State legislature, the Governor, or other State or local official or agency to implement the Act, including all laws, regulations, and orders which specify sanctions for violation of the 55 mph speed limit;

(2) An opinion of the State's legal counsel that the action taken is lawful in cases where the action is not based on a specific, cited provision of State statute (such as the State's assent law) or the State's constitution; and

(3) A statement that speed limit signs have been changed when necessary to reflect modifications in speed limits required by the Act.

(b) Effect of stated action. Administrative action lawfully taken by a Governor or other appropriate State official in compliance with the Act and as specified in the State's statement shall be deemed to place the State in compliance with section 154 of title 23, United States Code.

§ 658.7 Certification of speed limit enforcement.

In order to obtain approval of Federal-aid projects under 23 U.S.C. 106, the Governor of each State, or an official designated by the Governor, shall certify

to the Federal Highway Administration before January 1 of each year that the State is enforcing the national maximum speed limit of 55 miles per hour. The certification shall consist of the following elements:

(a) A statement signed by the Governor, or by an official, designated by the Governor, certifying that the State is enforcing the national maximum speed limit. The certifying statement shall be worded as follows: I (name of certifying official), (position title), of the State of _____, do hereby certify that the State of _____ is enforcing the 55 mph National Maximum Speed Limit.

(b) Copies of any State laws, regulations, or administrative orders relating to enforcement of the 55 mph speed limit, which were adopted after the date of the statement required by § 658.6 and which have not been included in earlier certifications under this section.

(c) Information relating to enforcement, as follows:

(1) The aggregate number of miles of all roads, whose traffic speeds are to be monitored under the Federal Highway Administration's guidelines on monitoring, within the State having a posted or allowable maximum speed of 55 miles per hour.

(2) The approximate portion of the mileage listed in paragraph (c)(1) of this section on which the State exercises patrol responsibility, including portions on which the State shares responsibility with local law enforcement agencies.

(3) The State administrative orders or instructions regarding enforcement agency policy on enforcement of the 55 mph speed limit.

(4) The number of citations issued by State agencies for violation of the 55 mph speed limit during each month of the 12-month period ending on the September 30 before the date by which certification is required.

(d) Information relating to observance of the speed limit by motorists on the State highway system, as follows:

(1) A description of the State program for monitoring speeds for the 12-month period ending on September 30 before the date by which certification is required, including the number of stations for each type of highway, the basis for determining the number and location of stations, the frequency and duration of operations, and the total sample size and basis for sample selection.

(2) The summary statistics derived from the data obtained from the monitoring program, classified according to highway type (Interstate rural, Interstate urban, other multi-lane divided rural and urban, major nondivided rural, etc.), indicating the average speed, the median speed, the 85th percentile speed, and the percent of motorists exceeding 55, 60, and 65 mph for the 12-month period ending on September 30 before the date by which certification is required.
[40 FR 41775, Sept. 9, 1975, as amended at 41 FR 49808, Nov. 11, 1976]

23 CHR 658.123 Code of
Federal Regulations
§ 658.1 et seq.



P R O C L A M A T I O N

WHEREAS, Section 41-6-46 (4), Utah Code Annotated 1953 provides as follows:

"Provided, that the governor by proclamation, in time of war or national emergency, may upon recommendation of the federal authorities, change the speed on the highways of the state, to conform to such recommendations."

; and

WHEREAS, the President of the United States, pursuant to authority granted to him by legislation enacted by the United States Congress (H.R. 11372) has declared the existence of conditions which constitute a national emergency in regard to motor vehicle fuel and has established a policy pursuant to such legislation requesting all states to establish a maximum speed limit on highways within each state of 55 mph;

NOW, THEREFORE, I, Calvin L. Rampton, Governor of the state of Utah, by virtue of the authority vested in me by the Constitution and the laws of the state of Utah, do hereby order as follows:

1. As of the effective date of this order, the maximum speed at which any motor vehicle may be operated on any highway, road or street within the state of Utah shall be 55 mph. This shall be an absolute limitation and not merely a *prima facie* establishment of safe and reasonable speed. Such limitation shall not apply to public safety emergency vehicles when actually being operated in an emergency status.

2. In all cases where a speed limitation of less than 55 mph has been established, or may hereafter be established, by the State Road Commission or by local authorities on any highway, road or street, such lower speed limit shall prevail and shall not be affected by the terms of this order.

3. Notwithstanding the provisions of this order, motor vehicles operating pursuant to special permits authorizing overweight or oversized load shall not be operated in excess of 50 mph on any highway, road, or street within the state of Utah, and any violation of such 50 mph speed limitation shall result in the cancellation of such permit.

4. This order shall take effect at 12:01 a.m. on Sunday, January 6, 1974, and shall continue in force and effect until repealed or modified by a subsequent order.

5. The Department of Highways of the state of Utah is directed to proceed as expeditiously as possible to post signs in conformity with the provisions of this order. The Utah Highway Patrol is directed, and other police agencies are requested, to strictly enforce the provisions of this order.



IN TESTIMONY WHEREOF, I have set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah this 2nd day of January, 1974.

ATTEST:

George L. Miller
Secretary of State

Carl H. Rasmussen
Governor

NO. 1
Revised

APPENDIX "D"

R E S O L U T I O N

WHEREAS, The Congress of the United States has enacted the Emergency Highway Energy Conservation Act, which Act establishes a national maximum speed limit of 55 miles per hour, and

WHEREAS, The Governor of the State of Utah has by proclamation established 55 miles per hour as the maximum speed limit on Utah's Highways as provided in Section 41-6-46, U.C.A. 1953, as amended, and

WHEREAS, Section 27-12-121 U.C.A. 1953 as amended, authorizes the State Road Commission "to do all . . . things necessary fully to carry out the cooperation contemplated and provided for by federal acts on federal-aid for highway purposes,

NOW THEREFORE, The Utah State Road Commission hereby adopts a maximum speed limit on all highways within the State of Utah of 55 miles per hour pursuant to the Emergency Highway Energy Conservation Act which became effective January 2, 1974. Said limit to remain in effect until the date the President declares there is no fuel shortage or on June 30, 1975, whichever date first occurs.

Dated at Salt Lake City, Utah, this 35th day of January, 1974.

Clem H. Church
CLEM CHURCH, Chairman

Ross H. Plant
ROSS H. PLANT, Commissioner

Samuel J. Taylor
SAMUEL J. TAYLOR, Commissioner

R. Lavaun Cox
R. LAVAUN COX, Commissioner

Wayne S. Winters
WAYNE S. WINTERS, Commissioner
ATTEST:

David A. Zerk
Commission Secretary

R E S O L U T I O N

WHEREAS, the United States, by action of Congress on 4 January, 1975, and subsequent approval of the President has repealed Section 2 of the Emergency Highway Energy Conservation Act, establishing a temporary national maximum speed limit of 55 miles-per-hour, and

WHEREAS, the same action by Congress and the President of the United States established a permanent 55 miles-per-hour maximum speed limit, and

WHEREAS, Section 27-12-121 U.C.A. 1953, as amended, authorizes the State Road Commission "to do all.....things necessary fully to carry out the cooperation contemplated and provided for by Federal acts on Federal-aid for highway purposes,"

NOW THEREFORE, the Utah State Road Commission hereby adopts a maximum speed limit on all public highways within the State of Utah of 55 miles-per-hour pursuant to Federal law, said limit to remain in effect until amended, modified or repealed by lawful Resolution of the Commission or its successor, or by the legislature of the State of Utah.

Dated at Salt Lake City, Utah, this 23rd day of May, 1975.

STATE ROAD COMMISSION OF UTAH

R. LaVaun Cox
R. LaVaun Cox, Chairman

Wayne S. Winters
Wayne S. Winters, Commissioner

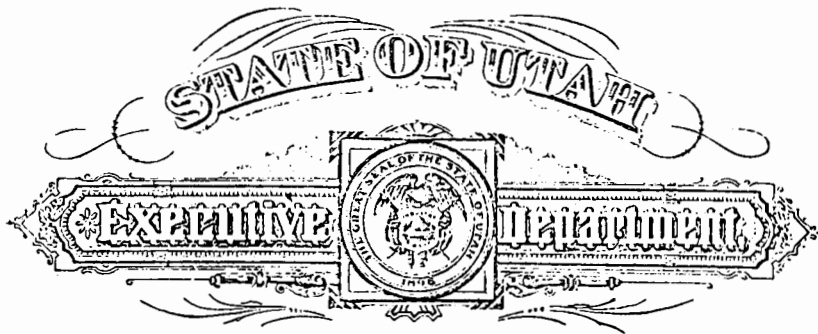
Clem H. Church, Commissioner

ATTEST:

Ronald A. Fernley
Ronald A. Fernley, Commission Secretary

Samuel J. Taylor, Commissioner

Charles E. Ward, Commissioner



PROCLAMATION

WHEREAS, Section 41-6-46 (4), Utah Code Annotated 1953 provides as follows:

"Provided, that the governor by proclamation, in time of war or national emergency, may upon recommendation of the federal authorities, change the speed on the highways of the state, to conform to such recommendations."

WHEREAS, the President of the United States, pursuant to authority granted to him by legislation enacted by the United States Congress (H.R. 11372) has declared the existence of conditions which constitute a national emergency in regard to motor vehicle fuel and has established a policy pursuant to such legislation requesting all states to establish a maximum speed limit on highways within each state of 55 mph;

NOW, THEREFORE, I, Scott M. Matheson, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order as follows:

1. As of the effective date of this order, the maximum speed at which any motor vehicle may be operated on any highway, road or street within the State of Utah shall be 55 mph. This shall be an absolute limitation and not merely a prima facie establishment of safe and reasonable speed. Such limitation shall not apply to public safety emergency vehicles when actually being operated in an emergency status.

2. In all cases where a speed limitation of less than 55 mph has been established, or may hereafter be established, by the Transportation Commission or by local authorities on any highway, road or street, such lower speed limit shall prevail and shall not be affected by the terms of this order.

3. This order shall take effect at 12:01 a.m. on Sunday, April 4, 1977, and shall continue in force and effect until repealed or modified by a subsequent order.

4. The Department of Transportation of the State of Utah is directed to proceed as expeditiously as possible to post signs in conformity with the provisions of this order. The Utah Highway Patrol is directed, and other police agencies are requested, to strictly enforce the provisions of this order.



ATTEST:

David L. Monson
Secretary of State

IN TESTIMONY WHEREOF, I have set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah this 4th day of April, 1977.

Osborne
Governor

RESOLUTION

WHEREAS, the United States, by action of Congress on January 4, 1975, and subsequent approval of the President, has repealed Section 2 of the Emergency Highway Energy Conservation Act, establishing a temporary national maximum speed limit of 55 miles-per-hour, and

WHEREAS, the same action by Congress and the President of the United States established a permanent 55 miles-per-hour maximum speed limit, and

WHEREAS, studies completed by the National Highway Traffic Safety Administration support the concept that the 55 mile-per-hour speed limit has resulted in saving lives, and

WHEREAS, Utah Department of Transportation engineering and traffic investigations indicate that compliance with the 55 mile-per-hour speed limit would result in fewer accidents and would be a benefit to the health, safety, and welfare of the State.

NOW, THEREFORE, the Utah Transportation Commission hereby adopts a maximum speed limit on all highways within the State of Utah of 55 miles-per-hour, unless otherwise designated lower, pursuant to Title 41, State of Utah Laws Regulating Traffic on Highways, Utah Code Annotated 1953 as amended and amendments thereto, said limit to remain in effect until amended, modified, repealed, or superseded by lawful Resolution of the Commission or its successor, or by the Legislature of the State of Utah.

Dated this 26th day of August, 1977. UTAH TRANSPORTATION COMMISSION

B. L. Tamm
Chairman

Wm. S. Minton
Commissioner

James P. Doyle
Commissioner

Wm. E. Conrad
Commissioner

ATTEST:

David A. Farley
Commission Secretary

Commissioner

APPENDIX "H"

REVISIONS TO UTAH TRAFFIC RULES AND REGULATIONS

1977

GENERAL SESSION

Engrossed Copy

H. B. No. 79

By John B. Cooper

W. Edward Kerr

AN ACT AMENDING SECTIONS 41-6-11, 41-6-12, 41-6-15, 41-6-45, 41-6-50, 41-6-56, 41-6-84, 41-6-86, 41-6-87, 41-6-89, 41-6-109, AND 41-6-113, UTAH CODE ANNOTATED 1953, SECTION 41-6-14, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 71, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 86, LAWS OF UTAH 1961, AS AMENDED BY CHAPTER 83, LAWS OF UTAH 1965, SECTION 41-6-23, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 104, LAWS OF UTAH 1969, SECTION 41-6-24, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 86, LAWS OF UTAH 1961, AS AMENDED BY CHAPTER 81, LAWS OF UTAH 1973, AS AMENDED BY CHAPTER 207, LAWS OF UTAH 1975, SECTION 41-6-26.5, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 105, LAWS OF UTAH 1969; SECTION 41-6-46, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 76, LAWS OF UTAH 1957, AS AMENDED BY CHAPTER 66, LAWS OF UTAH 1959; SECTIONS 41-6-48, 41-6-72.10, 41-6-79, AND 41-6-79.10, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 207, LAWS OF UTAH 1975, SECTIONS 41-6-59, 41-6-61, 41-6-62, 41-6-66, 41-6-75, 41-6-78, 41-6-85, 41-6-101, 41-6-102, AND 41-6-104, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 207, LAWS OF UTAH 1975, SECTION 41-6-64, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 71, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 207, LAWS OF UTAH 1975; SECTION 41-6-69, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 96, LAWS OF UTAH 1969, AS AMENDED BY CHAPTER 207, LAWS OF UTAH 1975; SECTION 41-6-70, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 71, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 79, LAWS OF UTAH 1957; SECTION 41-6-80.1, UTAH CODE ANNOTATED

1953, AS ENACTED BY CHAPTER 111, LAWS OF UTAH 1969, SECTION 41-6-82, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 71, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 86, LAWS OF UTAH 1961. AND SECTION 41-6-98, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 86, LAWS OF UTAH 1961; ENACTING SECTIONS 41-6-13.5, 41-6-80, 41-6-80.5, 41-6-87.3, 41-6-87.4, 41-6-87.5, 41-6-87.7, 41-6-87.8, 41-6-87.9, 41-6-95.5, AND 41-6-109.5, UTAH CODE ANNOTATED 1953; REPEALING AND REENACTING SECTION 41-6-77, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 71, LAWS OF UTAH 1955, SECTION 41-6-90, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 71, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 207, LAWS OF UTAH 1975, SECTION 41-6-97, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 86, LAWS OF UTAH 1961, AND SECTIONS 41-6-100 AND 41-6-103, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 81, LAWS OF UTAH 1973; AND REPEALING SECTIONS 41-6-43, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 75, LAWS OF UTAH 1957, AS AMENDED BY CHAPTER 88, LAWS OF UTAH 1967, AS AMENDED BY CHAPTER 107, LAWS OF UTAH 1969, SECTION 41-6-96, UTAH CODE ANNOTATED 1953, AND SECTION 41-6-169.10, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 86, LAWS OF UTAH 1969; RELATING TO TRAFFIC RULES AND REGULATIONS; AND PROVIDING FOR CERTAIN REVISIONS IN TRAFFIC RULES AND REGULATIONS.

Be it enacted by the Legislature of the State of Utah:

Section 1. Section 41-6-11, Utah Code Annotated 1953, is amended to read:

41-6-11. The provisions of this [act] chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of sections 41-6-29 to 41-6-45, inclusive shall apply upon highways and elsewhere throughout the state.

Section 2. Section 41-6-12, Utah Code Annotated 1953, is amended to read:

41-6-12. It is unlawful, and, unless otherwise declared in this [net] chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this [act] chapter.

Section 3. Section 41-6-14, Utah Code Annotated 1953, as enacted by Chapter 71, Laws of Utah 1955, as amended by Chapter 85, Laws of Utah 1961, as amended by Chapter 83, Laws of Utah 1965, is amended to read:

41-6-14. ~~[It--the provisions of this act applicable to the drivers of vehicles--upon--the--highways--shall--apply--to--the drivers--of--all--vehicles--owned--or--operated--by--the--United--States--v this--state--or--any--county--city--town--district--of--any--other political--subdivision--of--the--state--including--authorized emergency--vehicles--provided--however--that--such--authorized emergency--vehicles--shall--be--exempt--from--the--driving--restrictions imposed--under--sections--41-6-28--to--and--including--41-6-28--41-6-46 to--and--including--41-6-82--and--41-6-91--to--and--including--41-6-106--of this--act--when--driven--under--the--following--conditions:]~~

~~[It--said--exemption--shall--apply--whenever--any--said--vehicle is--being--driven--in--response--to--an--emergency--call--or--when--used--in the--pursuit--of--an--actual--or--suspected--violation--of--the--law--or when--responding--to--but--not--returning--from--a--fire--alarm.]~~

[It] The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

- (2) The driver of an authorized emergency vehicle may:
- (a) Park or stand, irrespective of the provisions of this chapter;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the maximum speed limits if such driver does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions.

[12] (3) Said exemption herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

[13] (a) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor ~~shall such provisions~~ protect the driver from the consequences of an arbitrary exercise of the privileges declared in this section.

~~[(4) The provisions of this act]~~ (b) This chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, but shall apply to such persons and vehicles when traveling to or from such work.

Section 4. Section 41-6-15, Utah Code Annotated 1953, is amended to read:

41-6-15. Every person riding an animal or driving any animal-drawn vehicle upon a roadway ~~shall be~~ is subject to

[the--provisions-of] this [act] chapter [applicable-to-the-driver of-a-vehicle], except those provisions [of--this--act] which by their nature can have no application.

Section 5. Section 41-6-23, Utah Code Annotated 1953, as amended by Chapter 104, Laws of Utah 1969, is amended to read:

41-6-23. [fnt] 11 [No] The driver of [a] any vehicle shall [disobey] obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this [act] chapter, unless at the time otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle [in--this--act].

[fnt] 12 No provision of this [act] chapter, for which official traffic-control devices are required, shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

[fnt] 13 Whenever official traffic-control devices are placed or held in a position approximately conforming to the requirements of this [act] chapter, such devices [shall--be] are presumed to have been so placed or held by the official act or direction of lawful authority, unless the contrary [shall--be] is established by competent evidence.

[fnt] 14 Any official traffic-control device placed or held pursuant to [the--provisions--of] this [act] chapter and purporting to conform to the lawful requirements pertaining to such devices [shall--be] is presumed to comply with the requirements of this [act] chapter, unless the contrary [shall be] is established by competent evidence.

Section 6. Section 41-6-24, Utah Code Annotated 1953, as amended by Chapter 86, Laws of Utah 1961, as amended by Chapter 81, Laws of Utah 1973, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-24. Whenever traffic is controlled by a traffic-control signal exhibiting different colored lights, or color lighted arrows, successively one at a time or in combination only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

[+2+] 11 "Green" ~~(alone)~~ indication.

[+++] 1a Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

[+2+] 1b Vehicular traffic facing a green arrow signal shown alone or in combination with other indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

[+3+] 1c Unless otherwise directed by a pedestrian-control signal as provided in section 41-6-25, pedestrians facing any green signal except when the sole green signal is a turn arrow may proceed across the roadway within any marked or unmarked crosswalk.

[t†] 121 Steady "Yellow" [~~alone when showing following~~
~~the "Green" signal~~] indication.

[t†] 1a1 Vehicular traffic facing a steady circular
yellow or yellow arrow [~~the~~] signal is thereby warned that the
"Red" signal will be exhibited immediately thereafter and such
vehicular traffic shall not enter the intersection when the
"Red" signal is exhibited.

[t†] 1b1 Pedestrians facing a steady circular yellow
or yellow arrow signal, unless otherwise directed by a
pedestrian-control signal as provided in section 41-6-25
are thereby advised that there is insufficient time to
cross the roadway, before a red indication is shown and
no pedestrian shall then start to cross the roadway.

[t†] 131 Steady "Red" [~~alone~~] indication.

[t†] 1a1 Vehicular traffic facing a steady red signal
alone shall stop at a clearly marked stop line, but if
none, before entering the crosswalk on the near side of the
intersection, or if none, then before entering the intersection
and shall remain standing until an indication to proceed
is shown; [~~provided that vehicular traffic stopped in the~~
~~nearest the right hand side of the highway unless prohibited~~
~~by a sign may cautiously enter the intersection for the purpose~~
~~of making a turn to the right but shall not interfere with other~~
~~traffic or endanger pedestrians lawfully within a crosswalk~~]
except as provided in subsection 131 (c).

[t†] 1b1 Unless otherwise directed by a pedestrian-
control signal as provided in section 41-6-25, pedestrians
facing a steady red signal alone shall not enter the roadway.

1c1 Except when a sign is in place prohibiting a turn,
vehicular traffic facing any steady red signal may cautiously
enter the intersection to turn right, or may turn left from a
one-way street into a one-way street, after stopping as required
by subsection 131 (a). Such vehicular traffic shall yield the

right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

[††] (4) [~~in the event~~] If an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Section 7. Section 41-6-26.5, Utah Code Annotated 1953, as enacted by Chapter 105, Laws of Utah 1969, is amended to read:

41-6-26.5. When [~~lane-direction-control~~] lane use control signals are placed over [~~the~~] individual lanes, [~~of a street or highway~~]. [~~vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown~~] the signals shall indicate and apply to drivers of vehicles as follows:

(1) Green indication--vehicular traffic may travel in any lane over which a green signal is shown.

(2) Steady yellow indication--vehicular traffic is thereby warned that a lane control change is being made.

(3) Steady red indication--vehicular traffic shall not enter or travel in any lane over which a red signal is shown.

(4) Flashing yellow indication--vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Section 8. Section 41-6-45, Utah Code Annotated 1953, is amended to read:

41-6-45. [††] (1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

[~~tht~~] 121 Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than six months or by a fine of not less than \$25 nor more than \$299, or by both such fine and imprisonment. On a second or subsequent conviction, [~~or--on a conviction under this section subsequent to a conviction under an ordinance as provided in section 41-6-43 (b) he~~] the person shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than \$50 nor more than [~~\$1000~~] \$222 or by both such fine and imprisonment. [~~For the purpose of this section such second violation shall have occurred within three years of the preceding violation. The department shall suspend for a period not exceeding three months, the operator's or chauffeur's license of any person convicted upon three charges of reckless driving committed within a period of twelve months; provided, however, that if upon a first or second conviction the justice or judge shall recommend suspension of the convicted person's license, the department shall suspend the said license for a period not to exceed three months.~~]

Section 9. Section 41-6-46, Utah Code Annotated 1953, as amended by Chapter 76, Laws of Utah 1957, as amended by Chapter 66, Laws of Utah 1959, is amended to read:

41-6-46. (1) No person shall drive a vehicle [~~on a highway~~] at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. [~~In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care~~] Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade

crossings when approaching and going around a curve when approaching a hill crest when traveling upon any narrow or winding roadways and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(12) Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(a) Twenty miles per hour

When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours provided that local authorities may require a complete stop before passing a school building or grounds at any of said periods.

(b) Twenty-five miles per hour in any business or residential districts.

(c) Sixty miles per hour in other locations during the daytime.

(d) Fifty miles per hour in such other locations during the nighttime. Daytime means from half hour before sunrise to half hour after sunset. Nighttime means at any other hour.

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

(2) Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be

prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(d) Twenty miles per hour.

When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours, provided that local authorities may require a complete stop before passing a school building or grounds at any of said periods.

(b) Thirty miles per hour in any urban district;

(c) Fifty-five miles per hour in other locations.

If a speed violation is graded minimum in accordance with section 41-2-17, no points shall be assessed. Points for violations in excess of minimum shall be assessed by regulation according to the severity of the violation.

The speed limits set forth in this section may be altered as authorized in subsection (3) and sections 41-6-47 and 41-6-48.

[44] (1) [Provided---that---the] The governor by proclamation, in time of war or national emergency, may upon recommendation of the federal authorities, change the speed on the highways of the state, to conform to such recommendations.

Section 10. Section 41-6-48, Utah Code Annotated 1953, as enacted by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-48. [44] (1) Whenever local authorities in their respective jurisdiction determine on the basis of an engineering and traffic investigation that the prima facie speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

[44] (a) [Decreased] Decreases the limit at intersections;

or

[12] (b) [increased] increases the limit within an urban district ~~but not to exceed 55 miles per hour~~

[13] (c) [increased] increases the limit outside an urban district ~~but not to less than~~ [thirty-five-35] 35 miles per hour.

[14] (2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper prima facie speed for all arterial streets and shall declare a reasonable and safe prima facie limit thereon which may be greater or less than the prima facie speed permitted under this ~~act~~ chapter for an urban district.

[15] (3) Any altered limit established as herein above authorized shall be effective when appropriate signs giving notice thereof are erected upon such street or highway ~~in conformance to the current approved "Utah Manual on Uniform Traffic Control Devices"~~.

~~[16] Whenever there is a drop of ten (10) miles per hour or more in the posted speed limit, it shall be preceded by a sign giving advance notice of such a reduction. Such signs shall be as specified in the current approved "Utah Manual on Uniform Traffic Control Devices".]~~

~~[17] No local authority shall have the authority to modify or alter the basic rate set forth in subdivision (1) subsection (2) of section 41-6-46.]~~

[18] (4) The ~~[state road commission]~~ department of transportation shall have exclusive authority to determine and declare prima facie evidence of a lawful speed on state highways whether such highways be within or without the corporate limits of any city.

Section 11. Section 41-6-50, Utah Code Annotated 1953, is amended to read:

41-6-50. [19] (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a

highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

[1b] 121 The ~~[state--road--commission]~~ department of transportation upon request from any local authority shall, or upon its own initiative, may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it ~~[shall--thereupon---find]~~ finds that such structure cannot with safety ~~[to--itself]~~ withstand vehicles traveling at the speed otherwise permissible under this ~~[act]~~ chapter, the ~~[commission]~~ department of transportation shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained ~~[at-a-distance-of-100-feet]~~ before each end of such structure.

[1c] 131 Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by ~~[said--commission]~~ the department of transportation and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Section 12. Section 41-6-56, Utah Code Annotated 1953, is amended to read:

41-6-56. [1d] 111 The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

[1e] 1a1 When the vehicle overtaken is making or about to make a left turn;

[1f] 1b1 Upon a ~~[street--or--highway]~~ roadway with unobstructed pavement ~~[not--occupied--by---parked--vehicles]~~ of sufficient width for two or more lines of ~~[moving]~~ vehicles ~~[in each-direction]~~ moving lawfully in the direction being traveled by the overtaking vehicle;

[3v] 151 Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

[fbt] 121 The driver of a vehicle may overtake and [v allowing-sufficient-clearancev] pass another vehicle upon the right only under conditions permitting such movement [v+n] with safety. [in-no-event-shall-such-movement-be-made-by-driving-off-the-pavement--or--main-traveled--portion--of-the-roadwayv] Such movement shall not be made by driving off the roadway.

Section 13. Section 41-6-59, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-59. [fbt] 111 The [state---road---commission] department of transportation and local authorities are [hereby] authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving [te] on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

[fbt] 121 Where signs or markings are in place to define a no-passing zone as set forth in paragraph [fbt] 111, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its lengths.

[fbt] 131 This section does not apply to the conditions described in section 41-6-53(a) (2) nor to the driver of a vehicle turning left onto or from an alley, private road or driveway.

Section 14. Section 41-6-61, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-61. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

[~~41-6-61~~] 111 A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

[~~41-6-61~~] 121 Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation of making or completing a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

[~~41-6-61~~] 131 Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

Section 15. Section 41-6-62, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-62. [~~41-6-62~~] 111 The driver of a [~~motor~~] vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

[~~41-6-62~~] 121 The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a

business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space ~~so that an overtaking vehicle may enter and occupy such space~~ without danger, except that this shall not prevent a truck or motor vehicle ~~drawing another vehicle~~ from overtaking and passing any vehicle or combinations of vehicles.

[~~tet~~] 131 Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Section 16. Section 41-6-64, Utah Code Annotated 1953, as enacted by Chapter 71, Laws of Utah 1955, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-64. No person shall [~~ti~~]-drive-a-vehicle-overv-uponv or-across-any-curb-central-dividing-section-or--other--separation or--dividing-line-on-limited-access-highways-~~(2)~~--make-a-left turn-or-a-semicircular-or-U-turn-except-through-an-opening provided---for-that-purpose--in--the--dividing--curb--sections separation-or-lines-~~(3)~~--drive-any-vehicle-except-in-the--proper lane-provided-for-that-purpose-and-in-the-proper-direction-ond to-the-right-of-the-central-divrdng--curb--separation--sectronv or--line-~~(4)~~--] drive [any] a vehicle onto or from any limited-access highway except at such entrances and exits as are established by public authority.

Section 17. Section 41-6-66, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-66. The driver of a vehicle intending to turn shall do so as follows:

[tst] 111 Right Turns - Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

[tht] 121 Left Turns - The driver of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection [and] so as to leave the intersection or other location in the extreme [tn--the] left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

[tc] 131 The [state--road--commission] department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed [within--or--adjacent--to--intersections] and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning [at--an intersection] and when such devices are so placed no driver of a vehicle shall turn a vehicle [at-an-intersection] other than as directed and required by such devices.

141. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(a) A left turn shall not be made from any other lane.

(b) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

Section 18. Section 41-6-69, Utah Code Annotated 1953, as amended by Chapter 96, Laws of Utah 1971, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-69. [tst] 111 No person shall turn a vehicle [at-an intersection-unless-the-vehicle-is-in-proper--position-upon--the roadway--is--required--in--section-41-6-66v-or-turn-a-vehicle-to enter-a-private-road-or-driveway-or-otherwise-turn-a-vehicle-from a---direct---course] or move right or left upon a roadway unless and until such movement can be made with reasonable safety ~~OR~~ [v---No-person--shall-turn--any--vehicle-] without giving an appropriate signal in the manner hereinafter provided [in--the event-any-other-traffic-may-be-affected-by-such-movement].

[tst] 121 A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last three seconds preceding the beginning of the [run] turn or change.

[tst] 131 No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

[tst] 141 The signals required on vehicles by section 41-6-70 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle, except as may be necessary for compliance with this section.

Section 19. Section 41-6-70, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, as amended by Chapter 78, Laws of Utah 1957, is amended to read:

41-6-70. [tst]---the-signals-herein-required-shall-be-given either-by-means-of-the-hand-and-arm-or-by-a-signal-of-a-type approved-by-the--state--road--commission] 111. ADDITIONAL TURN signal when required shall be given either by the hand and arm or by signal lamps. except as provided in paragraph [tst] 121.

[tst] 121 Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, [a] signal

~~[lamp--or--lamps--said]~~ lamps ~~[being-of--a-type-approved-by-the state-road-commission]~~ when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. ~~[The requirements--of--this-section-shall-become-effective-January-1, 1958.]~~

Section 20. Section 41-6-72.10, Utah Code Annotated 1953, as enacted by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-72.10. ~~[to]~~ 11 Preferential right of way ~~[at an-intersection]~~ may be indicated by stop signs or yield signs as authorized in section 41-6-99.

~~[to]~~ 12 Except when directed to proceed by a police officer, every driver of a vehicle approaching the stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

~~[to]~~ 13 The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, and if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the

intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, [however] that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision is prima facie evidence of the driver's failure to yield the right of way [the vehicle division shall forward a copy of the notice to the owner or person in charge of the garage or place where the vehicle is stored].

[~~it~~] ~~For the purposes of this section a vehicle shall be presumed to be abandoned if it is left unattended on a highway for a period in excess of 24 hours or on any public or private property without express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of seven days~~

[~~it~~] ~~In the event a vehicle is not reclaimed by the registered owner or any lien holder within 30 days the provisions of sections 41-1-79, 41-1-116, and 41-1-117 shall apply~~

Section 21. Section 41-6-75, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-75. The driver of a vehicle about to enter or cross a highway from ~~a private road or driveway or from~~ any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

Section 22. Section 41-6-18, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

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41-6-78. (1) (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if [need-be] necessary to [so] yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger[~~but no~~].

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. [this provision] Paragraph (1) (a) shall not apply under the conditions stated in section 41-6-79 [but] (2).

[but] (2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 23. Section 41-6-79, Utah Code Annotated 1953, as enacted by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-79. [but] (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

[but] (2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

[but] (3) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

[but] (4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official

traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

Section 24. Section 41-6-79.10, Utah Code Annotated 1953, as enacted by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-79.10. [44] 111 Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of section 41-6-146, and visual signals meeting the requirements of section [41-6-144] ~~41-6-14~~ or 41-6-140, or of a police vehicle properly and lawfully making use of an audible signal, ~~[only]~~ every pedestrian shall yield the right of way to the authorized emergency vehicle.

[44] 121 This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons using the highway, nor from the duty to exercise due care to avoid colliding with any pedestrian.

Section 25. Section 41-6-80.1, Utah Code Annotated 1953, as enacted by Chapter 111, Laws of Utah 1969, is amended to read:

41-6-80.1 (1) The driver of a [motor] vehicle approaching a blind or partially blind pedestrian crossing a roadway or thoroughfare, carrying a cane predominately white or metallic in color (with or without a red tip) or using a guide dog, shall bring his vehicle to a complete stop and yield the right of way to the blind person. Any person who fails to stop and yield the right of way ~~[shall--be]~~ is liable for any loss or damage which results as a proximate cause of failure to yield the right of way to blind persons; except that blind or partially blind persons shall exercise due care in approaching and crossing said roadways and thoroughfares and shall yield right of way to emergency vehicles sounding a bell, a siren or other noise device.

(2) A person blind or partially blind, and no other person, may carry a cane as described in subsection (1).

Section 26. Section 41-6-82, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, as amended by Chapter 96, Laws of Utah 1961, is amended to read:

41-6-82. [††] 11 Where sidewalks are provided and their use is practicable, it ~~shall-be~~ is unlawful for any pedestrians to walk along and upon an adjacent roadway.

[††] 12 Where sidewalks are not provided any pedestrians walking along and upon a highway shall when practicable walk only on a shoulder as far as practicable from the edge of the roadway.

[††] 13 Where neither a sidewalk or a shoulder is available, any pedestrian walking along or upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.

[††] 14 No person shall stand in a roadway or shoulder area for the purpose of soliciting from the occupant of any vehicle a ride, employment, the parking, watching or guarding of a vehicle or other business.

15 ~~No pedestrian who is under the influence of alcohol or any drug to a degree which renders such person a hazard shall walk or be upon a highway except on a sidewalk or sidewalk area.~~

[††] 16 Except as otherwise provided in this chapter, [any] pedestrians upon a roadway, shall yield the right of way to all vehicles upon the roadway.

Section 27. Section 41-6-84, Utah Code Annotated 1953, is amended to read:

41-6-84. Every person riding a bicycle ~~upon a roadway shall-be~~ is subject to the provisions of this ~~act~~ chapter applicable to the driver of a vehicle except as to ~~those~~ ~~special~~ ~~regulations--in--this--act--and--except--as--to--those~~ provisions of this ~~act~~ chapter which by their nature can have no application.

Section 28. Section 41-6-85, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-85. ~~[(t)]~~ [(1)] A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

~~[(t)]~~ [(2)] No bicycle shall be used to carry more persons at one time than the number for which it is designed ~~and~~ or equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling.

Section 29. Section 41-6-86, Utah Code Annotated 1953, is amended to read:

41-6-86. [(1)] No person riding ~~upon--any~~ a bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

[(2)] This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

Section 30. Section 41-6-87, Utah Code Annotated 1953, is amended to read:

41-6-87. ~~[(t)]~~ [(1)] Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

~~[(t)]~~ [(2)] Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a lined roadway, shall ride within a single lane.

~~[(t)]~~ [(3)] Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use ~~such~~ the path and ~~shall~~ not ~~use~~ the roadway.

Section 31. Section 41-6-89, Utah Code Annotated 1953, is amended to read:

41-6-89. [tst]---No--person--shall--ride--a [11] A bicycle [unless--it--is] shall not be equipped with, [a--bell---or---other device--capable--of--giving-a-signal-audible-for-a-distance-of-at least-100--feet--except--that--no-bicycle--shall--be--equipped--with] nor shall any person use upon a bicycle, any siren or whistle.

[tst] 121 Every bicycle shall be equipped with a brake or brakes which will enable [the--operator] its driver to [make--the brake--wheels--skid] stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

Section 32. Section 41-6-98, Utah Code Annotated 1953, as amended by Chapter 96, Laws of Utah 1961, is amended to read:

41-6-98. [tst] 111 No person shall operate or move any crawler type tractor, power shovel, derrick, roller or any equipment or structure having normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than 1/2 inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

[tst] 121 Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

[tst] 131 Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than fifty feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a railroad train, and shall not proceed until the crossing can be made safely.

[††] 141 No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be made under his direction.

Section 33. Section 41-6-101, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-101. [††] Outside a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practical to stop, park, or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such roadway.

This section ~~and sections 41-6-101 and 41-6-102~~ shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Section 34. Section 41-6-102, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-102. [††] 111 Whenever any police officer finds a vehicle in violation of section 41-6-101 [~~any of the foregoing provisions of this article~~] such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

[††] 121 Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or

in any tunnel in such position or under such circumstances as to obstruct the normal movement of traffic.

[fct] 111 Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a [roadway] highway when:

[ftt] 1a1 Report has been made that such vehicle has been stolen or taken without the consent of its owner, or

[ftt] 1b1 The person or persons in charge of such vehicle are unable to provide for its custody or removal, or

[ftt] 1c1 When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Section 35. Section 41-6-104, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1975, is amended to read:

41-6-104. [ftt] 111 Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be [so] stopped or parked with the right-hand wheels [of-such-vehicle] parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the [right] right-hand shoulder.

[ftt] 121 Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be [so] stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

[ftt] 131 Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the

[state--road--commission] department of transportation has determined [by--resolution--or--order--entered--in--its--minutes--after--a--public--hearing] that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

[f47] (6) The [state--road--commission] department of transportation with respect to highways under its jurisdiction may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion [v--as--evidenced--by--resolution--or--order--entered--in--its--minutes--after--a--public--hearing] such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic [thereon]. [Such-traffic-control-devices-shall-conform-to-the-High-Way-Manual-on-Uniform-Traffic-Control-Devices--and no] No person shall stop, stand, or park any vehicle in violation of the restriction indicated by such devices.

Section 36. Section 41-6-109, Utah Code Annotated 1953, is amended to read:

41-6-109. [f47] (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or [side] sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

[f47] (2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Section 37. Section 41-6-113, Utah Code Annotated 1953, is amended to read:

41-6-113. No ~~[railroad-train-or]~~ vehicle shall be driven over ~~[any]~~ an unprotected hose of a fire department when laid down on any street, private road or driveway~~[y-or-railroad tracks]~~ to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 38. Section 41-6-13.5, Utah Code Annotated 1953, is enacted to read:

41-6-13.5. Any driver who, having received a visual or audible signal from a police officer to bring his vehicle to a stop, operates his vehicle in willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or any other vehicle or person, or who increases his speed and attempts to flee or elude the police, shall upon conviction be fined not less than \$250 or more than \$1,000 or imprisoned in the county jail for not less than sixty days or more than one year or both. Upon receiving notice of such conviction the department shall forthwith revoke the operator's license of the person so convicted for a period of one year.

Section 39. Section 41-6-80, Utah Code Annotated 1953, is enacted to read:

41-6-80. Notwithstanding other provisions of this chapter or any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

Section 40. Section 41-6-80.5, Utah Code Annotated 1953, is enacted to read:

41-6-80.5. The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk.

Section 41. Section 41-6-87.3, Utah Code Annotated 1953, is enacted to read:

41-6-87.3. (1) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(2) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where use of bicycles is prohibited by official traffic-control devices.

(3) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

Section 42. Section 41-6-87.4, Utah Code Annotated 1953, is enacted to read:

41-6-87.4. (1) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(3) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(4) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(5) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(6) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of article 14 regulating the parking of vehicles.

Section 43. Section 41-6-87.5, Utah Code Annotated 1953, is enacted to read:

41-6-87.5. (1) A person riding a bicycle intending to turn left shall comply with section 41-6-66 or subsection (2).

(2) A person riding a bicycle intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist shall comply with any official traffic-control device or police officer regulating traffic along the highway intended to be traveled.

(3) Notwithstanding the foregoing provisions, the department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.

Section 44. Section 41-6-87.7, Utah Code Annotated 1953, is enacted to read:

41-6-87.7. (1) Except as provided in this section, a person riding a bicycle shall comply with section 41-6-69.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

Section 45. Section 41-6-97.8, Utah Code Annotated 1953, is enacted to read:

41-6-97.8. A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not

equipment as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

Section 46. Section 41-6-87.9, Utah Code Annotated 1953, is enacted to read:

41-6-87.2. (1) Bicycle racing on highways is prohibited by section 41-6-91, except as authorized in this section.

(2) Bicycle racing on a highway is not unlawful when a racing event is approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(3) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable, provided that traffic control is adequate to assure the safety of all highway users.

Section 47. Section 41-6-95.5, Utah Code Annotated 1953, is enacted to read:

41-6-95.5. No person or government agency shall operate any train in a manner to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except:

(1) When necessary to comply with signals affecting the safety of the movement of trains;

(2) When necessary to avoid striking any object or person on the track;

(3) When the train is disabled;

(4) When the train is in motion or while engaged in switching operations or as determined by local authority;

151. When there is no vehicular traffic waiting to use the crossing or

161. When necessary to comply with a governmental safety regulation.

Section 48. Section 41-6-109.5, Utah Code Annotated 1953, is enacted to read:

41-6-109.5. No person shall occupy a house trailer while it is being moved upon a public highway.

Section 49. Section 41-6-77, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, is repealed and reenacted to read:

41-6-77. (1) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to such pedestrian unless otherwise directed by a police officer.

121. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 64-6-24 and 41-6-25.

(1) At all other places, pedestrians shall be accorded the privileges and be subject to the restrictions stated in this chapter.

Section 50. Section 41-6-90, Utah Code Annotated 1953, as amended by Chapter 71, Laws of Utah 1955, as amended by Chapter 207, Laws of Utah 1975, is repealed and reenacted to read:

41-6-90. (1) Every bicycle in use at the times described in section 41-6-118 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the department which shall be visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

121. Every bicycle when in use at the times described in section 41-6-118 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head

lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by subsections (1) and (2).

Section 51. Section 41-6-97, Utah Code Annotated 1953, as amended by Chapter 86, Laws of Utah 1961, is repealed and reenacted to read:

41-6-97. Except as provided in subsection (2), the driver of any vehicle described in regulations issued pursuant to subsection (3), before crossing at grade any track or tracks of a railroad, shall stop within 50 feet but not less than 10 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching trains, and for signals indicating the approach of a train and shall not proceed until it can be done safely. After stopping as required and upon proceeding when it is safe the driver shall cross only in a gear which will ensure no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while so crossing.

(2) This section shall not apply at:

(a) Any railroad grade crossing where traffic is controlled by a police officer or human flagman;

(b) Any railroad grade crossing where traffic is regulated by a traffic-control signal;

(c) Any railroad grade crossing where an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(3) The department of transportation shall adopt necessary regulations describing the vehicles which must comply with the stopping requirements of this section. In formulation of the regulations the department of transportation shall give

consideration to the number of passengers carried by the vehicle and the hazardous nature of any substance carried by the vehicle, such regulations shall correlate with and so far as possible conform to the most recent regulation of the United States Department of Transportation.

Section 52. Section 41-6-100, Utah Code Annotated 1953, is repealed and reenacted to read:

41-6-100. The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

Section 53. Section 41-6-103, Utah Code Annotated 1953, as amended by Chapter 81, Laws of Utah 1973, is repealed and reenacted to read:

41-6-103. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle;

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 10 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On any controlled-access highway;

(j) In the area between roadways of a divided highway, including crossovers;

(k) Any place where official traffic-control devices prohibit stopping;

(l) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers;

(1) In front of a public or private driveway;

(2) Within 15 feet of a fire hydrant;

(3) Within 20 feet of a crosswalk at an intersection;

(4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

(5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(6) At any place where official traffic-control devices prohibit standing;

(7) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers;

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official traffic-control devices prohibit parking;

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41. No person shall move a vehicle not lawfully under such person's control into any prohibited area or an unlawful distance from the curb.

Section 54. Section 41-6-43, Utah Code Annotated 1953, as amended by Chapter 15, Laws of Utah 1957, as amended by Chapter 88, Laws of Utah 1967, as amended by Chapter 107, Laws of Utah 1969, Section 41-6-96, Utah Code Annotated 1953, and Section 41-6-169.10, Utah Code Annotated 1953, as enacted by Chapter 86, Laws of Utah 1969, are repealed.



STATE OF UTAH

STATE CAPITOL SALT LAKE CITY 84114
(801) 533-5261

- ROBERT B. HANSEN
ATTORNEY GENERAL
- MICHAEL L. DEAMER
DEPUTY ATTORNEY GENERAL

August 12, 1977

Mr. Larry E. Lunnen
Commissioner, Department of
Public Safety
Room 317, STATE OFFICE BUILDING

Dear Mr. Lunnen:

The following is our response to your opinion request dated August 4, 1977, regarding the practice of the Provo City Court judges accepting guilty pleas by some individuals who have been cited for exceeding the 55 mph speed limit in contravention of the policy enunciated in the Emergency Highway Energy Conservation Act (Public Laws 93-239), rather than guilty pleas for violation of the State of Utah's own traffic laws. Although you have framed your question in terms of whether an abstract of conviction for a "violation" of the Emergency Highway Energy Conservation Act should be forwarded to the Drivers' License Division and points assessed against the violator's driver's license therefor, it is the opinion of this office that this question is appropriate only if the Emergency Highway Energy Conservation Act was enacted by Congress to replace or supplement any state's speeding laws on the interstate highways. This office has concluded, however, that that Act does not grant state or city courts jurisdiction to try cases or accept pleas or assess fines and jail sentences for a violation of the Emergency Highway Energy Conservation Act.

On January 2, 1974, during the critical period following the Arab oil embargo in November 1973, the Emergency Highway Energy Conservation Act was signed into law which prohibited approval of certain highway projects in any state which allowed travel on public highways in excess of 55 mph during the fuel crisis as defined in that Act. Later, to pressure the states to effectively enforce the lower speed limit to promote a national minimum speed limit, 23 U.S.C. 154, Sec. 114, (Public Laws 93-643), was enacted to withhold approval of federal aid to highway projects to those states failing to comply.

Further, to implement the requirements of 23 U.S.C. 154, federal regulations were promulgated, specifying what states must do in order to be

considered to have successfully complied with the federal conservation measures. (See 23 CHR 658.1 23, Code of Federal Regulations, Section 658.1, et seq.)

The purpose of the federal statutes and regulations was to compel compliance with a national energy conservation policy. There is no indication in either the statutes or the regulations that they were intended to abrogate or supplement states' traffic statutes. These are not criminal laws and provide for no fines or other penalties.

In January, 1974, pursuant to these federal measures, the Governor of Utah issued a proclamation mandating that the maximum speed limit in Utah should be 55 mph. This proclamation was challenged in court but upheld by the Utah Supreme Court in the case of State v. Foukas, Utah, 560 P.2d 312 (1977).

Thus, the existing federal laws pertaining to a 55 mph speed limit do not, in our opinion, create an offense for which someone may be convicted. They are merely measures compelling compliance to a national conservation policy. Therefore, it is our conclusion that those drivers alleged to have exceeded 55 mph should be charged with and convicted of only the applicable state traffic laws now existing.

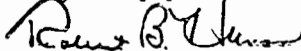
It is our further opinion that the persons involved may obtain a refund of the sums paid as fines and the State through the county attorney where the offense was committed may charge these persons with violation of our speed law if the applicable two-year statute of limitation does not bar prosecution. However, whether such prosecutions should be undertaken is a matter of policy to be decided by those officials and not by this office.

This office has not consulted with the two fine judges in question. We deem it inappropriate to do so in view of the prohibition against judges publicly advocating their position on this matter.

It would be appropriate to note, however, that there certainly is considerable rationale in support of the Provo City judges' program referred to in your letter. The Legislature itself in its regular session in 1977 enacted SB 79 which would have eliminated the driver's license penalty points when the excessive speed was nine miles per hour or less and the provisions of that bill would be law today except for the fact that the Governor vetoed it.

If you have any further questions regarding this matter, we will be happy to respond further.

Very truly yours,



ROBERT B. HANSEN

Attorney General

RBH/bc