

**SPEED LIMITS AND HARDSHIP LICENSES**

---

**REPORT OF THE  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

**to**

**THE GOVERNOR**

**and**

**THE GENERAL ASSEMBLY OF VIRGINIA**

---



*H. D. 5 - 1966*

---

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1965



## MEMBERS OF COUNCIL

---

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

CHARLES R. FENWICK

J. D. HAGOOD

EDWARD M. HUDGINS

CHARLES K. HUTCHENS

J. C. HUTCHESON

LEWIS A. McMURRAN, JR.

CHARLES D. PRICE

ARTHUR H. RICHARDSON

WILLIAM F. STONE

---

## STAFF

JOHN B. BOATWRIGHT, JR.

WILDMAN S. KINCHELOE, JR.

G. M. LAPSLEY

ROBERT L. MASDEN

FRANK R. DUNHAM

MARY R. SPAIN



## SPEED LIMITS AND HARDSHIP LICENSES

---

### REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, October 29, 1965

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

In 1964, over 1,000 persons died as a result of traffic accidents on Virginia's highways, while many other thousands were injured and maimed. Besides this tragic loss of life and mutilating injuries, many millions of dollars of property damage was also incurred. All this occurred despite Virginia's efforts over the past several years to develop one of the best over-all traffic safety programs to be found among the several states. In fact, we believe Virginia's Highway Safety Program is the envy of every other state in the nation.

As a continuing effort to improve safety on Virginia's highways, and to continually re-evaluate every aspect of our over-all safety program, the General Assembly, at its 1964 Session, directed the Virginia Advisory Legislative Council to make a study and report on the need for laws authorizing the governing bodies of counties and towns to fix speed limits on State highways passing through unincorporated communities and towns where they are not now specifically authorized to fix such speed limits. The resolution directing this study is as follows:

#### HOUSE JOINT RESOLUTION NO. 25

*Directing the Virginia Advisory Legislative Council to make a study of speed limits in certain areas.*

Whereas, excessive speed on State highways passing through congested areas and over narrow roadways in unincorporated communities and municipalities is creating traffic hazards and dangerous conditions; and

Whereas, the present laws are inadequate to completely control these dangerous situations; now, therefore, be it

Resolved by the House of Delegates of Virginia, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a study and report on the need for laws authorizing the governing bodies of counties, cities and towns to fix speed limits on State highways, passing through unincorporated communities in counties, and through cities and towns, in cases in which they are not specifically authorized to fix such speed limits. The Department of Highways and the Department of State Police shall assist the Council in its study. The Council shall complete its study and make its report to the Governor and the General Assembly not later than October one, nineteen hundred sixty-five.

The Governor also requested the Virginia Advisory Legislative Council to broaden the scope of this study and to include the advisability and feasibility of adopting programs whereby persons whose livelihood depends upon their ability to operate a motor vehicle, but whose privilege has been revoked under mandatory provisions of law, might be allowed, on a highly restricted basis, to operate motor vehicles only to the extent necessary to earn a livelihood.

The Council assigned the study to the Honorable Arthur H. Richardson, member of the House of Delegates, Dinwiddie, and a member of the Council, as Chairman of the Committee to make the initial study and report to the Council. Selected to serve with Mr. Richardson as members of the Committee were the following: Wallace C. Barry, Secretary-Treasurer, Legislative Conference of Amalgamated Transit Union, Norfolk; Thomas W. Dodge, Assistant Juvenile Judge, Arlington; Lewis B. Flinn, Jr., Secretary-Treasurer, United Virginia Bankshares, Incorporated, Richmond; Tom Frost, member of the House of Delegates, Warrenton; James B. Fugate, member of the House of Delegates, Gate City; Thomas R. Glass, member of the House of Delegates, Lynchburg; W. H. Irvine, former member of the House of Delegates, and Chairman of the Virginia Railway Association, Richmond; C. H. Lamb, Commissioner, Division of Motor Vehicles, Richmond; D. French Slaughter, Jr., member of the House of Delegates, Culpeper; E. H. Williams, Jr., former member of the House of Delegates, and Executive Vice-President of the Virginia Highway Users Association, Richmond.

The Committee met and organized, electing D. French Slaughter, Jr., Vice-Chairman. John B. Boatwright, Jr., and Robert L. Masden served as Secretary and Recording Secretary, respectively to the Committee.

The Committee held several executive sessions at which the problems involved in the matters under study were carefully considered. The Committee also consulted with J. P. Mills, Jr., Chief Engineer, Traffic and Planning Section, State Department of Highways. The Committee also held a public hearing at which time all interested individuals, groups and organizations throughout the State were afforded an opportunity to present any suggestions or recommendations which they had concerning the matters under study.

After considering the many suggestions made to it, the Committee completed its deliberations and made its report to the Council. The Council has reviewed the report of the Committee, and now reports as

## RECOMMENDATIONS

1. That authority to increase or decrease the speed limits on highways constructed and maintained by the State Highway Commission should not be extended to the governing bodies of counties, cities and towns.

2. That the State Highway Commission should disseminate, periodically, information concerning their procedures for the conduct of engineering and traffic investigations to the governing bodies of all counties, cities and towns throughout the State.

That final authority permanently to increase or decrease speed limits on all highways constructed and maintained by the State Highway be vested in the State Highway Commissioner rather than

4. That no provision be adopted for the issuance of hardship or restricted licenses to an individual whose privilege to operate a motor vehicle has been revoked under present mandatory provisions of law.

## FINDINGS, RECOMMENDATIONS AND REASONS THEREFOR

### *I. Speed and speed limits in general.*

Speed, and its proper use, control and regulation, is a very important but highly controversial subject. Many people consider speed per se an important accident cause. Considering the number of drivers involved in accidents annually in Virginia compared to the millions of miles traveled, we may conclude that most of the time the great majority of our drivers do a good job of handling their motor vehicles and their speeds. On the other hand, there are far too many serious and fatal accidents. We recognize that speed is not the only cause of traffic accidents, but excessive speed has a tendency to magnify all other contributing causes.

There are not enough reliable data available to determine exactly to what extent excessive speed contributes to accident frequencies. There is truth in the statement that "speed kills." The higher the speed the greater will be the severity of the accident; the faster a motor vehicle travels, the greater the braking and stopping distances required, the less quickly it can be maneuvered out of trouble, the less time there is to take protective measures in case of an unexpected situation or emergency; the faster a car goes compared to other vehicles in the traffic stream, the more often overtaking and passing maneuvers are required with increased consequent hazards; and, at night, excessive speed often means overdriving the headlights, and the more a driver overdrives his headlights the greater is the danger.

As early as 1950, the National Safety Council's *Safety News* attempted to determine the relative risks at various speeds. Their analysis indicated that the death risk of a cruising speed of 45 miles per hour is 61; at 55 miles per hour, it is 85; and for all speeds over 60 miles per hour, it is 160. (Note that the 160 and other death risk figures are drivers involved in fatal accidents per 1,000 drivers involved in injury accidents.)

Since excessive speed is generally recognized as an important accident factor, it is natural that efforts should be made to control it. One approach generally employed is through speed legislation. Complications are quickly encountered in honest efforts to frame appropriate speed laws. Factors affecting the proper control of a motor vehicle and appropriate speeds vary tremendously from place to place, from time to time, from vehicle to vehicle, from driver to driver, and from condition to condition. Obviously, no one numerical speed limit could apply to all cases with equal validity.

### *II. Analysis of speed regulations among the various states.*

Is it possible then to write a speed law which will take account of all such variables?

An analysis of the various state motor vehicle codes indicates that there is almost unanimous agreement that in urban areas specific maximum speed limits are desirable for business districts, residential districts, and other special locations such as school zones. In rural areas, the lower maximum speed limits for trucks are considered desirable on most highways. The greatest difference of viewpoint relates to the kind of speed legislation most appropriate to passenger automobiles in rural areas.

All state laws are based on the premise that the driver should operate at all times at a reasonable and prudent speed, taking due account of conditions and traffic hazards. The merit of this basic speed rule is accepted in all states. Virginia Code § 46.1-190 provides that "A person shall be guilty of reckless driving who shall: . . . (h) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;"

There are at present three principal types of speed regulations in the laws of the various states.

(1) No speed limit - complete dependence is placed upon the basic speed rule.

(2) Prima facie speed limit - the basic speed rule is supplemented by certain numerical speed limits. These laws generally provide that any speed in excess of the limits specified shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. The practical effect of such laws is that it shifts the burden of proof to the individual driver to prove that although he was exceeding the prima facie speed limit, he was nevertheless driving in accordance with the basic rule.

(3) Fixed speed limits - such laws provide a fixed speed limit which it is illegal to exceed at any time under any conditions.

### *III. Virginia's speed laws.*

Each of the above types of speed regulations have advantages and disadvantages. The General Assembly of Virginia, in its wisdom, has decided not to rely solely upon the basic speed rule alone, since it does not provide enough guidance or sense of compulsion to motorists who at times display something less than satisfactory driving experience, judgment, alertness, or social conscience. It is believed that many drivers need guidance as to the maximum speed limit and that the setting of a numerical maximum speed results in a better approach to uniform enforcement.

Relying upon these basic premises, the General Assembly of Virginia has adopted laws providing for maximum and minimum speed limits on all highways within this State. However, recognizing that conditions such as road surfaces, cultural activities along the highways, incidence of tributary roads, etc., vary from place to place, the General Assembly has authorized the governing bodies of counties, cities and towns, and the State Highway Commission to adjust speed limits on any portion of the highways which are maintained by the governing bodies or the State Highway Commission, respectively, after an engineering and traffic investigation has been performed indicating the need for such adjustment.

The Highway Commission maintains the Interstate, arterial, primary and secondary highways generally throughout the State and has complete jurisdiction over all signs on the right of way of such highways. Under our present law the Highway Commission alone has authority to adjust speed limits on highways maintained by the Highway Commission. The only exceptions are Arlington and Henrico Counties which maintain the secondary highways within their boundaries, and are therefore authorized to adjust the speed limits on such highways under Virginia Code § 46.1-180.

Almost every competent traffic specialist favors speed zoning when properly applied. It is very important that the numerical speeds in the



zones be determined on the basis of careful engineering field checks and after conference with enforcement officials. Generally speaking, it is unwise to adopt a speed limit which is less than the speed below which 85% of the drivers are found to be driving. A number of analyses show that actual driving speeds are often higher where speed zones are too low than they are when those speed zones are raised to proper levels. It is apparent that when speed limits are too low, motorists ignore them and do not even accept the cautionary intent. On the other hand, where speed limits are reasonable motorists accept and observe them.

We believe we have the most realistic and scientific method of determining the appropriate speed limits on our highways. At present the speed limits provided by statute are generally as follows:

- (1) Business or residential districts - 25 miles per hour.
- (2) School zone properly posted - 25 miles per hour.
- (3) All rural roads - 55 miles per hour for passenger cars, 45 miles per hour for trucks.
- (4) All roads in incorporated towns and cities which are not classified as business or residential - 35 miles per hour.
- (5) Interstate Highways - 65 miles per hour for passenger cars, and 50 miles per hour for trucks.

These limits listed above may be increased or decreased only as a result of an engineering and traffic investigation. For instance:

- (a) Divided highways - basic 55/45 mile per hour limits may be increased to 60/50 or lowered to realistic limits.
- (b) Interstate Highways - basic 65/50 mile per hour limit may be lowered to realistic limits.
- (c) Speed limits in rural, business or residential areas or in school zones may be raised or lowered by the State Highway Commission.

We believe these speed limits are clear and the authority to provide realistic adjustments allows appropriate flexibility to meet any traffic situation.

#### *IV. Authority and procedures for adjusting speed limits on State highways.*

It has been suggested that the governing bodies of counties and incorporated towns be given authority to adjust speed limits on State highways passing through their area. Our present laws provide that the authority to adjust speed limits runs generally parallel with the responsibility for constructing and maintaining such highways. We believe this is most appropriate and should be continued.

We affirm the present State Policy that adjustments of speed limits on any portion of the State Highway System should be preceded by an engineering and traffic investigation. The governing bodies of counties and towns are generally not equipped to make such complete scientific investigations. On the other hand, our Highway Department is well equipped and staffed to perform such tasks.

We believe there is a need for constant study of the ever changing traffic situations in our growing communities. We also realize the

urgency expressed by the local governing bodies to protect the life and property of their citizens from the danger of excessive speeds. However, it must also be remembered that the portions of the State Highway System passing through unincorporated communities and towns are also a part of our over-all system of highways and that the ever increasing volume of traffic must be kept moving at reasonable speeds with the least amount of interruptions possible.

The State Highway Commission can assist the localities greatly in their efforts to promote highway safety by conducting engineering and traffic investigations on the State Highways passing through their area upon request of the the respective governing bodies. Therefore, we recommend that the State Highway Commission keep the local governing bodies informed as to their procedure for conducting such investigations and the results thereof. This is merely a continuation of present policies adopted under our present laws by the State Highway Commission, but we believe it will be much more effective if the local governing bodies are properly informed of these procedures.

*V. Present procedures for conducting engineering and traffic investigations.*

Under the present procedures adopted by the State Highway Commission, the governing body of any county, city or town may secure the cooperation and assistance of the Highway Commission in performing engineering and traffic investigations on any portion of the State Highway System which lies within its boundaries. In fact, every letter, petition or resolution requesting a change in the speed limit on any portion of the highway system is honored by the State Highway Commission. Each request is directed to the traffic and planning section for appropriate analysis and study.

Engineering and traffic investigations generally consist of a careful analysis of traffic behavior, volume and classification of traffic, general conditions of pavement and shoulders, width and sight distance, activity along the roadway, number of entrances, and most important of all, the speed of vehicles using the road. In checking the speed of vehicles the Highway Commission uses radar in such a manner that the motorist using the highway has no idea that such an analysis is being performed. After the information is gathered, it is taken to the central office in Richmond for further analysis by qualified personnel.

From their analysis the traffic and planning section will recommend a speed limit for that particular portion of highway in question. This information plus their recommendations are sent to the District Engineer for review by his Traffic Engineer and members of the State Police. After review, the information is returned to the State Highway Department. If all are in agreement as to the recommended limit, a resolution is prepared for adoption by the State Highway Commission. If the recommended change is adopted by the State Highway Commission, instructions are then sent to the field forces to have the proper signs erected. We believe that the engineers in the Highway Department have done in the past and are at present doing an excellent job in the matter of establishing realistic speed limits.

As far as we can determine, every request for the reduction or an increase in the existing speed limit is honored by the Highway Department engineers and studied. To give two jurisdictions the authority to post speed limits on one road would, in our opinion, be folly. Also, to

allow speed limits to be posted based upon what some individual or group of individuals thinks to be correct rather than as the result of a careful engineering and traffic investigation would result in speed traps and most unrealistic limits. Through the work of these engineers we have been able to provide practical limits in towns and in rural areas. Whatever the speed regulations may be, it is of utmost importance that there be proper enforcement. Unrealistic limits impose an impossible burden on enforcement authorities. Thus, if a county or a town imposed an unrealistic limit on a portion of highway, the burden of enforcing such limitations would fall upon the State Police since most counties and towns do not maintain their own police force.

#### *VI. Authority to make final determination.*

Under our present laws it is necessary that all permanent adjustments in the speed limits recommended by the State Highway Department, to be effective, must be formally adopted by the State Highway Commission and due note made thereof in its minutes. This causes undue delay in making such changes. The period of delay can sometimes be as much as three months. To avoid this delay, final authority to make such adjustment should be vested in the State Highway Commissioner, subject, of course, to the present requirements that such change be preceded by and based upon an engineering and traffic investigation, and that appropriate signs be erected on such highways.

#### *VII. Hardship Licenses.*

As we noted previously the great majority of drivers, professional or otherwise, customarily drive sensibly, not only because of the law but also for self-protection and because they accept it as their obligation to drive sensibly.

As we consider how carefully Virginia has proceeded in adopting her speed laws and the care with which adjustments in such speed limits are made in order to promote the optimum degree of safety on our highways, it is difficult to understand why anyone would jeopardize the safety of themselves or infringe upon the safety of others by exceeding these speed limits.

At the public hearing concerning hardship licenses, held in the State Capitol in Richmond on March 5, 1965, various individuals representing organizations composed of professional drivers appeared and urged the adoption of a hardship license program. Generally, the reasons given favoring the adoption of such a program fall into the following categories:

(1) The present law is arbitrary in that the number of convictions for speeding for which a period of suspension or revocation is required is not scientifically determined.

(2) The present law is inequitable in its application in that it deprives the professional driver of his livelihood while other drivers are simply deprived of a privilege or convenience.

(3) The professional driver is constantly exposed to the possibility of conviction for speeding. A person who is required to drive 100,000 miles a year in order to earn a living should be given some consideration over and above that given to individuals who drive only 10,000 miles per year simply for convenience. Also, the professional driver's conviction for exceeding the speed limit while driving in his occupation is added to his convictions while driving for pleasure which tends to compound his exposure to conviction.

(4) Due to competition, schedules for professional drivers are determined at the maximum speed limit. The onus is thus placed upon the driver to maintain these schedules at the risk of losing his job either for failing to meet these schedules or for exceeding the speed limit.

(5) Many commercial vehicles are not equipped with speedometers. Even when such vehicles are so equipped, it is very difficult to maintain their accuracy.

We have carefully considered each of these arguments, and recognize the merit of each. As far as we can determine, there have been no serious complaints from any organizations or individuals concerning Virginia's maximum speed limits. Each of the above arguments was directed to the mandatory provisions of our laws requiring suspension of the operator's or chauffeur's license of the individual who has been convicted twice within a period of one year for exceeding the speed limit under Virginia Code § 46.1-197.

Virginia's laws compare very favorably with all other states having similar conditions. Virginia's second offense speeding law has been described as, *the cornerstone of our very sound traffic safety program*. The following statistics presented by the Division of Motor Vehicles bear out this statement.

#### FISCAL YEAR JULY 1, 1963 — JUNE 30, 1964

Total number of traffic violations reported in Virginia .....	315,625
Total number of traffic violations reported out-of-state .....	10,725
Total number of all traffic violations reported .....	326,350
Total number of speeding convictions in Virginia reported .....	116,505
Total number of speeding convictions out-of-state reported .....	8,403
Total number of all speeding convictions reported .....	124,908
Total number of revocation orders issued by reason of two or more speeding convictions in Virginia .....	9,439
Total number of revocation orders issued by reason of out-of-state convictions of speeding .....	256
Total number of revocation orders as result of speeding .....	9,695
Total number of revocation orders issued by reason of one conviction for speeding and one conviction for reckless driving in Virginia .....	4,154
Total number of revocation orders issued by reason of one conviction for speeding and one conviction for reckless driving out-of-state convictions .....	94
Total number of all orders issued as result of one conviction of speeding and one conviction of reckless driving .....	4,248

#### FISCAL YEAR JULY 1, 1963 — JUNE 30, 1964

##### Speeding Revocations, By Reason Of Three Or More Speeding Convictions During Fiscal Year

*Three convictions resulting in four months revocation .....	885
*Four convictions resulting in six months revocation .....	134
*Five or more convictions resulting in one year revocation .....	35
Total .....	1,054

\* The above figures represent the approximate number of orders issued.

It is interesting to note from the above statistics that during the past year there were over 300,000 moving violations of which over 100,000 were for speeding. The number of convictions for the second infraction represents only a small portion of the total; and, the number of convictions for the third infraction diminishes almost to the vanishing point. We believe the present law in this regard is the greatest single deterrent to excessive speed that has been adopted by any of the states or even suggested thus far.

It may be true that the effect of revocation or suspension of a professional driver's license is a hardship which is not felt by an individual who drives simply for pleasure. However, there are many, not licensed as chauffeurs, whose loss of license is a hardship; e.g., the salesman who travels by car, the doctor, lawyer and others. As we have demonstrated above, speed kills. Any slackening of our present laws would merely shift greater hazard upon the prudent driver. We do not believe in tempering our laws to favor special groups. Such attempts result in bad laws.

We recognize that maintaining schedules, which are determined at the maximum speed limit, is a burden on the professional driver, but employers should give adequate attention to this problem. We also recognize the difficulty in maintaining the accuracy of speedometers on commercial vehicles as well as pleasure vehicles. For this reason enforcement officials usually allow a reasonable tolerance over the posted speed limit.

It would seem to us, as a practical matter, that any individual or group of individuals whose livelihood depends upon the privilege to operate a motor vehicle, and who finds himself daily exposed to the hazards of excessive speed by motor vehicle operators, would be the first to insist upon obedience to reasonable speed limits. The driver of a large commercial vehicle has under his control an instrument capable of greater destruction than pleasure vehicles. This, of necessity, requires a greater degree of skill. We commend the vast majority of professional drivers for the manner in which they conduct themselves on our highways. Their example of courtesy and safety on the highway is one that should be emulated by all drivers.

During the last interim, the Virginia Advisory Legislative Council while studying our over-all Highway Safety Program considered the problem of issuing hardship or restricted licenses to the professional driver. After careful consideration of every conceivable aspect of the problem, the Council refused to recommend such a program based upon general safety factors. We see no reason to change the position.

Such a program is very difficult to enforce fairly and properly. We noted with some interest that those individuals who suggested that a program for the issuance of hardship licenses be adopted, also suggested that any subsequent conviction for speeding within a one-year period should be dealt with sternly. If, for instance, upon the third conviction within a twelve-month period the suspension were increased to six months, we believe the threat to the economic well-being of the individual professional driver would be much greater than under the present law.

It was also suggested that Virginia should adopt this program as a progressive step in its over-all safety program because some 13 other states have adopted similar programs whereby hardship licenses are issued under certain conditions. It is our understanding that these programs have not proved wholly satisfactory; and, in some instances, they have proven wholly unsatisfactory of administration. Under such a program it is necessary that discretion for the issuance of such a license be placed

either upon the courts or in the Division of Motor Vehicles. The definition of what constitutes a sufficient hardship for the issuance of such a license is necessarily vague. In fact, without being extremely arbitrary, it is difficult to exclude any group or individual.

We believe that the cost of administering such a program would be prohibitive. Not only would it increase the safety hazards of the prudent driver on our highways by allowing individuals to drive who have already demonstrated their disregard for the safety of others as well as the law, but it would increase the possibility of fraud in the administration of our highway safety programs. So far, our courts and our Division of Motor Vehicles have been free of any such allegation.

We strongly oppose any program whereby a hardship license may be issued to any individual whose license has been suspended or revoked under the present mandatory provisions of our traffic safety laws.

We should like to express our appreciation to the members of the Committee and to others who assisted in the completion of this study.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

CHARLES R. FENWICK

J. D. HAGOOD

EDWARD M. HUDGINS

CHARLES K. HUTCHENS

J. C. HUTCHESON

LEWIS A. McMURRAN, JR.

CHARLES D. PRICE

ARTHUR H. RICHARDSON

WILLIAM F. STONE

*A BILL to amend and reenact § 46.1-193 as amended, and §§ 46.1-196 and 46.1-345 of the Code of Virginia, relating to maximum and minimum speed limits generally, speed limits on bridges for certain vehicles, and adjustment in speed limits by the Highway Commissioner and local authorities.*

Be it enacted by the General Assembly of Virginia :

1. That § 46.1-193 as amended, and §§ 46.1-196 and 46.1-345 of the Code of Virginia be amended and reenacted as follows :

§ 46.1-193. The maximum and minimum speed limits on highways of this State shall be as hereinafter prescribed :

(1) Maximum limits.

(a) Sixty-five miles per hour on the Interstate System of Highways or other limited access highways with divided roadways; if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pick-up or panel truck not exceeding an actual gross weight of five thousand pounds, or a motorcycle; and fifty miles per hour on such highways if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

(b) Sixty miles per hour on nonlimited access highways having four or more lanes, with the roadway for traffic traveling in one direction separated from the roadway for traffic traveling in the other direction by a physical barrier or an unpaved area; if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pick-up or panel truck not exceeding an actual gross weight of five thousand pounds, or a motorcycle; and fifty miles per hour on such highways if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer, provided that for such highways such speed has been prescribed by the State Highway \* Commissioner, or other authority having jurisdiction over highways, after an engineering and traffic investigation. On any highway where such speed is prescribed, the speed shall be plainly indicated upon the highway by signs; and where the speed limit is indicated by posted signs, there shall be a prima facie presumption that such engineering and traffic investigation was made.

(c) Fifty-five miles per hour on highways not included in (a) or (b) if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pick-up or panel truck not exceeding an actual gross weight of five thousand pounds, or a motorcycle; and forty-five miles per hour on such highways if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion or a house trailer.

(d) Thirty-five miles per hour on any highway other than an interstate highway, if the vehicle is being used as a school bus carrying children, and forty-five miles per hour on interstate highways.

(e) Forty-five miles per hour on any highway if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway Commission in accordance with §§ 46.1-330 and 46.1-343. The State Highway Commission may, however, prescribe a speed limit of less than forty-five miles per hour on any permit issued in accordance with §§ 46.1-330 and 46.1-343.

(f) Twenty-five miles per hour between portable signs, tilt over signs, or fixed blinking signs placed in or along any highway bearing the word "school." Such word shall indicate that school children are present in the vicinity. Any signs erected under this section shall be placed not more than three hundred feet from the limits of the school property or crossing in the vicinity of the school, which is used by children going to and from the school; provided that such crossings are not more than five hundred yards from the limits of the school property and the Department of Highways or the council of the city or town approves the said crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town such portable signs shall be furnished and delivered by the State Highway Department. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board, preferably not a classroom teacher, to place such portable signs in the highway at a point not more than three hundred feet from the limits of the school property and remove such signs when their presence is no longer required by this subsection. Such portable, tilt over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs, tilt over signs, or blinking signals shall be in a position, or be turned on, for thirty minutes preceding regular school hours and for thirty minutes thereafter and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Provided, however, that the governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, decrease the speed limit provided in this subsection, and provided further that no such decrease in speed limit shall be effective unless such decreased speed limit is conspicuously posted upon the portable signs, tilt over signs, or fixed blinking signs required by this subsection.

(g) Twenty-five miles per hour on highways in a business or residential district, except upon interstate or other limited access highways with divided roadways.

(h) Thirty-five miles per hour on highways in any city or town, except upon interstate or other limited access highways with divided roadways.

(i) Notwithstanding the provisions of subdivisions (a), (b) and (c) of this subsection, the speed limits for passenger motor vehicles while towing utility, camping or boat trailers not exceeding an actual gross weight of twenty-five hundred pounds shall be the same as that for passenger motor vehicles.

(2) Minimum speed limits.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway \* *Commissioner* or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the \* *Commissioner* or such local authority may determine and declare a minimum speed limit to be set forth on signs posted on such



highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, provided that such minimum speed limit shall not apply to a school bus carrying children.

(3) Notwithstanding the foregoing provisions, the State Highway \* *Commissioner* or other authority having jurisdiction over highways may decrease the speed limits set forth in subsections (1) (a) through (1) (c) of this section and may increase or decrease the speed limits set forth in subsections (1) (f) through (1) (h) of this section on any highway under its jurisdiction. Such increased or decreased speed limits shall be effective only when prescribed *in writing by the Highway Commissioner and kept on file at the Central Office of the Department of Highways*, after an engineering and traffic investigation and when indicated upon the highway by signs.

Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 46.1-16.

§ 46.1-196. (a) It shall be unlawful to drive any motor vehicle, trailer or semitrailer upon any public bridge, causeway or viaduct at a speed exceeding that indicated as a maximum by signs posted thereon or at its approach by or upon the authority of the State Highway \* *Commissioner*.

(b) The State Highway \* *Commissioner* upon request or upon \* *his* own initiative may conduct an investigation of any public bridge, causeway or viaduct and shall thereupon 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 one hundred feet beyond each end of such structure. The findings and determination of the \* *Commissioner* shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon.

§ 46.1-345. The State Highway Commissioner, acting through district or resident engineers, may prescribe the weight, width, height, length or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the State Highway System, Interstate System of Highways or Secondary System of State Highways less than those prescribed in this title whenever an engineering study discloses that it would promote the safety of travel or is necessary for the protection of any such highway.

If the reduction of limits *other than speed limits*, as herein provided is to be effective for a period exceeding ninety days, the State Highway Commission shall effect such reduction by resolution to be recorded in the minutes of its meeting. If the reduction is necessary for the temporary protection of the highway or safety of travel, no such resolution need be passed, but no such temporary reduction shall be effective for a period exceeding ninety days. *If the reduction of the speed limit as herein provided is to be effective for a period exceeding ninety days, the State Highway Commissioner shall prescribe such reduction in writing which shall be kept on file at the Central Office of the Department of Highways.* In instances where the limits, *including speed limits*, are to be temporarily reduced, the resident engineer for the Department of Highways in the county wherein such road is situate shall immediately notify the Chief Engineer for the Department of Highways at the Central Office in Richmond of such reduction, who shall either affirm or rescind the action of reducing such limits within five days from the date the limits have been posted as hereinafter provided. A list of all roads whereon there

has been a reduction of limits as herein provided shall be kept on file at the Central Office of the Department of Highways. Anyone aggrieved by such reduction of limits may appeal directly to the State Highway Commissioner for redress, and if the State Highway Commissioner affirms the action of reducing such limits, other than speed limits, the State Highway Commission shall afford any such aggrieved person the opportunity of being heard at its next regular meeting.

The local authorities of cities, towns and counties, where the highways or streets are under their jurisdiction, may adopt rules and regulations or pass ordinances, as the case may be, decreasing the weight limits prescribed in this title for a total period not to exceed ninety days in any calendar year, when an engineering study discloses that operation over such highways or streets by reason of deterioration, rain, snow or other climatic conditions will seriously damage such highways or streets unless such weights are reduced.

In all instances where the limits for weight, size or speed have been reduced by the State Highway Commissioner or the weights have been reduced by local authorities, pursuant to this section, signs stating the weight, height, width, length or speed, as the case may be, permitted on such highway or street, shall be erected at each end of the section of highway or street affected and no such reduced limits shall be effective until such signs have been posted.

It shall be unlawful to operate a vehicle or combination of vehicles over or upon any public highway, street or section thereof when the weight, size or speed thereof exceeds the maximum posted by authority of the State Highway Commissioner or local authorities pursuant to this section.

Any person convicted of a violation of any provision of this section shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or be confined in jail for not less than one day nor more than six months, or both, and the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and cost have been satisfied.

This section shall not be construed to apply when it is proven by the person accused of the violation thereof that the journey was the initial or sole journey upon the section of the road posted for reduced weight limits, subsequent to the time the signs were posted thereon.

