

REFERENCE TITLE: pupil pedestrian safety zones

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2074

Introduced by
Representative Nelson

AN ACT

AMENDING SECTIONS 28-601, 28-701, 28-701.02 AND 28-727, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-798, 28-799 AND 28-800; RELATING TO TRAFFIC REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-601, Arizona Revised Statutes, is amended to
3 read:

4 28-601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motor vehicle" means a motor vehicle or combination of
7 motor vehicles used to transport passengers or property if the motor vehicle
8 either:

9 (a) Has a gross combined weight rating of twenty-six thousand one or
10 more pounds inclusive of a towed unit with a gross vehicle weight rating of
11 more than ten thousand pounds.

12 (b) Has a gross vehicle weight rating of twenty-six thousand one or
13 more pounds.

14 (c) Is a school bus.

15 (d) Is a bus.

16 (e) Is used in the transportation of materials found to be hazardous
17 for the purposes of the hazardous materials transportation act (49 United
18 States Code sections 5101 through 5127) and is required to be placarded under
19 49 Code of Federal Regulations section 172.504, as adopted by the department
20 pursuant to chapter 14 of this title.

21 2. "Controlled access highway" means a highway, street or roadway to
22 or from which owners or occupants of abutting lands and other persons have no
23 legal right of access except at such points only and in the manner determined
24 by the public authority that has jurisdiction over the highway, street or
25 roadway.

26 3. "Crosswalk" means:

27 (a) That part of a roadway at an intersection included within the
28 prolongations or connections of the lateral lines of the sidewalks on
29 opposite sides of the highway measured from the curbs or, in absence of
30 curbs, from the edges of the traversable roadway.

31 (b) Any portion of a roadway at an intersection or elsewhere that is
32 distinctly indicated for pedestrian crossing by lines or other markings on
33 the surface.

34 4. "Escort vehicle" means a vehicle that is required pursuant to rules
35 adopted by the department to escort motor vehicles or combinations of
36 vehicles that require issuance of a permit pursuant to article 18 or 19 of
37 this chapter for operation on the highways of this state.

38 5. "Explosives" means any chemical compound, mixture or device that is
39 commonly used or intended for the purpose of producing an explosion and that
40 is defined in 49 Code of Federal Regulations part 173.

41 6. "Flammable liquid" means any liquid that has a flash point of less
42 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
43 Regulations section 173.120.

44 7. "Gross weight" means the weight of a vehicle without a load plus
45 the weight of any load on the vehicle.

1 8. "Intersection" means the area embraced within the prolongation or
2 connection of the lateral curb lines, or if none, the lateral boundary lines
3 of the roadways of two highways that join one another at, or approximately
4 at, right angles, or the area within which vehicles traveling on different
5 highways joining at any other angle may come in conflict. If a highway
6 includes two roadways thirty or more feet apart, each crossing of each
7 roadway of the divided highway by an intersecting highway is a separate
8 intersection. If the intersecting highway also includes two roadways thirty
9 or more feet apart, each crossing of two roadways of the highways is a
10 separate intersection.

11 9. "License" means any license, temporary instruction permit or
12 temporary license issued under the laws of this state or any other state that
13 pertain to the licensing of persons to operate motor vehicles.

14 10. "Motorized wheelchair" means any self-propelled wheelchair that is
15 used by a person for mobility.

16 11. "Official traffic control device" means any sign, signal, marking
17 or device that is not inconsistent with this chapter and that is placed or
18 erected by authority of a public body or official having jurisdiction for the
19 purpose of regulating, warning or guiding traffic.

20 12. "Park", if prohibited, means the standing of a vehicle, whether
21 occupied or not, otherwise than temporarily for the purpose of and while
22 actually engaged in loading or unloading.

23 13. "Photo enforcement system" means a device substantially consisting
24 of a radar unit or sensor linked to a camera or other recording device that
25 produces one or more photographs, microphotographs, videotapes or digital or
26 other recorded images of a vehicle's license plate for the purpose of
27 identifying violators of articles 3 and 6 of this chapter.

28 14. "Pneumatic tire" means a tire in which compressed air is designed
29 to support the load.

30 15. "Pole trailer" means a vehicle that is all of the following:

31 (a) Without motive power.

32 (b) Designed to be drawn by another vehicle and attached to the towing
33 vehicle by means of a reach or pole or by being boomed or otherwise secured
34 to the towing vehicle.

35 (c) Used ordinarily for transporting long or irregularly shaped loads
36 such as poles, pipes or structural members capable generally of sustaining
37 themselves as beams between the supporting connections.

38 16. "Police officer" means an officer authorized to direct or regulate
39 traffic or make arrests for violations of traffic rules or other offenses.

40 17. "Private road or driveway" means a way or place that is in private
41 ownership and that is used for vehicular travel by the owner and those
42 persons who have express or implied permission from the owner but not by
43 other persons.

1 18. "PUPIL PEDESTRIAN SAFETY ZONE" MEANS A PORTION OF A HIGHWAY THAT IS
2 LOCATED WITHIN THREE HUNDRED FEET OF THE OUTER MOST EDGE OF A SCHOOL'S
3 PROPERTY AND THAT IS ESTABLISHED PURSUANT TO SECTION 28-798. A PUPIL
4 PEDESTRIAN SAFETY ZONE INCLUDES ANY INTERSECTION OR CROSSWALK LOCATED IN THE
5 DESIGNATED AREA.

6 ~~18-~~ 19. "Railroad" means a carrier of persons or property on cars
7 operated on stationary rails.

8 ~~19-~~ 20. "Railroad sign or signal" means a sign, signal or device
9 erected by authority of a public body or official or by a railroad and
10 intended to give notice of the presence of railroad tracks or the approach of
11 a railroad train.

12 ~~20-~~ 21. "Railroad train" means a steam engine or any electric or other
13 motor that is with or without cars coupled to the steam engine or electric or
14 other motor and that is operated on rails.

15 ~~21-~~ 22. "Roadway" means that portion of a highway that is improved,
16 designed or ordinarily used for vehicular travel, exclusive of the berm or
17 shoulder. If a highway includes two or more separate roadways, roadway
18 refers to any such roadway separately but not to all such roadways
19 collectively.

20 ~~22-~~ 23. "Safety zone" means the area or space that is both:

21 (a) Officially set apart within a roadway for the exclusive use of
22 pedestrians.

23 (b) Protected or either marked or indicated by adequate signs as to be
24 plainly visible at all times while set apart as a safety zone.

25 ~~23-~~ 24. "Sidewalk" means that portion of a street that is between the
26 curb lines or the lateral lines of a roadway and the adjacent property lines
27 and that is intended for the use of pedestrians.

28 ~~24-~~ 25. "Solid tire" means a tire that both:

29 (a) Is made of rubber or other resilient material.

30 (b) Does not depend on compressed air for the support of the load.

31 ~~25-~~ 26. "Stop", if required, means complete cessation from movement.

32 ~~26-~~ 27. "Stop, stopping or standing", if prohibited, means any
33 stopping or standing of an occupied or unoccupied vehicle, except when
34 necessary to avoid conflict with other traffic or in compliance with
35 directions of a police officer or traffic control sign or signal.

36 ~~27-~~ 28. "Through highway" means a highway or portion of a highway at
37 the entrances to which vehicular traffic from intersecting highways is
38 required by law to stop before entering or crossing and when stop signs are
39 erected as provided in this chapter.

40 ~~28-~~ 29. "Traffic" means pedestrians, ridden or herded animals,
41 vehicles and other conveyances either singly or together while using a
42 highway for purposes of travel.

43 ~~29-~~ 30. "Traffic control signal" means a device, whether manually,
44 electrically or mechanically operated, by which traffic is alternately
45 directed to stop and to proceed.

1 ~~30-~~ 31. "Truck" means a motor vehicle that is designed, used or
2 maintained primarily for the transportation of property.

3 Sec. 2. Section 28-701, Arizona Revised Statutes, is amended to read:

4 28-701. Reasonable and prudent speed; prima facie evidence;
5 exceptions; civil penalties

6 A. A person shall not drive a vehicle on a highway at a speed greater
7 than is reasonable and prudent under the circumstances, conditions and actual
8 and potential hazards then existing. A person shall control the speed of a
9 vehicle as necessary to avoid colliding with any object, person, vehicle or
10 other conveyance on, entering or adjacent to the highway in compliance with
11 legal requirements and the duty of all persons to exercise reasonable care
12 for the protection of others.

13 B. Except as provided in subsections C and D of this section or except
14 if a special hazard requires a lesser speed, any speed in excess of the
15 following speeds is prima facie evidence that the speed is too great and
16 therefore unreasonable:

- 17 1. Fifteen miles per hour approaching a school crossing.
- 18 2. Twenty-five miles per hour in a business or residential district.
- 19 3. Sixty-five miles per hour in other locations.

20 4. TWENTY-FIVE MILES PER HOUR IN A PUPIL PEDESTRIAN SAFETY ZONE THAT
21 IS DESIGNATED AS ACTIVE BY TRAFFIC CONTROL DEVICES PURSUANT TO SECTION
22 28-799.

23 C. The speed limits prescribed in this section may be altered as
24 authorized in sections 28-702 and 28-703.

25 D. The maximum speed provided in this section is reduced to the speed
26 that is reasonable and prudent under the conditions and with regard to the
27 actual and potential hazards then existing, including the following
28 conditions:

- 29 1. Approaching and crossing an intersection or railroad crossing.
- 30 2. Approaching and going around a curve.
- 31 3. Approaching a hillcrest.
- 32 4. Traveling on a narrow or winding roadway.
- 33 5. A special hazard exists with respect to pedestrians or other
34 traffic or by reason of weather or highway conditions.

35 E. A person shall not drive a motor vehicle at a speed that is less
36 than the speed that is reasonable and prudent under existing conditions.

37 F. A PERSON WHO VIOLATES SUBSECTION B, PARAGRAPH 4 OF THIS SECTION IS
38 SUBJECT TO A CIVIL PENALTY OF AT LEAST THE FOLLOWING:

- 39 1. TWO HUNDRED FIFTY DOLLARS FOR THE FIRST VIOLATION.
- 40 2. SEVEN HUNDRED FIFTY DOLLARS IF WITHIN A PERIOD OF TWENTY-FOUR
41 MONTHS THE PERSON VIOLATES SUBSECTION B, PARAGRAPH 4 OF THIS SECTION A SECOND
42 TIME.
- 43 3. ONE THOUSAND DOLLARS IF WITHIN A PERIOD OF TWENTY-FOUR MONTHS THE
44 PERSON VIOLATES SUBSECTION B, PARAGRAPH 4 OF THIS SECTION THREE OR MORE
45 TIMES.

1 C. IF THE RESULTS OF THE TRAFFIC AND ENGINEERING INVESTIGATION
2 INDICATE THAT ESTABLISHMENT OF A PUPIL PEDESTRIAN SAFETY ZONE WILL IMPROVE
3 THE SAFETY OF PEDESTRIANS ENTERING OR LEAVING THE SCHOOL, THE DEPARTMENT OR
4 LOCAL AUTHORITY SHALL ESTABLISH A PUPIL PEDESTRIAN SAFETY ZONE.

5 28-799. Pupil pedestrian safety zones: standards and
6 specifications

7 A. THE DIRECTOR SHALL ADOPT STANDARDS AND SPECIFICATIONS FOR THE USE
8 OF TRAFFIC CONTROL DEVICES FOR PUPIL PEDESTRIAN SAFETY ZONES AND SHALL
9 INCLUDE THE FOLLOWING:

10 1. THE USE OF TRAFFIC CONTROL DEVICES TO INDICATE THAT THE DRIVER IS
11 APPROACHING A PUPIL PEDESTRIAN SAFETY ZONE. THESE TRAFFIC CONTROL DEVICES
12 MUST APPEAR AT LEAST THREE HUNDRED FEET BEFORE ENTERING A PUPIL PEDESTRIAN
13 SAFETY ZONE.

14 2. THE USE OF FLASHING YELLOW SIGNALS OR OTHER TRAFFIC CONTROL DEVICES
15 APPROACHING A PUPIL PEDESTRIAN SAFETY ZONE DURING THE HOURS DESIGNATED BY THE
16 SCHOOL DISTRICT GOVERNING BOARD TO INDICATE THAT THE PUPIL PEDESTRIAN SAFETY
17 ZONE IS ACTIVE.

18 3. THE USE OF COLORED LANE MARKINGS APPROACHING A CROSSWALK WITHIN A
19 PUPIL PEDESTRIAN SAFETY ZONE AND OTHER TRAFFIC CONTROL DEVICES TO INDICATE
20 THE BEGINNING AND END OF A PUPIL PEDESTRIAN SAFETY ZONE.

21 4. A REQUIREMENT THAT THE FLASHING TRAFFIC CONTROL DEVICES BE
22 INACTIVATED DURING THE HOURS THE INTERSECTION OR CROSSWALK IS NOT DESIGNATED
23 AS A PUPIL PEDESTRIAN SAFETY ZONE.

24 B. THE MANUAL PRESCRIBED IN SECTION 28-641 SHALL PRESCRIBE THE COLOR
25 OF THE LANE MARKINGS, MARKING OF THE CROSSWALK, THE COLOR OF THE CENTER LINE
26 AND THE TYPE AND PLACEMENT OF OTHER TRAFFIC CONTROL DEVICES FOR PUPIL
27 PEDESTRIAN SAFETY ZONES.

28 28-800. Pupil pedestrian safety fund

29 A. A PUPIL PEDESTRIAN SAFETY FUND IS ESTABLISHED CONSISTING OF MONIES
30 DEPOSITED PURSUANT TO SUBSECTION D OF THIS SECTION. THE GOVERNOR'S OFFICE OF
31 HIGHWAY SAFETY SHALL ADMINISTER THE FUND. THE MONIES IN THE FUND ARE
32 CONTINUOUSLY APPROPRIATED.

33 B. THE DIRECTOR OF THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY SHALL
34 ESTABLISH A GRANT PROGRAM TO PROVIDE GRANTS FROM THE FUND TO LAW ENFORCEMENT
35 AGENCIES THAT MEET THE GRANT PROGRAM REQUIREMENTS ESTABLISHED BY THE
36 DIRECTOR.

37 C. AT LEAST SEVENTY-FIVE PER CENT OF THE MONIES IN THE FUND SHALL BE
38 USED TO PAY FOR COSTS RELATED TO ENFORCEMENT OF TRAFFIC LAWS RELATED TO
39 SCHOOL CROSSWALKS AND PUPIL PEDESTRIAN SAFETY ZONES. TWENTY PER CENT OF THE
40 MONIES IN THE FUND SHALL BE USED TO PAY FOR COSTS RELATED TO ESTABLISHING AND
41 MAINTAINING A PUBLIC EDUCATION CAMPAIGN FOR SCHOOL CROSSWALK SAFETY. UP TO
42 FIVE PER CENT OF THE MONIES IN THE FUND MAY BE USED BY THE DIRECTOR OF THE
43 GOVERNOR'S OFFICE OF HIGHWAY SAFETY TO COVER ADMINISTRATIVE COSTS RELATED TO
44 THE ADMINISTRATION OF THE FUND AND THE GRANT PROGRAM ESTABLISHED PURSUANT TO
45 THIS SUBSECTION.

1 D. IF A PERSON IS FOUND RESPONSIBLE FOR A VIOLATION OF SECTION 28-701,
2 SUBSECTION B, PARAGRAPH 4 IN A JUSTICE COURT OR SUPERIOR COURT, THE COURT
3 SHALL TRANSMIT MONIES COLLECTED FROM CIVIL PENALTIES PAID PURSUANT TO SECTION
4 28-701 TO THE COUNTY TREASURER. IF A PERSON IS FOUND RESPONSIBLE FOR A
5 VIOLATION OF SECTION 28-701, SUBSECTION B, PARAGRAPH 4 IN A MUNICIPAL COURT,
6 THE COURT SHALL TRANSMIT THE MONIES COLLECTED FROM CIVIL PENALTIES PAID
7 PURSUANT TO SECTION 28-701 TO THE CITY TREASURER. NOTWITHSTANDING SECTION
8 28-1554, THE CITY OR COUNTY TREASURER SHALL TRANSMIT THE MONIES COLLECTED
9 FROM THE CIVIL PENALTIES TO THE STATE TREASURER. THE STATE TREASURER SHALL
10 DEPOSIT THE MONIES IN THE PUPIL PEDESTRIAN SAFETY FUND ESTABLISHED BY
11 SUBSECTION A OF THIS SECTION.