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SENATE BILL NO. 535

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact § 46.2-873 of the Code of Virginia, relating to school crossing zones.

Patron—Bagby

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-873 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-873. Maximum speed limits at school crossings; penalty.**

A. For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children *or students* on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress. *For the purposes of this section, "school" includes public institutions of higher education and nonprofit private institutions of higher education, as those terms are defined in § 23.1-100.*

B. The maximum speed limit shall be 25 miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway and bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than 750 feet from the limits of the school property or crossing in the vicinity of the school. However, "school crossing" signs may be placed in any location if the Department of Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the 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 Department of Transportation. The principal or chief administrative officer of each school or a school board designee, preferably not a classroom teacher, shall place such portable signs in the highway at a point not more than 750 feet from the limits of the school property and remove such signs when their presence is no longer required by this section. Such portable signs, 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.

C. Such portable signs, tilt-over signs, or blinking signs shall be in a position, or be turned on, for 30 minutes preceding regular school hours, for 30 minutes thereafter, and during such other times as the presence of children *or students* on such school property or going to and from school reasonably requires a special warning to motorists. The governing body of any county, city, or town may, however, decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or ~~be~~ *turned on* if it determines that no children *or students* will be going to or from school during the period of time that it subtracts from the 30-minute period.

Notwithstanding the provisions of this section, the governing body of a public institution of higher education or nonprofit private institution of higher education may (i) decline to establish a posted school crossing zone as authorized in this section or (ii) set hours for such portable signs, tilt-over signs, or blinking signs to be in position or turned on that reflect the class schedule at such institution of higher education, provided such hours are when the presence of children or students on such school property or going to and from school reasonably requires a special warning to motorists.

D. 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, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

E. The governing body of a county within Planning District 8 may, if the portion of the highway to be posted is within the limits of such county, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed

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59 blinking signs required by this section.

60 F. The City of Virginia Beach may establish school zones as provided in this section and mark such
61 zones with flashing warning lights as provided in this section on and along all highways adjacent to
62 Route 58.

63 G. Any person operating any motor vehicle in excess of a maximum speed limit established
64 specifically for a school crossing zone when such school crossing zone is (i) indicated by appropriately
65 placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection B ~~shall be~~
66 *is* guilty of a traffic infraction punishable by a fine of not more than \$250, in addition to other penalties
67 provided by law.

68 H. Notwithstanding the foregoing provisions of this section, the maximum speed limit in school
69 zones in residential areas may be decreased to 15 miles per hour if (i) the school board having
70 jurisdiction over the school nearest to the affected school zone passes a resolution requesting the
71 reduction of the maximum speed limit for such school zone from 25 miles per hour to 15 miles per
72 hour and (ii) the local governing body of the jurisdiction in which such school is located enacts an
73 ordinance establishing the speed-limit reduction requested by the school board.