1 State of Arkansas

2 87th General Assembly

A Bill

3 Regular Session, 2009   HOUSE BILL 1262

4

5 By: Representative L. Smith

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8   **For An Act To Be Entitled**

9   AN ACT TO CLARIFY THE LAW REGARDING THE AUTHORITY

10   OF POLITICAL SUBDIVISIONS OF THE STATE TO PLACE

11   TRAFFIC-CONTROL DEVICES ON STREETS AND HIGHWAYS

12   THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM TO

13   IMPROVE SAFETY AND PRESERVE RESIDENTIAL AREAS;

14   AND FOR OTHER PURPOSES.

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16   **Subtitle**

17   TO CLARIFY THE LAW REGARDING THE

18   AUTHORITY OF POLITICAL SUBDIVISIONS OF

19   THE STATE TO PLACE TRAFFIC-CONTROL

20   DEVICES ON STREETS AND HIGHWAYS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25   SECTION 1. Arkansas Code § 27-52-106 is amended to read as follows:

26   27-52-106. Local devices.

27   (a)(1) ~~Local authorities, in their respective jurisdictions,~~ A local

28 authority ~~shall~~ may place and maintain an official traffic-control ~~devices~~

29 device or an official traffic control signal as defined under § 27-49-217

30 upon ~~highways under their~~ a street, highway, alley, or trail under its

31 jurisdiction as ~~they~~ it ~~may deem~~ deems necessary to:

32   (A) ~~indicate~~ Indicate and ~~to~~ carry out the provisions of

33 this chapter or local traffic ordinances; ~~or to~~

34   (B) ~~regulate,~~ Regulate, warn, or guide traffic;

35   (C) Ensure the safety of vehicles and the occupants of

36 vehicles;

 1   (D) Ensure the safety of pedestrians on or near the
 2 street, highway, alley, or trail; or
 3   (E) Ensure a minimal impact on the residential property
 4 and high-value property adjoining a street, highway, alley, or trail while
 5 ensuring safety.
 6   (2) All traffic-control devices erected shall conform to the
 7 state manual and specifications.
 8   (b)(1) ~~Local authorities in exercising those those functions~~ A local
 9 authority that exercises any function referred to in subsection (a) of this
10 section on a highway that is part of the state highway system shall be
11 subject to the direction and control of the State Highway Commission.
12   (2) A local authority that exercises any function referred to in
13 subsection (a) of this section on a street, highway, alley, or trail that is
14 not part of the state highway system shall:
15   (A) Use an official traffic control signal that conforms
16 in shape and color to the specifications in the manual adopted by the State
17 Highway Commission under § 27-52-104; and
18   (B)(i) Except as provided under (b)(2)(B)(ii) of this
19 section, place each official traffic control signal in a location that is
20 visible from the road leading to it for at least two hundred feet (200').
21   (ii)(a) A local authority may place an official
22 traffic control signal in a location that is not visible from the road
23 leading to it for two hundred feet (200') if the local authority places a
24 warning sign two hundred feet (200') before the official traffic control
25 signal that is not visible from that distance.
26   (b) The warning sign shall conform in shape and
27 color to the specifications of the manual adopted by the State Highway
28 Commission under § 27-52-104.
29
30   SECTION 2. Arkansas Code § 21-9-301(b), regarding the tort liability
31 of the state and its political subdivisions, is amended to add an additional
32 subsection to read as follows:
33   (b)(1) No tort action shall lie against any such political subdivision
34 because of the acts of its agents and employees.
35   (2) No tort action shall lie against any such political
36 subdivision or any of its agents or employees based on the actual

1   installation of an official traffic control signal as defined under § 27-49-

2   217(b).

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