

The Uniform Traffic Act Is Amended

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The Uniform Traffic Act, Section 6307, was enacted in Ohio in 1941 and contained 110 sections. Some 14 of these sections were amended in the 1951 Act,¹ and two sections were added. To meet the constantly increasing flow of traffic, highway engineers have been busy creating new types of roads (divided highways, free-ways, turnpikes) and traffic congestion has induced municipal authorities to increase the number of one way streets and to make changes in the traffic signals. Recognition has been given to the mechanical signal devices on the new cars. Most of the changes made by the 1951 Act represent an effort by the Legislature to keep the law abreast of developments.

TRAFFIC LIGHTS

In Section 13 dealing with traffic control signals using the words "go," "caution" or "stop," or different colored lights, a change has been made when yellow alone or "caution" follows the green or "go" signal. The General Code had provided that all traffic facing the signal must stop but that traffic within the intersection might proceed cautiously. This has been altered so that now pedestrians are prohibited from entering the intersection and other traffic facing the signal is warned that a red or "stop" signal will follow and that pedestrians properly proceeding shall have the right of way. This removes the prohibition on vehicular traffic and substitutes a warning. Difficulties arise when a motorist finds himself confronted with a shift from green to yellow when he is about to enter an intersection. With the best will in the world he may not be able to stop without entering, and there may be dangers in too drastic an effort to do so. So the change may be beneficial as well as making a more realistic approach to the problem. But the law is unchanged when the yellow light follows the red. In that case pedestrians may proceed but other traffic must stop or remain standing until the green or "go" is shown alone.

An added section provides that any traffic lawfully within the highway may continue cautiously with due regard for the safety of others.

In Section 14, dealing with special pedestrian-control signals, the only change has been to add the words "Don't Walk" to "Walk" and "Wait". The General Code provided that no pedestrian should start to cross the roadway in the direction of the signal "Wait", and the same effect is now given to "Don't Walk". This last phrase is

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¹ Amended Senate Bill No. 227, effective date September 11, 1951.

more emphatic than "Wait", and apparently it is hoped that it will have more effect on pedestrians. At any rate the law now expressly provides for its use.

TURNS AT INTERSECTIONS

Some changes have been made in the section dealing with turns at intersections.² If traffic is permitted in both directions on both roads, the law required the driver to approach the intersection in that portion of the right half of the road nearest the center line and to leave the intersection to the right of the center line of the road being entered. There has been added a statement that whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of intersection.

If traffic is limited to one direction, the language has been simplified without changing the effect. The driver should approach in the extreme lefthand lane available to traffic and leave the intersection in the lefthand lane available.

MECHANICAL SIGNALS FOR TURNS

General Code Section 6307-38 provides that no turn should be made by a motor vehicle until an appropriate signal has been given in the event that any traffic might be affected by such movement, and Section 6307-39 defines the appropriate hand signals. There has been added to Section 6307-38 a clause (d) which provides: "Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device . . ." Many new cars are equipped with such devices and many drivers rely exclusively upon them. The Act brings the law into accord with the practice.

The paragraph continues: ". . . but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device."

EMERGENCY VEHICLES

The approach of an emergency vehicle imposes on the drivers of other cars a duty to pull over to the curb and stop when the driver of the emergency vehicle is giving an audible signal by siren, exhaust whistle or bell. Under the amendment, the signal must be visual as well as audible because the emergency vehicle must be equipped with at least one flashing red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles.³

While the General Code prohibited motorists from following

² OHIO GEN. CODE § 6307-35.

³ OHIO GEN. CODE § 6307-44.

at a distance less than five hundred feet, any fire apparatus moving to a fire, the Act broadens this slightly by applying this restriction to any emergency vehicle traveling to an alarm.⁴

ONE WAY STREETS

Traffic congestion leads to more one way streets, and parking on the right hand side then becomes less important. So Section 6307-67 provides that local authorities may by ordinance permit parking of vehicles with the lefthand wheels adjacent to and within twelve inches of the lefthand curb of a one way roadway.

DIVIDED HIGHWAYS

A "highway" in the Traffic Act is the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. A "roadway" was that portion of a highway improved, designed, or ordinarily used for vehicular travel including bridges and culverts. The new Act omits the last four words but adds "exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term 'roadway' as used herein shall refer to any such roadway separately but not to all such roadways collectively."⁵

The first supplemental section in the Act provides that whenever any highway has been divided into two roadways by an intervening space or physical barrier, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening or intersection therein established by public authority.⁶ This section shall not prohibit the occupancy of such dividing space, barrier or section for the purpose of an emergency stop or in compliance with the order of a police officer.

It is a reasonable requirement but it is only in recent years with the development of this type of highway that any need was felt for a statute to this effect. The percentage of injuries and death that have been due to a violation of this rule on the Pennsylvania turnpike justify drastic enforcement if the aim of increased safety is to be achieved.

CONTROLLED ACCESS HIGHWAYS

Section 6307-21, the best known and most litigated section of the statute, provided, *inter alia*, that no one should operate a motor vehicle at a speed greater or less than is reasonable and proper, and that it would be *prima facie* lawful to drive at a speed not exceeding twenty-five miles an hour in most parts of a municipal cor-

⁴ OHIO GEN. CODE § 6307-70.

⁵ OHIO GEN. CODE § 6307-2.

⁶ OHIO GEN. CODE § 6307-34a.

poration except state routes and through highways outside business districts; thirty-five miles an hour on state routes or through highways outside business districts and fifty miles an hour on highways outside of municipal corporations. The principal change made by the Act in this section is to make it *prima facie* lawful to travel at a speed up to fifty miles an hour on "controlled-access highways" within municipalities. This introduces a new term which the Act defines as "Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway."⁷ The definition of course does not say when persons have no legal right to enter without consent and there may be constitutional issues involved in some cases. A recent comment on *Freeways and the Rights of Abutting Owners* in 3 *STANFORD LAW REVIEW* 298 (1951) discusses the problem. Conceding that the state may act under its right of eminent domain after paying compensation, can it accomplish the same result under the police power without such payment? In the building of new throughways, freeways, limited access highways or controlled access highways, as they are variously called, the states will probably secure all the necessary rights before commencing construction.

STOP SIGNS

The Uniform Traffic Act provides that all state routes and all streets on which street cars or buses operate are through highways provided stop signs are erected at all intersections with such highways.⁸ It also provides that the highway department and local authorities within their jurisdiction may designate additional through highways and shall erect stop signs at intersecting streets.⁹ It further provides that every sign shall bear the word "stop" in letters not less than six inches in height. A sign with letters five inches in height had been erected in 1939 in accordance with the law then in effect that local authorities might designate additional main thoroughfares provided that legible and appropriate signs be erected. In a recent case the Ohio Supreme Court has held that streets, duly designated as main thoroughfares by local authorities before the passage of the Uniform Traffic Act, did not cease to be such and that Section 63 would not be given a retroactive effect.¹⁰

⁷ OHIO GEN. CODE § 6307-2.

⁸ OHIO GEN. CODE § 6307-63.

⁹ OHIO GEN. CODE § 6307-7.

¹⁰ *Shapiro v. Butts*, 155 Ohio St. 407, 99 N.E. 2d 173 (1951).

The 1951 Act does not alter this section. In Section 12, however, which deals primarily with traffic control devices, and provides that when there are both such devices and stop signs, traffic is to be governed by the traffic control signals while they are in operation, there has been added a paragraph: "No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place."

How specific should the requirement be? To enter highways built or declared after 1941, the statute requires that the letters on the sign at the intersection must be at least six inches in height. The Ohio Supreme Court held that this did not apply to highways duly designated by municipalities to be through highways before 1941 and there is nothing in this amendment which is not in accord with the court's position. But the litigation has probably induced most local governments to see that the letters on the signs are at least six inches in height.

SPELLING

Not all the changes in the Act have been due to new engineering devices or modern highway construction. Thus "inflammable" has become "flammable" throughout the new Act¹¹ and this with the approval of the latest Webster's Unabridged Dictionary which says: "preferred for technical use to inflammable because of possible ambiguity of the in-prefix." The Legislature has also painstakingly corrected the word "tabliabue" of the Traffic Act and made it "tagliabue," although few outside the field of petroleum engineers would have detected an error. The accompanying phrase "or equivalent closed cup test device" is essential for most of us because here the Act is ahead of the dictionary.

AND BLIZZARDS

We are not to be allowed to forget the past winter. The second supplemental section and the last item of any moment in the new Act provides that the director shall adopt standards and specifications for lamps on snow removal equipment in lieu of the lamps otherwise required on motor vehicles and it shall be unlawful to operate such equipment without complying with these requirements.¹²

¹¹ OHIO GEN. CODE §§ 6307-2, 6307-61 and 6307-99.

¹² OHIO GEN. CODE § 6307-90a.