

Wisconsin Appeals Court Upholds Federal Speed Limit Sign Rules

Wisconsin Appeals Court ruling overturns speeding tickets based on federal speed limit sign regulations.

Source: <http://www.thenewspaper.com/news/25/2507.asp>

A Wisconsin Court of Appeals judge issued a ruling earlier this month in favor of a defendant who argued his speeding ticket was invalid because a municipality failed to comply with federal rules. Motorist John Klos said that he did not deserve a ticket for driving 37 MPH in a 25 MPH zone on River Street, the main road through the city of Spooner. Klos had measured every sign posted on that street and found each was either too short or too close to the curb, failing to meet national standards set by the federal Manual on Uniform Traffic Control Devices (MUTCD). Under Wisconsin law, the speed limit is invalid if the signs are not posted in the correct position.



"On state trunk highways... speed limits specified [as 25 MPH zones] are not effective unless official signs giving notice thereof have been erected by the authority in charge of maintenance of the highway in question," Wisconsin Statutes Section 346.57 states.

The city countered Klos by saying that the speed limit signs were, in fact, properly posted according to Wisconsin standards. Municipal and circuit court judges agreed, ruling that federal rules did not apply to Spooner and that the city was well within its rights to issue citations even if the signs had "minor deviations" from federal standards. Appellate Judge Edward R. Brunner found that the lower courts misinterpreted state law, which explicitly incorporates the provisions of the federal manual.

"The city does not contend that Klos' measurements are inaccurate or that he has misinterpreted the federal manual," Brunner wrote. "Because the city has not refuted Klos' measurements or demonstrated how the measurements were inaccurate for the types of signs at issue, we reverse."


Although vindicated, Klos is disappointed that his case had to reach such a high court to be resolved properly. The city of Spooner will pay Klos \$1200 to cover his filing fees and legal expenses in mounting the challenge on his own behalf.

"The whole thing was a waste of judicial and municipal resources," Klos told TheNewspaper.

Despite the ruling, Spooner has failed to update its speed limit signs. Klos suggested this could mean trouble for the city.

"Short of moving the signs to comply with the manual, speed violations shouldn't be issued along that road," Klos said. "I would think the city's exposing itself to some liability by willfully failing to install proper signs while instructing its officers to enforce a statute requiring official signs. Perhaps a good class action suit is deserved."

The Klos ruling contrasts with a January decision of the appeals court which found that speed limit warning signs do not need to be visible near the location of an alleged offense ([view opinion](#)). A full copy of the Klos decision is available in a 100k PDF file at the source link below.

Source:  [City of Spooner v. Klos](#) (Court of Appeals, State of Wisconsin, 8/5/2008)