

00-056

MOTOR VEHICLES: REGULATION OF TRAFFIC - SPEED.

Motorist would not be convicted of speeding in area where speed limit has been reduced unless posted signs advising of lower speed limit are placed at termini of such area. No requirement that such signs be posted in advance of approaching reduced speed limit area.

The Honorable W. Edward Meeks III
Commonwealth's Attorney for Amherst County
August 30, 2000

You ask whether § 46.2-879 of the *Code of Virginia* requires that a motorist be warned by a posted sign in advance of approaching a reduced speed limit zone.

You advise that some areas of reduced speed in Amherst County are announced in advance by warning signs that read "Reduced Speed Ahead" or similar language. Reduced speed in other such areas, however, is announced by the presence of the appropriate speed limit sign. It is your opinion¹ that posted signs advising of a lower speed area must be placed at the beginning and end of the reduced speed area, and not posted in advance of approaching the reduced speed limit area.

Section 46.2-879 provides:

No person shall be convicted of a violation of a statute or an ordinance enacted by local authorities pursuant to the provisions of § 46.2-1300 decreasing the speed limit established in this article when such person has exceeded the speed limit in an area where the speed limit has been decreased unless such area is clearly indicated by a conspicuous marker at the termini of such area.

Section 46.2-879 clearly requires that areas where the speed limit has been decreased be "clearly indicated by a conspicuous marker at the termini of such area." Because the statute does not define the word "termini," it must be given its common, ordinary meaning.² "Termini" is the plural of "terminus," which generally is defined to mean "either end of a transportation line, travel route, pipe line, tunnel, canal."³

Several additional rules of statutory construction apply to your request. "[T]he plain, obvious, and rational meaning of a statute is always to be preferred to any curious, narrow, or strained construction."⁴ In addition, statutes should not be construed to frustrate their purpose.⁵ "[T]ake the words as written' and give them their plain meaning."⁶ Finally, when a statute creates a specific grant of authority, the authority exists only to the extent specifically granted in the statute.⁷

Based on the plain language of § 46.2-879, I am of the opinion that a motorist would not be convicted of exceeding the speed limit in an area where the speed limit has been reduced unless posted signs advising of the lower speed area are placed at the beginning and end of the area. It is also my opinion that § 46.2-879

does not require such signs to be posted in advance of the approaching reduced speed limit area.

¹Any request by a Commonwealth's attorney for an opinion from the Attorney General "shall itself be in the form of an opinion embodying a precise statement of all facts together with such attorney's legal conclusions." Section 2.1-118.

²See *Anderson v. Commonwealth*, 182 Va. 560, 565, 29 S.E.2d 838, 840 (1944); *Op. Va. Att'y Gen.*: 1997 at 202, 202; *id.* at 72, 73; 1993 at 210, 213.

³Webster's Third New International Dictionary of the English Language Unabridged 2359 (1993).

⁴*Turner v. Commonwealth*, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983).

⁵See 1982-1983 *Op. Va. Att'y Gen.* 309, 311 (illogical result frustrates purpose of statute).

⁶*Birdsong Peanut Co. v. Cowling*, 8 Va. App. 274, 277, 381 S.E.2d 24, 26 (1989) (quoting *Brown v. Lukhard*, 229 Va. 316, 321, 330 S.E.2d 84, 87 (1985)), *cited in Adkins v. Com.*, 27 Va. App. 166, 169, 497 S.E.2d 896, 897 (1998).

⁷See 2A Norman J. Singer, *Sutherland Statutory Construction* § 47.23 (5th ed. 1992 & Supp. 1999); *Op. Va. Att'y Gen.*: 1992 at 145, 146; 1989 at 252, 253; 1980-1981 at 209, 209-10.