S T A T E O F N E W Y O R K

3587

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, SCHIMMINGER, DelMONTE, CALHOUN, PAULIN, GORDON, LATIMER, LUPARDO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing speed limits in towns

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1622 of the vehicle and traffic law, as amended by chapter 420 of the laws of 1968, subdivision 1 as amended by chapter 563 of the laws of 2002, subdivision 2 as amended by chapter 83 of the laws of 1969, is amended to read as follows:

S 1622. Speed limits on county roads and town highways. 1. The department of transportation upon the request of the county superintendent of highways of a county and the town board of the town or towns affected with respect to county roads and town highways in such town or towns outside of cities or villages, may by order, rule or regulation:

[1.] (A) Establish maximum speed limits at which vehicles may proceed on or along such highways higher or lower than the fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway.

[2.] (B) Establish maximum speed limits at which vehicles may proceed on or along all such highways lying within an area or areas as designated by a description of the boundaries of such area or areas submitted by the county superintendent of highways of a county and the town board of the town or towns affected lower than fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than thirty miles per hour.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, IN LIEU OF MAKING A REQUEST OF THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SUCH SUBDIVISION, THE TOWN BOARD OF ANY TOWN, EXCLUSIVE OF SUBURBAN TOWNS AND TOWNS HAVING A POPULATION EXCEEDING FIFTY THOUSAND, WITH RESPECT TO TOWN HIGHWAYS WHICH HAVE BEEN FUNCTIONALLY CLASSIFIED BY THE DEPARTMENT OF TRANSPORTATION AS LOCAL ROADS ON OFFICIAL FUNCTIONAL CLASSIFICATION MAPS APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO PART 470.105 OF TITLE 23 OF THE CODE OF FEDERAL REGULATIONS, AS AMENDED FROM TIME TO TIME, AND WHICH ARE OUTSIDE OF CITIES AND VILLAGES, MAY BY LOCAL LAW, ORDINANCE, ORDER, RULE OR REGULATION:

(I) ESTABLISH MAXIMUM SPEED LIMITS AT WHICH VEHICLES MAY PROCEED ON OR ALONG SUCH HIGHWAYS LOWER THAN THE FIFTY-FIVE MILES PER HOUR STATUTORY MAXIMUM SPEED LIMIT. NO SUCH LIMIT SHALL BE ESTABLISHED AT LESS THAN TWENTY-FIVE MILES PER HOUR, EXCEPT THAT SCHOOL SPEED LIMITS MAY BE ESTABLISHED AT NOT LESS THAN FIFTEEN MILES PER HOUR, FOR A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET, ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

(II) ESTABLISH MAXIMUM SPEED LIMITS AT WHICH VEHICLES MAY PROCEED ON OR ALONG ALL SUCH HIGHWAYS LYING WITHIN AN AREA OR AREAS LOWER THAN THE FIFTY-FIVE MILES PER HOUR STATUTORY MAXIMUM SPEED LIMIT. NO SUCH LIMIT SHALL BE ESTABLISHED AT LESS THAN THIRTY MILES PER HOUR.

(B) NO SUCH SPEED LIMITS SHALL BE ESTABLISHED EXCEPT IN ACCORDANCE WITH THE ENGINEERING CONSIDERATIONS AND FACTORS FOR SPEED LIMITS SET FORTH IN THE NEW YORK STATE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES AS SUCH MANUAL AND SPECIFICATIONS MAY BE AMENDED FROM TIME TO TIME, CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER WHO SPECIALIZES IN TRAFFIC OPERATIONS.

(C) FOR THE PURPOSES OF THIS SECTION, THE TERM "NEW YORK STATE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES" SHALL MEAN THE NATIONAL MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES PROMULGATED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO SUBPART (F) OF PART 655 OF TITLE 23 OF THE CODE OF FEDERAL REGULATIONS AND THE NEW YORK STATE SUPPLEMENT ADOPTED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS TITLE, AND THE TERM "TOWN HIGHWAYS" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SUBDIVISION FIVE OF SECTION THREE OF THE HIGHWAY LAW.

(D) NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE DEEMED TO ALTER THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH MAXIMUM SPEED LIMITS AT THE REQUEST OF A TOWN BOARD WITH RESPECT TO ALL TOWN HIGHWAYS WITHIN SUCH TOWN OUTSIDE OF CITIES AND VILLAGES PURSUANT TO SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT NO MAXIMUM SPEED LIMITS HAVE BEEN ESTABLISHED BY SUCH TOWN BOARD PURSUANT TO THIS SUBDIVISION ON ANY TOWN HIGHWAY FUNCTIONALLY CLASSIFIED AS A LOCAL ROAD WITHIN SUCH TOWN.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the department of transportation is authorized and directed to promulgate such rules and regulations as are necessary for the implementation of this act on its effective date.