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

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I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. TEDISCO, CALHOUN -- Multi-Sponsored by -- M. of A. BACALLES, KOLB, J. MILLER -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to speed limits on state highways

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

Section 1. Subdivision (a) of section 1620 of the vehicle and traffic law, as amended by chapter 563 of the laws of 2002, is amended to read as follows:

(a) The department of transportation with respect to state highways maintained by the state outside of cities having a population in excess of one million, and highways on Indian reservations, may by order, rule or regulation establish higher or lower maximum speed limits at which vehicles may proceed on or along such highways than the fifty-five miles per hour statutory maximum speed limit. SUCH MAXIMUM SPEED LIMIT MAY BE ESTABLISHED PURSUANT TO AN ENGINEERING AND/OR TRAFFIC INVESTIGATION AUTHORIZED OR PERFORMED BY THE DEPARTMENT OF TRANSPORTATION OR THE MUNICIPALITY WITHIN WHICH THE SECTION OF STATE HIGHWAY SUBJECT TO SUCH MAXIMUM SPEED LIMIT IS LOCATED. No such maximum speed 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. Absence of signs installed pursuant to this section shall be presumptive evidence that the department of transportation has not established a higher maximum speed limit than the fifty-five miles per hour statutory limit.

S 2. Subdivision (a) of section 1624 of the vehicle and traffic law, as amended by chapter 420 of the laws of 1968, is amended to read as follows:

(a) On any state highway maintained by the state within any city, village or suburban town governed pursuant to article three-A of the town law, the department of transportation may designate any such state

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

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highway or section of such highway on which any such city, village or suburban town shall not by local law, ordinance, order, rule or regulation establish any maximum speed limits at which vehicles may proceed on or along such state highway. Such designation shall be PURSUANT TO AN ENGINEERING AND/OR TRAFFIC INVESTIGATION AUTHORIZED OR PERFORMED BY THE DEPARTMENT OF TRANSPORTATION OR THE CITY, VILLAGE OR SUBURBAN TOWN WITHIN WHICH SUCH STATE HIGHWAY OR SECTION OF STATE HIGHWAY IS LOCATED AND SHALL BE made by an order in writing of [the] SUCH department [of transportation] and served by mail on the mayor or supervisor or a member of the governing board of such city, village or suburban town ten days before the same shall take effect. At the expiration of ten days after service of such order upon any city, village or suburban town the speed of any vehicle upon such state highway or section of such highway shall not be subject to any such maximum speed limit established by such city, village or suburban town.

S 3. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.