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I N   A S S E M B L Y

May 13, 2010

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Introduced by M. of A. RUSSELL -- 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:

1     Section 1. Section 1622 of the vehicle and traffic law, as amended by  
2 chapter 420 of the laws of 1968, subdivision 1 as amended by chapter 563  
3 of the laws of 2002, subdivision 2 as amended by chapter 83 of the laws  
4 of 1969, is amended to read as follows:  
5     S 1622. Speed limits on county roads and town highways. 1. The  
6 department of transportation upon the request of the county superintendent  
7 of highways of a county and the town board of the town or towns  
8 affected with respect to county roads and town highways in such town or  
9 towns outside of cities or villages, may by order, rule or regulation:  
10     [1.] (A) Establish maximum speed limits at which vehicles may proceed  
11 on or along such highways higher or lower than the fifty-five miles per  
12 hour statutory maximum speed limit. No such limit shall be established  
13 at less than twenty-five miles per hour, except that school speed limits  
14 may be established at not less than fifteen miles per hour, for a  
15 distance not to exceed one thousand three hundred twenty feet, on a  
16 highway passing a school building, entrance or exit of a school abutting  
17 on the highway.  
18     [2.] (B) Establish maximum speed limits at which vehicles may proceed  
19 on or along all such highways lying within an area or areas as designated  
20 by a description of the boundaries of such area or areas submitted  
21 by the county superintendent of highways of a county and the town board  
22 of the town or towns affected lower than fifty-five miles per hour statutory  
23 maximum speed limit. No such limit shall be established at less  
24 than thirty miles per hour.  
25     2. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
26 SECTION, IN LIEU OF MAKING A REQUEST OF THE DEPARTMENT OF TRANSPORTATION  
27 PURSUANT TO SUCH SUBDIVISION, THE TOWN BOARD OF ANY TOWN, EXCLUSIVE OF  
28 SUBURBAN TOWNS AND TOWNS HAVING A POPULATION EXCEEDING FIFTY THOUSAND,

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

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1 WITH RESPECT TO TOWN HIGHWAYS WHICH HAVE BEEN FUNCTIONALLY CLASSIFIED BY  
2 THE DEPARTMENT OF TRANSPORTATION AS LOCAL ROADS ON OFFICIAL FUNCTIONAL  
3 CLASSIFICATION MAPS APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION  
4 PURSUANT TO PART 470.105 OF TITLE 23 OF THE CODE OF FEDERAL REGULATIONS,  
5 AS AMENDED FROM TIME TO TIME, AND WHICH ARE OUTSIDE OF CITIES AND  
6 VILLAGES, MAY BY LOCAL LAW, ORDINANCE, ORDER, RULE OR REGULATION:

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

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

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

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

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

40 S 2. This act shall take effect on the one hundred eightieth day after  
41 it shall have become a law; provided, however, that effective immediate-  
42 ly, the department of transportation is authorized and directed to  
43 promulgate such rules and regulations as are necessary for the implemen-  
44 tation of this act on its effective date.