STATE OF NEW YORK

9495--A

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. SHRESTHA, SIMON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "local control for speed limits."

§ 2. Section 1643 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2022, is amended to read as follows:

§ 1643. Speed limits on highways in cities and villages. **1.** The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than twenty-five miles per hour; except that in the city of Long Beach, in the county of Nassau, speed limits may be established at not less than fifteen miles per hour on any portion of the following highways in such city: Cleveland avenue, Harding avenue, Mitchell avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson

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

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avenue and Taft avenue. No such speed limit applicable on or along designated highways within such city or village 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 and except that within the cities of Buffalo and Rochester speed limits may be established at not less than fifteen miles per hour for any portion of a highway within a city park. No speed limits shall be established pursuant to the provisions of this section except in accordance with the engineering considerations and factors for speed limits set forth in the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this title, as such manual and specifications may be amended from time to time, certified by a licensed professional engineer who specializes in traffic operations.

2. (a) Notwithstanding the provisions of subdivision one of this section, the legislative body of any city or village with a population of less than one million may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such city or village, along state highways within such city or village lower than the fifty-five miles per hour maximum statutory limit, but not less than twenty-five miles per hour, upon demonstration that a portion of such state highway is particularly dangerous.

(b) Criteria that cities and villages shall use to demonstrate that a portion of a state highway is particularly dangerous shall include, but not be limited to:

(i) the history of accidents;

(ii) the prevalence of pedestrians;

(iii) proximity to educational institutions;

(iv) proximity to senior homes;

(v) proximity to warehouses; and

(vi) other similar factors, as deemed appropriate by the commissioner.

(c) A city or village that adjusts a speed limit along a state highway pursuant to this subdivision by more than five miles per hour shall provide written notice to the public and provide an opportunity for public comment at least sixty days prior to the change in speed limit along such state highway.

§ 3. Section 1662-a of the vehicle and traffic law, as amended by chapter 496 of the laws of 2022, is amended to read as follows:

§ 1662-a. Speed limits in [~~certain~~] towns. **1.** The town board of any [~~suburban~~] town [~~governed pursuant to article three-A of the town law and the town board of any other town having a population exceeding fifty thousand~~], with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in [~~such~~] towns outside any village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that [~~such~~] towns shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within [~~such~~] towns, within designated areas of [~~such~~] towns or on or

along designated highways within [~~such~~] towns lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout [~~such~~] towns or within designated areas of [~~such~~] towns shall be established at less than twenty-five miles per hour, except that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the community known as Point Lookout and on all or any portion of the following highways in the community known as Lido Beach: Ocean Boulevard, Allevard Street, Bath Street, Buxton Street, Cheltenham Street, Pinehurst Street, Harrogate Street, Matlock Street, Nantwick Street, Biarritz Street, Royat Street, Luchon Street, Woodhail Street, Leamington Street, Saratoga Street, Kensington Street, and Prescott Street; provided, however, that no such speed limit in such town may be established unless a majority of the residents of each such community file a petition with the town board of such town requesting such speed limit. No such speed limit applicable on or along designated highways within [~~such~~] towns 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, and except further that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the communities known as Point Lookout and Lido Beach; provided, however, that no such speed limit in such town may be established unless a majority of the residents of each such community file a petition with the town board of such town requesting such speed limit. No speed limits shall be established pursuant to the provisions of this section except in accordance with the engineering considerations and factors for speed limits set forth in the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this title, as such manual and specifications may be amended from time to time, certified by a licensed professional engineer who specializes in traffic operations.

2. (a) Notwithstanding the provisions of subdivision one of this section, the legislative body of any town may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such town, along state highways within such town lower than the fifty-five miles per hour maximum statutory limit, but not less than twenty-five miles per hour, upon demonstration that a portion of such state highway is particularly dangerous.

(b) Criteria that towns shall use to demonstrate that a portion of a state highway is particularly dangerous shall include, but not be limited to:

(i) the history of accidents;

(ii) the prevalence of pedestrians;

(iii) proximity to educational institutions;

(iv) proximity to senior homes;

(v) proximity to warehouses; and

(vi) other similar factors, as deemed appropriate by the commissioner.

(c) A town that adjusts a speed limit along a state highway pursuant to this subdivision by more than five miles per hour shall provide written notice to the public and provide an opportunity for public comment at least sixty days prior to the change in speed limit along such state highway.

§ 4. This act shall take effect immediately.