

# 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:

1 Section 1. Short title. This act shall be known and may be cited as  
2 "local control for speed limits."  
3 § 2. Section 1643 of the vehicle and traffic law, as amended by chap-  
4 ter 496 of the laws of 2022, is amended to read as follows:  
5 § 1643. Speed limits on highways in cities and villages. 1. The  
6 legislative body of any city or village with respect to highways (which  
7 term for the purposes of this section shall include private roads open  
8 to public motor vehicle traffic) in such city or village, other than  
9 state highways maintained by the state on which the department of trans-  
10 portation shall have established higher or lower speed limits than the  
11 statutory fifty-five miles per hour speed limit as provided in section  
12 sixteen hundred twenty of this title, or on which the department of  
13 transportation shall have designated that such city or village shall not  
14 establish any maximum speed limit as provided in section sixteen hundred  
15 twenty-four of this title, subject to the limitations imposed by section  
16 sixteen hundred eighty-four of this title may by local law, ordinance,  
17 order, rule or regulation establish maximum speed limits at which vehi-  
18 cles may proceed within such city or village, within designated areas of  
19 such city or village or on or along designated highways within such city  
20 or village higher or lower than the fifty-five miles per hour maximum  
21 statutory limit. No such speed limit applicable throughout such city or  
22 village or within designated areas of such city or village shall be  
23 established at less than twenty-five miles per hour; except that in the  
24 city of Long Beach, in the county of Nassau, speed limits may be estab-  
25 lished at not less than fifteen miles per hour on any portion of the  
26 following highways in such city: Cleveland avenue, Harding avenue, Mitc-  
27 hell 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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1 avenue and Taft avenue. No such speed limit applicable on or along  
2 designated highways within such city or village shall be established at  
3 less than twenty-five miles per hour, except that school speed limits  
4 may be established at not less than fifteen miles per hour, for a  
5 distance not to exceed one thousand three hundred twenty feet, on a  
6 highway passing a school building, entrance or exit of a school abutting  
7 on the highway and except that within the cities of Buffalo and Roches-  
8 ter speed limits may be established at not less than fifteen miles per  
9 hour for any portion of a highway within a city park. No speed limits  
10 shall be established pursuant to the provisions of this section except  
11 in accordance with the engineering considerations and factors for speed  
12 limits set forth in the manual and specifications for a uniform system  
13 of traffic control devices maintained by the commissioner of transporta-  
14 tion pursuant to section sixteen hundred eighty of this title, as such  
15 manual and specifications may be amended from time to time, certified by  
16 a licensed professional engineer who specializes in traffic operations.

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

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

- 28 (i) the history of accidents;
- 29 (ii) the prevalence of pedestrians;
- 30 (iii) proximity to educational institutions;
- 31 (iv) proximity to senior homes;
- 32 (v) proximity to warehouses; and
- 33 (vi) other similar factors, as deemed appropriate by the commissioner.

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

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

41 § 1662-a. Speed limits in [~~certain~~] towns. 1. The town board of any  
42 [~~suburban~~] town [~~governed pursuant to article three A of the town law~~  
43 ~~and the town board of any other town having a population exceeding fifty~~  
44 ~~thousand~~], with respect to highways (which term for the purposes of this  
45 section shall include private roads open to public motor vehicle traf-  
46 fic) in [~~such~~] towns outside any village, other than state highways  
47 maintained by the state on which the department of transportation shall  
48 have established higher or lower speed limits than the statutory fifty-  
49 five miles per hour speed limit as provided in section sixteen hundred  
50 twenty of this title, or on which the department of transportation shall  
51 have designated that [~~such~~] towns shall not establish any maximum speed  
52 limit as provided in section sixteen hundred twenty-four of this title,  
53 subject to the limitations imposed by section sixteen hundred eighty-  
54 four of this title may by local law, ordinance, order, rule or regu-  
55 lation establish maximum speed limits at which vehicles may proceed  
56 within [~~such~~] towns, within designated areas of [~~such~~] towns or on or

1 along designated highways within [~~such~~] towns lower than the fifty-five  
2 miles per hour maximum statutory limit. No such speed limit applicable  
3 throughout [~~such~~] towns or within designated areas of [~~such~~] towns shall  
4 be established at less than twenty-five miles per hour, except that in  
5 the town of Hempstead speed limits may be established at not less than  
6 fifteen miles per hour on any portion of a highway in the community  
7 known as Point Lookout and on all or any portion of the following high-  
8 ways in the community known as Lido Beach: Ocean Boulevard, Alleward  
9 Street, Bath Street, Buxton Street, Cheltenham Street, Pinehurst Street,  
10 Harrogate Street, Matlock Street, Nantwick Street, Biarritz Street,  
11 Royat Street, Luchon Street, Woodhail Street, Leamington Street, Sarato-  
12 ga Street, Kensington Street, and Prescott Street; provided, however,  
13 that no such speed limit in such town may be established unless a major-  
14 ity of the residents of each such community file a petition with the  
15 town board of such town requesting such speed limit. No such speed limit  
16 applicable on or along designated highways within [~~such~~] towns shall be  
17 established at less than twenty-five miles per hour, except that school  
18 speed limits may be established at not less than fifteen miles per hour,  
19 for a distance not to exceed one thousand three hundred twenty feet, on  
20 a highway passing a school building, entrance or exit of a school abut-  
21 ting on the highway, and except further that in the town of Hempstead  
22 speed limits may be established at not less than fifteen miles per hour  
23 on any portion of a highway in the communities known as Point Lookout  
24 and Lido Beach; provided, however, that no such speed limit in such town  
25 may be established unless a majority of the residents of each such  
26 community file a petition with the town board of such town requesting  
27 such speed limit. No speed limits shall be established pursuant to the  
28 provisions of this section except in accordance with the engineering  
29 considerations and factors for speed limits set forth in the manual and  
30 specifications for a uniform system of traffic control devices main-  
31 tained by the commissioner of transportation pursuant to section sixteen  
32 hundred eighty of this title, as such manual and specifications may be  
33 amended from time to time, certified by a licensed professional engineer  
34 who specializes in traffic operations.

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

42 (b) Criteria that towns shall use to demonstrate that a portion of a  
43 state highway is particularly dangerous shall include, but not be limit-  
44 ed to:

- 45 (i) the history of accidents;
- 46 (ii) the prevalence of pedestrians;
- 47 (iii) proximity to educational institutions;
- 48 (iv) proximity to senior homes;
- 49 (v) proximity to warehouses; and
- 50 (vi) other similar factors, as deemed appropriate by the commissioner.

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

56 § 4. This act shall take effect immediately.