



## Speed Limits in New York State

### A. NYS laws regarding speed limits were changed on August 12, 2022.

1. The minimum allowable area speed limit changed from 30 mph to 25 mph. The minimum allowable linear speed limit remains 25 mph.
2. A provision was added stating that speed limits must be set in accordance with the engineering considerations and factors for speed limits set forth in the *Manual on Uniform Traffic Control Devices (MUTCD)* and *NYS Supplement (Supplement)*.
3. A provision was added stating that speed limits must be certified by a licensed professional engineer who specializes in traffic operations.

### B. The changes in law did not include any change to who has the authority to set speed limits.

Generally:

1. NYSDOT sets speed limits on all state highways. (NYS Vehicle & Traffic Law, §1620)
2. Cities and villages set speed limits on highways within their jurisdictions, except for state highways. (NYS Vehicle & Traffic Law, §1643)
3. NYSDOT sets speed limits on town and county highways. (NYS Vehicle & Traffic Law, §1622)
4. Towns with populations greater than 50,000 people, and suburban towns, may set speed limits on all highways open to public traffic in the town outside villages, except for state highways. (NYS Vehicle & Traffic Law, §1662-a) Official status as a suburban town can only be obtained by following the procedures outlined in law, and filing the necessary notice with the Secretary of State. (NYS Town Law, §50-a)

### C. Setting speed limits in New York State.

1. Requirements come from the MUTCD and Supplement. NYSDOT Traffic Safety & Mobility Instruction (TSMI) 17-05 provides additional recommendations.
2. An engineering study certified by a Professional Engineer who specializes in traffic operations is required.
3. The appropriate speed limit for a linear regulation should be determined using one of three methods:
  - a) Within 5 mph of the 85<sup>th</sup>-percentile speed of free-flowing traffic using radar.
  - b) Conducting a floating vehicle check during free-flow conditions.
  - c) Using USLIMITS2, a FHWA web-based speed limit tool.
4. An area regulation may be used where an area speed limit would be reasonable and warranted in terms of the physical characteristics and development of the area involved. The appropriate speed limit for an area regulation should be determined with respect to the “major streets” within the area. Major streets are those streets which serve as main arteries in providing access to and from various sections of the area. This is distinct from a “through street,” which passes completely through the area, and carries some traffic other than that generated in the area, and a “minor street,” which generally serves motorists traveling between a point on a street within the area, and the area entrance/exit.

### D. References.

1. MUTCD Section 2B.13 (<https://mutcd.fhwa.dot.gov/pdfs/2009r1r2r3/part2b.pdf>)
2. Supplement Section 2B.13 (<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/B-2011Supplement-adopted.pdf>)
3. NYSDOT TSMI 17-05 (<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/TSMI-17-05.pdf>)