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Marie Therese Dominguez Commissioner NYS Department of Transportation 50 Wolf Road Albany, NY 12232

Dear Commissioner Dominguez:

We are writing to follow-up on our discussion about safe speed limits on January 26, 2023 and our February 23, 2023 letter.

Last year Governor Hochul signed legislation which authorizes cities, villages and towns to adopt area speed limits as low as 25 MPH (Chapter 496 of 2022, hereinafter "Chapter 496"). We were encouraged by Governor Hochul's remarks during the bill's signing: "Every New Yorker deserves to feel safe when traveling on our streets, whether they are driving, cycling, or walking... Today, we are reaffirming our commitment to keeping New Yorkers safe and using every resource available to save lives."<sup>1</sup>

Several cities have passed resolutions seeking to reduce their area speed limit to 25 MPH. However, as we noted in our previous correspondence, NYSDOT requires localities to complete burdensome and expensive engineering studies. This requirement prevents safer speed limits from being implemented.

We urge NYSDOT to adopt a new policy that aligns with the intent of Chapter 496 and allows for the expedient adoption of safer 25 MPH speed limits.

Specifically, Chapter 496 requires that area speed limit reductions be made consistent with the NYS Supplement. That supplement contains a provision that is not in the Manual on Uniform Traffic Control Devices (MUTCD), requiring an "engineering study…made in accordance with established traffic engineering practices". This vague and unnecessary requirement presents an enormous cost-barrier for municipalities to proceed in lowering their local area speed limits, and counteracts the intent of the new law.

By contrast, NYSDOT Traffic Safety & Mobility Instruction ("TSMI 17-05") recommends that area speed limit requests be granted when an "investigation indicates an area type regulation would be reasonable and warranted in terms of physical characteristics and development", with no call for an engineering study. This is a more reasonable requirement for municipalities, and aligns better with the intent and letter of the law.

NYSDOT should not interpret the law to require a burdensome and expensive engineering study, and we urge you to change this policy which is within your authority.

<sup>&</sup>lt;sup>1</sup>See, <u>Governor Hochul Signs New Laws to Enhance Street Safety. Prevent Traffic Deaths, and Crack Down on Hit-And-Run</u> <u>Crashes</u> (Aug 12, 2022)

## 25 MPH area limits are safer than 30 MPH area limits

Area speed limits, or "unless otherwise posted" speed limits, provide a jurisdiction-wide speed limit in effect at all times and on all streets, except where a different speed limit sign has been installed. Setting or lowering default citywide speed limits is an inexpensive, scalable way to quickly improve safety outcomes, and establish a basis for larger safety gains.<sup>2</sup> As you are well aware, small changes in speed can have big consequences for safety - for example, a pedestrian struck at 25 miles per hour has a 25 percent chance of being seriously injured—but that climbs to a 50 percent chance at 33 miles per hour.<sup>3</sup> For this reason the National Association of City Transportation Officials recommends a 25 MPH speed limit for urban areas.<sup>4</sup>

The data from cities across the United States is compelling and instructive:

- Seattle, Washington lowered the default speed limit in 2016 from 25 to 20 mph on non arterial streets and from 30 to 25 mph on arterial streets, unless otherwise posted. IIHS evaluated the effects of the speed limit reduction on crash severity in Seattle by comparing that city against three peer cities in Washington which did not revise their speed limits. IIHS found that the speed limit reduction was associated with a significant 17% reduction in odds of a crash involving fatal, severe or moderate injury and nearly 20% reduction for crashes on arterials in downtown Seattle. Importantly, Seattle only modified signage, and found that lowering speed limits and increasing sign density alone, absent any marketing campaigns, additional enforcement, retimed signal progressions, or engineering changes to the street geometry, resulted in lower speeds and fewer crashes.
- Boston, Massachusetts, lowered the default speed limit on city streets from 30 mph to 25 mph in 2017. Researchers with the Insurance Institute for Highway Safety (IIHS) assessed vehicle speeds before and after the lower limit took effect and compared them to control sites in Providence, Rhode Island, where the speed limit remained the same. Researchers found the new speed limit in Boston reduced the odds of vehicles traveling faster than 35 mph by over 29 percent and for vehicles going faster than 30 mph by nearly 8 percent. IIHS concluded that "lowering the speed limit in urban areas is an effective countermeasure to reduce speeds and improve safety for all road users." IIHS further encouraged communities to consider lowering speed limits to improve road safety, and that states allow municipalities to "set lower speed limits on urban streets without requiring laborious and costly engineering studies."<sup>5</sup>
- Portland, Oregon lowered their default residential speed limit in 2019 from 25 to 20 MPH. 76 percent of their streets have a 20 MPH speed limit, and an additional 8 percent have a 25 MPH speed limit. The Portland Bureau of Transportation found that the speed limit reduction lowered the incidence of drivers exceeding 35 MPH by half and over 30 MPH by one-third.<sup>6</sup>

<sup>&</sup>lt;sup>2</sup> See, "Default Speed Limits." National Association of City Transportation Officials.

<sup>&</sup>lt;sup>3</sup> See, "Impact Speed and a Pedestrian's Risk of Severe Injury or Death." AAA Foundation

<sup>&</sup>lt;sup>4</sup> See, "Default Speed Limits." National Association of City Transportation Officials.

<sup>&</sup>lt;sup>5</sup> See, <u>Lowering the speed limit from 30 to 25 mph in Boston: effects on vehicle speeds</u>. Insurance Institute for Highway Safety.

<sup>&</sup>lt;sup>6</sup> See, <u>Analysis indicates 20 mph speed limit reduced driving speeds</u>. Portland Bureau of Transportation.

## Existing law, rules and policy

Chapter 496 amends the NYS Vehicle and Traffic Law to allows localities to establish a 25 MPH speed limit "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" ("MUTCD") and the NYSDOT supplement thereto, as "certified by a licensed professional engineer who specializes in traffic operations."<sup>7</sup> We understand that the inclusion of this provision was a NYSDOT priority during final bill negotiations.

The MUTCD does not provide engineering considerations or factors for area speed limits, and explicitly does not require an engineering study for "statutory speed limits"<sup>8</sup> such as Chapter 496.

The New York State Supplement to the MUTCD, which was last updated in 2011, also does not provide direction on the "engineering consideration and factors" on the establishment of area speed limits. However, unlike the MUTCD, the NYS Supplement contains a single provision which requires an "engineering study…made in accordance with established traffic engineering practices" when setting a speed limit by law or ordinance.<sup>9</sup>

NYSDOT has also issued Traffic Safety & Mobility Instruction ("TSMI 17-05"), which again predates Chapter 496. The section on Area Limits holds that requests for area speed zones should be granted when "investigation indicates an area type regulation would be reasonable and warranted in terms of physical characteristics and development of the area involved."<sup>10</sup> The Area Limits section also recommends the classification of streets within the area according to their function (through streets, major streets and minor streets).

The New York State Supplement and TSMI 17-05 were written to address instances when the local government seeks an area limit other than the previous minimum 30 MPH statutory limit. These policies did not contemplate a change to the State law which would empower localities to establish safer, 25 MPH speed limits.

## A new policy is warranted

The "established traffic engineering practices" approach to setting linear speed limits (e.g., the "85% rule" or FHWA's "US Limits 2" tool), overemphasizes the observed driving behavior of the fastest of drivers instead of seeking to bring driver behavior in line with safety goals and the law.<sup>11</sup> Engineering speed studies for linear speed regulation are also extensive, expensive undertakings which include the collection and analysis of a large array of data for specific street segments, such as traffic volumes and speeds, pedestrian and bicyclist activity, sight distances, crash data, pavement conditions and more.<sup>12</sup> An equivalent effort for an area limit that would apply throughout a city, town or village is impractical, and of limited utility. However, from our discussions with local transportation professionals, there is significant uncertainty about what NYSDOT's study requirement requires.

<sup>&</sup>lt;sup>7</sup> See, NYS VAT § 1643, 1662-a.

<sup>&</sup>lt;sup>8</sup> See, MUTCD Section 2B.13

<sup>&</sup>lt;sup>9</sup> See, NYS Supplement to the MUTCD for Streets and Highways at p 25

<sup>&</sup>lt;sup>10</sup> See, TSMI 17-05 p 12-13

<sup>&</sup>lt;sup>11</sup> See <u>Reducing Speeding-Related Crashes Involving Passenger Vehicles</u>. NHTSA

<sup>&</sup>lt;sup>12</sup> See, <u>Speed Study Data Collection</u>. FHWA

We ask that NYSDOT adopt a new policy which is consistent with the MUTCD and allow local governments to implement statutory 25 MPH area limits without an engineering study. If necessary, NYSDOT could simply require localities to develop a signage plan, a public communication plan regarding the new speed limit, and to list streets which are exempted from the new speed limit because a 25 MPH speed limit would be inappropriate.

We also urge NYSDOT to reconsider TSMI 17-05's policy on through streets. Through streets and other major arterials should not be exempted from safer speed limits simply because they carry higher vehicle volumes- arterials are, as a general rule, the most high-crash streets in any community. The data from Seattle, Boston, New York City and elsewhere shows that arterials with lower speed limits see fewer severe crashes after speed limits were set at 25 MPH. The TSMI 17-05 policy regarding linear speed limits claims that there is a risk to setting speed limits too low, due to the potential for increased speed differentials.<sup>13</sup> The study cited for this proposition, "Accidents on Main Rural Highways due to Driver, Speed and Vehicle"<sup>14</sup> does not address traffic safety within cities, towns and villages, where slower speed vehicles and turning vehicles inevitably lead to more variation between vehicle speeds. Additionally, the study is 60 years old, and cannot account for subsequent advances in traffic safety science. Finally, the study itself acknowledges that the risk of death and severe injury is directly related to the speed of the vehicles at the time of a crash. We urge NYSDOT to adopt a rule which requires through streets to align with the area speed limit by default, rather than the TSMI 17-05's current direction to presume that through streets should have higher speed limits.

The enactment of Chapter 496 could result in dozens of cities, towns and villages across the state adopting a 25 MPH area limit in the coming years. It is essential that NYSDOT develop a policy which facilitates the establishment of these safer speed limits without unnecessary bureaucracy, expense or delay. Such action would align with NYSDOT's mandate to provide "balanced" planning and policies for the state to have transportation facilities that are "adequate, safe and efficient" at reasonable costs.<sup>15</sup> The requirement for burdensome and expensive engineering studies fails to achieve that balance, by requiring local governments to find tens or hundreds of thousands of dollars in their strained budgets to have an engineer determine that 25 MPH speed limits are indeed safer than 30 MPH speed limits. Furthermore, NYSDOT's current approach is unbalanced in that it prioritizes efficiency for vehicle operators over safety and adequacy for pedestrians and cyclists.

Finally, we recognize that the statute requires counties, towns smaller than 50,000 and non-Article 3A Suburban Towns to obtain NYSDOT approval to implement lower speed limits. We urge NYSDOT to develop policies which encourage the expedient implementation of safer speed limits by these localities. The Federal Highway Administration (FHWA) recommends that agencies consider a range of factors when setting speed limits on all roads, such as pedestrian and bicyclist activity, crash history, land use context, intersection spacing, driveway density, roadway geometry, roadside conditions, roadway functional classification, traffic volume, and observed speeds.FHWA guidelines can be an applicable framework for these communities.

<sup>&</sup>lt;sup>13</sup> See, TSMI 17-05 p 11

<sup>&</sup>lt;sup>14</sup> See, "Accidents on Main Rural Highways due to Driver, Speed and Vehicle"

<sup>&</sup>lt;sup>15</sup> See, NYS TRA §14

Thank you for your consideration. We look forward to continuing this discussion with you at your earliest convenience.

Sincerely,

Members and friends of the New York State Safe Streets Coalition:

Albany Bicycle Coalition **BikeWalk Tompkins Capital Streets** CHEKPEDS **Complete George** Families for Safe Streets GoBike Buffalo New York Bicycling Coalition (NYBC) New York Coalition for Transportation Safety **Open Plans** Parks & Trails NY Reconnect Rochester **Rochester Bicycling Club Transportation Alternatives** Tri-State Transportation Campaign Walkable Albany

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