

MEMO

TO: Larry Lewack, Town Planner & Nathaniel Bareham, Town Administrator; Town of Charlotte

FROM: Jason Charest, PE, PTP & Sai Sarepalli, PE; CCRPC

DATE: June 13, 2024

RE: Statutory steps to set speed limits on Town Highways

This memo is in response to email correspondence between the town and CCRPC staff between May 20 and May 22, 2024. It strives to clarify, to the extent possible, how speed limits are set in Vermont, when they are enforceable, and potential consequences of improperly set speed limits.

According to the Vermont Statutes, Title 23, § 1007¹, Local Speed Limits, the legislative body of a municipality may establish, on the basis of an engineering and traffic investigation, a speed limit not more than 50 mph or less than 25 mph on all or part of any city, town, or village highways within its jurisdiction.

CCRPC staff's professional understanding and interpretation of this is that a speed limit must be supported by an engineering and traffic investigation, more commonly known as a speed study. The last speed study prepared by CCRPC staff for Charlotte was in 2019 for Church Hill Road. This is a different type of study and analysis than what was conducted for the 2023 East Charlotte Village Traffic Analysis Study. A speed study not only examines existing speed limit compliance on a given roadway, it also makes a speed limit recommendation based on safety and a number of roadway and land-use factors. Lowering the speed limit is not a predetermined outcome. The speed study will determine the appropriate speed limit for a given roadway.

The State Statutes clarifies that "lack of evidence of a traffic and engineering study will not invalidate a local speed limit ordinance as adopted or amended under the Title 23, Section 1007, after five years following the day on which the ordinance took effect."

CCRPC staff professional opinion is that this was not intended to be used to circumvent a speed study or its recommendation. It's more probable the purpose of this provision was to incorporate long standing speed limits at the time of the law's passing and acknowledges the proper record keeping of a speed study might not be top priority

¹ <https://legislature.vermont.gov/statutes/section/23/013/01007>

amongst all other municipal responsibilities. The Vermont Local Roads publication, *Setting Speed Limits – A Guide for Vermont Towns*², specifically states, “The random installation of signs and speed limits can be detriment (*sic*) to safety by breeding disrespect for all speed limits.” You noted this publication in our correspondence, and it is a great resource. The “Principles for Setting Speed Limits” section on page 5 is critical background reading for anyone involved/interested in changing a speed limit.

Our correspondence included a piece of a Planning Commission conversation pertaining to this five-year stipulation and whether an improperly set speed limit is enforceable prior to the five-year anniversary of the local ordinance’s amendment. While a ticket could potentially be issued, if contested for a lack of a speed study justification, it’s highly likely it would be dismissed. Contested speed limits may normally be few and far between, but once residents become aware of the situation, word can travel fast, and it is worth noting that the most egregious speeders are often local to the area. An officer could then become disincentivized to issue a speeding ticket in the first place. Moreover, setting a speed limit 10 mph lower than engineering recommendations has been found to increase injury and fatal crash frequency.³

Oftentimes, municipalities want to lower the speed limit on a given roadway, but do not have the support of a speed study recommendation. The roadway design and context simply does not influence drivers to drive more slowly. This is where traffic calming comes into the picture. For example, the East Charlotte Traffic Analysis Study traffic calming recommendations would support lower vehicle speeds in that area and, if implemented, is often coupled with an engineering recommendation to lower the speed limit.

Given the reasons stated above, it is inadvisable to lower a roadway speed limit without the support of a speed study. It is advised to seek legal counsel should the town want to move forward with the improper lowering of a speed limit.

End of Memo

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<https://localroads.vermont.gov/sites/localroads/files/files/resources/materials/Setting%20Speed%20Limits%20Guide%20Update%20August%202016.pdf>

³ <https://www.sciencedirect.com/science/article/abs/pii/S0001457518305499>