

# MC 22-17- Montgomery County – Maximum Speed Limits in Business and Residential Districts

## Amendments Requested by Montgomery County Council

### Current Law

#### Default Speed Limits

Current law establishes the following specific “default” speed limits for different types of roads (Transportation Article - 21-801.1):

- 15 mph in alleys in Baltimore County
- 30 mph on all highways in a business district
- 30 mph on undivided highways in a residential district.
- 35 mph on divided highways in a residential district
- 50 mph on undivided highways in other locations
- 55 mph on divided highways in other locations.

#### Local Authority to Set Speed Limit Above or Below Default Speed Limit

Current law also authorizes a local authority (e.g., County) to set the speed limit along particular types of roads above or below the default speed limit after the local authority conducts an engineering and traffic study (Transportation Article - 21-803).

If a local authority decides, after conducting a traffic and engineering study, that it is “reasonable and safe” to set the speed limit for a particular type of road above or below the default speed limit, the change does not take effect until the local authority posts “appropriate signs giving notice of the limit” (Transportation Article – 21-803(c)).

### Summary of Bill

The bill changes the default speed limit for “highways in a business district” and “undivided highways in a residential district” from 30 mph to “between 20 mph and 30 mph”. The bill also provides that the County does not need to undertake a traffic and engineering study before setting a speed limit within the new allowable range on these types of roads.

### Proposed Amendment

On page 1, strike beginning with “exempting” in line 7 through the semicolon in line 9.

On page 2, in line 14, strike “BETWEEN 20 MILES AN HOUR AND 30 MILES AN HOUR” and substitute “25 MILES AN HOUR”.

On page 3, in line 10, strike the brackets; in lines 10 and 11, strike “EXCEPT AS PROVIDED IN §21-801.1(B)(3) OF THIS SUBTITLE, DECREASE”; in line 13, strike the

colon; in line 14, strike “(I)”, the brackets and “A”; and strike beginning with the semicolon in line 15 through “SUBTITLE” in line 17.

### **Explanation**

The current language of the bill gives rise to two possible interpretations. Both of these interpretations are problematic. On the one hand, the bill could be interpreted to set a default speed limit that is actually a range of speeds between 20 mph and 30 mph. This is problematic because a default speed limit needs to be a specific speed, not a range of speeds. On the other hand, the bill could be interpreted as requiring the County to make a decision, without conducting a traffic and engineering study, to set the default speed limit somewhere within this range. This is problematic because the bill does not outline any criteria to be used by the County when seeking to evaluate and set a default speed limit.

This amendment modifies the bill to set a new default speed limit of 25 mph on “highways in a business district” and “undivided highways in a residential district”. Since this is a default speed limit, there is no need to reference traffic and engineering studies in any way.