

What is the threshold for how many speed limit signs are necessary to make a speed limit enforceable? Does one need to be on every street?

No, signs must only be placed at points of change from one speed limit to another, beyond major intersections, and at other locations where it is necessary to remind road users of the speed limit.

Vermont municipalities have the power to set speed limits on public highways. Such speed limits must be established via a duly adopted municipal ordinance. 24 V.S.A. § 2291(4), 23 V.S.A. § 1007. In order to enforce such speed limits, a municipality must adequately warn motorists of the regulations in effect on the highways on which they are traveling. Vermont state law requires municipalities to post speed limit signs pursuant to the Manual on Uniform Traffic Control Devices (MUTCD). 23 V.S.A. § 1025(a).

The MUTCD requires speed limit signs to be posted “at the points of change from one speed limit to another.” MUTCD § 2B.15. Moreover, “additional speed limit signs shall be installed beyond major intersections and at other locations where it is necessary to remind road users of the speed limit that is applicable.” *Id.*

Unfortunately, the MUTCD does not give any guidance as to determining when speed limit signs are necessary to remind motorists of the limit. VLCT interprets this lack of guidance as requiring the municipality to exercise judgment in placing speed limit signs. In challenging a ticket, a defendant would need to demonstrate sufficient evidence to prove that there was not enough signage to adequately warn motorists of the speed limit. This is a difficult hurdle to clear, as the law establishes a strong presumption of validity in favor of the regulation: “Testimony of a witness as to the existence of a traffic control sign, signal, or marking, or sign establishing a speed zone, shall be prima facie evidence that any such traffic control device existed pursuant to a lawful statute, regulation or ordinance and that a defendant was lawfully required to obey the directions of such device.” 23 V.S.A. § 2206 (b).

For a model speed limit ordinance, please contact the Municipal Assistance Center.

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