

Guide to Develop a Speed Limit Bylaw



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INTRODUCTION

In June 2018, the Manitoba government passed The Traffic and Transportation Modernization Act, which amends The Highway Traffic Act and dissolves the Highway Traffic Board, along with the board's authority to set speed limits on roadways¹ throughout the province. The Traffic and Transportation Modernization Act comes into force March 1, 2019.

The Highway Traffic Act amendments change the framework for setting speed limits in Manitoba, as follows:

- The Minister of Infrastructure is authorized to make regulations setting set speed limits on provincial trunk highways, provincial roads, provincial access roads, and roads in unorganized territories. The Minister may also designate restricted speed areas.
- Municipalities, First Nation communities and other local traffic authorities are responsible for setting speed limits on roadways under their jurisdiction. Local traffic authorities *must* make a bylaw setting speed limits on their roadways, in accordance with government regulations.

The changes give municipalities and local governments a fair say in how traffic is controlled in their communities. This guide is intended to give local traffic authorities an overview of the framework under which speed limits are set in Manitoba, and the regulatory requirements for speed limit bylaws in both rural and urban areas.²

SPEED LIMIT FRAMEWORK UNDER THE HIGHWAY TRAFFIC ACT

[The Highway Traffic Act](#)³ (s. 94.2) prescribes 'default' speed limits – also known as statutory speed limits, which are in effect, unless a different speed limit has been authorized and posted by a traffic authority. These speed limits are:

- 50 km/h within restricted speed areas. The 50 km/h default speed limit *must* be posted at the entrances to the restricted speed area.
- 90 km/h outside restricted speed areas. The 90 km/h default speed limit *must* be posted at the exits from a restricted speed area.

¹ Under The Highway Traffic Act, a highway is a place that the public is ordinarily entitled or permitted to drive. Technically, streets through a town are highways. To avoid confusion this guide refers to roadways under a local traffic authority and roadways under provincial jurisdiction.

² Under The Highway Traffic Act, a local traffic authority may prescribe speed limits under a by-law, or by a rule. Traffic authorities with bylaw making authority (e.g., municipalities, First Nations) should pass a speed limits bylaw. The reference to a rule is intended to give a traffic authority, which does not have bylaw making authority, a mechanism to set speed limits (e.g., the owner of a private road could set a speed limit under a rule).

³ http://web2.gov.mb.ca/laws/statutes/ccsm/h060_2e.php

Local traffic authorities may make bylaws prescribing speed limits different from the statutory speed limits on roadways under their jurisdiction, provided the speed limit is established and signed in accordance with government regulations.

The Highway Traffic Act defines the following as restricted speed areas:

- the City of Winnipeg
- an urban municipality
- a local urban district established under The Municipal Act
- any other geographic area, highway or portion of a highway identified in regulation

The Minister of Infrastructure has authority to designate additional restricted speed areas in regulation. The Minister also has authority to exclude geographical areas, highways or portion of highways, from a restricted speed area. Geographical descriptions of restricted speed areas designated by the Minister may be viewed in a new regulation called the [Speed Limits and Restricted Speed Area Regulation](#)⁴.

The following requirements and allowances under The Highway Traffic Act have not changed:

- Cabinet approval is required to set speed limits of 100 km/h or 110 km/h for any highway or portion of a highway. In the event of a conflict, the speed limit approved by Cabinet takes precedence.
- Traffic authorities and other local governments may establish reduced-speed school zones in accordance with the [Reduced-Speed School Zone Regulation](#)⁵. A local authority may establish a reduced-speed school zone on any roadway within its geographical boundary, including roadways under provincial jurisdiction.
- Traffic authorities, and persons authorized by a traffic authority, may set speed limits in construction zones.

LOCAL TRAFFIC AUTHORITIES: RESPONSIBILITIES

Local traffic authorities *must* make a bylaw setting limits on their roadways, unless the speed limit on all the roadways under a traffic authority's jurisdiction is:

- within a restricted speed area (i.e., where the speed limit defaults to 50 km/h), and/or
- outside of a restricted speed area (i.e., where the default speed limit is 90 km/h).

In many cases, default speed limits of 50 km/h or 90 km/h may not reflect a safe and reasonable maximum speed limit for a specific roadway. Many factors affect maximum speed limits, including the function of the roadway, physical characteristics and topography, (e.g., traffic mix, pedestrian traffic or road use conditions), and may suggest that a higher or lower speed limit is appropriate. Manitoba Infrastructure's *Guide for Setting Posted Speed Limits on Manitoba Roadways* provides further information about determining appropriate speed limits.

⁴ <http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=14/2019>

⁵ <http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=136/2013>

Speed limit bylaws *must* be effective within six months of March 1, 2019 when The Traffic and Transportation Modernization Act comes into force, which is September 1, 2019.

For transition, the speed limits prescribed under the Highway Traffic Board's Highway Speed Regulation remain in effect for roadways under a local authority's jurisdiction until:

- six months after The Traffic and Transportation Modernization Act comes into force, or
- a local traffic authority sets a speed limit for their roadways, under a bylaw.

If a local traffic authority does not make a bylaw within six months, the speed limit will default to 90 km/h, unless:

- The municipality is a restricted speed area under The Highway Traffic Act.
- The area is designated a restricted speed area by the Minister of Infrastructure in regulation.

If the speed limit defaults to 90 km/h and this speed is considered unsafe, the Minister may designate the municipality, or parts of it, as a restricted speed area. Only the Minister is authorized to designate restricted speed areas, and set speed limits on roadways under provincial jurisdiction – even when a provincial roadway runs close to, or through a municipality or First Nation community.

Local traffic authorities may request the Minister to designate a restricted speed area or a change to a speed limit on a provincial roadway. The process for a local traffic authority to submit a request is available on the [Manitoba Infrastructure website](#)⁶.

THE TRAFFIC AUTHORITY SPEED LIMITS REGULATION

The Manitoba government's [Traffic Authority Speed Limits Regulation](#)⁷ prescribes requirements that local traffic authorities must comply with, for speed limits set in bylaws to be enforceable. Under the Traffic Authority Speed Limits Regulation, speed limits must be:

- set in increments of 10 km/h
- not less than 20 km/h
- not more than 90 km/h
- signed in accordance with The Highway Traffic Act and the [Traffic Control Devices Regulation](#)⁸

If a speed limit is set below the default 50 km/h, it must meet additional specific signage requirements, prescribed under the Traffic Authority Speed Limits Regulation.

⁶ <https://www.gov.mb.ca/mit/traffic/>

⁷ <http://web2.gov.mb.ca/laws/reg/current/pdf-reg.php?reg=30/2019>

⁸ <http://web2.gov.mb.ca/laws/reg/current/pdf-reg.php?reg=13/2019>

Provided speed limits are set in accordance with the above-mentioned parameters, the speed limits on roads are at the discretion of the municipality or other local government. The Traffic Authority Speed Limits Regulation also prescribes the following bylaw requirements to help ensure speed limits are enforceable. Speed limit bylaws *must*:

- Describe the portion of roadway to which the speed limit applies, either by referencing a specific roadway and the points on the roadway where the speed limit begins and ends, or by referencing the boundaries of a geographical area.
- State whether the speed limit applies at all times or applies seasonally.
- Be accessible to the public.

A municipality or other local government may use one bylaw to prescribe the speed limits on all of their roadways, regardless of whether the road is within an urban area or a rural area.

BYLAW CONTENT

One or more of the following options may be used to provide the required geographical description of the roadways, where a specific speed limit applies:

- linear start and end point on a specific roadway
- intersection (or distance to or from an intersection) on a specific roadway
- reference to the boundaries of a geographical area
- section, township and range
- river lot number
- section of land, legal subdivision or registered plan in a municipal land titles office or the Manitoba Land Titles office

The format in which the speed limit is fixed under bylaw, in relation to the description of the portion of roadway to which the speed limit applies, is not prescribed in the Traffic Authority Speed Limits Regulation. Consequently, if the speed and description is accurate and clear, local traffic authorities have flexibility in how the required information is presented.

The existing speed limits on all roadways are prescribed under the Highway Traffic Board's [Highway Speed Regulation](#)⁹. The descriptions of roadways contained in the board's regulation may be used in a bylaw to provide the required geographical descriptions of the speed limit on roadways. However, local traffic authorities should review the descriptions prior to inserting them into a bylaw.

The [Speed Limits and Restricted Speed Area Regulation](#)¹⁰ prescribes the speed limits on provincial roadways. This regulation may be used as a formatting guide for prescribing speed limits and geographical descriptions in the bylaw.

⁹ <https://web2.gov.mb.ca/laws/regs/current/204.92.pdf>

¹⁰ <http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=14/2019>

Bylaws must state that the speed limit is in effect at all times, unless the speed limit changes seasonally. If the speed limit is in effect seasonally, the bylaw must state the day that the speed limit starts and the day that it ends each year. The Traffic Authority Speed Limits Regulation prohibits speed limits that apply only:

- during certain days of the week
- during certain times of day
- when children or other individuals are present

Speeding offences will continue to be enforced under The Highway Traffic Act, even when the speed limit is fixed in a bylaw. Fines are prescribed under the Preset Fine Offence Descriptions Regulation (The Provincial Offences Act). As a result, a bylaw should *not* include a separate offence and penalty section.

Municipal bylaws must also conform to the Municipal Act Procedures Manual, published by Manitoba Municipal Relations.

Definitions from provincial laws do not need to be included in a bylaw, unless the definition is different under the bylaw. The grammar used in a bylaw, (i.e. use of singular or plural) should be accurate for the particular scenario. For example, the grammar will be different, depending on whether a speed limit is set for one highway or multiple highways within a geographical area.

See Appendix A for a bylaw template and Appendix B for a sample bylaw.

BYLAW ACCESSIBILITY

The Traffic Authority Speed Limits Regulation requires a speed limit bylaw to be accessible to the public. Municipalities and other local traffic authorities are responsible to ensure the bylaw is available to the general public, law enforcement agencies and the courts. Every local traffic authority with a web portal should post their speed limit bylaws online. Speed limit bylaws should be available in municipal offices and other venues where the public has access.

CAUTIONARY NOTE

This guide is intended to provide an overview of the new framework for setting speed limits in Manitoba. For precise wording of the requirements, please review sections 94.2 to 94.5 of the [Highway Traffic Act](#)¹¹ and the [Traffic Authority Speed Limits Regulation](#)¹². Further, this guide is not intended to replace advice of legal counsel.

¹¹ http://web2.gov.mb.ca/laws/statutes/ccsm/h060_2e.php

¹² http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=30/2019

The Chief Administrative Officer of a municipality and representatives from other local governments may wish to consult legal counsel in development of a speed limit bylaw. An accurate and clear bylaw is an essential part of ensuring that speed limits are enforceable.

FOR QUESTIONS OR MORE INFORMATION CONTACT

Manitoba Infrastructure

Email: csi@gov.mb.ca



APPENDIX A – MAXIMUM SPEED LIMITS: BYLAW TEMPLATE

(Name of Responsible Traffic Authority)
Bylaw No. _____

Being a bylaw to establish the maximum speed limit on a highway or portion of a highway under the responsible traffic authority’s jurisdiction.

WHEREAS The Highway Traffic Act C.C.S.M., c. H60 gives a traffic authority the ability to establish a speed limit up to 90 km/h for any geographic area, highway, or portion of a highway for which it is the responsible traffic authority;

AND WHEREAS section 6 of the Traffic Authority Speed Limits Regulation provides that a bylaw of a traffic authority must:

- (a) Describe any portions of highway to which the speed limit applies, either by reference to a specific highway and the points on the highway at which the speed limit begins and ends or by reference to the boundaries of a geographic area.
- (b) Indicate whether the speed limit applies at all times or applies seasonally.
- (c) If the speed limit applies seasonally, indicate the day that the speed limit starts and the day that it ends in each year.
- (d) Be accessible to the public.

AND WHEREAS Council for [name of municipality or name of the local traffic authority] deems it advisable and in the public interest to fix a speed limit for the highways or portions of highways, for which the [name of the local traffic authority] has jurisdiction;

NOW THEREFORE the Council of [name of local traffic authority] enacts as follows:

Maximum Speed Limits on Highways within [name of local traffic authority]

At all times of the year (or, if applicable, seasonally beginning on [day] of [month], [year] and ending on [day] of [month], [year] each year, the maximum speed limit on highways under [name of local traffic authority’s] jurisdiction is as prescribed in the Schedule A that is attached and forms part of this bylaw.

DONE AND PASSED as a bylaw of the [name of local traffic authority] at [office location] in the province of Manitoba this [day] of [month] [year].

[Head of Council, or
other person authorized by
Council]

[Designated Officer]

Read a first time this (day) of (month) (year).
Read a second time this (day) of (month) (year).
Read a third time this (day) of (month) (year).

SCHEDULE 'A'
OF THE (Name of Responsible Traffic Authority)
Bylaw No. _____

[insert geographical description of a highway or portion of a highway and maximum speed limit]

APPENDIX B – SAMPLE MAXIMUM SPEED LIMITS BYLAW

MAXIMUM SPEED LIMITS BYLAW

City of Frances
Bylaw 25-2019

Being a bylaw to establish the maximum speed limit on a highway or portion of a highway under the responsible traffic authority's jurisdiction.

WHEREAS The Highway Traffic Act C.C.S.M., c. H60 gives a traffic authority the ability to establish a speed limit up to 90 km/h for any geographic area, highway, or portion of a highway for which it is the responsible traffic authority;

AND WHEREAS section 6 of the *Traffic Authority Speed Limits Regulation* provides that a bylaw of a traffic authority must:

- (a) Describe any portions of highway to which the speed limit applies, either by reference to a specific highway and the points on the highway at which the speed limit begins and ends, or by reference to the boundaries of a geographic area.
- (b) Indicate whether the speed limit applies at all times or applies seasonally.
- (c) If the speed limit applies seasonally, indicate the day that the speed limit starts and the day that it ends in each year.
- (d) Be accessible to the public.

AND WHEREAS Council for the City of Frances deems it advisable and in the public interest to fix a speed limit for the highways or portions of highways, for which the City of Frances has jurisdiction;

NOW THEREFORE the Council of the City of Frances enacts as follows:

Maximum Speed Limits on Highways within the City of Frances

At all times of the year, the maximum speed limit on highways under the jurisdiction of the City of Frances is as prescribed in the Schedule A that is attached and forms part of this bylaw.

DONE AND PASSED as a bylaw of the City of Frances at 56 Red Street in the province of Manitoba this 15th day of May, 2019.

C. Brady Head of Council

K. Partridge, Chief Administrative Officer

Read a first time this 1st day of April, 2019
Read a second time this 23rd day of April , 2019
Read a third time this 15th day of May, 2019

**SCHEDULE A of the
MAXIMUM SPEED LIMITS BYLAW
City of Frances
Bylaw 25-2019**

HIGHWAY	LOCATION FROM	LOCATION TO	SPEED LIMIT
Donut Highway	Pumpkin Highway	Derry Road	80 km/h
No. 5 Road	Cedar Springs Road	Burdock Drive	80 km/h
No. 5 Road	Burdock Drive	Maple Street	70 km/h
No. 5 Road	Maple Street	Merry Lane	60km/h
Plains Road West	Tommy Drive	800 m south of Britannia Road	60 km/h
Dog Lane	Sheldon Street	Buddy Avenue	50 km/h
Blue Sky Road	Cedar Springs Road	Happy Street	40 km/h