



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 12.1.1**  
**Transportation Standing Committee**  
**October 26, 2023**

**TO:** Chair and Members of Transportation Standing Committee

**SUBMITTED BY:** Original Signed

Cathie O'Toole, Chief Administrative Officer

**DATE:** August 11, 2023

**SUBJECT:** **Traffic Speed for School Zones – 30 kph**

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### **INFORMATION REPORT**

#### **ORIGIN**

Item 12.2.1 of the May 18, 2023 meeting of the Transportation Standing Committee:

MOVED by Councillor Mason, seconded by Councillor Cuttell THAT the Transportation Standing Committee request a staff report regarding process to request that all school zones in HRM be designated 30 kph zones on a permanent basis.

MOTION PUT AND PASSED

#### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, Part XII, subsection 321(8):

“The traffic authority for the Municipality has, with respect to highways in the Municipality, excluding those for which the Provincial Traffic Authority has authority, the powers conferred upon a traffic authority by or pursuant to the Motor Vehicle Act.”

*Nova Scotia Motor Vehicle Act*, Part V, subsections 102(1) & (2):

(1) Subject to Sections 101 and 104, and except where a lower rate of speed is specified in this Act or the regulations made thereunder it shall be *prima facie* lawful for the driver of a vehicle to drive the same at a rate of speed not exceeding the rate in subsection (2), and it shall be *prima facie* unlawful to exceed such rate of speed.

(2) The rate of speed referred to in subsection (1) is fifty kilometres per hour...

(g) in a residence district as defined herein.

*Nova Scotia Motor Vehicle Act*, Part V, subsections 103 (1) & (2):

- (1) Subject to the regulations, a traffic authority may designate a school area on a portion of a highway by placing traffic signs to indicate the beginning and end of the school area.
- (2) Where a traffic authority designates a school area, the traffic authority shall
  - (a) Reduce the speed limit in the school area to
    - i. Thirty kilometres per hour, if the speed limit in effect immediately before the start of the school area is fifty kilometres per hour, or
    - ii. Fifty kilometres per hour, if the speed limit in effect immediately before the start of the school area is greater than fifty kilometres per hour;
  - (b) Place a traffic sign at the beginning of the school area to notify drivers of the reduced speed limit in the school area; and
  - (c) Place a traffic sign at the end of the school area to notify drivers of the speed limit in effect immediately after the school area ends.

*Nova Scotia Motor Vehicle Act*, Part V, subsection 104(1):

- (1) Notwithstanding Sections 101 and 102, but subject to Section 103, the Minister or a traffic authority with the approval of the Provincial Traffic Authority may fix such maximum rates of speed as he may see fit to approve for motor vehicles traversing any part or portion of a highway and may erect and maintain signs containing notification of such rate of speed so fixed and approved by him, and thereafter while such signs remain so erected and displayed the operator or driver of any vehicle exceeding the rate of speed so fixed and approved shall be guilty of an offence.

## **BACKGROUND**

The Nova Scotia Motor Vehicle Act (MVA) legislates speed limits on public roadways within the Province of Nova Scotia. The MVA provides for a default speed limit, applied to roadways within residential areas, of fifty kilometres per hour (50 km/h). This would represent the minimum speed limit allowed to be posted on streets under the jurisdiction of the HRM Traffic Authority. To post a speed limit below 50 km/h, approval would need to be granted by the Provincial Traffic Authority or the Minister of Public Works.

Several requests have been submitted to the Province in relation to posting speed limits below 50 km/h on roads under the jurisdiction of the municipal Traffic Authority, including requests to amend current legislation to reduce the prima facie (default) speed limit from 50 km/h to 40 km/h, and a request to allow for blanket approval to post 40 km/h speed limits on all local roads. These requests were all denied.

Although the requests had all been denied, Provincial staff were willing to work with HRM to come up with conditions and a process that would allow posting of 40 km/h speed limits on streets in residential neighbourhoods on a case-by-case basis.

The process allows the HRM Traffic Authority to request approval to post a 40 km/h speed limit on residential streets where the current posted speed limit is 50 km/h, a speed study indicates the prevailing vehicle speed on the street is close to 40 km/h (or there are plans to implement physical changes that will result in vehicle speeds near 40 km/h), and the recommended posted speed limit outlined by the Transportation Association of Canada guidelines for setting posted speed limits is 40 km/h.

In addition to the general requirements for posting of speed limits, and the process currently in place for posting 40 km/h speed limits in residential neighbourhoods, the MVA provides the ability for the Traffic

Authority to establish school areas on HRM roadways that, when established, create a reduced posted speed limit, when children are present, of:

- 30 km/h within the school area where the posted speed limit immediately before the school area is 50 km/h, or
- 50 km/h within the school area where the posted speed limit immediately before the school area is greater than 50 km/h.

## **DISCUSSION**

Staff has been working with their counterparts at the Province to request and implement reduced 40 km/h speed limits in residential neighbourhoods since 2019. Although the request process stipulates that a speed study, showing the prevailing vehicle speed is near 40 km/h, it does not require a speed study for each individual street within a neighbourhood. Instead, speed data for a representative sample of streets within a neighbourhood, sometimes even a single street, is acceptable where it can be shown that all streets are of similar characteristics. This allows HRM staff to make a request to post a 40 km/h speed limit on all streets within a defined neighbourhood without unreasonably impacting data collection resources. To date, none of the neighbourhoods requested for posting of reduced speed limits have been denied.

Using the process currently followed for posting 40 km/h speed limits in residential neighbourhoods to request permission to post a permanent 30 km/h speed limit in school areas would not be applicable. The conditions set out for this process require that the recommended posted speed identified from the TAC warrant is equal to the speed limit being requested (40 km/h in the case of the current program), which would be 30 km/h based on the request in the motion for this report. Given the size and roadway conditions typically encountered in most school areas, when assessed based on guidance provided in the warrant procedure, a recommendation for a posted speed limit of 30 km/h is not achievable. Considering the above, it is unlikely that HRM would receive approval from the Province to post permanent 30 km/h speed limits in school areas. Given existing process requirements and current legislation, receiving approval to post permanent 30 km/h speed limits in school areas is not possible. Proposed changes to provincial legislation as part of the new Traffic Safety Act (TSA) may result in more flexibility in the future for the HRM Traffic Authority to independently manage speed limits on roadways under municipal jurisdiction.

As noted in the Background section of this report, existing legislation provides HRM's Traffic Authority with the ability to create school areas which already, in effect, establishes a regulatory and enforceable 30 km/h speed limit near schools. The regulations associated with established school areas provides that the reduced (30 km/h) speed limit is in effect at any time, 24 hours/day, 365 days/year, when a child is present near the road within the school area. The MVA also provides that penalties for exceeding the speed limit in a school area are double the standard fine.

In addition to the speed limit reduction and increased fines in school areas, HRM's existing Traffic Calming Program includes a school area component where traffic calming measures are proactively installed on roads in and around school areas to further influence driver behaviour and reinforce the reduced speed limits. Staff will also be moving forward with a trial to add flashing beacons to school area signage to further enhance conspicuity and draw drivers' attention to the fact they are entering a school area with reduced speed limit requirements. This trial is anticipated to be rolled out in September of this year.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the information provided in this report.

**COMMUNITY ENGAGEMENT**

Community engagement not required.

**ATTACHMENTS**

None

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Roddy MacIntyre, P.Eng., Manager, Traffic Services & Road Safety, Public Works

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