

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

DANIA M. SEIGLIE, VIKKI C. HOWARD, LEE HODSON,
CATHY HODSON, JEAN LOW, MELVIN LOW, AND
MARY ANN SULLIVAN,
AS RESIDENTS OF
THE TOWN OF RYE

V.

BOARD OF SELECTMEN
OF THE
TOWN OF RYE

CLASS ACTION COMPLAINT FOR DECLARATORY RELIEF

NOW COME the Plaintiffs, Dania M. Seiglie, Vikki C. Howard, Lee Hodson, Cathy Hodson, Jean Low, Melvin Low, and Mary Ann Sullivan, by and through their attorney, Roger D. Wiegley, and complain against the Defendant, the Board of Selectmen of the Town of Rye, New Hampshire ("Defendant Board"), as follows:

I. **PARTIES. JURISDICTION. AND VENUE**

1. Dania M. Seiglie ("Plaintiff Seiglie") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 633 Central Road, Rye Beach, Rockingham County, New Hampshire 03871.

2. Vikki C. Howard ("Plaintiff Howard") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 261 Brackett Road, Rye, Rockingham County, New Hampshire 03870.

3. Lee Hodson ("Plaintiff Lee Hodson") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 616 Central Road, Rye Beach, Rockingham County, New Hampshire 03871.
4. Cathy Hodson ("Plaintiff Cathy Hodson") is an individual and a resident of the Town Rye, over the age of 18 years, having a primary residential address of 616 Central Road, Rye Beach, Rockingham County, New Hampshire 03871.
5. Melvin Low ("Plaintiff Melvin Low") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 650 Washington, Road, Rye, Rockingham County, New Hampshire 03870.
6. Jean Low ("Plaintiff Jean Low") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 650 Washington, Road, Rye, Rockingham County, New Hampshire 03870.
7. Mary Ann Sullivan ("Plaintiff Sullivan") is an individual and a resident of the Town of Rye, over the age of 18 years, having a primary residential address of 754 Central Road, Rye Beach, Rockingham County, New Hampshire 03871.
8. At all times relevant to the Plaintiffs' allegations and legal claims herein, the Plaintiffs were residents of the Town of Rye, New Hampshire.
9. The Defendant Board is the three-member governing body of Rye, NH. The members of the Defendant Board are Bill Epperson, Bob McGrath and Rob Wright. The office address of the Defendant Board is 10 Central Road, Rye, NH 03870.
10. This Court has subject matter jurisdiction in this action pursuant to and consistent with RSA 491:7 (civil actions and pleas, real, personal, and mixed), RSA 491:22 (declaratory judgments) and/or RSA 498:1 (equity matters).

11. This Court has personal jurisdiction over each Plaintiff because each Plaintiff resides within Rockingham County.
12. This Court has personal jurisdiction over the Defendant Board, because the Defendant Board is the governing body of an incorporated municipality located within Rockingham County.
13. Further, this Court has jurisdiction over this matter because the actions and/or inactions of the Defendant Board, which are at issue in this action, occurred in Rockingham County.
14. Venue is properly in this Court because each decision, action, and/or omission of the Defendant Board occurred in Rockingham County.

II. CLASS ACTION ALLEGATIONS

15. Pursuant to and consistent with NH Superior Court Rule 16, the Plaintiffs, as representatives, initiate the present action seeking declaratory relief in the form of the Court's determination of factual issues and application of law to such facts to determine and declare the rights of residents of the Town of Rye, Rockingham County, New Hampshire.

The Petitioners Satisfy the Requirements of Rule 16

16. On March 12, 2024, a Town Meeting was held in the Town of Rye.
17. At the aforesaid Town Meeting the residents of Rye voted to approve the following Petition Warrant Article ("Article 30"), with 902 residents voting "yes" and 643 residents voting "no":

Article 30. Shall the Rye Board of Selectmen implement a plan to determine which (if any) town roads, or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with State law, and establish a speed limit of 30 mph on such roads, per RSA 265:60 and RSA 259:118?

18. This action is brought to enforce the decision of a majority of the residents of the

Town of Rye who voted to approve Article 30. Therefore, the class is so numerous that joinder of all members of the class is impracticable. N.H. Super. Ct R. 16. (a)(1).

19. The interests of the above-named Plaintiffs to have reasonable and prudent speed limits in the Town of Rye that comply with RSA 265:60 is the same for all residents of the Town of Rye.

20. The facts central to this action, being the unreasonable decision of the Defendant Board in response to Article 30, and the issues to be determined by this Court and the law to be applied by this Court in this action, are substantively similar or the same for the class as they are for the above-named Plaintiffs.

21. Questions of law and fact which are common to the entire class predominate over all questions, if any, that might affect individual members of such class. N.H. Super. Ct R. 16. (a) (2).

22. The legal claim of the above-named Plaintiffs is the same or typical of the legal claim of the entire class of plaintiffs. N.H. Super. Ct R. 16. (a) (3).

23. The above-named Plaintiffs, having the same interests as the entire class of potential plaintiffs, will fairly and adequately protect the interests of the entire class. N.H. Super. Ct R. 16(a) (4).

24. The relief sought by the above-named Plaintiffs will provide an adequate remedy to each member of the class, with both the above-named Plaintiffs and the members of the class being residents of the Town of Rye. *Id.*

25. In light of the above-named Plaintiffs being similarly situated as the entire class, the factual and legal issues being identical as between the above-named Plaintiffs and the entire class, the total number of the class being so large, and the relief being requested by the above-named Plaintiffs providing for an adequate redress for each member of the class, a class action is superior to other available methods for the fair and efficient adjudication of the matter before the Court. N.H. Super. Ct R. 16. (a) (5).

26. The attorney providing legal representation to the above-named Plaintiffs will adequately represent the interests of the class. N.H. Super. Ct R. 16. (a) (6).

Request for Class Action Certification

27. The above-named Plaintiffs hereby respectfully request that this Honorable Court determine that this action be maintained as a class action and issue an Order declaring and instructing the parties hereto further.

III. STATUTORY BACKGROUND

28. RSA 265:60 states in relevant part that the prima facie speed limit on New Hampshire roads is:

“(b) 30 miles per hour in any business or urban residence district as defined in RSA 259:118;

(c) 35 miles per hour in any rural residence district as defined in RSA 259:93, and on any class V highway outside the compact part of any city or town as defined in RSA 229:5, IV;”¹

[emphasis added]

29. RSA 259:118 defines "urban residence district" as “the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.”²

¹ The town roads in Rye are Class V highways, which would normally mean a prima facie speed limit of 35 mph pursuant to RSA 265:60(c). However, the Class V designation cannot override a classification as an "urban residence district" (and hence a prima facie speed limit of 30 mph). If two speed limits in RSA 265:60 both seem to apply, it is logical that the lower speed limit would take precedence. This is best illustrated by the fact that a section of road could be in a school zone and also be a Class V highway. The lower speed limit for a school zone (RSA 265:60(a)) would obviously apply. Moreover, if a Class V classification took precedence, it would apply to the entire road, whereas many Rye roads have different speed limits on different segments of the same road.

² Note that the definition of "urban residence district" in RSA 259:118 seems to be modeled after the definition of "Residence district" in the Motor Vehicle Code (§1-183) published by the National Committee on Uniform Laws and Ordinances 2000. The definition in the Motor Vehicle Code reads as follows: “The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences, or residences and buildings in use for business.” Unlike RSA

30. RSA 259:93 defines "rural residence district" as "the territory contiguous to a way not comprising a business or urban residence district when the frontage on such way for a distance of 1/2 mile or more is mainly occupied by dwellings or by dwellings and buildings in use for business on any one side."

31. A large majority of the roads in the Town of Rye have a posted speed limit of 30 mph.

32. Upon information and belief, there is no evidence that the Town of Rye might have lowered the speed limit on town roads from 35 mph to 30 mph based on a "traffic or engineering investigation", as permitted by RSA 265:63, or might have improperly lowered the speed limit without the required traffic or engineering investigation.

33. Presumptively, then, the roads in the Town of Rye having a posted speed limit of 30 mph are in an "urban residence district".

34. However, several roads in Rye have one or more sections with a posted speed limit of 30 mph and one or more sections with a posted speed limit of 35 mph, e.g., Central Road, Washington Road and Lang Road, among others.

35. The only possible justification for different speed limits in different sections of the same road would be that the 30-mph sections are in an "urban residence district", as defined in RSA 259:118, while the 35-mph sections are in a "rural residence district", as defined in RSA 259:93. This in turn would necessarily mean that the 30-mph sections of road are more densely occupied by dwellings and buildings in use for business than the 35-mph sections of the same road.

36. A count of dwellings and buildings in use for business per 300 feet on the Rye town roads that have both one or more sections with a posted speed limit of 30 mph and one or more

259:118, the definition in the Motor Vehicle Code does not say "mainly occupied". Instead, it says, "the property . . . in the main is improved with residences...".

sections with a posted speed limit of 35 mph, reveals that the 35-mph section are actually more densely occupied by dwellings and buildings in use for business than the 30-mph sections of the same road. The only logical conclusion that can be drawn from this is that the 35-mph sections are in an "urban residence district" and, therefore, the speed limit in those sections should be 30 mph.

IV. FACTUAL BACKGROUND

37. The allegations set forth above are realleged and incorporated herein by reference.

38. Residents of the Town of Rye concerned about excessive speeding in Rye initiated a warrant article by petition under RSA 39:3. This warrant article was included as Article 30, quoted in paragraph 17 above, on the warrant presented to the voters of Rye at the Town Meeting held on March 12, 2024.

39. Article 30 was approved by a vote of the residents of Rye with 902 voting in favor and 643 voting against Article 30.

40. The ballot for the warrant presented to voters at the Rye Town Meeting held on March 12, 2024, stated that approval of Article 30 was recommended by the Board of Selectmen.

41. The Defendant Board held a public meeting on April 17, 2024, at which Article 30 was an item on the agenda for the meeting. Public comments on the agenda item were allowed and summarized in the minutes of the meeting, which were published on the town website.

42. The Defendant Board did not reach any decisions on Article 30 at the April 17th meeting; however, based on comments of the members of the Defendant Board, as reflected in the posted minutes of the meeting, the members of the Defendant Board were influenced by two letters submitted to the Defendant Board by the Rye Chief of Police, one dated April 15, 2024, and one

dated April 17, 2024.³ These letters are attached to this Complaint as Exhibit 1 and Exhibit 2, respectfully.

43. The letter from the Chief of Police dated April 15, 2024 (Exhibit 1), attaches emails dated January 29, 2024, and expresses the following conclusion on the third page:

"The emails dated January 29, 2024, outline the plan results from qualified professionals verifying portions having a posted 35 MPH speed limit zone on Rye roads are following state law. The emails have met Article # 30 requirements."

44. The emails attached to the Police Chief's letter of April 15, 2024, which are attached to Exhibit 1 (pages 9 to 14 of 14 in Exhibit 1) do not remotely support the conclusion in the Police Chief's letter referred to in paragraph 43 above.

45. The Defendant Board was influenced by the conclusion quoted in paragraph 43. The minutes of the meeting contain the following statement: "Vice-Chair McGrath believes that the Select Board has met the goal of the warrant article. Experts have been hired in town to do a job and the Board should listen to them." The reference to "experts" can only be a reference to the Police Chief, since he is the person involved who is "hired by the town".

46. Upon information and belief, the Rye Police Chief is not licensed to practice law and he is not a qualified engineer. The Defendant Board attributed expertise to the Rye Police Chief that he does not have.

47. The letter from the Rye Chief of Police to the Defendant Board dated April 17, 2024 (Exhibit 2) makes a similar reference to the emails that were referenced in his letter of April 15, 2024 (Exhibit 1). The letter from the Rye Chief of Police dated April 17, 2024, expresses the

³ The second paragraph of said April 17th letter reads: "The police department and the police chief are not in favor of warrant article # 30. A Rye citizen told me (Chief of Police) that they voted for my warrant article (Warrant Article # 30). Publicly I am not in favor of the warrant article." This is odd because Article 30 does not require the Board of Selectmen to reduce any speed limits. It merely requires the Board of Selectmen to implement a plan to determine if the roads having a 35-mph speed limit are in compliance with state law, and if not to bring them into compliance.

following conclusion (page 2 of 2 in Exhibit 2):

"Based on the email from David Walker Assistant Director Rockingham Planning Commission, email from William Lambert State Highway Safety Administrator Nh DOT, and email from David Smith Project Manager Bureau of Highway Design NH DOT, cc. to Attorney Roger Wiegley and Dania Seiglie, the requirements of warrant article # 30 have been completed."

48. The emails referred to in both the April 15th and April 17th letters from the Chief of Police to the Defendant Board (emails at pages 9 to 14 of 14 in Exhibit 1), which are referred to as support for the conclusions in the letters, provide no support whatsoever.

An examination of the emails reveals the following:

(a) The only relevant statement by David Walker, Assistant Director Rockingham Planning Commission, in his email is the following: "I can't find anything that gives any indication of how to measure "mainly occupied" or any sort of methodology for measuring the 300+ ft frontages. In my time at RPC this is the first time that the issue has come up." Mr. Walker draws no conclusions. (page 9 of 14 in Exhibit 1).

(b) Mr. David Smith, Project Manager Bureau of Highway Design NH DOT, expresses no opinion at all on any matter. (page 14 of 14 in Exhibit 1)

(c) The email from Mr. William Lambert, State Highway Safet Administrator, NH DOT, contains only the following (pages 10 to 13 of 14 in Exhibit 1):

"Chapter 259 also includes definitions of "Business District" and "Rural Residence District". I suspect all of these derived at some point from the "Uniform Vehicle Code" (UVC), which includes "model laws and ordinances" recommended for adoption by all states.

I have always had a hard time interpreting these definitions and often use pictures.

Business District would be the classic "downtown" (see Exeter below):

Urban Residence District is more of a city/urban neighborhood (see Portsmouth

below):

Rural Residence District is more of a suburban, transitional, description (not ironically, see Rye below):”

49. The pictures attached to Mr. Lambert’s emails are not accompanied by any narrative and there is no explanation of what they reveal. If the picture of Rye is intended to show that Rye is in a “rural residence district”, as implied by his email, then Mr. Lambert does not explain why the speed limit is not 35 mph on all Rye roads, nor does Mr. Lambert explain the justification for some roads having both a 35-mph section and a 30-mph section.

50. The letter from the Chief of Police dated April 17, 2024, contains the following language (page 2 of 2 in Exhibit 2):

“Reliable professionals compared Washington Road, Rye, NH between almost Libby Lane and Bracket Road, a 35-mph speed zone to another town and city on the seacoast of NH and Washington Road is in compliance with state law.”

This comparison is meaningless. The "town and city on the seacoast of NH" are the town of Exeter and the city of Portsmouth. While there may be roads in Exeter with a speed limit of 35 mph, that does not mean that a road in Rye with a speed limit of 35 mph is correctly classified as an "urban residence district".

51. The Defendant Board did not reach a decision on Article 30 at the public meeting held on April 17, 2024. The Defendant Board's conclusion on the agenda item is express in the minutes of the meeting as follows:

"The Board agreed with Town Administrator Scruton’s suggestion to not release the report until it’s in a final form that has been formally adopted by the Select Board. Chief Walsh will finish his data analysis and prepare the final report, which will be presented to the Select Board at an upcoming meeting. The intent is for the report to be completed by the Select Board’s first meeting in July."

52. On June 10, 2024, the Defendant Board held a second public meeting at which Article 30 was an item on the agenda for the meeting. Public comments on the agenda item were

allowed and summarized in the minutes of the meeting, which were published on the town website.

53. An extract of the minutes of the June 10, 2024, public meeting of the Defendant Board are attached as Exhibit 3. This extract contains the information relating to the Defendant Board's consideration of Article 30.

54. Prior to the June public meeting on June 10, 2024, the Rye Chief of Police submitted a letter, dated April 24, 2024, to the Defendant Board, which is Exhibit 4 to this Complaint. This letter is referred to in the minutes of the June 10, 2024, public meeting of the Defendant Board as the "final report" on Article 30.

55. As shown on Exhibit 3, the minutes of the meeting state the following on page 13 thereof (i.e., page 2 of in Exhibit 3):

"Police Chief Keven Walsh presented his final report based on Article 30 to determine if any of the town roads or portions thereof, having a posted speed limit of 35-mph are not currently in compliance with state law. Chief Walsh's report states that all 35-mph streets are in compliance, which was determined by looking at the 35-mph zones in Rye and comparing them to other NH towns and city roads complying with RSA 259:118, Urban Residence District. His report also finds that all 35-mph roads in Rye are consistent with RSA 259:93, Rural Residence District. Furthermore, the existing posted 35-mph speed zones are consistent with NH RSA 265:60 and good traffic engineering practices."

This "final report" does not state how the author determined that the roads in "NH towns and cities" to which "all 35-mph streets" [emphasis added] in Rye were compared, were in an "urban residence district" or how the comparison could be applied to "all 35-mph streets" in Rye---a very critical gap in analysis that makes the "final report" worthless in terms of evidentiary value.

56. As shown on Exhibit 3, the Defendant Board decided at the meeting held on June 10, 2024, that the requirements of Article 30 had been met. The Defendant Board based this decision solely on the April 24th letter from the Rye Chief of Police and the earlier letters from the Rye Chief of Police discussed above. In fact, the Chairman of the Board of Selectmen

read aloud at the meeting language from the Chief of Police's April 24th letter before casting his vote:

"Comparison of the Town of Rye's 35-mph zones with examples of other NH towns and cities roads in compliance with all 259:118, Urban Residence District, demonstrates that all posted 35-mph zones in Rye are consistent and in compliance with the NH State Law; specifically, RSA 259:93".

As stated in paragraph 55, this comparison relied on by the Chairman of the Defendant Board has no evidentiary value.

57. The Defendant Board did not ask the Chief of Police to identify the roads in "other NH towns and cities" to which "all posted 35-mph zones in Rye" were compared, or how it was determined that those roads in "other NH towns and cities" were determined to be in an "urban residence district", or why Rye roads with a speed limit of 30 mph--a majority of the roads in Rye--compared with those same roads in "other NH towns and cities."

58. The Defendant Board's reliance on the April 15th, April 17th, and April 24th letters from the Police Chief as the "evidence" supporting the Defendant Board's decision on Warrant Article 30 is utterly illogical. How can the comparison of some 35-mph road sections in Rye against unidentified roads in another town prove anything, and how can the comparison then lead to the conclusion that all road sections in Rye with a posted speed limit of 35 mph comply with RSA 265:60?

59. The April 24th letter from the Rye Chief of Police (Exhibit 4), like his two earlier letters, refers to attached emails as support for the conclusion that "The existing posted 35 MPH speed zones are consistent with NH RSA 265:60 and good traffic engineering practices." (page 2 of 13 in Exhibit 4). Those attached emails do not even remotely support such a conclusion.

60. The April 24th letter from the Rye Chief of Police—the "final report"—also refers to attached photos, which are Google maps. The photos provide no evidentiary support

whatsoever. They do not identify the 35-mph road outside of Rye to which comparison is made, do not state what evidence exists that such reference road complies with RSA 265:60(c), or how the 35-mph section of road in Rye can be consistent with RSA 265:60(c) if an adjacent section of the same road in Rye with a speed limit of 30 mph can be consistent with RSA 265:60(b).

61. The letter of April 24th from the Rye Chief of Police to the Defendant Board (Exhibit 4) contains the following statement (page 2 of 13 in Exhibit 4):

"Mr. Lambert found Washington Rye, New Hampshire approximately at Long John Road east towards Brackett Road a 35 MPH zone is in compliance with State law. RSA 259:93 Rural Residence District."

(Note: the last sentence of the letter says, "See attached Google Maps and William Lamberts examples and e-mail dated January 29, 2024.")

This information in the quoted language, allegedly from Mr. Lambert, State Highway Safety Administrator NH DOT, does not appear anywhere in his Google Maps or any of his emails attached to any of the letters submitted to the Defendant Board by the Rye Chief Police (pages 3 to 13 of 13 in Exhibit 4).

62. The letter of April 24th from the Rye Chief of Police to the Defendant Board (Exhibit 4) makes the following comparisons, based on Google Maps Pages 9 to 13 of 13 in Exhibit 4):

"Rye, NH, Washington Road Rural Residence District: Washington Road Rye, NH, Approximately from Fern Ave to Grove Road, a 35 MPH zone demonstrates Washington Road, 35 MPH is in compliance with NH State law. RSA 259-93.

Rye, NH, Central Road Rural Residence District Central Road Rye, NH: Approximately from Meadow Lane to Locke Road to Grove Road, a 35 MPH zone demonstrates Central Road, 35 MPH zone, is in compliance with NH State law. RSA 259-93.

Rye, NH, Lang Road Rural Residence District Central Road Rye, NH: Land Road to Locke Road, RYE, NH to Portsmouth town line, a 35 MPH zone, demonstrates Lang Road, 35 MPH zone, is in compliance with NH State law. RSA 259-93."

These comparisons "demonstrate" nothing. They compare road sections in Rye to another town (Exeter), which is meaningless. The issue that is nowhere addressed is a comparison of

road sections in Rye having a speed limit of 35 mph against adjacent road sections in Rye having a speed limit of 30 mph.

63. The Defendant Board acted unreasonably when it decided that the requirements of Article 30 had been met because:

a. The Defendant Board relied entirely on letters from the Rye Chief of Police, who has no legal or engineering expertise, and each of the letters stated the same decisive conclusion that was not supported by any actual evidence.

b. The Defendant Board could not have compared the attachments to the letters from the Rye Chief of Police dated April 15, 2024, April 17, 2024, and April 24, 2024 against the conclusions asserted in said letters, because, if the Defendant Board had done so, they would have seen that the attachments, which were alleged to be support for the letters' conclusions, did not provide any support at all.

c. The Defendant Board did not consult the source of “expertise” cited in the letters submitted by the Chief of Police, i.e., William Lambert at DOT, to determine whether Mr. Lambert's opinion was accurately expressed (or if he even had an opinion).

d. The Defendant Board did not “implement a plan” as required by Article 30. Instead, the Defendant Board relied on letters from the Chief of Police, who himself merely made unsubstantiated assertions based on emails between other parties and Google Maps that prove nothing.

e. The Defendant Board did not cite legal advice addressing any of the following legal issues, the resolution of which is critical to any plan to implement Article 30:

- (i) RSA 259:118 defines “urban residence district” as “the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.” What does “mainly occupied” mean in this context?
- (ii) Can a town road have different speed limits (e.g., 30 mph and 35 mph) on different segments of the road if the density of dwellings and buildings used for business is comparable in each segment. (The Defendant Board had received a letter from the undersigned attorney prior to the April 17th public meeting containing data showing that the density of dwellings in roads sections with a speed limit of 35 mph was greater than the density of dwellings in adjacent road sections with a speed limit of 30 mph. The Defendant Board acknowledged at the April 17th public meeting having read the letter prior to the meeting.)
- (iii) If a NH town road is in an “urban residence district”, as defined in RSA 259:118, and it is also a Class V highway, which part of RSA 265:60 controls? The prima facie speed limit for a highway in an urban residence district is 30 mph (RSA 265:60(b)). The prima facie speed limit for a Class V highway is 35 mph (RSA 265:60(c)).
- (iv) If the town roads of Rye or sections thereof that have a posted speed limit of 35 mph (the “Reference Roads”) are in compliance with RSA 265:60, does that mean all roads in Rye with a posted speed limit of 30 mph and fewer dwellings per average 300 feet than the Reference Roads should have a posted speed limit of 35 mph?

- (vi) Can a town road have a different speed limit in opposite directions (e.g., 35 mph southbound and 30 mph northbound) assuming no temporary road conditions, such as construction, and assuming the same line-of-sight conditions in each direction? (This situation exists on Central Road in Rye and the Defendant Board was made aware of it before the meetings on April 17th and June 10th.)
- e. The Defendant Board never addressed, or even asked, the most fundamental question of all: What is the explanation for the fact that several roads in Rye have sections with a posted speed limit of 35 mph and adjacent sections with a posted speed limit of 30 mph *when there is no apparent distinction between the two sections?*
- f. The Defendant Board merely relied on conclusory statements from the Chief of Police that did not explain or attempt to explain the legal basis for the conclusions.

V. CAUSE OF ACTION

(Breach of Duty under RSA 41:8)

- 64. The allegations set forth above are realleged and incorporated herein by reference.
- 65. Under RSA 41:8, "The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed."
- 66. New Hampshire law refers to the town meeting as the "legislative body" (RSA 21:47). The town meeting is to the town what the Legislature is to the State, or the Congress is to the United States: the town meeting has all the basic power. There is no higher authority in town. The select board is the executive, managerial and administrative body that does what is necessary to carry out the votes enacted at town meeting.

67. The Board of Selectmen in Rye must comply with the requirements of a warrant article adopted at a town meeting, such as Article 30, which can be described as a "duty by law":

68. Article 30 mandates a "prudential affair of the town", as the term is used in RSA 41:8. RSA 265:60.II, which sets the prima facia speed limit for roads in New Hampshire, contains the following language: "any speed in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful." [Emphasis added] Therefore, if the speed limit on a town road (or portion thereof) is improperly posted as 35 mph when it should be posted at 30 mph in compliance with RSA 265:60, and if a motorist is traveling at 35 mph on such road (or section), the motorist is presumed to be traveling at a speed which is unlawful and not reasonable or prudent, i.e. unsafe.

69. Moreover, if a motorist is traveling at, say, 40 mph on a section of road with a posted speed limit of 35 mph and the posted speed limit changes to 30 mph with no discernable difference in road characteristics or surrounding neighborhood, the motorist may not notice the change in the posted speed limit and continue to travel at 40 mph in a 30-mph zone. This makes it more imperative that changes in speed limits be analyzed in a logical manner with relevant data.

70. The above-named Plaintiffs and the members of the class use roads in the Town of Rye on a frequent basis while driving, walking, bicycling, etc., and, if the speed limit of 35 mph on such roads is not reasonable or prudent, then the above-named Plaintiffs and members of the class are exposed to unnecessary risk to life and limb. Accordingly, the Plaintiffs have standing to bring this action.

71. For the reasons set forth above, the Defendant Board has failed to meet its duty to comply with the requirements of Article 30, and thereby has allowed a 35-mph speed limit to exist in Rye that is potentially "not reasonable or prudent and . . . unlawful" (RSA 265:60).

72. There is no New Hampshire statute or administrative scheme setting forth a standard of judicial review of decisions by a town select board. However, when a select board is required make a determination mandated by a town meeting, the select board does not have unfettered discretion to make a determination that clearly is not based on evidence or legal analysis.

73. The best analogy for judicial review of a town select board's decisions is the review of state agency decisions by the New Hampshire Supreme Court pursuant to RSA 541. Under RSA 541:13, a decision of the commission⁴ will only be set aside if "the court is satisfied, by a clear preponderance of the evidence before it, that such order is unjust or unreasonable." In *Appeal of Panaggio*, 172 N.H. 13, (2019), the Supreme Court wrote, "We will not disturb the board's [New Hampshire Compensation Appeals Board] decision absent an error of law, or unless, by a clear preponderance of the evidence, we find it to be unjust or unreasonable." One way in which a party can challenge an agency's decision is "by showing that no evidence was presented in the record to sustain the order." *Appeal of Granite State Elec. Co.*, 121 N.H. 787, 791 (1981).⁵

⁴ As defined in RSA 541:1: "The word "commission" means the public utilities commission, the milk sanitation board, or any state department or official concerning whose decision a rehearing or appeal is sought in accordance with the provisions of this chapter."

⁵ Notably, the Supreme Court ruled as follows in *Appeal of Panaggio*: "Because the board's order fails to sufficiently articulate the law that supports the board's legal conclusion and fails to provide an adequate explanation of its reasoning regarding federal law, it is impossible for us to discern the basis for the board's decision sufficient for us to conduct meaningful review. See *Appeal of Savage*, [144 N.H. 107, 110, 737 A.2d 1109](#)(1999) ; see also *Appeal of Walker*, [144 N.H. 181, 184, 737 A.2d 677](#) (1999) (explaining that we are "unable to intelligently review [the board's] decision when it does not provide an adequate basis for its conclusions"). Accordingly, we remand to the board for a determination of these issues in the first instance."

74. The matter now before this Honorable Court should be subject to judicial review under the same standard as applied by the Supreme Court under RSA 541:13.

75. The sum total of information considered by the Defendant Board when it determined that the requirements of Article 30 had been met is set forth in Exhibits 1, 2 and 4 to this Complaint and this information has no evidentiary value.

76. The Defendant Board has failed to comply with Article 30 because the decision of the Defendant Board that the requirements of Article 30 have been met was unreasonable in that no evidence was presented in the record to support the Defendant Board's decision; the Defendant Board relied entirely on unsubstantiated conclusions presented by a person without relevant expertise; and the Board did not articulate an adequate basis for its conclusion.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare that the Defendant Board has not complied with the requirements of Article 30; and
- (2) Issue an Order requiring the Defendant Board to develop and implement a plan in accordance with Article 30; and
- (3) Grant reasonable attorney's fees on the basis set forth in *Irwin Marine, Inc. v. Blizzard, Inc.*, 126 N.H. 271 (1985); and
- (4) Grant such further relief as the Court may deem to be just and appropriate

Dated: July 19, 2024

Respectfully submitted:
Attorney for Plaintiffs



Roger D. Wiegley

633 Central Road
Rye Beach, NH 03871
Tel. 917-517-6137
Fax 917-591-8401
Email: rwiegley@wiegleylaw.com
NH Bar No. 269362

EXHIBIT 1



RYE POLICE DEPARTMENT

555 Washington Road Rye, New Hampshire 03870



Kevin Walsh
Chief of Police
www.ryepolice.us

Non-Emergency: (603) 964-5522
Business: (603) 964-7450
Fax: (603) 964-7458

To: Rye Select Board
From: Chief Kevin Walsh *KW*
Date: April 15, 2024
Re: Rye Driver Compliance Plan validates Rye roads are safe

Over the past 16 years that I have been a department head, it has been clear that Rye Select Board's number one priority has always been safety. I am confident that this is still the case today.

Examples of commitment from current and previous Select Boards include:

Dow Lane @ Washington Road and Route 1 infrastructure changes. Perkins Road @ Ocean Blvd infrastructure changes to improve vehicle and pedestrian flow. State of NH DOT approved and installed sidewalk to help guide pedestrians to the cross walk. Each year the Rye Highway Director has a road replacement list. As part of the replacement plan, the Select Board requires the travel lanes to be reduced from 12 feet to 10 feet wide, yellow line to white line. Road projects follow the Manual on Uniform Traffic Control Devices, best practice standards. Rye Select Boards community decisions made yesterday and now will affect the lives of everyone in the community for years to come.

I wanted the current Board to have a brief outline of what has been accomplished by previous Select Boards on changes to Rye Road infrastructure for safety. Below is a description of the Rye Driver Compliance Plan and some tangible results.

The Rye driver compliance plan's purpose is to promote and implement objectives and strategies to match safety standards to reduce vehicle crashes.

The Rye driver compliance action plan,

1. **Education/Awareness:** Public campaigns, social media posts/ community meetings/ project of yard signs with Portsmouth High School students, social media posts, partnering with N.H. Highway Safety Department, participating in webinars hosted by the National Center for Rural Road Safety, current member of Speed Management Group State of NH DOT. Community letters have been disseminated by social media and delivered to private country clubs and churches. The purpose is to make members and employees as well as get help from church leaders and supervisors of employees about poor driving behavior.
2. **Engineering:** Policy decisions by Select Board using the Manual on Uniform Traffic Control Devices for streets and Highways, the purpose of the MUTCD is to help ensure traffic control devices used throughout Rye meet the needs of all road users, including the most vulnerable, in a safe and efficient manner, and matching budget limits each year. Each road in Rye has a sign review. This project is ongoing. Rye Highway Department and Police Department use the MUTCD to meet all best standards all drivers have been trained to know.
3. **Enforcement:** Rye citizens communicating safety concerns, officers set up patrol areas each patrol shift. Using a digital sign to delineate the speed zone to drivers, rotating the digital sign to ensure the digital sign does not go overlooked. Using the Jamar traffic counter to retrieve data of date and time of frequent speed violations. Supervisors use data to place stationary radar patrols. Rye police apply each year to NH Highway Safety to help fund extra enforcement patrols. The patrols are coordinated with State Police, Rockingham County Sheriff Department, North Hampton, Newcastle, Portsmouth, Greenland police departments to be proactive to enforce seacoast poor driving behavior.

The number of Town of Rye motor vehicle accidents has been reduced in the last 5 years.

Accident reports for the entire Town of Rye filed with the Department of Motor Vehicles, (accident reports reported to be over \$1,000.00 worth of damage).

- o Year 2018 – 104
- o Year 2019 – 83
- o Year 2020 – 76
- o Year 2021 – 75
- o Year 2022 – 67 From 01/01/2022 to 10/23/2022 58 accidents
- o Year 2023 – 60 From 01/01/2023 to 10/23/2023, 51 accidents, lower compared same period in 2022.

In comparison to previous years, traffic accidents have significantly decreased. Data collected from the Jamar traffic counter showed the average speed declined on Central Road and Lang Road. The highly visible patrols, confronting violating drivers by stopping them shortly after the violation is observed, is proven to be highly effective. Reinforcing the data collected, in 2019, 3 traffic accidents were reported on Lang Road. In 2023, 1 traffic accident has been reported on Lang Road. In September Rye Highway finished the Lang Road re-surface, road striping, signage project. The Town wide success with the Rye driver compliance plan is achieving similar positive safety outcomes on all Rye roads.

Attached is a memo dated October 23, 2023, outlining the success of the Rye Driver Compliance Plan, and a repeat of the traffic accident statistics for the last 6 years.

Traffic enforcement is an essential component of the driver compliance plan. Even with all the education and engineering related elements in place, driver compliance needs to be disciplined with the objective to prevent similar behavior in the future. Enforcement is a corrective method applied after a registered violation by issuing the driver a fine for driving at an unreasonable speed. All the penalties cause a specific deterrence since a driver runs a risk of being directly disciplined and will refrain from violating traffic laws. Seeing the enforcement activities on the roads, PR campaigns, community letters, the digital sign in strategic various locations and traffic data from the Jamar traffic counter, used for high visible patrols financially supported by the Office of Highway Safety Grants has a preventive effect on the driving public. This is part of the driver compliance plan. The Rye community has been responding positively to the driver compliance plan.

Neighboring communities have faced challenges with road infrastructure changes that have not resulted in desired safety outcomes and have led to budget increases. An example of my research, the City of Portsmouth lowered a 30 MPH speed zone to 25 MPH. Portsmouth police performed a traffic count after signs were posted the average speed reduced 1 MPH. Monitoring the effectiveness of implemented changes have shown no change in poor driving behavior. Portsmouth police department are still receiving motor vehicle complaints on this road. It is essential to learn from past experiences and continuously evaluate and adjust road infrastructure practices to ensure the changes are effective in achieving the desired safety outcomes.

The warrant article # 30 voted by Town of Rye voters states, Shall the Rye Board of Selectmen implement a plan to determine which (if any) town roads, or portions thereof, having a posted speed limit of 35 MPH are not currently in compliance with State law, and establish a speed limit of 30 MPH on such roads, per RSA 265:60 and RSA 259:118.

I am asking the Rye Select Board to consider the following information to state the current 35 MPH speed limit on Town of Rye roads follows State law.

- The memo dated October 23, 2023.
- Attached emails date January 29, 2024, addressed to Attorney Roger Wigley, Dania Seigle from David Walker Assistant Director Rockingham Planning Commission, William Lambert P.E. State Highway Safety Administrator New Hampshire Department of Safety, and David S. Smith, P.E. Project Manager Bureau of Highway design.
- Copies of RSA 265:60 Unreasonable Speed, RSA 259:118 Urban Residence District (30 MPH zone), RSA 259:93 Rural Residence District (35 MPH zone).

The emails dated January 29, 2024, outline the plan results from qualified professionals verifying portions having a posted a 35 MPH speed limit zone on Rye roads are following state law. The emails have met Article # 30 requirements. Communications with State of NH DOT traffic engineers, pictures of examples 30 MPH zones and 35 MPH zone to compare, demonstrates to Assistant Director RPC David Walker, Attorney Roger Wigley and Dania Seigle the 35 MPH zones are following NH State law.

Ensuring Rye roads stay safe requires a culture that places safety first. As well as support in the road system decisions made by the Select Board, Budget Committee, and department heads.

Cc: Town Administrator Matt Scruton
Assistant Town Administrator Becky Bergeron
Rye Highway Director Jason Rucker
Rye Fire Chief Mark Cotreau

Rye, New Hampshire
Police Department
CONFIDENTIAL
Rye Fire Department
Rye Highway Department



RYE POLICE DEPARTMENT

555 Washington Road Rye, New Hampshire 03870



Kevin Walsh
Chief of Police
www.ryepolice.us

Non-Emergency: (603) 964-5522
Business: (603) 964-7450
Fax: (603) 964-7458

To: Rye Select Board
From: Chief Kevin Walsh *KW*
Date: October 23, 2023
Re: Lang Road Statistics Validate Roads in Rye are Safe

In August of 2019 Rye police department launched a driver compliance plan for all roads in Rye as a result of Rye citizens' complaints to the Rye Select Board. The police command staff started around Central Road neighborhood and branched out to all roads in Rye.

On June 20, 2023, Dania Seigle invited me to a community meeting about the speed of motor vehicles on Lang Road.

The documents demonstrate Lang Road is safe and the average speed reduced from 39 MPH in a posted 35 MPH zone to 35 MPH. The results of the police officers' communication with Rye community and visitors show that Lang Road traffic accidents have reduced noticeably.

Below is an update on the traffic statistics from June 2021 to October 2023.

Rye police use the Jamar traffic counter to collect accurate speed data before and after enforcement of unreasonable speed of vehicles. The software also generates reports to help determine when and where enforcement efforts are most needed. The data provides statistics of what is the average safe operating speed for traveling at the location, the 85th percentile.

- Traffic Counter statistics: at 40 Lang Road 06/16/2021 to 07/01/2021, 15 days, 78,861 vehicles, average speed 39 MPH, 85th percentile speed 43 MPH.
- Traffic Counter statistics: at 40 Lang Road 06/08/2023 to 06/13/2023, 5 days, 25,049 vehicles, average speed 37 MPH, 85th percentile speed 40 MPH.
- Traffic Counter statistics: at 40 Lang Road 09/09/2023 to 09/15/2023, 6 days, 20,547 vehicles, average speed 35 MPH, 85th percentile 39 MPH.
- Traffic Counter statistics: at 40 Lang Road 09/28/2023 to 10/07/2023, 09 days, 43,869 vehicles, average speed 35 MPH, 85th percentile speed 39 MPH.

June of 2021 to October of 2023 using the driver compliance plan, Education, Engineer, Enforcement has reduced vehicle speeds and all types of crashes along Lang Road. As of September 2023, Rye Highway Department completed road re-surfacing, yellow and white lines, changing the travel lanes from 12 feet wide to 10 feet wide, new cross walk paint and signage review.

- 2018 accident reports for Lang Road: 3 reported. Description of crashes: Vehicle drove off road, medical condition. Vehicle at Lang Road stop sign, turned left and collided with vehicle traveling on Washington Road, failure to yield. Vehicle traveling on Washington Road turned left onto Lang Road, improper turn. No serious bodily injury accidents.

- 2019 accident reports for Lang Road: 1 reported. Description of crashes: Vehicle vs deer. No serious bodily injury accidents.
- 2020 accident reports for Lang Road: 3 reported. Description of crashes: Vehicle at Lang Road stop sign, turned left onto Washington Road collided with vehicle traveling on Washington Road, failure to yield. Vehicle drove off road near 40 Lang Road medical condition. Vehicle drove off road at Portsmouth town line, medical condition. No serious bodily injury accidents.
- 2021 accident reports for Lang Road: 1 reported. Description of crashes: vehicle collided with deer. No serious bodily injury accidents.
- 2022 accident reports for Lang Road: 3 reported. Description of crashes: Vehicle vs deer. Vehicle turned left from Lang Road onto Washington Road collided with vehicle, failure to yield. Vehicle vs deer. No serious bodily injury accidents.
- 2023 accident reports for Lang Road: From 01/01/2023 to 0830/2023 1 reported. Description: vehicle vs deer.

Accident reports for the entire Town of Rye filed with the Department of Motor Vehicles, (accident reports reported to be over \$1,000.00 worth of damage).

- Year 2018 – 104
- Year 2019 – 83
- Year 2020 – 76
- Year 2021 – 75
- Year 2022 – 67 From 01/01/2022 to 10/23/2022 58 accidents
- Year 2023 – 51 From 01/01/2023 to 10/23/2023, 51 accidents, lower compared same time period in 2022

In comparison to previous years, traffic accidents have significantly decreased and the average speed declined on Lang Road. The high visible patrols, confronting violating drivers by stopping them shortly after the violation is observed is proven to be highly effective. In 2019, 3 traffic accident were reported on Lang Road. So far in 2023, 1 traffic accident is reported on Lang Road. The Town wide success with the Rye driver compliance plan on Lang Road is also achieving similar positive safety outcomes on all Rye roads.

Traffic enforcement is an essential component of the driver compliance plan. Even with all the education and engineering related elements in place, driver compliance needs to be disciplined with the objective to prevent similar behavior in the future. Enforcement is a corrective method applied after a registered violation by issuing the driver a fine for driving at an unreasonable speed. All the penalties cause a specific deterrence since a driver runs a risk of being directly disciplined and will refrain from violating traffic laws. Seeing the enforcement activities on the roads, PR campaigns, community letters, the digital sign in strategic various locations and traffic data from the Jamar traffic counter, used for high visible patrols financially supported by the Office of Highway Safety Grants has a preventive effect on the driving public. This is part of the driver compliance plan. The Rye community has been responding positively to the driver compliance plan.

Ensuring Rye roads stay safe requires a culture that places safety first. As well as support in the road system decisions made by the Select Board, Budget Committee, and department heads.

Cc: Town Administrator Matt Scruton
 Assistant Town Administrator Becky Bergeron
 Rye Highway Director Jason Rucker
 Rye Fire Chief Mark Cotreau
 Rye police officers





SPEED DATA ANALYSIS

LANG ROAD
NEIGHBORHOOD
ASSOCIATION

Location























40 Lang rd
Latitude: 0.000000
Longitude: 0.000000

Speed Limit



35

June 2021	June 2023	September 2023	October 2023
Analysis Time Period  Start: 6/16/2021 9:17 PM End: 7/1/2021 8:46 PM	Analysis Time Period  Start: 6/8/2023 4:47 AM End: 6/13/2023 9:42 AM	Analysis Time Period  Start: 9/9/2023 10:54 AM End: 9/15/2023 10:11 AM	Analysis Time Period  Start: 9/28/2023 3:52 AM End: 10/7/2023 3:22 AM
Vehicles Analyzed  78,861	Vehicles Analyzed  25,049	Vehicles Analyzed  20,547	Vehicles Analyzed  43,869
Average Speed  39	Average Speed  37	Average Speed  35	Average Speed  35
85th Percentile Speed  43	85th Percentile Speed  40	85th Percentile Speed  39	85th Percentile Speed  39
% Enforceable Violations  5%	% Enforceable Violations  2%	% Enforceable Violations  1%	% Enforceable Violations  1%
Enforcement Rating LOW	Enforcement Rating LOW	Enforcement Rating LOW	Enforcement Rating LOW

There is a newer version of the New Hampshire Revised Statutes ↓

View our newest version here →

2010 New Hampshire Statutes

TITLE XXI MOTOR VEHICLES

CHAPTER 265 RULES OF THE ROAD

Section 265:60 Basic Rule and Maximum Limits.

Universal Citation: NH Rev Stat § 265:60 (1996 through Reg Sess)

265:60 Basic Rule and Maximum Limits. –

I. No person shall drive a vehicle on a way at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the way in compliance with legal requirements and the duty of all persons to use due care.

II. Where no hazard exists that requires lower speed for compliance with RSA 265:60, I, the speed of any vehicle not in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie lawful, but any speed in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(a) In a posted school zone, at a speed of 10 miles per hour below the usual posted limit from 45 minutes prior to each school opening until each school opening and from each school closing until 45 minutes after each school closing.

(b) 30 miles per hour in any business or urban residence district as defined in RSA

259:118:

(c) 35 miles per hour in any rural residence district as defined in RSA 259:93, and on any class V highway outside the compact part of any city or town as defined in RSA 229:5, IV;

(d) 55 miles per hour in other locations, except as provided in (e);

(e) 65 miles an hour on the interstate system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in locations where said highways are 4-lane divided highways or other divided highways of 4 or more lanes.

(f) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of 10 miles per hour below the usual posted limit, but in no case greater than 45 miles per hour. The speed shall be displayed on signs as required by RSA 265:6-a.

(g) For a vehicle equipped with a transponder, 25 miles per hour through a toll booth or gate that is equipped with a transponder reader for automated toll collection except for an open road tolling lane and except that at toll booths staffed by toll collectors drivers whose vehicles are not equipped for automated tolling shall come to a full stop at the toll booth so that the attendant may collect the toll.

(h) In the toll collection area of an open road tolling lane, at a speed greater than is reasonable and prudent for the conditions and actual and potential hazards existing at the time or greater than a per se maximum speed of 65 miles per hour, whichever is less.

III. The limits specified in subparagraphs II(e) and II(g) shall be the maximum lawful speed and no person shall drive a vehicle on said ways at a speed in excess of such maximum limit. The prima facie speed limits set forth in this section may be altered as authorized in RSA 265:62.

IV. The driver of every vehicle shall, consistent with requirements of paragraph I, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic by reason of weather or highway conditions.

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

Miles per hour above the limit specified: 1" 10 \$50 11" 15 75 16" 20 100 21" 25 200 26+
Must appear (Minimum \$350)

VI. The fines for violations of subparagraph II(e) shall be as follows:

Miles above the 65 mph limit: 1" 5 \$65 6" 10 100 11" 15 150 16" 20 250 21" 25 350 26+
Must appear

From: David Walker <dwalker@therpc.org>
Sent: Monday, January 29, 2024 11:19 AM
To: Lambert, William <William.R.Lambert@dot.nh.gov>
Subject: Urban Residence Districts

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Bill,

I know you aren't at the Traffic Bureau any longer but I thought you might be my best shot at getting some insight or at least know the right person to talk to. Rye is asking about "urban residence districts." This is related to setting speed limits in town and is being driven by residents concerned about speeding. I can't find anything beyond the definition in RSA 259:118:

RSA 259:118 Urban Residence District. – "Urban residence district" shall mean the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

As I am sure you are aware, speed limits are set lower by law in urban residence districts vs rural residence districts. Rye (or at least these residents) is looking to determine if some of the areas currently defined as rural could qualify as urban for this purpose. I can't find anything that gives any indication of how to measure "mainly occupied" or any sort of methodology for measuring the 300+ ft frontages.

In my time at RPC this is the first time that the issue has come up. The closest has been discussing urban compacts. To your knowledge, has NHDOT done any work to define these districts? If so, who would be the best person to talk to?

Thanks. I appreciate any insight you might have.

Dave

David Walker
Assistant Director
Rockingham Planning Commission
156 Water Street
Exeter, NH 03833
603.778.0885 (main office line)
603.658.0514 (direct line)
dwalker@therpc.org



From: Lambert, William <William.R.Lambert@dot.nh.gov>
Sent: Monday, January 29, 2024 12:17 PM
To: 'David Walker' <dwalker@therpc.org>
Cc: Baronas, Lee <Lee.J.Baronas@dot.nh.gov>; Kevin Walsh <KWalsh@town.rye.nh.us>; Smith, David <David.S.Smith@dot.nh.gov>
Subject: RE: Urban Residence Districts

Dave,

Good to hear from you and I am always willing to share institutional experience (some may say I'm too willing to share).

Full disclosure, Dania Seiglie reached out to Dave Smith, NHDOT Project Manager, with a similar question so she may be contacting me as well.

I have also been in contact and working with Chief Walsh on speed limit and speed concerns in Rye. I have copied him on this reply so that he isn't surprised if it were to come back to him.

That being said, the term "Urban Residence District" is only used in statute with regard to the statutory speed limit (RSA 265:60) (to my knowledge).

Chapter 259 also includes definitions of "Business District" and "Rural Residence District". I suspect all of these derived at some point from the "Uniform Vehicle Code" (UVC), which includes "model laws and ordinances" recommended for adoption by all states.

I have always had a hard time interpreting these definitions and often use pictures.

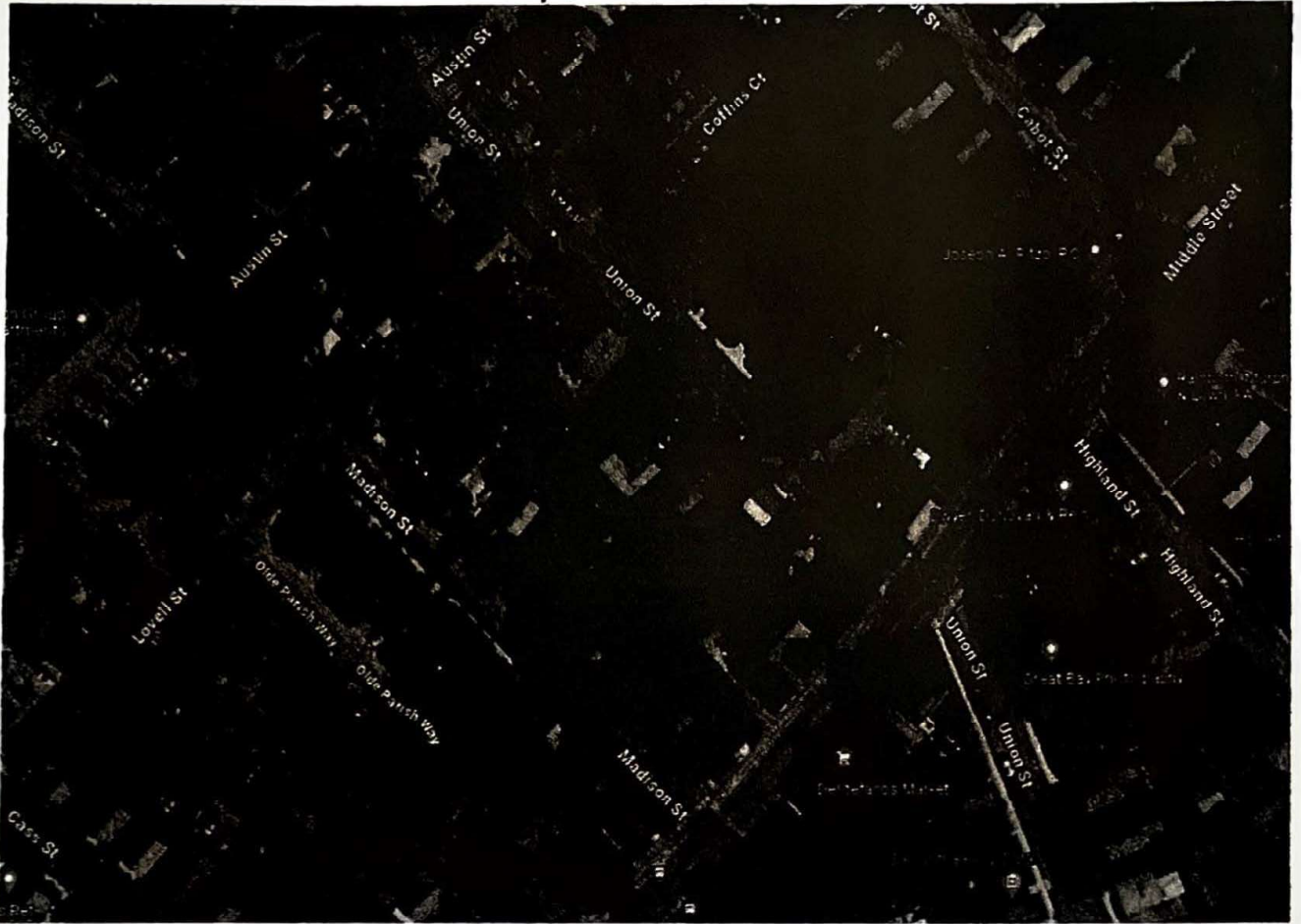
Business District would be the classic "downtown" (see Exeter below):

Exeter



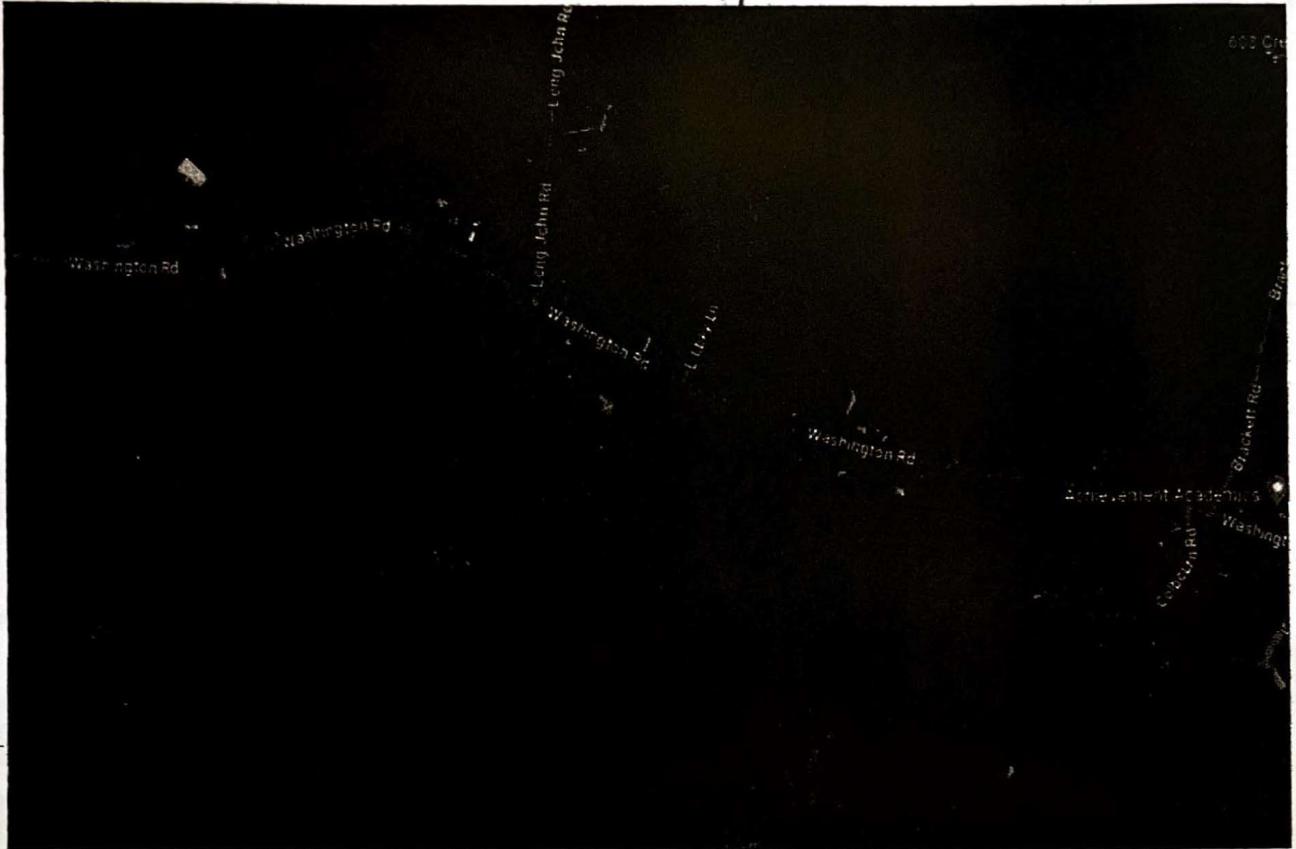
Urban Residence District is more of a city/urban neighborhood (see Portsmouth below):

Portsmouth



Rural Residence District is more of a suburban, transitional, description (not ironically, see Rye below):

Aye



In my opinion, the 30-mph speed limit is the most mis-used in the state, on state or local roads. We have 30-mph speed limits (State Speed Zones, per RSA 265:62, not statutory speed limits per RSA 265:60) for rural village settings where no one expects drivers to go 30-mph, as there is a long history of trying to solve speed concerns with lower speed limits.

It would be good to have a layer of GIS that identified the statutorily defined districts, but I think it always ends up being somewhat subject to interpretation.

Happy to discuss if you want to give me a call.

Bill

William R. Lambert, PE

State Highway Safety Administrator
New Hampshire Department of Transportation
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
(603) 271-2604

NEW HAMPSHIRE
DEPARTMENT OF
TRANSPORTATION
CONFIDENTIAL

Kevin Walsh

From: Smith, David <David.S.Smith@dot.nh.gov>
Sent: Monday, January 29, 2024 3:03 PM
To: rwiegley wiegleylaw.com; dmseiglie@gmail.com
Cc: Baronas, Lee; Kevin Walsh; Lambert, William; 'David Walker'
Subject: RE: Urban Residence Districts

Caution: External (david.s.smith@dot.nh.gov)

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Good afternoon,

Mr. Roger Wiegley and Ms. Dania Seigle reached out to me in regards to Urban Residence Districts having seen my contact information on an NHDOT project near Rye. They are looking for insight on the URD topic as it applies to Rye which I committed to assist them in finding some information here at the NHDOT if available. Having discussed this with Bill Lambert here at the NHDOT, I understood that he was in coordination with Mr. David Walker on this same topic, which Bill had cc'd me on the email below, which I am hereby sharing with Roger and Dania to bring them into this discussion.

Best
Dave

David S. Smith, P.E.

Project Manager
Bureau of Highway Design
New Hampshire Department of Transportation
John O. Morton Building, 7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

Office (603) 271-2165
David.S.Smith@dot.nh.gov



EXHIBIT 2



RYE POLICE DEPARTMENT

555 Washington Road Rye, New Hampshire 03870



Kevin Walsh
Chief of Police
www.ryepolice.us

Non-Emergency: (603) 964-5522
Business: (603) 964-7450
Fax: (603) 964-7458

To: Rye Select Board
From: Chief Kevin Walsh *KW*
Date: April 17, 2024
Re: Statement for Rye Select Board meeting April 17, 2024

Warrant Article # 30

Shall the Rye Board of Selectmen implement a plan to determine which (if any) town roads or portions thereof, having a posted speed limit 35 mph are not currently in compliance with State law, and establish a speed limit 30 mph on such roads, per RSA 265:60 and RSA 265:118?

- The police department and police chief are not in favor of warrant article #30. A Rye citizen told me (Chief of Police) they voted for my warrant article (Warrant Article # 30). Publicly I am not in favor of warrant article.
- It's not because the officers and I are not interested in safety, it's because this is not the answer.
- Definition of implement a plan: An **implementation plan** is a document that outlines the steps your team should take to accomplish a shared goal or initiative. Implementation planning is the counterpart to a strategic plan. The strategic plan details what strategies you **will** use to hit a specific goal.
- The Rye driver compliance plan is a document outlining the steps the Town of Rye (team) select board, citizens, visitors, have taken to accomplish shared goal, SAFE ROADS in Rye. 2018 through 2023 traffic crashes have reduced. This plan serves as a strategic and there is measurable success. Traffic crashes reported lower, data showing vehicles are driving at reasonable speed and the posted speed limits.
- On January 29, 2024, David Walker Assistant Director of Rockingham Planning Commission emailed William Lambert P. E. State of NH Safety Administrator, NH Department of Transportation Also NH DOT Traffic Engineer prior to new administrative position, about urban residence district 30 mph zone, RSA 265:118 and about rural residence district, Rye residents asking areas in Rye currently defined as rural could qualify as urban.
- Rockingham Planning Commission started to implement a plan to determine which (if any) town roads or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with State law, I can only believe from the Rye representative. The warrant article criteria were started by Assistant Director David Walker reaching out to William Lambert NH DOT, former NH traffic engineer and now NH Safety Administrator for NH DOT.
- William Lambert and Dave Smith, NH DOT Project manager consulted because Daina Seigle had been contacted Dave Smith about same topic. Therefore, another person, Dania Seigle, has started to implement a plan to determine which (if any) town roads or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with State law, with Dave Smith NH DOT Project Manager.

- Both Rockingham Planning Commission and NH DOT Traffic Safety Administrator and Project Manager of NH DOT have communicated about the Rye posted speed limit of 35 mph and if the 35-mph posted speed limit in Rye is or is not currently in compliance with state statute.
- NH DOT used Town of Exeter NH Business District (downtown),
- The City of Portsmouth NH Urban Residential District is more of a city/urban neighborhood.
- The Town of Rye Rural Residence District is more of a suburban, transitional, description.
- William Lambert NH DOT former traffic engineer now State Highway Safety Administrator of NH DOT, opinion, the 30-mph speed limit is the most mis-used in the state, on state or local roads.

Based on the email from David Walker Assistant Director Rockingham Planning Commission, email from William Lambert State Highway Safety Administrator Nh DOT, and email from David Smith Project Manager Bureau of Highway Design NH DOT, cc to Attorney Roger Wigley and Dania Seiglie, the requirements of warrant article # 30 have been completed.

1. Selectmen implement a plan to determine which (if any) town roads or portions thereof, having a posted speed limit 35 mph are not currently in compliance with State law.
2. The Select Board reviewing the information from reliable professionals who have education, training, several years job experience in traffic engineering and traffic counts.
3. Reliable professionals compared Washington Road, Rye, NH between almost Libbey Lane and Brackett Road, a 35 mph speed zone to another town and city on the seacoast of NH and Washington Road is in compliance with state law.

Rye police, Rye Department of Public Works, continue to use the Rye Driver Compliance Plan on every road in Rye, and the police officers continue to use the plan to improve poor driving behavior.

Cc: Rye Town Administrator Matt Scruton
 Assistant Town Administrator Becky Bergeron
 Rye Highway Director Jason Rucker

EXHIBIT 3

**TOWN OF RYE SELECT BOARD
MEETING**

**Monday, June 10, 2024, 6:30 p.m.
Rye Town Hall & via Zoom**

Select Board Present: Chair Bill Epperson, Vice-Chair Bob McGrath, and Selectman Rob Wright

Also present on behalf of the town: Town Administrator Matt Scruton and Asst. Town Administrator/Finance Director Becky Bergeron (via Zoom)

t

D. Chief Walsh – Final Report on Speed Limit Study

Police Chief Keven Walsh presented his final report based on Article 30 to determine if any of the town roads or portions thereof, having a posted speed limit of 35-mph are not currently in compliance with state law. Chief Walsh's report states that all 35-mph streets are in compliance, which was determined by looking at the 35-mph zones in Rye and comparing them to other NH towns and city roads complying with RSA 259:118, Urban Residence District. His report also finds that all 35-mph roads in Rye are consistent with RSA 259:93, Rural Residence District. Furthermore, the existing posted 35-mph speed zones are consistent with NH RSA 265:60 and good traffic engineering practices.

Danie Seiglie, 63 Central Road, pointed out there is a problem due to a clashing of statements provided by Chief Walsh, on one side, and the specialists on the other side; the specialists from RPC, and NH DOT. Referring to the statement in Chief Walsh's report stating that the conditions of Warrant Article 30 have been completed, Ms. Seiglie disagrees with that position based on the statements from the specialists. She read from emails presented to the Select Board: The various emails, did not provide any facts or rationale that would lead anyone to believe that the requirements of Warrant Article 30 have been met.

Roger Wiegley, 63 Central Road, pointed out that most of Rye is 35-mph. There are sections on Rye's roads where part of the road is 35-mph and part is 30-mph. If 30-mph is the correct speed limit where it is posted as 30, that is an urban residence district by definition. One way to define mainly occupied is to count the dwellings and buildings used for business in the 30-mph sections because that density creates an urban residence district by default, and this should be compared to the number of dwellings in the 35-mph sections. If the number in the 35-mph

sections is equal to or greater than the 30-mph sections, than the 35-mph sections should be 30-mph. He thinks that if this count is done, it will be found that the number of dwellings in the 35-mph sections is greater, per 300 feet, than the 30-mph sections.

Police Chief Walsh spoke about how the conditions of the road and overall weather conditions determine whether the enforcement of a speeding ticket is warranted under certain conditions. He noted that in order to get a conviction, it has to be proven in court that the speed at the time of the conditions was unreasonable. He also spoke about the need to change drivers' behavior through education and awareness. He pointed out that the Department has been seeing changes based on the statistics, which shows a decrease in the number of accidents every year. He also pointed out that the towns that are lowering their speed limits are finding that they still have the same complaints about vehicles speeding and poor driving behavior.

Ms. Seigle noted that since Warrant Article 30 was passed, she has received numerous emails from residents with deep concerns about the speeding throughout Rye. The warrant article was passed and there needs to be consideration on how to collaborate to address the warrant article.

Selectman Wright pointed out that the warrant article that passed was for the Select Board to conduct a study. He doesn't see that they are not conducting a study. This is precisely what Chief Walsh has been doing.

Ms. Seigle stated that the study that should be implemented is more around confirming that the current speeds are in compliance with the definition of that area, whether it be urban or rural.

Selectman Wright pointed out that NH DOT couldn't define with any clarity what that meant; however, they gave photographic evidence. If it can't be defined in words, a person would look at actions and what the data says. The data says the roads are safe.

Ms. Seigle replied there has to be measurements to be a proper study. RPC has offered to help and provide expertise.

Referring to Chief Walsh's memo, Chair Epperson commented that it sounds like the conclusion is that the 35-mph speed limits are fair and equitable, and in accordance with RSA 265:60. He fails to see where the Select Board hasn't met the requirements of Warrant Article 30.

Ms. Seigle suggested they look at it together with one of the representatives from NH DOT.

Sam Winebaum, 52 Cable Road, expressed concerns about the speed of vehicles through town.

Mr. Wiegley commented that no one has explained why there's a difference between the 30-mph sections and 35-mph sections on the same road. For example, Washington Road, between Wallis and Route 1A, happens to be 1.4 miles long. The first half is 30-mph and the second half is 35-mph. Driving down that section of Washington Road, there is no distance in the housing; the distance back from the road or the closeness together. In fact, there are more houses in the 35-mph section than the 30-mph section, which makes no sense. That stretch of Washington Road is either in an urban residence district or a rural residence district; it can't be in both. Until

someone can explain this, he doesn't think the requirement of Warrant Article 30 have been met. He read the definition of an urban residence district: "*A territory contiguous to a highway, not comprising of a business district, where the frontage on such highway, for a distance of 300 feet or more, is mainly occupied by dwellings, or dwellings and buildings that can be used for business*". He pointed out that it doesn't talk about distance back from the road. It only talks about mainly occupied. Mr. Wiegley noted that the 35-mph sections that are mainly occupied dwellings is more than the 30-mph sections. He is confident that if the Town receives a legal opinion, it will be opposite of what is in Chief Walsh's letter.

Referring to William Lambert's email, NH DOT, Mr. King noted that it says; "it would be good to have a layer of GIS that identified the statutorily defined districts." Mr. King commented that Mr. Lambert suggests that the Town look at the statutorily defined districts to determine rural versus urban and put them on the GIS. Mr. King continued that the sense of the Town is that residents want lower speed limits. The Select Board has a vote from the voters to do something about this. Even if the Select Board can rationalize that the warrant article has been completed, he doesn't think this is going to be the sense in the Town.

Michael Bean, 112 Grove Road, pointed out that there have been comments that the majority of the people in town want lower speed limits; however, this is not the case. This was proven at the deliberative session with the amendment of the warrant article. It has also been proven through the petitions that have been forwarded to the Select Board. The majority of people do not want to see the speed limit lowered. He continued that the study was done and was done properly. There's a very different opinion of the majority of people in town versus the few that are at the meeting speaking in opposition to what the Police Chief and the Police Department has done. The Police Chief has done exactly what the people have asked him to do and it's being presented to the Board. The Board has an obligation to determine that the warrant article has been satisfied.

Shawn Crapo, 676 Central Road, explained that anything with at least twenty-five signatures gets something on the ballot. The Select Board can't remove it. The way people get rid of something is to have the Selectmen study it. The Selectmen had this studied and the Board has a result. The Select Board has already satisfied the warrant article and shouldn't spend anymore time or resources towards it.

Ms. Seigle noted that fifty-eight percent of the voters voted in favor of this article because they are concerned about the speeding in town.

Chair Epperson closed to public comment and opened to the Board for discussion.

Vice-Chair McGrath noted that this started last fall with a meeting at the Library. Most of the complaints were about people not being able to get out of their driveways. He thinks that perception is a tough thing, and a lot of the frustration is because there is more traffic. Selectman McGrath continued that the Town has great department heads running the community. He thinks Chief Walsh has gone over and above to satisfy the warrant article, and this is the Chief's expertise.

Selectman Wright commented that he looks at this from the intent of the vote. The majority was in favor of the study. What has come into question is whether or not the study was accurate or

even looking at the right thing. He thinks people are saying that they feel there's too much speed and they feel unsafe in certain circumstances. There are certainly lots of experiences people have encountered with distracted driving, driving too fast, and simply not paying attention. If the Town had the ability to catch each person and punish them in the act, with the citation leading to a conviction and some sort of penalty, it would be a very effective thing to do; however, the Town doesn't have that ability. He continued that Chief Walsh has said that the act of ticketing triggers a cost to the Town, with an officer having to go to court. It's subjective because the officer has to have the skillset to make their own case. He doesn't think that increased enforcement, in the sense of writing more tickets, is going to necessarily change things. He is also convinced that lowering the speed limit isn't going to change things because the Town does have lower speed limits that get abused. People are going to have the exact same behavior. Selectman Wright continued that coming up with novel ways to impress upon people, to come to their own conclusion, that it's better to focus on driving first and not speed, is probably a really good means of accomplishing public safety. He pointed out that the data shows that in the last five years the Town has had a declining trend in the number of accidents. He feels that the Town is doing something right; of course, more can be done. However, what is the literal cost of having more police presence in court and more infrastructure, in terms of speed devices? How much is the Town going to spend and what is going to be the return? He echoes the other Selectmen's comments and puts his complete confidence in the departments who are charged with public safety; the Rye Police Department and the Department of Public Transportation. These departments don't give the Town any data showing that something needs to be done.

Chair Epperson stated that he thinks the spirit of the letter shows that the study has been done, and he agrees with the conclusion.

William Lambert, NH DOT Traffic Engineer:

Comparison of the Town of Rye's 35-mph zones with examples of other NH towns and cities roads in compliance with all 259:118, Urban Residence District, demonstrates that all posted 35-mph zones in Rye are consistent and in compliance with the NH State Law; specifically, RSA 259:93. Furthermore, the existing posted 30-mph speed zones are consistent with RSA 265:60 and good engineering practices.

Motion by Bob McGrath to accept Chief Walsh's letter, and the supplemental information that he has provide the Board over the recent months, as fulfilling the requirements of Article 30. The Board supports Chief Walsh's plan to continue monitoring and enforcing the existing speed limits, and the Board agrees the current speed limits are in compliance with state laws. Seconded by Rob Wright.

Speaking to Chief Walsh, Chair Epperson asked for more specific reporting on a monthly basis; as to, enforcement, tickets, and other information that can be shared with the public.

Chief Walsh agreed.

Vote: 3-0

All in favor. Motion passed.

Select Board agrees, Mr. Pfau noted that he will be back to the Select Board in two weeks with drafts of the applications. The final application will be complete by July 22nd.

The Select Board agreed to let the Energy Committee move forward with the grant applications with the proviso that if the grant does not cover the costs for the panels, the Town doesn't have to move forward.

Motion by Bob McGrath to give permission to the Energy Committee to move forward with applications for up to \$120,000 for the DPW and up to \$50,000 for the recreation garage. Seconded by Bill Epperson. All in favor.

- M. Rye Congregational Church** requests permission to use the Town owned part of their parking lot for a church cookout on Sunday, 7/14/23, 8:00am – 1:00pm.

Motion by Rob Wright to grant permission to Rye Congregational Church to use the Town owned part of their parking lot for a church cookout on Sunday, July 14th from 8:00 a.m. to 1:00 p.m. Seconded by Bob McGrath. All in favor.

V. CORRESPONDENCE

- A. Letter rec'd from Nicole L'Ecuyer re: Her resignation from the CIP Committee**

Motion by Bill Epperson to accept the resignation of Nicole L'Ecuyer from the CIP Committee and send a letter of appreciation. Seconded by Bob McGrath. All in favor.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

None

VIII. OTHER BUSINESS

- A. Meeting Minutes**

1. Meeting, Friday, May 3, 2024, 2:00 p.m., Rye Town Hall
2. Meeting, Wednesday, May 8, 2024, 6:30 p.m., Rye Jr. High School
3. Meeting, Monday, May 13, 2024, 6:30 p.m., Rye Town Hall

Motion by Bill Epperson to table the approval of minutes to the next Select Board meeting. Seconded by Bob McGrath. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 10:48 p.m. Seconded by Rob Wright. All in favor.

EXHIBIT 4



RYE POLICE DEPARTMENT

555 Washington Road Rye, New Hampshire 03870



Kevin Walsh
Chief of Police
www.ryepolice.us

Non-Emergency: (603) 964-5522
Business: (603) 964-7450
Fax: (603) 964-7458

To: Rye Select Board
From: Chief Kevin Walsh *KW*
Date: April 24, 2024
Re: Report to Select Board in reference to Article # 30

On March 12, 2024, the town voters voted in favor of warrant article 30.

Article # 30

Shall the Rye Board of Selectmen implement a plan to determine which (if any) town roads or portions thereof, having a posted speed limit 35 mph are not currently in compliance with State law, and establish a speed limit 30 mph on such roads, per RSA 265:60 and RSA 265:118.

- An implementation plan is a document that outlines the steps your team should take to accomplish a shared goal or initiative. Implementation planning is the counterpart to a strategic plan.
- The Rye Driver Compliance Plan is a document outlining the steps the Town of Rye (team) Select Board, citizens, visitors, police have taken to accomplish shared goal, SAFE ROADS in Rye. Since 2018 traffic crashes have reduced consistently every year.
- On January 29, 2024, David Walker Assistant Director of Rockingham Planning Commission emailed William Lambert P. E. State of NH Safety Administrator, NH Department of Transportation, also NH DOT Traffic Engineer prior to March 12, 2024, vote. The email / communication was done at the request of Dania Seigle Town of Rye RPC representative and Attorney Roger Wiegley. The communication started the implementation of a plan to determine which (if any) town roads or portions thereof, having a posted speed limit 35 mph are not currently in compliance with State law. Warrant article # 30 criteria began with the plan to have RPC review NH RSA 265:60 Speed Limitations, urban residence district (30 mph) RSA 265:118 and rural residence district. (35 mph) RSA 259:93.
- An email dated January 29, 2024, NH DOT employees William Lambert P. E. State of NH Safety Administrator Traffic Engineer and David Smith Project Manager communicated with Dania Seigle the Town of Rye RPC representative and Attorney Roger Wiegley and David Walker Assistant Director of the RPC, comparison of the Town of Rye's 35 MPH zone with examples of other New Hampshire town and city roads.
- The comparisons William Lambert used demonstrate A section of Washington Road in Rye, NH are in compliance with State law.
- At a Rye Select Board meeting dated April 17, 2024, the Select Board asked other 35 MPH zones in Rye implement the plan to determine if the 35 MPH zones are currently in compliance with State law.

On April 17, 2024, the Rye Select Board implemented a plan to determine if certain roads or portions of roads have a posted speed limit of 35 mph if the roads are current with State law.

1. Washington Road near Wallis Road east towards Ocean Blvd, posted 35 mph zone.
2. Washington Road near Fern Ave west towards Route 1 / Lafayette Road.
3. Central Road from Meadow Lane to Grove Road.
4. Lang Road from Washington Road to Portsmouth town line.

On or about January 29, 2024, I spoke with and received an email from William Lambert. William Lambert, PE is employed by the State of New Hampshire Department of Transportation (NH DOT) as the State Highway Safety Administrator. He is a traffic engineer. William Lambert's training and employment qualifies him as an experienced traffic engineer.

Mr. Lambert, at the request of Dania Seigle, David Walker, Assistant Director of Rockingham Planning Commission, implemented a plan to determine Washington Road in Rye, between at approximately Long John Road and Brackett Road, a 35 MPH zone, is in compliance with NH State law.

As part of his work, Mr. Lambert used the following areas as comparisons when evaluating Washington Rye, NH approximately at Long John Road east towards Brackett Road (a 35 MPH zone):

- Exeter, New Hampshire, Water Street (a Business District classic "downtown")
- Union Street, Portsmouth, New Hampshire, and other streets in the immediate area (Urban Residence District - which is more of a suburban/transitional area)

Mr. Lambert found Washington Rye, New Hampshire approximately at Long John Road east towards Brackett Road a 35 MPH zone is in compliance with NH State law. RSA 259:93 Rural Residence District.

I conducted the following comparisons using the same areas cited by Mr. Lambert (Exeter and Portsmouth):

- Rye, NH, Washington Road Rural Residence District: Washington Road Rye, NH Approximately from Fern Ave to Grove Road, to Dow Lane a 35 MPH zone demonstrates Washington Road, 35 MPH zone is in compliance with NH State law. RSA 259:93.
- Rye, NH, Central Road Rural Residence District Central Road Rye, NH: Approximately from Meadow Lane to Locke Road to Grove Road, a 35 MPH zone demonstrates Central Road, 35 MPH zone, is in compliance with NH State law. RSA 259:93.
- Rye, NH, Lang Road Rural Residence District: Lang Road Rye, NH from Washington Road to Portsmouth town line a 35 MPH zone demonstrates Lang Road, 35 MPH zone is in compliance with NH State law. RSA 259:93.

In conclusion: According to William Lambert's expertise as a State Traffic Engineer, a comparison of the Town of Rye's 35 MPH zones with examples of other New Hampshire town and city roads that comply with RSA 259:118 Urban Residence District demonstrates that all posted 35 MPH zones in Rye are consistent and in compliance with New Hampshire State law, specifically RSA 259:93. Furthermore, The existing posted 35 MPH speed zones are consistent with NH RSA 265:60 and good traffic engineering practices.

See attached Google Maps and William Lamberts examples and e-mailed dated January 29, 2024.

If you have any questions, please let me know.

Cc: Town Administrator Matt Scruton
Assistant Town Administrator Becky Bergeron
Director of Public Works Jason Rucker
Fire Chief Mark Cotreau

From: David Walker <dwalker@therpc.org>
Sent: Monday, January 29, 2024 11:19 AM
To: Lambert, William <William.R.Lambert@dot.nh.gov>
Subject: Urban Residence Districts

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Bill,

I know you aren't at the Traffic Bureau any longer but I thought you might be my best shot at getting some insight or at least know the right person to talk to. Rye is asking about "urban residence districts." This is related to setting speed limits in town and is being driven by residents concerned about speeding. I can't find anything beyond the definition in RSA 259:118:

RSA 259:118 Urban Residence District. – "Urban residence district" shall mean the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

As I am sure you are aware, speed limits are set lower by law in urban residence districts vs rural residence districts. Rye (or at least these residents) is looking to determine if some of the areas currently defined as rural could qualify as urban for this purpose. I can't find anything that gives any indication of how to measure "mainly occupied" or any sort of methodology for measuring the 300+ ft frontages.

In my time at RPC this is the first time that the issue has come up. The closest has been discussing urban compacts. To your knowledge, has NHDOT done any work to define these districts? If so, who would be the best person to talk to?

Thanks. I appreciate any insight you might have.

Dave

David Walker
Assistant Director
Rockingham Planning Commission
156 Water Street
Exeter, NH 03833
603.778.0885 (main office line)
603.658.0514 (direct line)
dwalker@therpc.org



From: Lambert, William <William.R.Lambert@dot.nh.gov>

Sent: Monday, January 29, 2024 12:17 PM

To: 'David Walker' <dwalker@therpc.org>

Cc: Baronas, Lee <Lee.J.Baronas@dot.nh.gov>; Kevin Walsh <KWalsh@town.rye.nh.us>; Smith, David <David.S.Smith@dot.nh.gov>

Subject: RE: Urban Residence Districts

Dave,

Good to hear from you and I am always willing to share institutional experience (some may say I'm too willing to share).

Full disclosure, Dania Seiglie reached out to Dave Smith, NHDOT Project Manager, with a similar question so she may be contacting me as well.

I have also been in contact and working with Chief Walsh on speed limit and speed concerns in Rye. I have copied him on this reply so that he isn't surprised if it were to come back to him.

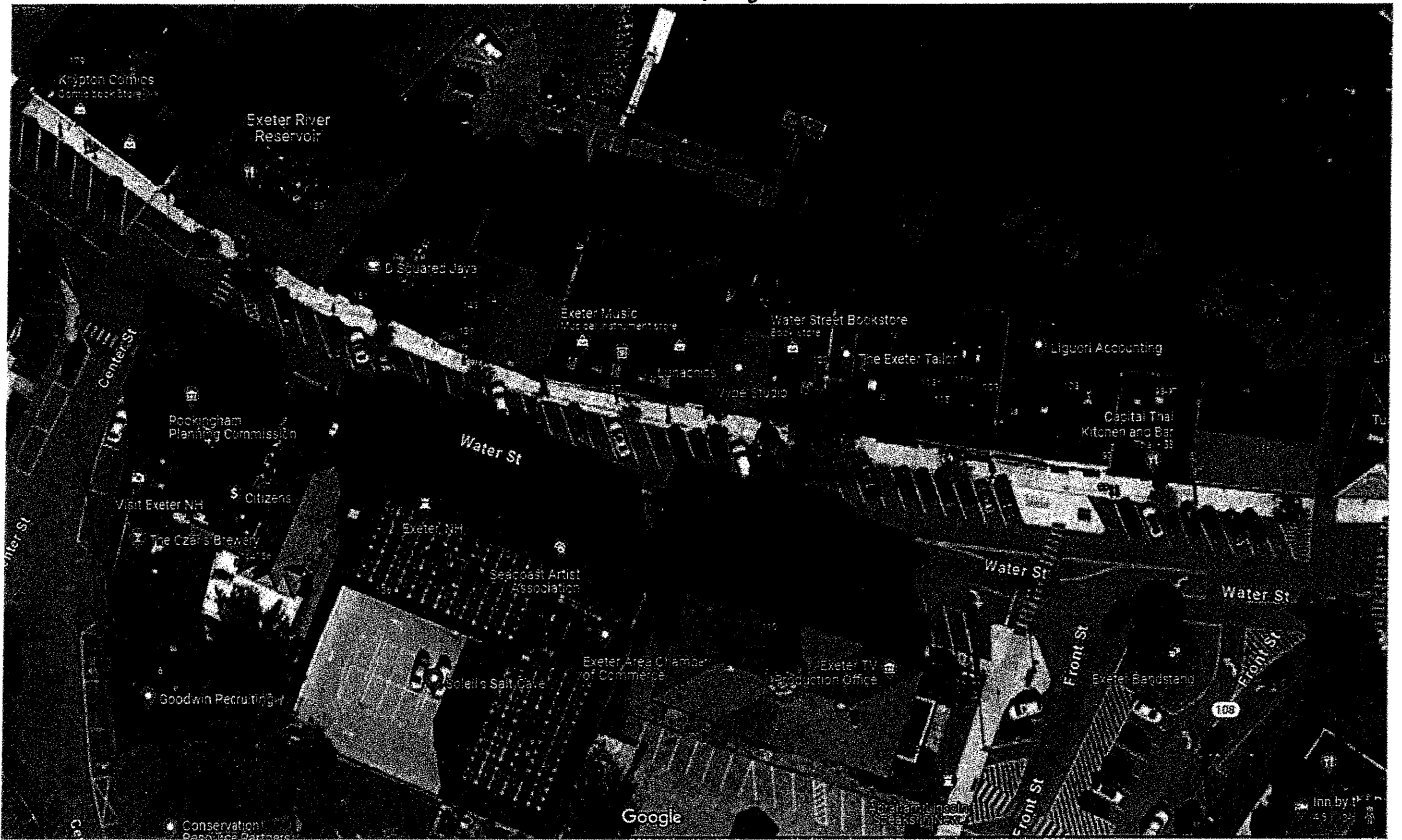
That being said, the term "Urban Residence District" is only used in statute with regard to the statutory speed limit (RSA 265:60) (to my knowledge).

Chapter 259 also includes definitions of "Business District" and "Rural Residence District". I suspect all of these derived at some point from the "Uniform Vehicle Code" (UVC), which includes "model laws and ordinances" recommended for adoption by all states.

I have always had a hard time interpreting these definitions and often use pictures.

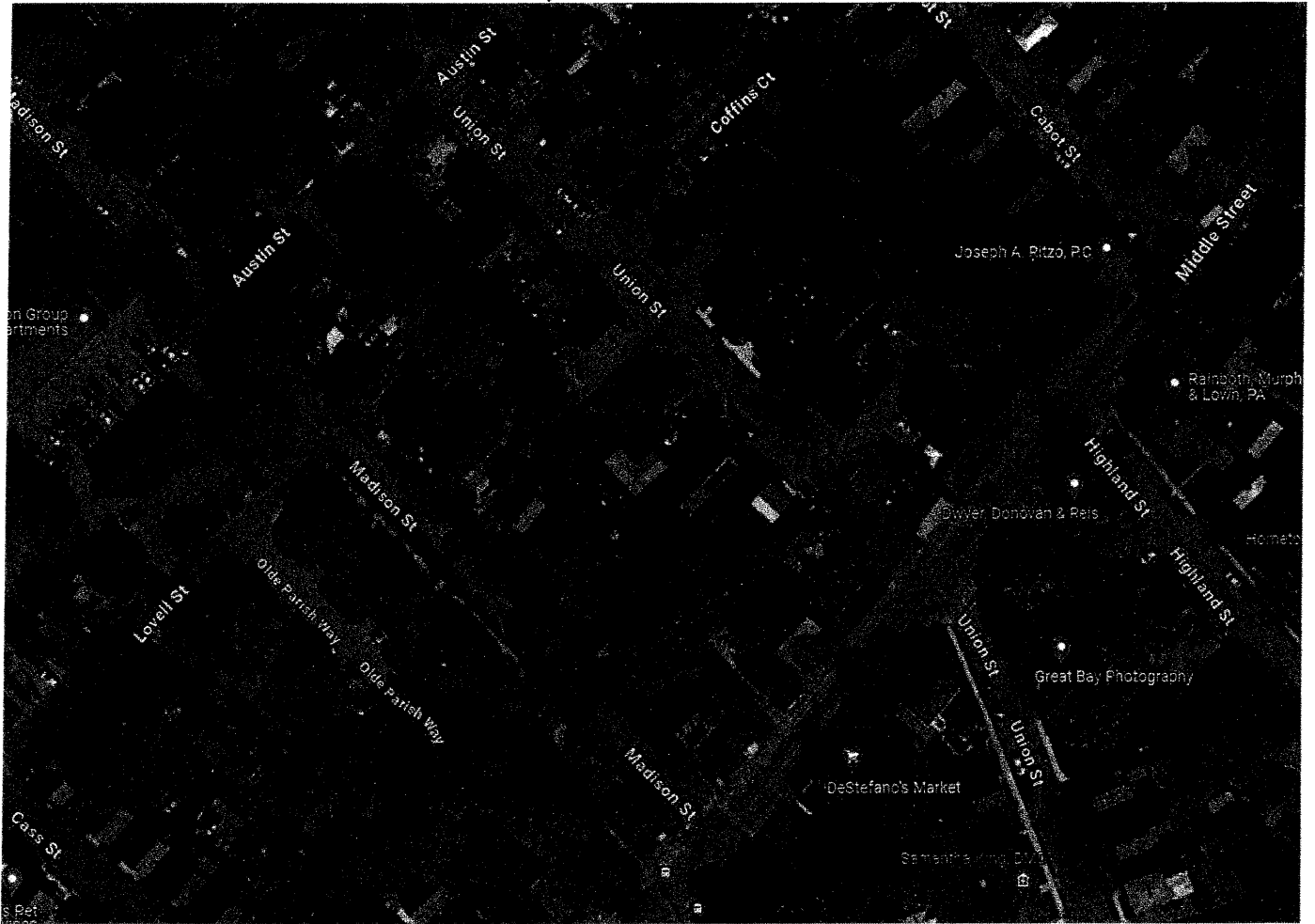
Business District would be the classic "downtown" (see Exeter below):

Exeter



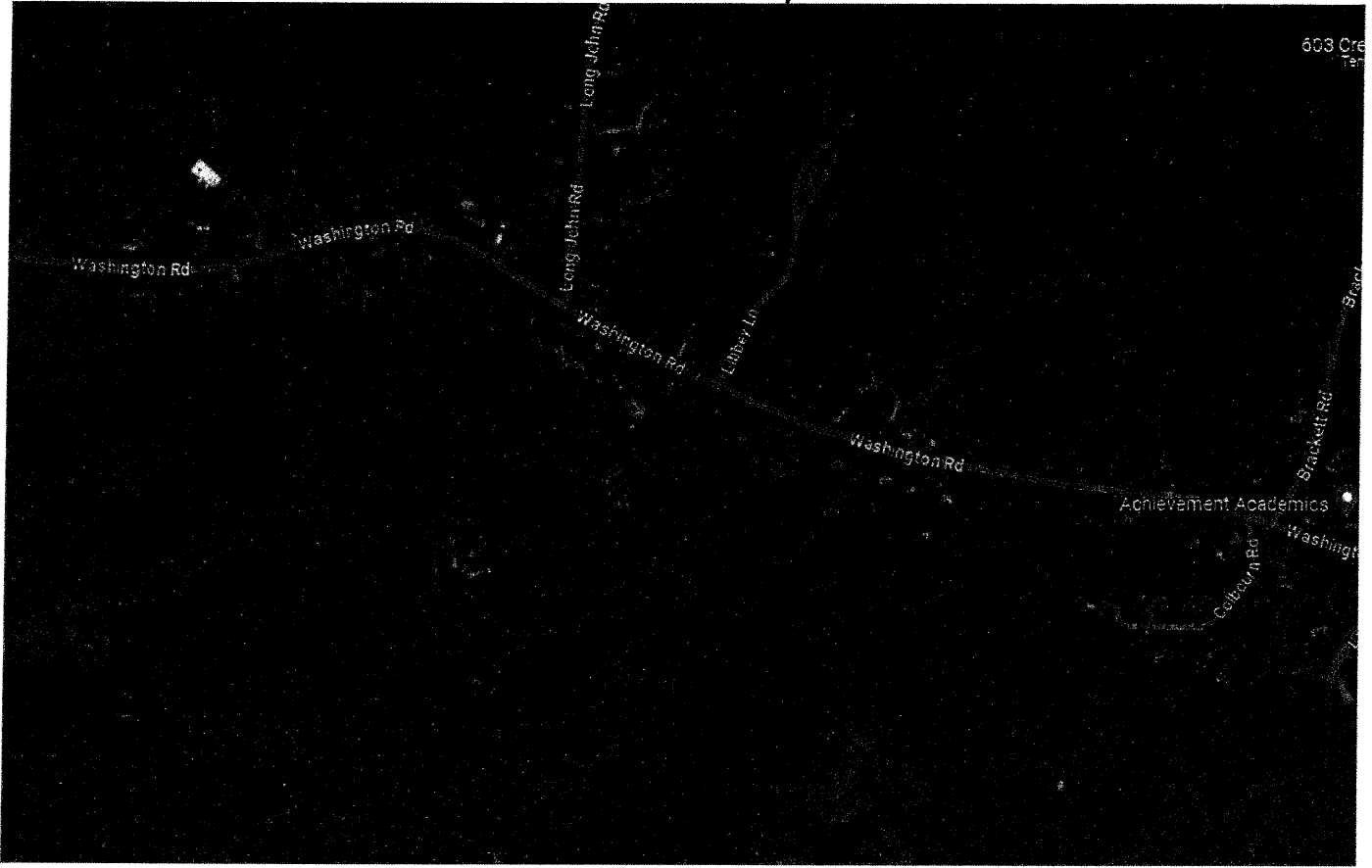
Urban Residence District is more of a city/urban neighborhood (see Portsmouth below):

Portsmouth



Rural Residence District is more of a suburban, transitional, description (not ironically, see Rye below):

Rye



In my opinion, the 30-mph speed limit is the most mis-used in the state, on state or local roads. We have 30-mph speed limits (State Speed Zones, per RSA 265:62, not statutory speed limits per RSA 265:60) for rural village settings where no one expects drivers to go 30-mph, as there is a long history of trying to solve speed concerns with lower speed limits.

It would be good to have a layer of GIS that identified the statutorily defined districts, but I think it always ends up being somewhat subject to interpretation.

Happy to discuss if you want to give me a call.

Bill

William R. Lambert, PE

State Highway Safety Administrator
New Hampshire Department of Transportation
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
(603) 271-2604

Kevin Walsh

From: Smith, David <David.S.Smith@dot.nh.gov>
Sent: Monday, January 29, 2024 3:03 PM
To: rwiegley wiegleylaw.com; dmseiglie@gmail.com
Cc: Baronas, Lee; Kevin Walsh; Lambert, William; 'David Walker'
Subject: RE: Urban Residence Districts

Caution: External (david.s.smith@dot.nh.gov)

First-Time Sender [Details](#)

[Report This Email](#) [FAQ](#) [Skout Email Protection](#)

Good afternoon,

Mr. Roger Wiegley and Ms. Dania Seiglie reached out to me in regards to Urban Residence Districts having seen my contact information on an NHDOT project near Rye. They are looking for insight on the URD topic as it applies to Rye which I committed to assist them in finding some information here at the NHDOT if available. Having discussed this with Bill Lambert here at the NHDOT, I understood that he was in coordination with Mr. David Walker on this same topic, which Bill had cc'd me on the email below, which I am hereby sharing with Roger and Dania to bring them into this discussion.

Best
Dave

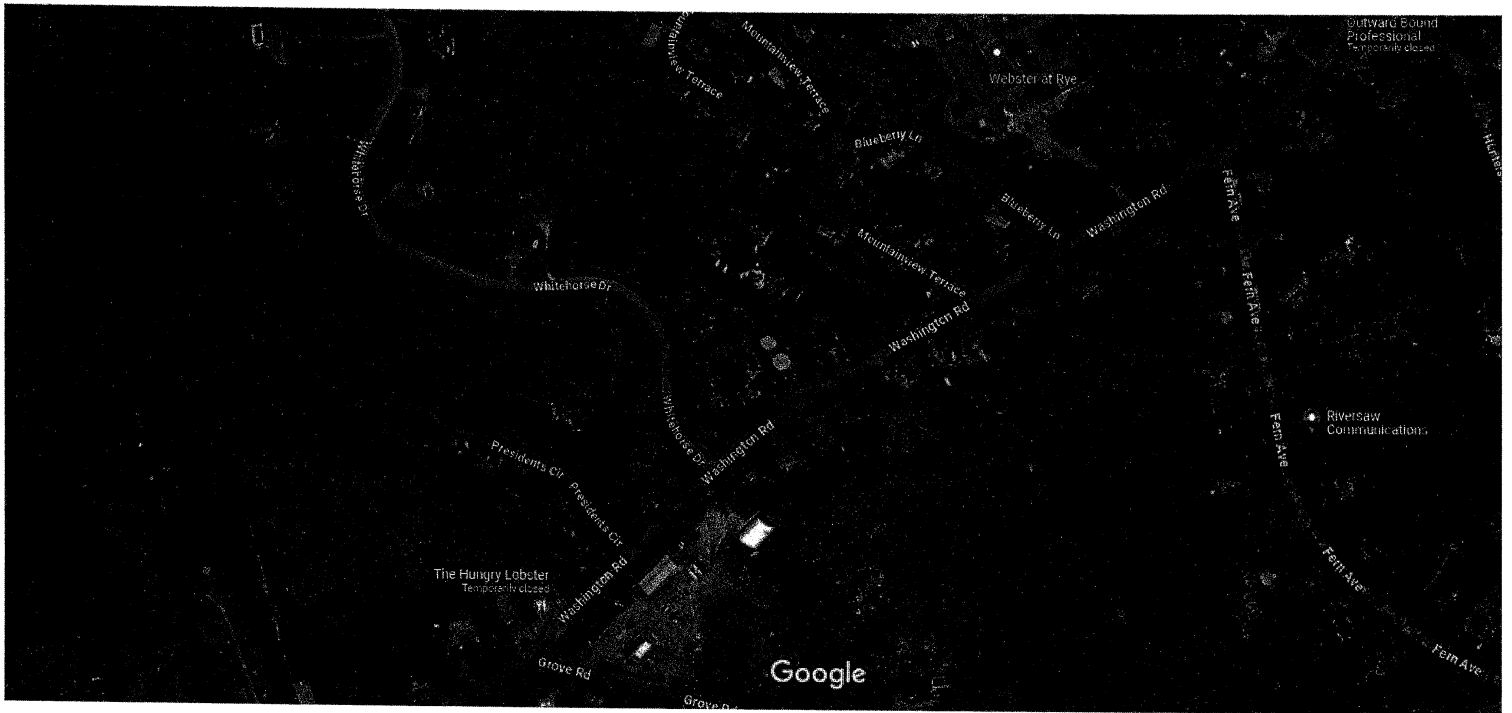
David S. Smith, P.E.

Project Manager
Bureau of Highway Design
New Hampshire Department of Transportation
John O. Morton Building, 7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

Office (603) 271-2165
David.S.Smith@dot.nh.gov



Google Maps Washington Rd (Fern to Grove)

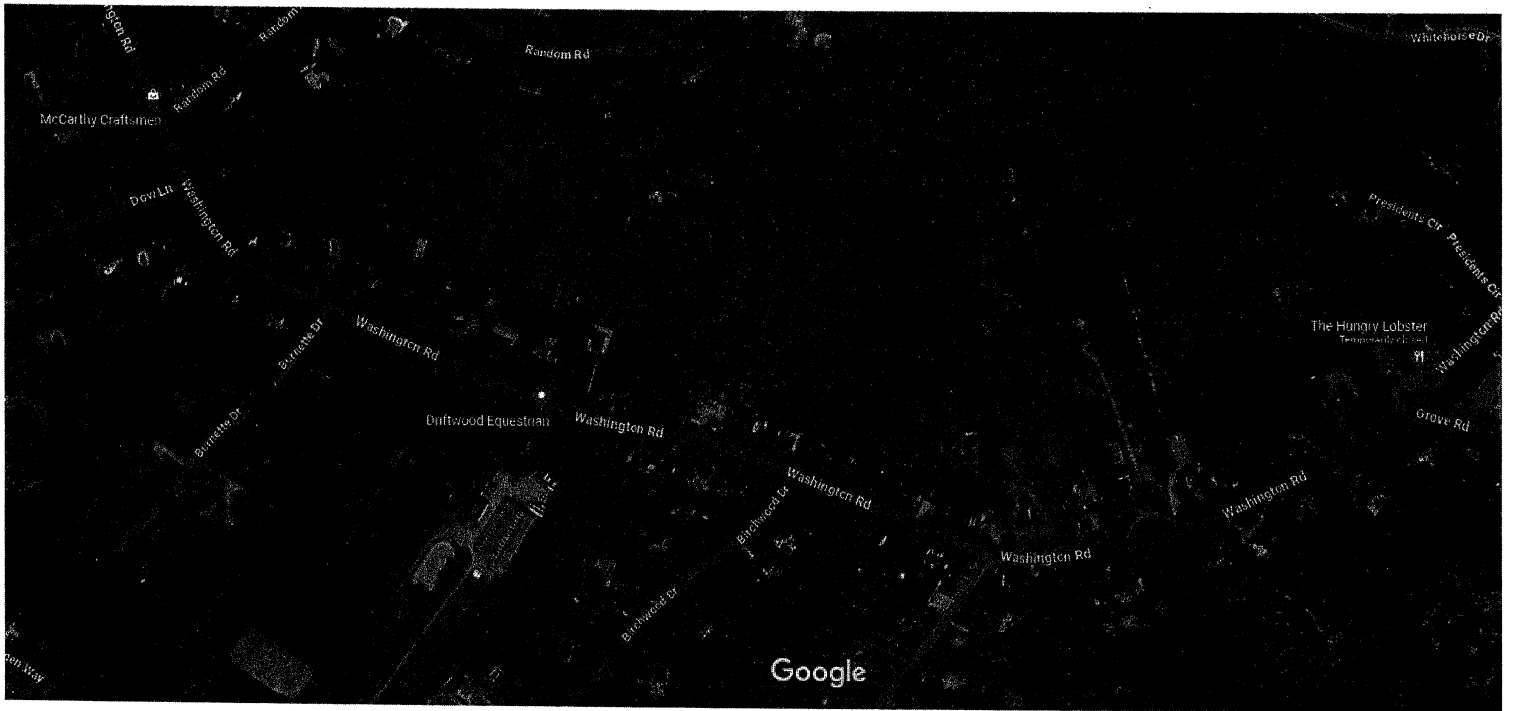


Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft

4/19/24, 2:25 PM

Google Maps

Google Maps Washington Rd (Grove to Dow)



Imagery ©2024 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft

4/19/24, 2:22 PM

Google Maps

Google Maps Central Rd



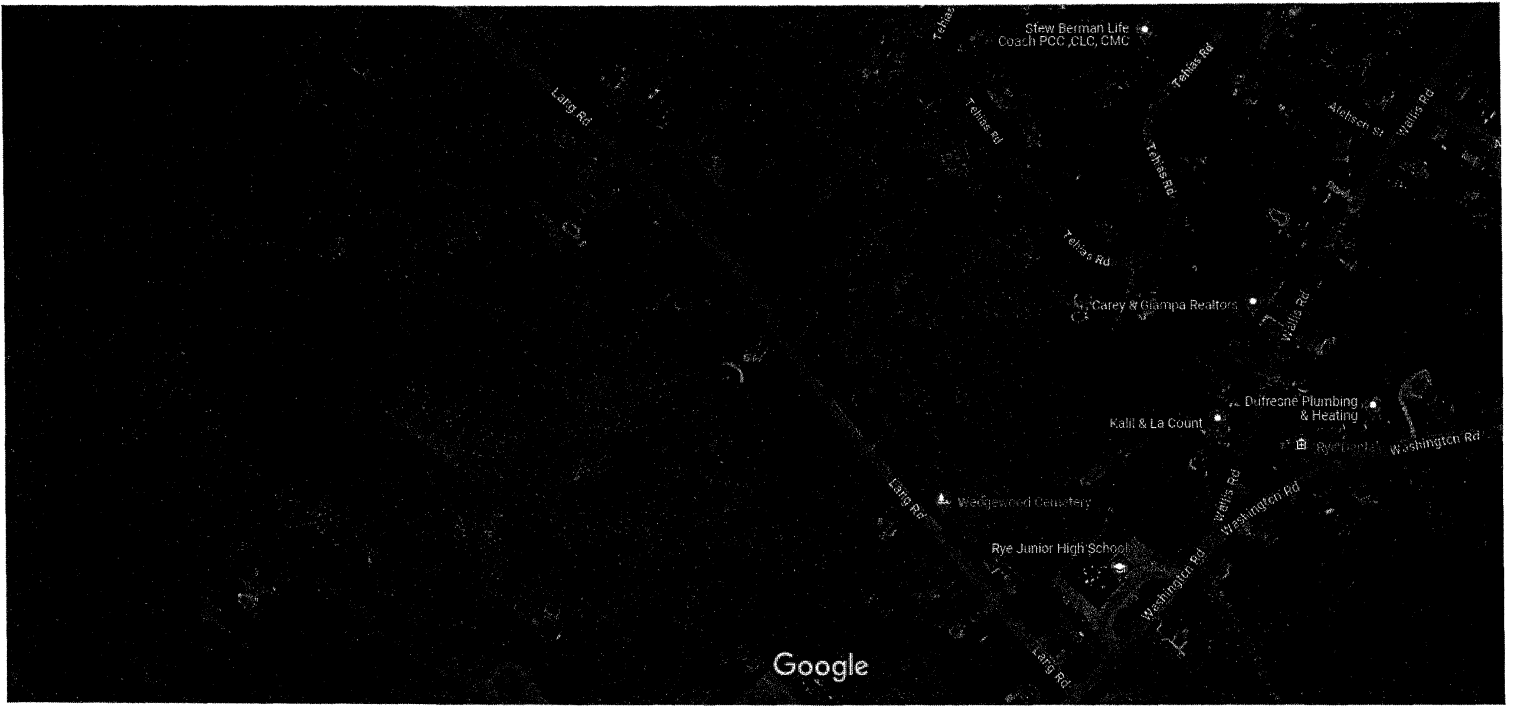
Imagery ©2024 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft

Google Maps Central Rd (Locke to Grove)



Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft

Google Maps Lang Rd



Imagery ©2024 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft