

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: February 28, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  Council File No: 18-0002-S20  
Chief Legislative Analyst Assignment No: 18-02-0153

SUBJECT: Local control over radar enforcement of speed limits.

CLA RECOMMENDATION: Adopt Resolution (Englander – Bonin) to include in the City’s 2017-2018 State Legislative Program SUPPORT for any legislation or administrative action that would change the State’s speed limit enforcement requirements to allow for increased local control over the setting and enforcing of speed limits.

SUMMARY

The California Vehicle Code (CVC) requires current Engineering and Traffic Surveys (ETS) on a road segment prior to the use of radar enforcement. This strict requirement created a prior situation where roughly 80 percent of the City’s streets were unenforceable by electronic means because many ETS had expired.

In August 2016, Los Angeles Department of Transportation (LADOT) hired staff for the Traffic Surveys section. In December 2016, LADOT hired a consultant to conduct ETS for City streets, prioritizing those on the Vision Zero High-Injury Network (HIN). The HIN is a network of streets with the highest incidence of severe and fatal collisions, which account for 65 percent of all fatalities and severe injuries involving people walking. The HIN covers 6 percent of City street miles.

ETS have now been conducted for all streets in the HIN, and it is expected that all City streets will have up-to-date ETS by the end of 2018.

Resolution (Englander – Bonin) recommends support for legislation or administrative action that would change the State’s speed limit enforcement requirements to allow for increased local control over the setting and enforcement of speed limits.

BACKGROUND

Existing law provides that the prima facie speed limit is 15 miles per hour at certain railroad crossings, at uncontrolled "blind" intersections and on alleys. A prima facie speed limit of 25 mph applies to streets, not designated as State Highways, in any business or residence district, a school zone or near a senior center.

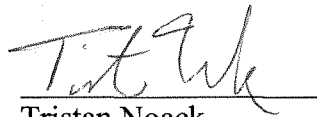
Prima facie speed limits are applicable unless changed as authorized in the CVC and, if so changed, only when signs have been erected giving notice of that speed limit. A local authority is permitted to decrease or increase such speed limits on any street, if justified by an up-to-date ETS.

ETS involve the collection and analysis of several various street data, including speed, which is used for speed limit determination. This data is collected in an unmarked vehicle by ranking the speed of 100 vehicles on the street in order to determine the “critical speed”. The “critical speed” of the street, also called the 85th percentile speed, is the speed at which 85 percent of the drivers are driving at or below. AB 529 (Gatto), enacted in 2011, allows local authorities to round a speed limit to the nearest five miles per hour increment below the critical speed, but prohibited reducing speed limits any further.

California Vehicle Code (CVC) Section 40802 defines a speed trap as enforcing a speed limit that is not justified by an ETS by use of radar, laser, or other electronic equipment. Speed traps cannot be used to determine a speed and enforce a speed limit. If the posted speed limit is not justified by an Engineering and Traffic Survey conducted within the five years prior to the date of the alleged violation, then enforcing the speed limit electronically becomes a speed trap. The five year period can be extended to seven years if the officer shooting the radar/laser is properly certified in the use of the equipment and the electronic device used was calibrated within three years of the alleged violation. Additionally, if a registered engineer determines that no significant changes have occurred on the roadway after seven years, the Engineering and Traffic Survey can be extended for an additional three years.

Local authorities in Los Angeles and other southern California jurisdictions have experienced a need for more flexibility in establishing speed limits because of unique transportation conditions. An October 2017 report from LADOT cites a 2017 National Traffic Safety Bureau (NTS) report that encourages California, along with six other states, to lower legal barriers to automated speed limit enforcement. The NTS report states that setting speed limits using the 85th percentile may have unintended consequences, and there is no evidence that setting speed limits this way results in better safety outcomes. However, the strict standards of the CVC required that LADOT contract an outside engineering firm to help conduct ETS in order to make the City’s speed limits enforceable.

Legislation or administrative action to increase local control over speed limit setting and enforcement would allow LADOT to apply engineering judgment and take into account the varying contexts of streets and neighborhoods when evaluating speed limits, thus improving street safety. This would prevent a future situation where many of the City’s ETS are expiring at similar times, rendering speed limits unenforceable by radar.

  
Tristan Noack  
Analyst

SMT:tn

Attachment: Resolution

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California Vehicle Code (CVC) Section 40802 defines a speed trap as enforcing a speed limit by use of radar, laser, or other electronic equipment that is not justified by an Engineering and Traffic Survey (ETS); and

WHEREAS, the function of an ETS is to create a speed limit using the "critical speed" on a street, which is defined as the speed at which 85% of the drivers are driving at or below; and

WHEREAS, research conducted by the National Transportation Safety Board has shown that setting a speed limit to the "critical speed" does not always produce the best safety outcomes; and


WHEREAS, the strict standards set by the CVC for allowing radar speed limit enforcement have restricted the City's ability to set and enforce speed limits; and

WHEREAS, after numerous attempts to revise State law relative to the setting and enforcement of speed limits, AB 529 (Gatto), enacted in October 2011, allows local authorities to round a speed limit to the nearest five miles per hour increment below the critical speed, but prohibited reducing speed limits any further; and

WHEREAS, legislation that would enhance local control over setting and enforcement of speed limits would enable the City to apply engineering judgment and take into account the varying contexts of streets and neighborhoods when evaluating speed limits, thus improving street safety;

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes into its 2017-2018 State Legislative Program SUPPORT for legislation and/or administrative action that would increase local control of speed limit setting and enforcement.

PRESENTED BY:

  
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MITCHELL ENGLANDER  
Councilmember, 12th District

SECONDED BY:

  
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FEB 21 2010