

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 6, 2018

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

FROM: Sharon M. Tso 
Chief Legislative Analyst C.F. No.: 18-0002-S30
Assignment No.: 18-03-0272

SUBJECT: Local control over the establishment of speed limits.

CLA RECOMMENDATION: Adopt the attached Resolution (Koretz - Ryu) to include in the City's 2017-18 State Legislative Program SUPPORT for AB 2363 (Friedman) that would authorize a local authority to establish lower speed limits under certain conditions.

SUMMARY

Existing law requires a survey of highway and traffic conditions conducted by a state or local authority for the purpose of setting speed limits to include consideration of certain factors, including prevailing speeds, accident records, pedestrian and bicycle safety, and residential density.

Existing law also requires the Department of Transportation (Caltrans) to include in the California Manual on Uniform Traffic Control Devices, a requirement that the department and local authorities, when setting speed limits, round speed limits to the nearest five miles-per-hour of the 85th percentile speed of traffic, as determined by an engineering and traffic survey (ETS). Existing law authorizes the department or a local authority to round the speed limit down to the lower five miles-per-hour increment in certain instances, but prohibits that speed limit from being further reduced for any reason.

On February 14, 2018, Assembly Member Friedman introduced AB 2363 that would authorize a local authority to establish lower speed limits on the basis of an accident survey. On April 2, 2018, the author amended the legislation to:

- Authorize a local authority conducting a traffic survey for the purposes of setting speed limits to consider the potential for, and frequency of, traffic collisions resulting in death or injury;
- Require Caltrans to revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, 2018, to authorize the department or a local authority to round speed limits to within five miles per hour of the 85th-percentile of the free-flowing traffic; and
- Authorize Caltrans or local authority to reduce the speed limit an additional five miles per hour to include consideration of prevailing speeds, accident records, pedestrian and bicycle safety, and residential density.

BACKGROUND

The California State Legislature sets in place the regulations for California speed limits and the California Vehicle Code (CVC) reflects these regulations. By following a uniform procedure, agencies can establish speed limits that are uniform throughout the state. Speed limit determinations rely on the premise that a reasonable speed limit is one that conforms to the actual behavior of the

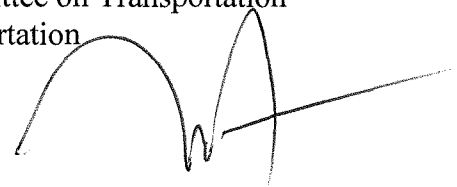
majority of drivers. Speed limits set by an ETS are normally set near the 85th percentile speed, which is the speed at or below where 85 percent of the traffic is moving. When an engineering and traffic survey ETS shows that the speed limits are not applicable for the existing conditions, the speed limits can be altered but they must be determined according to the findings of the ETS.

The CVC specifies that when a speed limit is to be posted, it shall be established at the nearest five miles-per-hour increment to the 85th percentile speed of free-flowing traffic, rounding as standard mathematics directs. Under some circumstances, the posted speed may be reduced by five miles-per-hour from the nearest five miles-per-hour increment of the 85th percentile.

A similar Resolution (Englander - Bonin) (C.F. 18-0002-S20) was introduced on February 21, 2018 that recommends 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. This Resolution is pending in Rules, Elections, and Intergovernmental Relations Committee.

BILL STATUS

4/3/2018	Amended by author and re-referred to the Committee on Transportation
4/2/2018	Referred to the Assembly Committee on Transportation
2/14/2018	Introduced



Maria Souza-Rountree
Analyst

Attachments:

1. AB 2363
2. Resolution

SMT:msr

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 government 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, existing laws authorizes a local authority to establish low speed limits under certain circumstances for specified streets and roadways if the local authority determines on the basis of an engineering and traffic survey that the existing speed limit is more reasonable or safe; and

WHEREAS, on February 14, 2018, Assembly Member Friedman introduced AB2363 that would allow a local authority to include accident survey data, not just engineering and traffic, to establish lower speed limits and;

WHEREAS, AB 2363 would amend Section 22358.4 of the California Vehicle Code to state that a local authority may use data from an accident survey when determining a prima facie speed limit of 25 miles per hour and may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour on specified roadways; and

WHEREAS, the proposed legislation also specially authorizes a local authority to set a speed limit of 15 miles-per-hour under specified condition near schools in residential areas; and

WHEREAS, AB 2363 also specially authorizes a local authority to set a speed limit of 30 miles-per-hour under certain condition near a school building contiguous to a highway; and

WHEREAS, this legislation would provide local authorities with greater flexibility in setting speed limits on road under their jurisdiction;

NOW, THEREFORE BE IT RESOLVED, that with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT for AB 2363 (Friedman) that would authorize a local authority to establish lower speed limits on the basis for an accident surveys.

PRESENTED BY: _____

PAUL KORETZ
Councilmember, 5th District

SECONDED BY: _____

MAR 20 2018



AB-2363 Vehicles: speed laws. (2017-2018)

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Date Published: 04/03/2018 04:00 AM

AMENDED IN ASSEMBLY APRIL 02, 2018

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

ASSEMBLY BILL

No. 2363

Introduced by Assembly Member Friedman

February 14, 2018

An act to amend Sections ~~22358, 22358.3, and 22358.4~~ 627 and 21400 of the Vehicle Code, relating to speed laws.

LEGISLATIVE COUNSEL'S DIGEST

AB 2363, as amended, Friedman. ~~Speed laws: local authority. Vehicles: speed laws.~~

(1) Existing law requires a survey of highway and traffic conditions conducted by a state or local authority for the purpose of setting speed limits to include consideration of certain factors, including prevailing speeds and accident records. Existing law also authorizes a local authority conducting such a survey to consider additional factors, including pedestrian and bicycle safety and residential density, as specified.

This bill would additionally authorize a local authority conducting the survey described above to consider the potential for, and frequency of, traffic collisions resulting in death or injury.

(2) Existing law requires the Department of Transportation to include in the California Manual on Uniform Traffic Control Devices, a requirement that the department and local authorities, when setting speed limits, round speed limits to the nearest 5 miles per hour of the 85th percentile speed of traffic as determined by an engineering and traffic survey. Existing law authorizes the department or a local authority to round the speed limit down to the lower 5 miles per hour increment in instances when the speed limit should be rounded up, but prohibits that speed limit from being further reduced for any reason.

This bill would instead require the department to revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, 2018, to authorize the department or a local authority to round speed limits to within 5 miles per hour of the 85th-percentile of the free-flowing traffic. The bill would also authorize the department or local authority to reduce the speed limit an additional 5 miles per hour for any of the factors described in paragraph (1) above.

~~Existing law authorizes a local authority to establish lower speed limits under certain circumstances for specified streets and roadways if the local authority determines on the basis of an engineering and traffic survey that the existing speed limit is more than is reasonable or safe.~~

~~This bill would authorize a local authority to make that determination and establish those lower speed limits on the basis of an accident survey.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 627 of the Vehicle Code is amended to read:*

627. (a) "Engineering and traffic survey," as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

(b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:

- (1) Prevailing speeds as determined by traffic engineering measurements.
- (2) Accident records.
- (3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision ~~(b)~~ (b), may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Pedestrian and bicyclist safety.

(3) *Potential for, and frequency of, traffic collisions resulting in death or injury.*

SEC. 2. *Section 21400 of the Vehicle Code is amended to read:*

21400. (a) (1) The Department of Transportation shall, after consultation with local agencies and public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

(2) The Department of Transportation shall, after notice and public hearing, determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by a person engaged in performing work that interferes with or endangers the safe movement of traffic upon that highway.

(3) Only those signs, lights, and devices as are provided for in this section shall be placed upon a highway to warn traffic of work that is being performed on the highway.

(4) Control devices or markings installed upon traffic barriers on or after January 1, 1984, shall conform to the uniform standards and specifications required by this section.

(b) The Department of Transportation shall revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, ~~2012~~, 2018, to ~~require~~ *authorize* the Department of Transportation or a local authority to round speed limits to the nearest *within* five miles per hour of the 85th percentile of the free-flowing traffic. However, in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th percentile speed, the Department of Transportation or a local authority may decide to instead round down the speed limit to the lower five miles per hour increment, but then ~~the~~ *The* Department of Transportation or a local authority shall ~~not~~ *may* reduce the speed limit ~~any further~~ *an additional five miles per hour* for any reason. *of the factors described in subdivisions (b) and (c) of Section 627.*

~~SECTION 1. Section 22358 of the Vehicle Code is amended to read:~~

~~22358.(a) Whenever a local authority determines upon the basis of an engineering and traffic survey or an accident survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.~~

~~(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.~~

~~SEC. 2. Section 22358.3 of the Vehicle Code is amended to read:~~

~~22358.3. Whenever a local authority determines upon the basis of an engineering and traffic survey or an accident survey that the prima facie speed limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.~~

~~SEC. 3. Section 22358.4 of the Vehicle Code is amended to read:~~

~~22358.4.(a)(1) Whenever a local authority determines upon the basis of an engineering and traffic survey or an accident survey that the prima facie speed limit of 25 miles per hour established by subdivision (b) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.~~

~~(2) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.~~

~~(b)(1) Notwithstanding subdivision (a) or any other law, a local authority may, by ordinance or resolution, determine and declare prima facie speed limits as follows:~~

~~(A) A 15 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds of a school building, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of less than 500 feet from, or passing, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 15 miles per hour.~~

~~(B) A 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of 500 to 1,000 feet from, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of 500 to 1,000 feet from, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 25 miles per hour.~~

~~(2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:~~

~~(A) A maximum of two traffic lanes.~~

~~(B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the school zone.~~

~~(3) The prima facie limits established under paragraph (1) apply to all lanes of an affected highway, in both directions of travel.~~

~~(4) When determining the need to lower the prima facie speed limit, the local authority shall take the provisions of Section 627 into consideration.~~

~~(5)(A)An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.~~

~~(B)For purposes of subparagraph (A) of paragraph (1), school warning signs indicating a speed limit of 15 miles per hour may be placed at a distance up to 500 feet away from school grounds.~~

~~(C)For purposes of subparagraph (B) of paragraph (1), school warning signs indicating a speed limit of 25 miles per hour may be placed at any distance between 500 and 1,000 feet away from the school grounds.~~

~~(D)A local authority shall reimburse the Department of Transportation for all costs incurred by the department under this subdivision.~~