



Office of the Mayor

CONSENT CALENDAR
May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Wengraf, Councilmember Hahn, and Councilmember Kesarwani

Subject: Support of AB 43 – Safe Streets and Work Zones Act of 2021

RECOMMENDATION

Adopt a Resolution in support of AB 43 (Friedman), which gives local jurisdictions more flexibility in reducing speed limits on streets with a high rate of injuries and fatalities. Send a copy of the Resolution to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

BACKGROUND

In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Statewide, similar action was being taken under AB 2363 in 2018, which establishes the Zero Traffic Fatalities Task Force. This Task Force is tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California. The 85th percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep".

AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85th percentile. The bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits. Currently, the process for setting speed limits through engineering and traffic surveys does not require consideration of pedestrian and bicyclist safety. AB 43 would make this a required factor for consideration.

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle

miles driven across the country, but empty roads lead to an increase in speeding, resulting in traffic related death rates increasing by 24%. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 43
- 3: AB 43 Factsheet

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 43

WHEREAS, according to the National Traffic Safety Board, speeding accounts for a third of traffic related fatalities; and

WHEREAS, the speed of a vehicle is correlated with the likelihood of experiencing serious injuries or death from a crash; with a 95% chance of survival if a pedestrian is hit by a car going 20 MPH, 60% at 30 MPH, and 20% at 40 MPH; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, also in 2018, the State adopted AB 2363, which establishes the statewide Zero Traffic Fatalities Task Force, tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California; and

WHEREAS, the 85th percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep"; and

WHEREAS, AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85th percentile; and

WHEREAS, the bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits, in addition to pedestrian and bicyclist safety.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 43.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 43

**Introduced by Assembly Members Friedman, Ting, Chiu, and
Quirk
(Principal coauthor: Assembly Member Boerner Horvath)**

December 7, 2020

An act to add Section 14033.5 to the Government Code, and to amend Section 40802 of, and to add Section 2904.5 amend Sections 627, 21400, 22352, 22354, 22357, 22358, 22358.4, 22359, and 40802 of, and to add Sections 22358.6, 22358.7, and 22358.8 to, the Vehicle Code, relating to traffic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 43, as amended, Friedman. Traffic safety.

(1) Existing law establishes various default speed limits for vehicles upon highways, as specified. Existing law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions.

This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.

(2) Existing law establishes a prima facie speed limit of 25 miles per hour on any highway, other than a state highway, located in any

business or residence district, as defined. Existing law authorizes a local authority to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.

This bill would establish a prima facie speed limit of 25 miles per hour on state highways located in any business or residence district and would authorize the Department of Transportation (Caltrans) to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.

(3) Existing law establishes a speed limit of 65 miles per hour on state highways, as specified. Existing law authorizes Caltrans to declare a speed limit on any such highway, as prescribed, of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, including erecting signs to give notice thereof. Existing law also authorizes a local authority, on a section of highway, other than a state highway, where the speed limit is 65 miles per hour to declare a lower speed limit, as specified.

This bill would additionally authorize Caltrans and a local authority to declare a speed limit of 20 or 15 miles per hour, as specified, on these highways.

(4) Existing law authorizes a local authority, without an engineering and traffic survey, to declare a lowered speed limit on portions of highway, as specified, approaching a school building or school grounds. Existing law limits this authority to sections of highway meeting specified requirements relating to the number of lanes and the speed limit of the highway before the school zone.

This bill would change certain of these requirements related to the declaration of these lowered speed limits. The bill would similarly authorize a lowered speed limit on a section of highway approaching a business activity district, as defined.

(5) Existing law requires Caltrans, by regulation, to provide for the rounding up or down to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic on a portion of highway as determined by a traffic and engineering survey.

This bill would authorize a local authority to further reduce the speed limit, as specified, and require Caltrans to accordingly revise the California Manual on Uniform Traffic Control Devices, as specified.

(6) Existing law defines a speed trap and prohibits evidence of a driver's speed obtained through a speed trap from being admissible in court in any prosecution against a driver for a speed-related offense. Existing law deems a road where the speed limit is not justified by a traffic and engineering survey conducted within the previous 7 years

to be a speed trap, unless the roadway has been evaluated by a registered engineer, as specified, in which case the speed limit remains enforceable for a period of 10 years. Existing law exempts a school zone, as defined, from certain provisions relating to defining a speed trap.

This bill would extend the period that a speed limit justified by a traffic and engineering survey conducted more than 7 years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer, as specified, to 14 years.

This bill would also exempt a senior zone and business activity district, as defined, from those provisions.

(7) This bill would make other technical, nonsubstantive, and conforming changes.

(8) By creating new duties for local authorities relating to traffic and engineering surveys, this bill would impose a state mandate.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law creates the Department of Transportation (Caltrans) within the Transportation Agency. Existing law provides various duties of Caltrans, including, among others, coordinating and assisting, upon request of the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.~~

~~This bill would require, beginning June 1, 2022, and every 6 months thereafter, Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual.~~

~~Existing law establishes the California Traffic Safety Program, which consists of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting from accidents. Existing law requires the program to include provisions to improve driver performance, including, driver education, driver testing to determine proficiency to operate motor vehicles, and~~

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driver examinations and licensing, and provisions to improve bicyclist and pedestrian education and performance.

~~This bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation of state funds for this purpose.~~

~~Existing law establishes various speed limits and prohibits a person from driving with a greater speed than those limits. Existing law prohibits a peace officer or other person from using a speed trap in arresting, or participating in the arrest of, any person for any alleged violation of the Vehicle Code, and prohibits the use of a speed trap in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under the Vehicle Code. Existing law defines the term “speed trap,” for these purposes, among other things, to include a particular section of a highway with a prima facie speed limit that is provided by the Vehicle Code or by local ordinance, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within a specified number of years of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device.~~

~~This bill would extend the period of time a prima facie speed limit may be justified by an engineering and traffic survey, as specified, if a registered engineer evaluates the section of the highway and finds that there has been an increase in traffic-related crashes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 627 of the Vehicle Code is amended to*
- 2 *read:*
- 3 627. (a) “Engineering and traffic survey,” as used in this code,
- 4 means a survey of highway and traffic conditions in accordance
- 5 with methods determined by the Department of Transportation for
- 6 use by state and local authorities.
- 7 (b) An engineering and traffic survey shall include, among other
- 8 requirements deemed necessary by the department, consideration
- 9 of all of the following:
- 10 (1) Prevailing speeds as determined by traffic engineering
- 11 measurements.

1 (2) Accident records.

2 (3) Highway, traffic, and roadside conditions not readily
3 apparent to the driver.

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

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

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

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

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

22 (2) ~~Pedestrian and bicyclist safety.~~ *Safety of bicyclists and*
23 *pedestrians, with increased consideration for vulnerable pedestrian*
24 *groups including children, seniors, persons with disabilities, users*
25 *of personal assistive mobility devices, and the unhoused.*

26 (d) When conducting an engineering and traffic survey, a local
27 authority ~~may~~ *may also consider both of the following:*

28 (1) *The current or immediately prior speed limit for a section*
29 *of highway, as established by a previous engineering and traffic*
30 *survey, if a registered engineer has evaluated the section of*
31 *highway and determined that no significant design changes, with*
32 *the specific intent of increasing the safe operating speed, have*
33 *been made to the roadway since completion of the traffic survey*
34 *that established the speed limit.*

35 (2) *Whether the section of highway has been designated by the*
36 *local authority as experiencing a high concentration of fatalities*
37 *and serious injuries based on recent data.*

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

39 21400. (a) ~~(1)~~ The Department of Transportation shall, after
40 consultation with local agencies and public hearings, adopt rules

1 and regulations prescribing uniform standards and specifications
 2 for all official traffic control devices placed pursuant to this code,
 3 including, but not limited to, stop signs, yield right-of-way signs,
 4 speed restriction signs, railroad warning approach signs, street
 5 name signs, lines and markings on the roadway, and stock crossing
 6 signs placed pursuant to Section 21364.

7 ~~(2)~~

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

14 ~~(3)~~

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

18 ~~(4)~~

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

22 ~~(b) The Department of Transportation shall revise the California~~
 23 ~~Manual on Uniform Traffic Control Devices, as it read on January~~
 24 ~~1, 2012, to require the Department of Transportation or a local~~
 25 ~~authority to round speed limits to the nearest five miles per hour~~
 26 ~~of the 85th percentile of the free-flowing traffic. However, in cases~~
 27 ~~in which the speed limit needs to be rounded up to the nearest five~~
 28 ~~miles per hour increment of the 85th-percentile speed, the~~
 29 ~~Department of Transportation or a local authority may decide to~~
 30 ~~instead round down the speed limit to the lower five miles per hour~~
 31 ~~increment, but then the Department of Transportation or a local~~
 32 ~~authority shall not reduce the speed limit any further for any reason.~~

33 *SEC. 3. Section 22352 of the Vehicle Code is amended to read:*

34 22352. The prima facie limits are as follows and shall be
 35 applicable unless changed as authorized in this code and, if so
 36 changed, only when signs have been erected giving notice thereof:

37 (a) Fifteen miles per hour:

38 (1) When traversing a railway grade crossing, if during the last
 39 100 feet of the approach to the crossing the driver does not have
 40 a clear and unobstructed view of the crossing and of any traffic on

1 the railway for a distance of 400 feet in both directions along the
2 railway. This subdivision does not apply in the case of any railway
3 grade crossing where a human ~~flagman~~ *flagperson* is on duty or a
4 clearly visible electrical or mechanical railway crossing signal
5 device is installed but does not then indicate the immediate
6 approach of a railway train or car.

7 (2) When traversing any intersection of highways if during the
8 last 100 feet of the driver's approach to the intersection the driver
9 does not have a clear and unobstructed view of the intersection
10 and of any traffic upon all of the highways entering the intersection
11 for a distance of 100 feet along all those highways, except at an
12 intersection protected by stop signs or yield right-of-way signs or
13 controlled by official traffic control signals.

14 (3) On any alley.

15 (b) Twenty-five miles per hour:

16 (1) On any ~~highway other than a state~~ highway, in any business
17 or residence district unless a different speed is determined by local
18 authority *or the Department of Transportation* under procedures
19 set forth in this code.

20 (2) When approaching or passing a school building or the
21 grounds thereof, contiguous to a highway and posted with a
22 standard "SCHOOL" warning sign, while children are going to or
23 leaving the school either during school hours or during the noon
24 recess period. The prima facie limit shall also apply when
25 approaching or passing any school grounds which are not separated
26 from the highway by a fence, gate, or other physical barrier while
27 the grounds are in use by children and the highway is posted with
28 a standard "SCHOOL" warning sign. For purposes of this
29 subparagraph, standard "SCHOOL" warning signs may be placed
30 at any distance up to 500 feet away from school grounds.

31 (3) When passing a senior center or other facility primarily used
32 by senior citizens, contiguous to a street other than a state highway
33 and posted with a standard "SENIOR" warning sign. A local
34 authority may erect a sign pursuant to this paragraph when the
35 local agency makes a determination that the proposed signing
36 should be implemented. A local authority may request grant
37 funding from the Active Transportation Program pursuant to
38 Chapter 8 (commencing with Section 2380) of Division 3 of the
39 Streets and Highways Code, or any other grant funding available
40 to it, and use that grant funding to pay for the erection of those

1 signs, or may utilize any other funds available to it to pay for the
2 erection of those signs, including, but not limited to, donations
3 from private sources.

4 *SEC. 4. Section 22354 of the Vehicle Code is amended to read:*

5 22354. (a) Whenever the Department of Transportation
6 determines upon the basis of an engineering and traffic survey that
7 the limit of 65 miles per hour is more than is reasonable or safe
8 upon any portion of a state highway where the limit of 65 miles
9 is applicable, the department may determine and declare a prima
10 facie speed limit of 60, 55, 50, 45, 40, 35, ~~30 or 25~~ 30, 25, 20, or
11 15 miles per hour, whichever is found most appropriate to facilitate
12 the orderly movement of traffic and is reasonable and safe, which
13 declared prima facie speed limit shall be effective when appropriate
14 signs giving notice thereof are erected upon the highway.

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

17 *SEC. 5. Section 22357 of the Vehicle Code is amended to read:*

18 22357. (a) Whenever a local authority determines upon the
19 basis of an engineering and traffic survey that a speed greater than
20 25 miles per hour would facilitate the orderly movement of
21 vehicular traffic and would be reasonable and safe upon any street
22 other than a state highway otherwise subject to a prima facie limit
23 of 25 miles per hour, the local authority may by ordinance *or*
24 *resolution* determine and declare a prima facie speed limit of 30,
25 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit
26 of 65 miles per hour, whichever is found most appropriate to
27 facilitate the orderly movement of traffic and is reasonable and
28 safe. The declared prima facie or maximum speed limit shall be
29 effective when appropriate signs giving notice thereof are erected
30 upon the street and shall not thereafter be revised except upon the
31 basis of an engineering and traffic survey. This section does not
32 apply to any 25-mile-per-hour prima facie limit which is applicable
33 when passing a school building or the grounds thereof or when
34 passing a senior center or other facility primarily used by senior
35 citizens.

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

38 *SEC. 6. Section 22358 of the Vehicle Code is amended to read:*

39 22358. (a) Whenever a local authority determines upon the
40 basis of an engineering and traffic survey that the limit of 65 miles

1 per hour is more than is reasonable or safe upon any portion of
2 any street other than a state highway where the limit of 65 miles
3 per hour is applicable, the local authority may by ordinance *or*
4 *resolution* determine and declare a prima facie speed limit of 60,
5 55, 50, 45, 40, 35, 30, ~~or 25~~ 25, 20, *or 15* miles per hour, whichever
6 is found most appropriate to facilitate the orderly movement of
7 traffic and is reasonable and safe, which declared prima facie limit
8 shall be effective when appropriate signs giving notice thereof are
9 erected upon the street.

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

12 *SEC. 7. Section 22358.4 of the Vehicle Code is amended to*
13 *read:*

14 22358.4. (a) (1) Whenever a local authority determines upon
15 the basis of an engineering and traffic survey that the prima facie
16 speed limit of 25 miles per hour established by subdivision (b) of
17 Section 22352 is more than is reasonable or safe, the local authority
18 may, by ordinance or resolution, determine and declare a prima
19 facie speed limit of 20 or 15 miles per hour, whichever is justified
20 as the appropriate speed limit by that survey.

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

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

30 (A) A 15 miles per hour prima facie limit in a residence district,
31 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or
32 slower, when approaching, at a distance of less than 500 feet from,
33 or passing, a school building or the grounds of a school building,
34 contiguous to a highway and posted with a school warning sign
35 that indicates a speed limit of 15 miles per hour, while children
36 are going to or leaving the school, either during school hours or
37 during the noon recess period. The prima facie limit shall also
38 apply when approaching, at a distance of less than 500 feet from,
39 or passing, school grounds that are not separated from the highway
40 by a fence, gate, or other physical barrier while the grounds are in

1 use by children and the highway is posted with a school warning
2 sign that indicates a speed limit of 15 miles per hour.

3 (B) A 25 miles per hour prima facie limit in a residence district,
4 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or
5 slower, when approaching, at a distance of 500 to 1,000 feet from,
6 a school building or the grounds thereof, contiguous to a highway
7 and posted with a school warning sign that indicates a speed limit
8 of 25 miles per hour, while children are going to or leaving the
9 school, either during school hours or during the noon recess period.
10 The prima facie limit shall also apply when approaching, at a
11 distance of 500 to 1,000 feet from, school grounds that are not
12 separated from the highway by a fence, gate, or other physical
13 barrier while the grounds are in use by children and the highway
14 is posted with a school warning sign that indicates a speed limit
15 of 25 miles per hour.

16 (C) A 25 or 20 miles per hour prima facie speed limit on a
17 highway contiguous to a business activity district when posted
18 with a sign that indicates a speed limit of 25 or 20 miles per hour.

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

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

22 (B) A maximum posted ~~30~~ 35 miles per hour prima facie speed
23 limit immediately prior to and after the school ~~zone~~: zone or
24 business activity district.

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

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

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

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

39 (C) For purposes of subparagraph (B) of paragraph (1), school
40 warning signs indicating a speed limit of 25 miles per hour may

1 be placed at any distance between 500 and 1,000 feet away from
2 the school grounds.

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

6 (6) *As used in this subdivision, a “business activity district” is*
7 *that portion of a highway and the property contiguous thereto that*
8 *includes central or neighborhood downtowns, urban villages, or*
9 *zoning designations that prioritize commercial land uses at the*
10 *downtown or neighborhood scale and meets at least three of the*
11 *following requirements:*

12 (A) *Retail or dining commercial uses, including outdoor dining,*
13 *that open directly onto sidewalks adjacent to the highway.*

14 (B) *Parking, including parallel, diagonal, or perpendicular*
15 *spaces, located alongside the highway.*

16 (C) *Traffic control signals or stop signs regulating traffic flow*
17 *on the highway, located at intervals of no more than 600 feet.*

18 (D) *Marked crosswalks not controlled by a traffic control device.*

19 (E) *Pedestrian density greater than one pedestrian per 100 feet*
20 *of sidewalk during peak hours.*

21 (F) *Bicycle volume of 10 or more bicycles per hour operating*
22 *within or passing through during peak hours, including both*
23 *sidewalk and highway use.*

24 SEC. 8. *Section 22358.6 is added to the Vehicle Code, to read:*

25 22358.6. *The Department of Transportation shall, in the next*
26 *scheduled revision, revise and thereafter maintain the California*
27 *Manual on Uniform Traffic Control Devices to require the*
28 *Department of Transportation or a local authority to round speed*
29 *limits to the nearest five miles per hour of the 85th percentile of*
30 *the free-flowing traffic. However, in cases in which the speed limit*
31 *needs to be rounded up to the nearest five miles per hour increment*
32 *of the 85th-percentile speed, the Department of Transportation or*
33 *a local authority may decide to instead round down the speed limit*
34 *to the lower five miles per hour increment. A local authority may*
35 *additionally lower the speed limit as provided in Sections 22358.7*
36 *and 22358.8.*

37 SEC. 9. *Section 22358.7 is added to the Vehicle Code, to read:*

38 22358.7. (a) *If a local authority, after completing an*
39 *engineering and traffic survey, finds that the speed limit is still*
40 *more than is reasonable or safe, the local authority may, by*

1 ordinance or resolution, determine and declare a prima facie speed
2 limit that has been reduced an additional five miles per hour for
3 either of the following reasons:

4 (1) The portion of highway has been designated as a high-injury
5 street.

6 (2) The portion of highway is adjacent to any land or facility
7 that generates high concentrations of bicyclists or pedestrians,
8 especially those from vulnerable groups such as children, seniors,
9 persons with disabilities, and the unhoused.

10 (b) As used in this section, “high-injury” street means a portion
11 of highway that, based on at least the immediately preceding three
12 years of traffic accident data, is identified and has been adopted
13 by the local authority as experiencing a high concentration of
14 traffic-related serious injuries and fatalities.

15 SEC. 10. Section 22358.8 is added to the Vehicle Code, to
16 read:

17 22358.8. If a local authority, after completing an engineering
18 and traffic survey, finds that the speed limit is still more than is
19 reasonable or safe, the local authority may, by ordinance or
20 resolution, retain the current speed limit or restore the immediately
21 prior speed limit if that speed limit was established with an
22 engineering and traffic survey and if a registered engineer has
23 evaluated the section of highway and determined that no significant
24 design changes, with the specific intent of increasing the safe
25 operating speed, have been made to the roadway since completion
26 of the traffic survey that established the prior speed limit.

27 SEC. 11. Section 22359 of the Vehicle Code is amended to
28 read:

29 22359. With respect to boundary line streets and highways
30 where portions thereof are within different jurisdictions, ~~no~~ an
31 ordinance or resolution adopted under Sections 22357 and 22358
32 shall not be effective as to any ~~such~~ portion until all authorities
33 having jurisdiction of the portions of the street concerned have
34 approved the same. This section shall not apply in the case of
35 boundary line streets consisting of separate roadways within
36 different jurisdictions.

37 SEC. 12. Section 40802 of the Vehicle Code is amended to
38 read:

39 40802. (a) A “speed trap” is either of the following:

1 (1) A particular section of a highway measured as to distance
2 and with boundaries marked, designated, or otherwise determined
3 in order that the speed of a vehicle may be calculated by securing
4 the time it takes the vehicle to travel the known distance.

5 (2) A particular section of a highway with a prima facie speed
6 limit that is provided by this code or by local ordinance *or*
7 *resolution* under paragraph (1) of subdivision (b) of Section 22352,
8 or established under Section 22354, 22357, 22358, or 22358.3, if
9 that prima facie speed limit is not justified by an engineering and
10 traffic survey conducted within five years prior to the date of the
11 alleged violation, and enforcement of the speed limit involves the
12 use of radar or any other electronic device that measures the speed
13 of moving objects. This paragraph does not apply to a local street,
14 road, ~~or school zone: zone, senior zone, or business activity district.~~

15 (b) (1) For purposes of this section, a local street or road is one
16 that is functionally classified as “local” on the “California Road
17 System Maps,” that are approved by the Federal Highway
18 Administration and maintained by the Department of
19 Transportation. ~~When a street or road does not appear on the~~
20 ~~“California Road System Maps,” it~~ *It may also be defined as a*
21 *“local street or road” if it primarily provides access to abutting*
22 *residential property and meets the following three conditions:*

23 (A) Roadway width of not more than 40 feet.

24 (B) Not more than one-half of a mile of uninterrupted length.
25 Interruptions shall include official traffic control signals as defined
26 in Section 445.

27 (C) Not more than one traffic lane in each direction.

28 (2) For purposes of this section, “school zone” means that area
29 approaching or passing a school building or the grounds thereof
30 that is contiguous to a highway and on which is posted a standard
31 “SCHOOL” warning sign, while children are going to or leaving
32 the school either during school hours or during the noon recess
33 period. “School zone” also includes the area approaching or passing
34 any school grounds that are not separated from the highway by a
35 fence, gate, or other physical barrier while the grounds are in use
36 by children if that highway is posted with a standard “SCHOOL”
37 warning sign.

38 (3) *For purposes of this section, “senior zone” means that area*
39 *approaching or passing a senior center building or other facility*
40 *primarily used by senior citizens, or the grounds thereof that is*

1 *contiguous to a highway and on which is posted a standard*
2 *“SENIOR” warning sign, pursuant to Section 22352.*

3 (4) *For purposes of this section, “business activity district”*
4 *means a section of highway described in paragraph (6) of*
5 *subdivision (b) of Section 22358.4 in which a standard 25 miles*
6 *per hour or 20 miles per hour speed limit sign has been posted*
7 *pursuant to subparagraph (C) of paragraph (1) of subdivision (b)*
8 *of that section.*

9 (c) (1) When all of the following criteria are met, paragraph
10 (2) of this subdivision shall be applicable and subdivision (a) shall
11 not be applicable:

12 (A) When radar is used, the arresting officer has successfully
13 completed a radar operator course of not less than 24 hours on the
14 use of police traffic radar, and the course was approved and
15 certified by the Commission on Peace Officer Standards and
16 Training.

17 (B) When laser or any other electronic device is used to measure
18 the speed of moving objects, the arresting officer has successfully
19 completed the training required in subparagraph (A) and an
20 additional training course of not less than two hours approved and
21 certified by the Commission on Peace Officer Standards and
22 Training.

23 (C) (i) The prosecution proved that the arresting officer
24 complied with subparagraphs (A) and (B) and that an engineering
25 and traffic survey has been conducted in accordance with
26 subparagraph (B) of paragraph (2). The prosecution proved that,
27 prior to the officer issuing the notice to appear, the arresting officer
28 established that the radar, laser, or other electronic device
29 conformed to the requirements of subparagraph (D).

30 (ii) The prosecution proved the speed of the accused was unsafe
31 for the conditions present at the time of alleged violation unless
32 the citation was for a violation of Section 22349, 22356, or 22406.

33 (D) The radar, laser, or other electronic device used to measure
34 the speed of the accused meets or exceeds the minimal operational
35 standards of the National Highway Traffic Safety Administration,
36 and has been calibrated within the three years prior to the date of
37 the alleged violation by an independent certified laser or radar
38 repair and testing or calibration facility.

39 (2) A “speed trap” is either of the following:

1 (A) A particular section of a highway measured as to distance
2 and with boundaries marked, designated, or otherwise determined
3 in order that the speed of a vehicle may be calculated by securing
4 the time it takes the vehicle to travel the known distance.

5 (B) (i) A particular section of a highway or state highway with
6 a prima facie speed limit that is provided by this code or by local
7 ordinance *or resolution* under paragraph (1) of subdivision (b) of
8 Section 22352, or established under Section 22354, 22357, 22358,
9 or 22358.3, if that prima facie speed limit is not justified by an
10 engineering and traffic survey conducted within one of the
11 following time periods, prior to the date of the alleged violation,
12 and enforcement of the speed limit involves the use of radar or
13 any other electronic device that measures the speed of moving
14 objects:

15 (I) Except as specified in subclause (II), seven years.

16 (II) If an engineering and traffic survey was conducted more
17 than seven years prior to the date of the alleged violation, and a
18 registered engineer evaluates the section of the highway and
19 determines that no significant changes in roadway or traffic
20 conditions have occurred, including, but not limited to, changes
21 in adjoining property or land use, roadway width, or traffic volume,
22 ~~14~~ 14 years.

23 (ii) This subparagraph does not apply to a local street, road, or
24 school ~~zone~~, *zone, senior zone, or business activity district.*

25 *SEC. 13. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. Section 14033.5 is added to the Government~~
31 ~~Code, to read:~~

32 ~~14033.5. Beginning June 1, 2022, and every six months~~
33 ~~thereafter, the department shall convene a committee of external~~
34 ~~design experts to advise on revisions to the Highway Design~~
35 ~~Manual.~~

36 ~~SEC. 2. Section 2904.5 is added to the Vehicle Code, to read:~~

37 ~~2904.5. The California Traffic Safety Program shall include a~~
38 ~~traffic safety monitoring program that identifies and addresses~~
39 ~~locations with pedestrian and bicyclist-related crashes, upon~~
40 ~~appropriation of state funds for this purpose.~~

1 SEC. 3. ~~Section 40802 of the Vehicle Code is amended to read:~~

2 40802. (a) ~~A “speed trap” is either of the following:~~

3 (1) ~~A particular section of a highway measured as to distance~~
4 ~~and with boundaries marked, designated, or otherwise determined~~
5 ~~in order that the speed of a vehicle may be calculated by securing~~
6 ~~the time it takes the vehicle to travel the known distance.~~

7 (2) ~~(A) A particular section of a highway with a prima facie~~
8 ~~speed limit that is provided by this code or by local ordinance~~
9 ~~under paragraph (1) of subdivision (b) of Section 22352, or~~
10 ~~established under Section 22354, 22357, 22358, or 22358.3, if that~~
11 ~~prima facie speed limit is not justified by an engineering and traffic~~
12 ~~survey conducted within five years prior to the date of the alleged~~
13 ~~violation, and enforcement of the speed limit involves the use of~~
14 ~~radar or any other electronic device that measures the speed of~~
15 ~~moving objects. This paragraph does not apply to a local street,~~
16 ~~road, or school zone.~~

17 ~~(B) If a registered engineer evaluates the section of the highway~~
18 ~~and finds there has been an increase in traffic-related crashes, the~~
19 ~~prima facie speed limit may be justified by an engineering and~~
20 ~~traffic survey conducted every 10 years.~~

21 ~~(b) (1) For purposes of this section, a local street or road is one~~
22 ~~that is functionally classified as “local” on the “California Road~~
23 ~~System Maps,” that are approved by the Federal Highway~~
24 ~~Administration and maintained by the Department of~~
25 ~~Transportation. When a street or road does not appear on the~~
26 ~~“California Road System Maps,” it may be defined as a “local~~
27 ~~street or road” if it primarily provides access to abutting residential~~
28 ~~property and meets the following three conditions:~~

29 ~~(A) Roadway width of not more than 40 feet.~~

30 ~~(B) Not more than one-half of a mile of uninterrupted length.~~
31 ~~Interruptions shall include official traffic control signals as defined~~
32 ~~in Section 445.~~

33 ~~(C) Not more than one traffic lane in each direction.~~

34 (2) For purposes of this section, “school zone” means that area
35 approaching or passing a school building or the grounds thereof
36 that is contiguous to a highway and on which is posted a standard
37 “SCHOOL” warning sign, while children are going to or leaving
38 the school either during school hours or during the noon recess
39 period. “School zone” also includes the area approaching or passing
40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use
2 by children if that highway is posted with a standard “SCHOOL”
3 warning sign.

4 (e) (1) ~~When all of the following criteria are met, paragraph~~
5 ~~(2) of this subdivision shall be applicable and subdivision (a) shall~~
6 ~~not be applicable:~~

7 (A) ~~When radar is used, the arresting officer has successfully~~
8 ~~completed a radar operator course of not less than 24 hours on the~~
9 ~~use of police traffic radar, and the course was approved and~~
10 ~~certified by the Commission on Peace Officer Standards and~~
11 ~~Training.~~

12 (B) ~~When laser or any other electronic device is used to measure~~
13 ~~the speed of moving objects, the arresting officer has successfully~~
14 ~~completed the training required in subparagraph (A) and an~~
15 ~~additional training course of not less than two hours approved and~~
16 ~~certified by the Commission on Peace Officer Standards and~~
17 ~~Training.~~

18 (C) (i) ~~The prosecution proved that the arresting officer~~
19 ~~complied with subparagraphs (A) and (B) and that an engineering~~
20 ~~and traffic survey has been conducted in accordance with~~
21 ~~subparagraph (B) of paragraph (2). The prosecution proved that,~~
22 ~~prior to the officer issuing the notice to appear, the arresting officer~~
23 ~~established that the radar, laser, or other electronic device~~
24 ~~conformed to the requirements of subparagraph (D).~~

25 (ii) ~~The prosecution proved the speed of the accused was unsafe~~
26 ~~for the conditions present at the time of alleged violation unless~~
27 ~~the citation was for a violation of Section 22349, 22356, or 22406.~~

28 (D) ~~The radar, laser, or other electronic device used to measure~~
29 ~~the speed of the accused meets or exceeds the minimal operational~~
30 ~~standards of the National Highway Traffic Safety Administration,~~
31 ~~and has been calibrated within the three years prior to the date of~~
32 ~~the alleged violation by an independent certified laser or radar~~
33 ~~repair and testing or calibration facility.~~

34 (2) A “speed trap” is either of the following:

35 (A) A particular section of a highway measured as to distance
36 and with boundaries marked, designated, or otherwise determined
37 in order that the speed of a vehicle may be calculated by securing
38 the time it takes the vehicle to travel the known distance.

39 (B) (i) A particular section of a highway or state highway with
40 a prima facie speed limit that is provided by this code or by local

1 ordinance under paragraph (1) of subdivision (b) of Section 22352,
2 or established under Section 22354, 22357, 22358, or 22358.3, if
3 that prima facie speed limit is not justified by an engineering and
4 traffic survey conducted within one of the following time periods,
5 prior to the date of the alleged violation, and enforcement of the
6 speed limit involves the use of radar or any other electronic device
7 that measures the speed of moving objects:
8 (I) Except as specified in subclause (II) or (III), seven years.
9 (II) If an engineering and traffic survey was conducted more
10 than seven years prior to the date of the alleged violation, and a
11 registered engineer evaluates the section of the highway and
12 determines that no significant changes in roadway or traffic
13 conditions have occurred, including, but not limited to, changes
14 in adjoining property or land use, roadway width, or traffic volume,
15 10 years.
16 (III) If a registered engineer evaluates the section of the highway
17 or state highway and finds there has been an increase in
18 traffic-related crashes, the prima facie speed limit may be justified
19 by an engineering and traffic survey conducted every 15 years.
20 (ii) This subparagraph does not apply to a local street, road, or
21 school zone.



AB 43 – Setting Speed Limits to Enhance Traffic Safety

Summary:

According to the National Transportation Safety Board, speeding accounts for nearly a third of all traffic fatalities. AB 43 implements policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety.

Background:

California has based its speed limits using a decades old process known as the 85th percentile. Traffic surveyors would measure the speed drivers were driving at and set the speed limit to reflect what 85% of drivers were driving at. At the time this was believed to be the safest speed.

Speed limits, however, are not set based on safety, but rather on the speed driver's feel comfortable driving at, and transportation experts today widely reject the notion that the 85th percentile speed is the safest speed. The National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials and California Transportation Agency (CalSTA) have all concluded we need to reform the way speed limits are set.

The faster a vehicle goes, the chances of survival in a car crash decreases tremendously, especially for vulnerable road users such as pedestrians, bicyclists, seniors and children. According to research conducted by AAA, a person struck by a vehicle going 32.5 mph has a 75% chance of surviving; the survival rate plummets to 50% if the vehicle is going only 8 mph faster. The survival rate is only 10% if the vehicle is travelling at 55 mph.

According to NTSB, Speeding is a factor in 31% of all traffic fatalities. Empty roads due to the COVID-

19 lockdowns led to a significant increases in speeding, with a corresponding increase in fatalities. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic violence in 2020, and an estimated 4.8 million additional road users were seriously injured last year.

One of the proven ways to slow drivers down is to enforce speed limits. However, California law requires cities to conduct a speed survey every 10 years in order for a speed limit to be enforceable, even if no changes have been made to the roadway. In some instances, the lack of enforcement causes drivers to increase their speed further, forcing cities to increase their speed limits in order to enforce them. Los Angeles alone had to increase their speed limits on nearly 200 miles of streets just to enforce the speed limits they have.

Reducing speed limits has been shown to reduce both injuries and fatalities on the road. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%. A range of research also suggests lowering speed limits may result in the number of fatalities dropping by 10% to 30%, with one outlier study showing an 80% reduction in fatalities.

AB 2363 (Friedman), Chapter 650, Statutes of 2018, required CalSTA to convene the Zero Traffic Fatalities Task Force to make recommendations to the Legislature on what reforms the state should make to change the way we set speed limits.

AB 43 (as amended on 3/22/2021):

- Requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits;
- Permits cities to lower speed limits beyond the 85th percentile on streets with high injuries and fatalities, and ensures they will never again have to raise a speed limit on any road if there have been no design changes; and limits the need for updated traffic surveys on certain streets; and
- Provides for greater flexibility in setting school speed limits to protect children.

Support:

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