Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 1492 (Boerner Horvath) – As Amended April 4, 2019

SUBJECT: Speed limits: City of Encinitas

SUMMARY: Authorizes the city of Encinitas to lower the speed limit to 15 miles per hour (MPH) on Neptune Avenue if that speed limit is justified by an engineering and traffic survey. Specifically, **this bill**:

1) Authorizes the city of Encinitas, by resolution or ordinance, to lower the speed on Neptune Avenue between Grandview Street and La Mesa Street to 15 MPH if that speed limit is justified by an engineering and traffic survey.

2) Makes the 15 MPH speed limit effective when signs giving notice of the speed limit are posted.

EXISTING LAW:

1) Requires Caltrans, after consultation with local agencies and public hearings, to adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices, 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.

2) Requires an engineering and traffic survey to include, among other requirements deemed necessary by Caltrans, consideration of all of the following:

   a) Prevailing speeds as determined by traffic engineering measurements;

   b) Accident records; and,

   c) Highway, traffic, and roadside conditions not readily apparent to the driver.

3) Permits local authorities to additionally consider all of the following when conducting an engineering and traffic survey:

   a) 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:

      i) 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;

      ii) 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; or,

iii) 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 of the above.

4) Establishes a prima facie speed limit of 65 MPH, or 25 MPH in residential and business districts.

5) Permits a local authority by ordinance, upon the basis of an engineering and traffic survey, to declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 MPH and enforce a speed limit so long as there is effective notice of the speed limit erected on the street.

6) Permits a local authority by ordinance, upon the basis of an engineering and traffic survey, to declare a prima facie speed limit of 20 or 15 MPH for a street in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, "AB 1492 will make Neptune Avenue in Encinitas-a naturally complete street-safer for all road users by lowering the speed limit to 15 MPH. Neptune Avenue is a recreational corridor that serves three beach access points as well as coastal look out points. By lowering the speed limit, families, kids biking to school, surfers accessing the beach, parent pushing strollers and joggers will be safer sharing the road with cars."

Setting Speed Limits: Existing law requires Caltrans, after consultation with local agencies and public hearings, to adopt rules and regulations that prescribe uniform standards and specifications for traffic control devices, including the posting of speed limits. Caltrans adopts these rules as the California Manual on Uniform Traffic Control Devices (MUTCD), which, among other things, prescribes the process for setting speed limits in this state.

In California and elsewhere, speed limits are generally set in accordance with engineering and traffic surveys, which measure prevailing vehicular speeds and establish the limit at or near the 85th percentile (*i.e.*, the speed that 15% of motorists exceed). California uses the 85th percentile to set speed limits except in cases where the limit is set in state law, such as the 25 mph limit in residence districts and school zones, or where an engineering and traffic survey shows that other safety-related factors suggest that a lower speed limit is warranted. These safety-related factors, as prescribed by law, include accident data; highway, traffic, and roadway conditions not readily apparent to the driver; residential density; and pedestrian and bicyclist safety.

Caltrans' rules allow speed limits to deviate from the 85th percentile in a couple of ways. First, if 85th percentile is not in an increment of 5 mph, the MUTCD requires the speed limit to be rounded to the nearest 5 mph limit. So if the 85th percentile is 32 mph, the speed limit can be rounded down to 30. If the 85th percentile is 34 mph, it must be rounded up to 35 mph. In the first example, traffic surveyors are allowed to reduce the speed limit from 30 mph to 25 mph based on accident records, pedestrian and bicycle safety, and the density of the area. In the second example, traffic surveyors would be allowed to round down to 30 mph, but are prohibited from lowering the speed limit any further.

Why the 85th Percentile: The 85th percentile has been used to calculate speed limits since the 1940s. According to the National Transportation Safety Board, the use of the operating speed, more specifically the 85th percentile speed, is based on the assumption that the majority of drivers are:

1) Capable of selecting appropriate speeds according to weather conditions, traffic, road geometry, and roadside development; and,

2) Operating at reasonable and prudent speeds. The support for this comes from empirical research of self-reported crashes on 2- or 4 lane rural highways in the late 1950s. Research showed that drivers operating at much lower and much higher speeds than the majority of drivers were involved in a disproportionally high number of crashes.

Lowering Speed Limits Does Not Lower Speed: The Federal Highway Administration (FHWA) has conducted research in 22 states showing that lowering speed limits has a minimal effect on reducing actual speeds. In fact, they found that lowering the speed limit by 5 mph of the 85th percentile reduced speeds by less than 2 mph.

In addition, FHWA collected crash data from 99 different sites for a 3-year before period and a two-year after period. At these sites, FHWA set lower and higher speed limits than the current 85th percentile. FHWA concluded after their study that, "Based on the best information available to date, there was no evidence to suggest that lowering or raising posted speed limits on nonlimited access roadways has an effect on crashes. Reducing the posted speed limit without utilizing other enforcement, educational and engineering measures does not appear to be an effective safety treatment."

In the most recent FHWA report entitled *Methods and Practices for Setting Speed Limits: an Informational Report,* FHWA notes that the 85th percentile may not be the safest speed, "but *it is important to note that setting speed limits lower than 85th percentile speed does not encourage compliance with the posted speed limit."*

How to Actually Reduce Speed: It is generally accepted that reducing speeds requires the three E's: education, engineering and enforcement. The Governors Highway Safety Association (GHSA), a nonprofit organization representing state and territorial highway safety offices, noted in its most recent report that evidenced-based strategies to reduce pedestrian deaths include: refuge islands (which allow pedestrians to cross two-way streets one direction at a time), sidewalks, pedestrian overpasses/ underpasses, countdown pedestrian signals that provide ample crossing time, High-Intensity Activated crosswalk (HAWK) signals where traffic signals stop traffic midblock to allow pedestrians to cross, and new traffic signals.

It would also be helpful to make pedestrians more visible to drivers, as 75% of all pedestrian fatalities occur in the dark. Finally, as a way of slowing drivers down, GHSA recommends road diets that create space for other modes (e.g. bicycle lanes, sidewalks, turn lanes), roundabouts, and traffic calming devices such as speed humps and curb extensions.

Committee comments: It is unclear what impact this bill will have on existing law because Neptune Avenue is a residential street and it is less than 25 feet in width. Local authorities already have the ability to set a speed limit of 20 or 15 MPH if it is justified by an engineering and traffic survey if the street is in a residential or business district and the street is less than 25 feet in width.

This bill also may be premature, as there is currently a Zero Traffic Fatalities Task Force, established by AB 2363 (Friedman), Chapter 650, Statutes of 2018, that is currently evaluating the use of the 85th percentile in setting speed limits.

Related legislation: AB 1056 (Garcia, 2019) redefines "residence district" for an unincorporated portion of the Imperial County in a manner that would allow them to set a prima facie speed limit of 25 MPH without conducting an engineering and traffic survey. That bill is pending a hearing in this committee.

Previous legislation:

AB 2363 (Friedman), Chapter 650, Statutes of 2018, creates a Zero Traffic Fatalities Task Force to determine whether the traditional methodology for establishing speed limits (the 85th percentile rule) needs to be replaced.

AB 529 (Gatto), Chapter 528, statutes of 2011, allowed, in instances where Caltrans or the local authority should round up to reach the nearest 5 MPH, that Caltrans or the local authority may instead round down but then may not reduce the posted speed limit by a
5 MPH increment for a safety-related factor.

SB 570 (Maldonado) of 2009, would have established a prima facie speed limit of 40 MPH for any roadway where the residential density is eight residential units or more fronting the street. SB 570 passed out of the Senate Transportation and Housing Committee and was amended in the Senate Appropriations Committee with language relative to the California State Lottery.

AB 564 (Portantino) of 2009, would amend the definition of a "local street or road," under the speed trap law, for the City of Pasadena, to mean that it is either included in the latest maps submitted to FHWA or one that is not wider than 40 feet, longer than one-half mile, or more than one lane in each direction. AB 564 passed the Assembly and was amended in the Senate with language relative to the Substance Abuse Treatment Trust Fund.

AB 766 (Krekorian) of 2009, would have allowed a local city or county to retain a prima facie speed limit on any street, other than a state highway, if it makes a finding after a public hearing and determines that a higher speed limit is not appropriate and does not promote safety. AB 766 was referred to this committee but was not heard at the request of the author.

AB 2767 (Jackson), Chapter 45, Statutes of 2000, allowed local authorities to consider residential density and bicycle and pedestrian safety as additional factors in engineering and traffic surveys conducted for purposes of setting speed limits.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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