

CONCURRENCE IN SENATE AMENDMENTS

AB 1938 (Friedman, et al.)

As Amended June 16, 2022

Majority vote

SUMMARY

Makes technical, clarifying changes to existing law on how speed limits are set.

Senate Amendments

- 1) Delete the original language of the bill and replace with language to clarify existing law regarding how speed limits are set.**
- 2) Clarifies that law enforcement may use speed radar guns to enforce the speed limits lowered as a result of AB 43 (Friedman) Chapter 690, Statutes of 2021.**

COMMENTS

This bill was substantially amended in the Senate and the Assembly-approved version of this bill was deleted. This bill, as amended in the Senate, is inconsistent with the Assembly actions and the provisions of this bill, as amended in the Senate, have not been heard in an Assembly policy committee.

In 2021, the California Legislature passed AB 43 (Friedman), Chapter 690. AB 43 made various changes to how speed limits are set to give local governments and the state more flexibility to lower speed limits. Two of those changes included the ability to lower speed limits by 5 miles per hour (mph) on high injury streets, referred to as “safety corridors,” and streets with a high concentration of bicyclists and pedestrians.

Prior to the passage of AB 43, speed limits were generally set using the prevailing speed, known as the 85th percentile, measured during a traffic survey by traffic engineers. Traffic surveys generally use the prevailing speed as the first basis for setting speed limits, but are allowed to deviate from the 85th percentile speed by rounding up or down to the nearest 5 mph increment. If the nearest 5 mph increment allowed for the speed limit to be rounded down, traffic engineers are permitted to lower the speed limit by an additional 5 mph for several reasons, including bicycle and pedestrian safety, high density, safety reasons that are not readily apparent to the driver, accident records, and in some areas, equestrian safety (Vehicle Code 627). AB 43 gave additional direction for bicycle and pedestrian safety, asking traffic engineers to give increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused. In recognition that lowering speed limits by 5 mph can have added safety benefits, AB 43 permitted cities to lower speed limits by an additional 5 mph increment if the street had a high concentration of bicyclist or pedestrians, or the street was determined to be one of the top 20% most dangerous streets within the cities jurisdiction (safety corridors).

To demonstrate how AB 43 would be implemented, below are two examples. For example one, if the 85th percentile speed was 42.4 mph, the speed limit would be rounded down to 40

mph. If justified by a traffic survey for the reasons stated above, it could then be lowered to 35 mph.

For example two, if the 85th percentile speed was 44 mph, the speed limit would be rounded up to 45 mph, and could be reduced to 40 mph either for no reason at all, as permitted by AB 529 (Gatto) Chapter 528, Statutes of 2011, or for the reasons listed above under Vehicle Code 627.

As a result of AB 43, a speed limit can be reduced by an additional 5 mph in a safety corridor or in an area with a high concentration of pedestrians and cyclists. This would allow a speed limit previously set at 35 mph, as explained in example one, to be lowered to 30 mph, and a speed limit previously set by example two at 40 mph to be lowered to 35 mph.

For example:

85th Percentile (mph)	Initial rounding to nearest 5mph increment	AB 529 May round down to nearest if nearest initial rounding required rounding up	Additional 5 mph reduction permitted under VC 627	AB 43 Non-Safety Corridor or high concentration of bicyclists and pedestrians speed limit	AB 43 Safety Corridor or high concentration of bicyclists and pedestrians speed limit
47.5 - 50.0	50	45	NO	45	40
45.1 - 47.4	45	n/a	40	40	35
42.5 - 45.0	45	40	NO	40	35
40.1 - 42.4	40	n/a	35	35	30

While revising the Manual for Traffic Control Devices to incorporate AB 43, there was confusion regarding the language created by AB 529 in 2011, leading some to believe that AB 43 eliminated the ability to lower speed limits by 5 mph using a traffic and engineering study for reasons other than the prevailing speed as permitted by VC 627. This would mean that under example one, a previously set speed limit of 35 mph would have to be increased to 40 mph, and could only be lowered back to 35 mph if it was in a safety corridor or in an area determined to have a high concentration of bicyclists and pedestrians. This interpretation would force cities to raise speed limits, not lower them, going against the legislative intent of AB 43.

This bill clarifies the intent of AB 43 to permit cities to reduce speed limits 5 mph lower than the existing method of setting speed limits prior to the passage of AB 43. In limited circumstances this may result in a speed limit that is 12.4 mph lower than the 85th

percentile speed. It is important to note that this does not mean speed limits will be reduced by 12.4 mph, as in those circumstances the law prior to AB 43 permitted a 7.4 mile per hour speed limit deviation from the 85th percentile speed, and AB 43 is simply permitting it to be lowered an additional 5 mph, or a 12.4 mph deviation from the 85th percentile speed. It also ensures that speed limits reduced using AB 43 can be enforced using a speed radar gun, the typical way law enforcement enforces speed limits, and not just pacing with the vehicle.

According to the Author

“Last year the Governor signed my bill AB 43 to give cities more flexibility to lower speed limits. Unfortunately some have interpreted AB 43 in a manner that removed pre-existing authority to deviate from the 85th percentile speed, an interpretation that would give cities less, not more flexibility on setting speed limits. AB 1938 simply codifies the pre-existing authority on setting speed limits and clarifies that the additional authority granted by AB 43 was meant to supplement, not supplant, that authority.

Reducing speed limits has been shown to reduce both injuries and fatalities on the road. According to UC ITS, research has shown reducing speed limits on limited access roads by 5 mph 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.”

Arguments in Support

According to the League of Cities, “Last year’s AB 43, which Cal Cities supported, was designed to provide local jurisdictions flexibility in setting speed limits somewhat lower than what is otherwise determined by the mechanistic 85th-percentile methodology in state law, on a limited number of roads designated as safety corridors, in business activity districts, or near locations where vulnerable populations gather, such as bike lanes or near senior centers. However, the Administration is considering a revision to the applicable regulatory documents that would limit the positive impact and intent of AB 43 on safety corridors or areas with a high concentration of pedestrians and bicyclists in certain conditions whereby local and state authorities may round a speed limit to the nearest 5 mph increment (i.e., from the precise number otherwise required by an engineering and traffic survey). AB 1938 fixes that by codifying the California Uniform Manual on Traffic Control Devices, as published by the Administration, and as the Manual read on March 31, 2021, to ensure that cities maintain the authority they had to lower speed limits prior to the passage of AB 43 – *in addition to the new authorities* granted to them with the passage of AB 43.”

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM TRANSPORTATION: 13-0-2

YES: Friedman, Fong, Berman, Daly, Davies, Gipson, Kalra, Lee, Medina, Nguyen, O'Donnell, Ward, Wicks

ABS, ABST OR NV: Cunningham, Nazarian

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ASSEMBLY FLOOR: 68-0-10

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooper, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Seyarto, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Berman, Boerner Horvath, Cooley, Cunningham, Mayes, Muratsuchi, O'Donnell, Salas, Smith, Ward

UPDATED

VERSION: June 16, 2022

CONSULTANT: David Sforza / TRANS. / (916) 319-2093

FN: