

Date of Hearing: April 19, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 43 (Friedman) – As Amended March 22, 2021

SUBJECT: Traffic safety

SUMMARY: Grants the California Department of Transportation (Caltrans) and local authorities greater flexibility in setting speed limits based on recommendations the Zero Traffic Fatality Task Force (Task Force) made in January 2020.

Specifically, **this bill:**

- 1) Authorizes a local authority, by resolution or ordinance, to lower speed limits by five miles per hour (mph) below a traffic engineer’s recommendation after a traffic survey for the following reasons:
 - a) The portion of the street has been designated as a high-injury street.
 - b) The portion of the street is adjacent to land or a facility that generates a high concentration of bicycles or pedestrians, especially from vulnerable groups such as children, seniors, persons with disability, and the unhoused.
- 2) Defines “high-injury” street to mean a portion of the street that, based on at least the immediately preceding three years of traffic accident data, is identified and has been adopted by the local authority as experiencing a high concentration of traffic-related serious injuries and fatalities.
- 3) Authorizes a local authority to retain an existing speed limit or revert to a previously established speed limit if a registered engineer has evaluated the section of highway and determined that no significant design changes, with the specific intent of increasing the safe operating speed have been made to the roadway since completion of the traffic survey that established the prior speed limit.
- 4) Defines a “senior zone” to mean an area approaching or passing a senior center building or other facility primarily used by senior citizens.
- 5) Authorizes a business activity district to have a prima facie speed limit of 25 or 20 mph.
- 6) Defines “business activity district” as a portion of the street with four lanes that currently has a 35 mph speed limit that includes central or neighborhood downtowns, urban villages, or zoning designations that prioritize commercial land uses at the downtown or neighborhood scale and meets at least three of the following requirements:
 - a) Retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the street.
 - b) Parking, including parallel, diagonal, or perpendicular spaces, located alongside the street.

- c) Traffic control signals or stop signs regulating traffic flow on the highway, located at intervals of no more than 600 feet.
 - d) Marked crosswalks not controlled by a traffic control device.
 - e) Pedestrian density greater than one pedestrian per 100 feet of sidewalk during peak hours.
 - f) Bicycle volume of 10 or more bicycles per hour operating within or passing through during peak hours, including both sidewalk and highway use.
- 7) Authorizes a local authority or Caltrans to set a speed limit of 20 mph or 15 mph if justified by a traffic survey.
- a) Requires, instead of permits, a traffic engineer to take into account residential density, business density, and pedestrian and bicyclist safety.
- 8) Requires a traffic engineer to take into account the following new factors when conducting a traffic survey:
- a) Increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused.
 - b) The current or immediately prior speed limit for a section of street when there has been significant design changes, with the specific intent of increasing the safe operating speed.
 - c) Whether the section of highway has been designated by the local authority as experiencing a high concentration of fatalities and serious injuries based on recent data.
- 9) Expands the exemptions of speed traps to not include senior zones or business activity districts, permitting law enforcement to use radar guns to enforce speed limits in those areas without the justification of a traffic survey.
- 10) Extends the period of time that an engineering and traffic survey justifies a speed from 10 to 14 years if a traffic engineer evaluates that section of the street and determines that no significant changes in roadway or traffic conditions have occurred. .

EXISTING LAW:

- 1) Allows Caltrans and local authorities to adjust default speed limits based upon certain findings determined by an engineering and traffic survey.
- 2) Requires an engineering and traffic survey to include prevailing speeds as determined by traffic engineering measurements, accident records; and highway, traffic, and roadside conditions not readily apparent to the driver.
- 3) Permits local authorities to additionally consider residential density, business density, and pedestrian and bicyclist safety.

- 4) Requires a speed survey to be conducted every five, seven or 10 years on most streets in order to use radar enforcement to enforce speed limits.
- 5) Sets Prima Facie speed limits for residential districts and business districts at 25 mph.
- 6) Sets a prima facie speed limit of 25 mph in a senior zone.
- 7) Sets a prima facie speed limit of 25 mph or 15 mph in a school zone when children are present, dependent on how far away you are from the school and if the road only has two lanes and the speed limit is 30 mph or lower.

FISCAL EFFECT: Unknown

COMMENTS: Between 2000 and 2018, over 660,000 people were killed in vehicle collisions. 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.

According to the Governors Highway Safety Association the number of pedestrian fatalities in the United States has grown sharply. Between 2009 and 2018, pedestrian fatalities increased 53%. This is during a time when all other traffic-related deaths increased by 2%. In 2018, 17% of all traffic fatalities were pedestrians, compared to 12% in 2009.

The speed that a vehicle travels can significantly increase the likelihood of death in an accident. According to the National Highway Traffic Safety Administration, a person struck by a vehicle going 20 mph has a 5% chance of dying. That number goes up to 40% for vehicles going 30 mph, and 80% for vehicles going 40 mph. Similarly, according to the National Transportation Safety Board (NTSB), from 2005-14, crashes in which a law enforcement officer indicated a vehicle's speed was a factor resulted in 112,580 fatalities, representing 31% of all traffic fatalities. NTSB notes that speeding increases the risk of a crash and the severity of injuries sustained by all road users.

The increase of traffic fatalities has created a movement in the United States called the Vision Zero Network which is a collaborative campaign with the goal of eliminating all traffic fatalities and severe injuries—while increasing safe, healthy, and equitable mobility for all. Today, more than 40 communities (including at least 11 in California) across the country have taken the Vision Zero Network's pledge to reduce traffic fatalities to zero.

While on its face that seems impossible, two cities in the world achieved vision zero in 2019: Oslo, Norway (population 670,000) and Helsinki, Finland (population 630,000) These cities did so by redesigning their roads to slow down cars, banning cars in their downtowns, lowering speed limits, and enforcing speeding violations.

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

residential 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 the 85th percentile is not in an increment of 5 mph, the speed limit must 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.

There has been a concerted effort across the country to change the way speed limits are set. NTSB, the National Association for City Transportation Officials, and more recently, the California State Transportation Agency (CalSTA), have all called for moving away from the 85th percentile as the basis for setting speed limits. AB 2363 (Friedman), Chapter 650, Statutes of 2018 established the Task Force in order to develop policies to reduce traffic fatalities to zero in California. Per this legislation, CalSTA formed the 25-member Task Force on June 5th, 2019. Members of the Task Force included representatives from the Department of the California Highway Patrol, the University of California and other academic institutions, Caltrans, the State Department of Public Health, local governments, bicycle safety organizations, statewide motorist service membership organizations, transportation advocacy organizations, and labor organizations.

In January 2020, CalSTA in conjunction with the Task Force, released the *CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force*. The report includes 27 policy recommendations, and 16 findings recommendations that are broken into four categories: establishing speed limits, engineering, enforcement and education. This bill includes seven policy recommendations on establishing speed limits outlined in the report.

This bill gives cities more flexibility to change speed limits, which has the potential to significantly reduce injuries and deaths from car accidents. The bill provides the following flexibilities based on recommendations from the Task Force.

According to the author, "Speed limit reform is far overdue in California. Speed limits are based on the speed driver's feel comfortable driving at, not safety. The 85th percentile is outdated, and has led locals to increase speed limits at the same time traffic fatalities continue to increase. Implementation of AB 43 at the local level has the potential to save hundreds of lives. This bill is the culmination of the Zero Traffic Fatalities Task Force recommendations on speed setting, verified and contributed to by experts across the state."

What effect do speed limits have on the speed of drivers? As part of the Task Force, the University of California Institute of Traffic Studies (UC ITS) compiled research on the dangers of speeding and the effect speed limits have on speeding. UC ITS notes that "reducing speed limits almost universally reduces speeds both on limited and mixed access roads. However, the absolute magnitude of speed changes from speed limits alone are quite small...a five mph reduction in speed limit is likely to decrease mean speed by one to two mph. With stronger

enforcement, the effect of a five mph speed limit reduction may be closer to three mph.” While changing speed limits has a minor overall effect on the mean speed, it has a major effect on reducing speed-related injuries and fatalities. UC ITS notes that a five mph reduction in speed can reduce injuries by 8-15%. Other studies have reported reductions as great as 28% and 39%. The benefits may be even greater for pedestrians. UC ITS notes that research has shown that environments with five mph lower posted speed limits equate to 56-88% fewer serious pedestrian injuries and 80-96% fewer pedestrian fatalities.

A recent study shows that while speed limit reductions may not affect most drivers, it may get the most dangerous drivers to slow down. Oregon recently authorized residential speed limits to be reduced from 25 mph to 20 mph. A study of the impact of this change, found that the 85th and 50th percentile speed remained the same both before and after the speed limit change (27 mph and 22 mph respectively). However, and notably, the number of drivers going over 30 mph decreased from 6.5% of drivers to 4.8% of drivers.

How does this bill allow for speed limits to be lowered? The Task Force recommended permitting cities to lower speed limits greater than the current five mph allowance on streets with a high incidence of traffic-related incidents and to establish a uniform definition of “high injury networks”(HIN). There is currently no definition of HIN in statute, however some locals consider an HIN to be “streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling.” The Task Force recommends a statewide definition be defined in the Manual on Uniform Traffic Control Devices. This bill authorizes local authorities to lower speed limits an additional five mph if the local authority determines the street is a high injury street and defines “high-injury” street as, “a portion of highway that, based on at least the immediately preceding three years of traffic accident data, is identified and has been adopted by the local authority as experiencing a high concentration of traffic-related serious injuries and fatalities.”

As an example of how this would work, under current law, if the speed limit is 45 mph, using the 85th percentile standard, a local authority, may establish a lower speed limit of 40 mph. This bill allows local authorities to reduce the 40 mph speed limit an additional five mph to 35 mph if it determines it is a high injury street.

The Task Force recommended that local authorities be able to retain an existing speed limit (as determined by a traffic survey) unless a traffic engineer determines that design changes have been made to the street with the intent of increasing safe operating speed. The intent of this recommendation was to address “speed creep”, or rising vehicle operating speeds over time and current law’s requirement that local authorities increase speed limits even if roadway design has not changed. In the last several years, the City of Los Angeles had to increase speed limits on nearly 200 miles of road due to speed creep.

According to the Southern California Association of Governments (SCAG), writing in support of the bill, “Speeding contributes to approximately one-third of all vehicular fatalities nationwide. In the SCAG region, an average of 1,600 people are killed, 6,300 are seriously injured, and 136,000 are injured in traffic collisions each year. About 90 percent of these collisions occur on urban areas, and most collisions occur on local streets and roads, not on highways. Current state law requires speed limits to be set using the 85th percentile methodology through an engineering and traffic survey that must be performed every five to seven years. However, each time a traffic speed survey is taken, it is not uncommon to find that more drivers exceed the limit. AB 43

would extend the number of years required between traffic surveys. This flexibility will be useful to local governments by allowing them to retain the older traffic speed survey and maintain the existing, lower speed limit.”

This bill allows local authorities to retain an existing speed limit, even if the traffic survey suggests the speed limit should be raised, as long as a registered engineer determines no design changes were made to the road to increase operating speed.

The Task Force recommended adding “business activity districts” as an additional class of locations eligible for prima facie speed limit zone, or where speed surveys are not necessary for enforcement. Business activity districts could include urban villages, neighborhood downtowns, and other business oriented locations. The Task Force further noted that the definition should take into consideration characteristics of streets within a dense urban area, including high volume of road users and frequent street crossings.

This bill adds business activity districts as prima facie speed limit eligible and establishes a prima facie speed limit of 25 mph or 20 mph on streets that have four lanes and that have a current speed limit of 35 mph or lower. The speed limit can be set if the street has three of six characteristics that include: retail or dining commercial uses, parking alongside the street, traffic control signals, marked crosswalks, pedestrian density greater than one per 100 feet of sidewalk, and bicycle volume of 10 or more bicycles per hour.

Under current law, prima facie speed limits exist for school zones. Specifically, a school zone prima facie speed limit can be set at 25 mph when children are present between 500-100 feet from the school, or as low as 15 mph within 500 feet of a school. Prima facie speed limits in school zones can only be set on a road with two lanes that has an existing speed limit lower than 30 mph, and the school is located in a residential district. The Task Force recommended expanding the roadway conditions in which the school zone speed limit can be set and clarifying when children are present.

This bill expands the criteria for prima facie speed limits in school zones to roads that are four lanes, instead of two, allow prima facie speed limits to be set in school zones with an existing speed limit of 35 mph instead of 30 mph.

This bill also codifies the Task Force recommendation that speed limits should be allowed to be set at 20 or 15 mph, so long as they are justified by a traffic survey. Under existing law, speed limits cannot be set lower than 25 mph unless they are located in a residential district and are justified by a traffic survey.

Traffic surveys require that traffic engineers consider the prevailing speeds, accident records, and roadside conditions not readily apparent to the driver when setting speed limits. It permits them to also consider residential density, business density, and bicyclist and pedestrian safety.

The Task Force recommended that traffic surveys should be required, instead of permitted, to consider bicyclist and pedestrian safety when setting a speed limit and to develop guidance to describe how to consider it. This bill would require traffic surveyors to consider bicyclist and pedestrian safety, especially for children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused. It also requires traffic surveyors to consider residential and business density instead of permitting them to consider it. In addition, this bill

also requires traffic surveyors to consider the previous engineering survey when setting the speed limit, as well as whether a local authority has deemed the street has experienced a high concentration of fatalities and serious injuries based on recent data.

What are the consequences of violating the speed limit? Under existing law driving 1-15 mph over the speed limit results in a \$238 ticket under the uniform bail and penalty schedule. Driving 16-25 mph over the speed limit result in a \$367 ticket. Driving 26 mph over the speed limit would result in a \$490 ticket.

In addition to the fines, speeding tickets come with negligent operator points. The point system is used by DMV to determine if a driver should be considered a negligent operator. DMV may suspend or revoke a person's driving privilege for being a negligent operator. Also, points increase an individual's insurance rates.

By lowering speed limits, this bill may result in a significant reduction in injuries and fatalities for drivers and pedestrians alike, and also may result in more drivers receiving speeding tickets.

Related Legislation:

AB 61 (Gabriel) of 2020, authorizes local authorities to set a prima facie speed limit of 15 or 20 mph. in an area where outdoor dining has been authorized. That bill is pending before the Assembly Governmental Organization Committee.

AB 550 (Chiu) of 2021, authorizes a pilot program for automated speed enforcement. That bill is pending before this committee.

SB 735 (Rubio) of 2021, authorizes a pilot program for the use of automated speed enforcement in school zones. That bill is pending before Senate Transportation Committee.

Previous Legislation:

AB 2363 (Friedman), Chapter 650, Statutes of 2018, created the Zero Traffic Fatalities Task Force.

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

Activesgv, a Project of Community Partners
California City Transportation Initiative
Campbell Strategy & Advocacy, LLC
City of Alameda
City of Los Angeles
City of Oceanside
City of Thousand Oaks
City of Vista
Elders Climate Action, Norcal and SoCal Chapters
Fresno; City of
Libby Schaaf, Mayor of Oakland
National Association of City Transportation Officials
Natural Resources Defense Council
Oakland; City of
Palm Springs; City of
San Francisco Marin Medical Society
San Francisco Municipal Transportation Agency (SFMTA)
Silicon Valley Leadership Group
Southern California Association of Governments (SCAG)
Vision Zero Network
Walk San Francisco

Opposition

None on file

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