

# SPEED LIMITS

The following information is intended to explain the basics of realistic speed limits, summarize the applicable laws, and provide a brief outline of how and why speed limits are determined.

Traffic rules account for most of the contact by average citizens with law enforcement and the courts. Enforcement of laws that are widely perceived as unreasonable breeds disrespect and even contempt toward those who make and enforce those laws.

## SPEED LIMIT MISCONCEPTIONS

Four widely held misconceptions about speed limits are:

1. Posting speed limit signs will automatically slow down traffic;
2. Speed limit signs will decrease accidents and increase safety;
3. Raising a posted speed limit will increase the speed of traffic: and
4. Lowering a posted speed limit will automatically decrease the speed of traffic.

However, several studies have consistently shown that there are no significant changes in average



vehicle speeds following the posting of new or revised speed limits.

Similar research has found no direct relationship between posted speed limits and accident frequency.

## CALIFORNIA SPEED LAW

The primary legal justification for Vehicle Code enforcement and posting of speed limits in California is the California Vehicle Code (CVC 22349 -22360).

All states base their speed regulations on the **Basic Speed Law**: "No person shall drive a vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of persons or property". State law also establishes maximum speed limits. For example, the maximum speed on an undivided two-lane roadway is 55 MPH.

All other speed limits are called prima facie limits, which are considered by law to be safe and prudent under normal conditions.

Certain prima facie limits are established by State law and include the 25 MPH speed limit in business and residential districts and the 25 MPH in school zones when children are present. (Residence district speed limits do not need to be posted to be enforceable.)

Local authorities have authority to establish reduced speed limits on the basis of **engineering and traffic surveys**. Such surveys must include an analysis of roadway conditions, accident records, and a sampling of the prevailing speed of traffic. Other factors may be considered, but an unreasonable speed limit, which is called a **speed trap**, may not be established.

The State Legislature has declared a strong public policy against the use of speed traps, to the extent that citations issued where a speed trap is found to exist are likely to be dismissed, particularly if radar enforcement methods are used.

A provision of the Vehicle Code that California courts have generally considered very strongly reads "It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition not readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning as the basic rule of section

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22350 is sufficient regulation as to such conditions”.

The words, It is the intent of the Legislature, are intended to get the attention of traffic engineers and local jurisdictions in setting and maintaining local speed limits. Such speed limits must be set carefully, as justified by appropriate factors, to avoid making such limits unenforceable. In practice, speed limits are normally set at the first five-mile per hour increment below the 85 percentile speed, defined as that speed at or below which 85 percent of the traffic is moving. Further reduction must be documented and clearly justified by an Engineering and Traffic Survey.

## RESIDENTIAL AREAS

The most common concerns about speeding generally originate from residential areas. Twenty-five MPH speed limit signs may be posted on residential streets without conducting a speed survey, if the street or segment of street being considered meets the following:

A "residence district" is that portion of a highway and the property contiguous thereto, other than a business district upon

(a) One side of which 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, or

(b) Both sides of which 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.

A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists.

## VEHICLE CODE ENFORCEMENT

If you have questions, requests or suggestions concerning traffic, please call the Public Works Department at