

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 16, 2011
POSITION: Oppose

BILL NUMBER: AB 529
AUTHOR: M. Gatto

BILL SUMMARY: Vehicles: Speed Limits: Downward Speed Zoning

This bill would require the Department of Transportation (Caltrans) to revise the California Manual on Uniform Traffic Control Devices (CMUTCD) to require Caltrans or a local authority to round speed limits to the nearest 5 miles-per-hour (mph) increment of the 85th –percentile speed of free-flowing traffic. In cases where the speed limit needs to be rounded up to the nearest 5 mph increment, this bill would allow Caltrans or a local authority to instead round down the speed limit to the lower 5 mph increment, but then would prohibit Caltrans or the local authority from reducing the speed limit any further for any reason.

FISCAL SUMMARY

This bill would result in no additional costs to the state.

COMMENTS

The Department of Finance is opposed to this bill because Caltrans already has a process in place to receive input and suggested changes to the CMUTCD from the California Traffic Control Devices Committee, which is an advisory board of primarily public works directors, engineers, and traffic engineers representing local jurisdictions.

The current CMUTCD allows a local authority to lower the 85th-percentile speed limit by 5 mph if safety-related factors suggest that a lower speed is warranted. This bill would allow a local authority to round the speed limit down without providing a safety-related justification.

Speed limits are generally set in accordance with engineering and traffic surveys, which measure vehicular speeds and establish the limit at or near the 85th percentile. The 85th-percentile speed is frequently used as the basis for setting reasonable limits because it is assumed that, from a statistical perspective, 85 percent of drivers will typically drive at a prudent and reasonable speed, and by using this standard, it prevents entities from arbitrarily or sporadically lowering speed limits, thereby creating speed traps. Caltrans is responsible for conducting the engineering traffic surveys on state highways and local governments are responsible for conducting surveys on local roads. Prior to 2004, the CMUTCD allowed a local government to set its speed limits “within” 5 mph of the 85th percentile. In 2004, Caltrans changed the wording in the CMUTCD in anticipation of a change in federal rules, requiring that a local government set speed limits at the “nearest” 5 mph increment. While the change in federal rules never came to fruition, the CMUTCD was never changed back. Although the CMUTCD currently allows a local government to provide the courts written documentation of a safety-related factor to justify a 5 mph reduction in the speed limit, the author’s office reports that this process has been difficult. However, it is unclear what local governments find difficult about this process.

Analyst/Principal (0751) M. Tollefson	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	
2660/Caltrans	LA	No		-----	No/Minor	Fiscal Impact	-----		0042
<u>Fund Code</u>	<u>Title</u>								
0042	Highway Account, State, STF								