

Attachment B
Background of Procedures Used to Establish Speed Limits

History:

As of July 2007, the Pasadena Traffic Courts have dismissed traffic citations on a certain Pasadena street because the Engineering and Traffic Survey that was conducted did not comply with State regulations and was considered a speed trap. While the law regarding speed trap has not changed, the regulation that defines the method of determining the speed limit has changed. The dismissal was based on iterative changes in the adopted regulations (State to Federal) occurring between May 2004 and September 2006. Prior practice under the California Department of Transportation Traffic Manual, allowed speed limits to be generally set at the first five-mile per hour increment below the 85th percentile speed, defined as that speed at or below which 85th percent of the traffic is moving. As of September 26, 2006, Caltrans adopted the California Manual on Uniform Traffic Control Devices (MUTCD) to prescribe uniform standards and specifications for all official traffic control devices in California. The California MUTCD clearly states that the speed limit should be established at the nearest 5 mph increment of the 85th percentile speed of free-flowing traffic. This is an important distinction that resulted in the dismissal of the citation as well as the proposed increases in posted speed limits. Department of Transportation staff applied the regulations as outlined in the California MUTCD to previously approved speed limits conducted since May 24, 2004 totaling 50 street segments. It was found that 29 street segments required revisions to the existing speed limit postings in order to be radar enforceable.

On September 10, 2007, the Department of Transportation, in cooperation with the Police Department presented a Council Agenda Item to revise speed limits at 29 street segments in the City. Given the City's desire that speed limits ought not to be increased unless there is no other alternative, and at the direction of City Council, staff has taken the recommendations from the agenda report and presented them to the Transportation Advisory Committee (TAC) as well as discussing the proposed speed limit changes with the Legislative Policy Committee.

On September 25, 2007, a special meeting of TAC was held to discuss the proposed speed limit revisions and obtain public comment. The TAC meeting concluded that additional information was needed before a recommendation could be reached and a TAC subcommittee was established to further evaluate and discuss the speed limit revisions.

City staff from the Transportation Department met with the TAC subcommittee to discuss the proposal to revise speed limits on 29 street segments in Pasadena. Transportation staff also met with the Police Department, staff from the City Attorney's office and the City Prosecutor's office to evaluate the proposed speed limit revisions. Based on these meetings and an evaluation of practices from other local agencies throughout California, Transportation staff revised the Engineering and Traffic Survey

methodology, re-surveyed numerous roadway segments and updated some segment limits to better reflect changes in roadway conditions. Based on this effort, eleven roadway segments remain where Council action is required to establish or modify the speed limit. Nine roadway segments are recommended for a speed limit increase, one roadway segment is recommended for a speed limit decrease, and one new roadway segment is recommended for the establishment of a speed limit which will be the same as the existing posted speed limit.

On January 29, 2008, a special meeting of TAC was held to discuss the proposed speed limit revisions and obtain additional public comment. At this meeting, TAC unanimously supported certifying the speed limit on West Drive and Rosemont Ave. In addition, a TAC motion passed recommending to City Council to direct staff to investigate and implement traffic calming and safety measures aimed at reducing speeds and to assess the impact of those measures prior to raising speed limits.

Rationale for Consistent Speed Zone Guidelines:

Several studies have demonstrated that drivers who travel either slower or faster than the predominant speed of the traffic stream have a higher accident involvement rate than those drivers whose speed is close to the predominant speed. Posting the speed limit at the 85th percentile speed informs the motorist of the speed which is expected to minimize the risk of an accident. Thus, the overriding basis (from a safety perspective) for speed zoning should be that the creation of the zone, and the speed limit posted, reflects the maximum speed considered to be safe and reasonable. Consistency in speed zoning practice also provides for the equitable treatment of motorists in terms of directing enforcement to the violators outside of the reasonable speeds.

References to California Law:

The primary legal justification for speed enforcement in the State of California is the California Vehicle Code (CVC). This has not changed. The CVC defines 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" (CVC 22350). State Law also establishes the maximum speed limits.

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 meeting certain requirements, and the 25 MPH in school zones when children are present. (Local street speed limits do not need to be posted to be enforceable.)

Local authorities have the authority to establish reduced speed limits on the basis of Engineering and Traffic Surveys (CVC 22358). Such surveys must include an analysis of roadway conditions, accident records and a sampling of the prevailing speed of traffic (CVC 627). Other factors including residential density, pedestrian and bicyclist safety may be considered, but an unreasonable speed limit, which is called a **speed trap**, may not be established (CVC 40802).

The 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 be dismissed, particularly if radar enforcement methods are used (CVC 40803 – 40805).

Engineering and Traffic Surveys:

The California Vehicle Code provides that whenever radar is used for speed enforcement the prima facie speed limit must be justified by an Engineering and Traffic Survey conducted within the five-year period immediately preceding the date of the alleged violation. Also, under the Vehicle and Traffic Section of the Pasadena Municipal Code (Chapter 10) any modification of speed limit is a matter that requires City Council's action. The courts will dismiss charges for speeding citations issued where radar has been used as an enforcement tool if the required documented justification for the posted speed limit is not available. The required Engineering and Traffic Surveys as defined by Section 627 of the California Vehicle Code must be conducted according to the methods determined by the State of California Department of Transportation and must include:

- A. Prevailing speeds as determined by traffic engineering measurements (85th percentile, average and 10 miles per hour pace speeds).
- B. Accident records.
- C. Highway, traffic and roadside conditions not readily apparent to the driver, including land use, roadway geometrics and alignment, driveways, etc.

Under the California MUTCD, the speed limit determination is to take the critical speed (85%) and rounding to the nearest 5 mile increment to determine the unadjusted limit, which in the case of the above referenced street segments results in an increase of posted speed limits. Based on the collision history and roadside conditions not readily apparent to the driver, speed limits may be adjusted down 5 miles per hour. This adjustment has been made where applicable to the above referenced street segments.

The latest Engineering and Traffic Surveys have resulted in findings that the speed limits on portions of a number of streets are in need of modification so that the Police Department can continue a radar speed enforcement program which the courts will support. Each of the proposed speed limit changes has been discussed with the Police Department and they concur with the recommendations.