

**Introduced by Senator Denham**

February 6, 2006

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An act to amend Section 22352 of, and to repeal Section 22358.4 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as introduced, Denham. Prima facie speed limits: schools.

Under existing law, a 25 miles per hour prima facie limit is established when approaching or passing a school building or school grounds on highways contiguous thereto if posted with a standard "SCHOOL" warning sign while children are going to or leaving the school either during school hours or during the noon recess period, and on when approaching or passing certain separated school grounds. Existing law, however, authorizes a city or county, upon the basis of an engineering and traffic survey that determines that the prima facie speed limit of 25 miles per hour established is more than is reasonable or safe, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.

This bill would establish a 15 mile per hour prima facie speed limit for the above-described school zones. The bill would allow a county or city, by ordinance or resolution, to determine and declare that the 15 miles per hour prima facie speed limit does not apply to a particular school building or school grounds and to notify the affected school district of that determination.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22352 of the Vehicle Code is amended  
 2 to read:  
 3 22352. ~~(a)~~—The prima facie limits are as follows and shall be  
 4 applicable unless changed as authorized in this code and, if so  
 5 changed, only when signs have been erected giving notice  
 6 thereof:  
 7 ~~(H)~~  
 8 (a) Fifteen miles per hour, *as follows*:  
 9 ~~(A)~~  
 10 (1) When traversing a railway grade crossing, if during the last  
 11 100 feet of the approach to the crossing the driver does not have  
 12 a clear and unobstructed view of the crossing and of any traffic  
 13 on the railway for a distance of 400 feet in both directions along  
 14 the railway. This subdivision does not apply in the case of any  
 15 railway grade crossing where a human flagman is on duty or a  
 16 clearly visible electrical or mechanical railway crossing signal  
 17 device is installed but does not then indicate the immediate  
 18 approach of a railway train or car.  
 19 ~~(B)~~  
 20 (2) When traversing any intersection of highways if during the  
 21 last 100 feet of the driver’s approach to the intersection the driver  
 22 does not have a clear and unobstructed view of the intersection  
 23 and of any traffic upon all of the highways entering the  
 24 intersection for a distance of 100 feet along all those highways,  
 25 except at an intersection protected by stop signs or yield  
 26 right-of-way signs or controlled by official traffic control signals.  
 27 ~~(C)~~  
 28 (3) On any alley.  
 29 (4) (A) *When approaching or passing a school building or the*  
 30 *grounds thereof, contiguous to a highway and posted with a*  
 31 *standard “SCHOOL” warning sign, while children are going to*  
 32 *or leaving the school either during school hours or during the*  
 33 *noon recess period. The prima facie limit shall also apply when*  
 34 *approaching or passing any school grounds which are not*  
 35 *separated from the highway by a fence, gate, or other physical*  
 36 *barrier while the grounds are in use by children and the highway*  
 37 *is posted with a standard “SCHOOL” warning sign.*

1 (B) For purposes of subparagraph (A), standard “SCHOOL”  
2 warning signs may be placed at any distance up to 500 feet away  
3 from school grounds.

4 (C) A local authority may, by ordinance or resolution,  
5 determine and declare that the 15 miles per hour prima facie  
6 speed limit for a particular school building or school ground is  
7 unsafe, in which case, subparagraph (A) does not apply to that  
8 school building or ground. The local authority shall notify the  
9 affected school district of its decision under this subparagraph.

10 ~~(2)~~

11 (b) Twenty-five miles per hour, as follows:

12 ~~(A)~~

13 (1) On any highway other than a state highway, in any  
14 business or residence district unless a different speed is  
15 determined by local authority under procedures set forth in this  
16 code.

17 ~~(B) When approaching or passing a school building or the~~  
18 ~~grounds thereof, contiguous to a highway and posted with a~~  
19 ~~standard “SCHOOL” warning sign, while children are going to~~  
20 ~~or leaving the school either during school hours or during the~~  
21 ~~noon recess period. The prima facie limit shall also apply when~~  
22 ~~approaching or passing any school grounds which are not~~  
23 ~~separated from the highway by a fence, gate, or other physical~~  
24 ~~barrier while the grounds are in use by children and the highway~~  
25 ~~is posted with a standard “SCHOOL” warning sign. For purposes~~  
26 ~~of this subparagraph, standard “SCHOOL” warning signs may be~~  
27 ~~placed at any distance up to 500 feet away from school grounds.~~

28 ~~(C)~~

29 (2) When passing a senior center or other facility primarily  
30 used by senior citizens, contiguous to a street other than a state  
31 highway and posted with a standard “SENIOR” warning sign. A  
32 local authority is not required to erect any sign pursuant to this  
33 paragraph until donations from private sources covering those  
34 costs are received and the local agency makes a determination  
35 that the proposed signing should be implemented. A local  
36 authority may, however, utilize any other funds available to it to  
37 pay for the erection of those signs.

38 ~~(b) This section shall become operative on March 1, 2001.~~

39 SEC. 2. Section 22358.4 of the Vehicle Code is repealed.

1     ~~22358.4. Whenever a local authority determines upon the~~  
2 ~~basis of an engineering and traffic survey that the prima facie~~  
3 ~~speed limit of 25 miles per hour established by paragraph (2) of~~  
4 ~~subdivision (a) of Section 22352 is more than is reasonable or~~  
5 ~~safe, the local authority may, by ordinance or resolution,~~  
6 ~~determine and declare a prima facie speed limit of 20 or 15 miles~~  
7 ~~per hour, whichever is justified as the appropriate speed limit by~~  
8 ~~that survey. The ordinance or resolution shall not be effective~~  
9 ~~until appropriate signs giving notice of the speed limit are erected~~  
10 ~~upon the highway and, in the case of a state highway, until the~~  
11 ~~ordinance is approved by the Department of Transportation and~~  
12 ~~the appropriate signs are erected upon the highway.~~

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