

AMENDED IN SENATE AUGUST 18, 2011
AMENDED IN SENATE JULY 11, 2011
AMENDED IN SENATE JUNE 16, 2011
AMENDED IN ASSEMBLY MAY 3, 2011
AMENDED IN ASSEMBLY MARCH 24, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 529

**Introduced by Assembly Member Gatto
(Coauthors: Assembly Members Achadjian, Smyth, and Williams)**

February 15, 2011

An act to amend Section 21400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 529, as amended, Gatto. Vehicles: speed limits: downward speed zoning.

Existing

(1) *Existing* law requires the Department of Transportation, after consultation with local agencies and public hearings, to adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices and setting of speed limits. Existing law makes it a crime for a driver to fail to obey a sign or signal, defined as regulatory in the California Manual on Uniform Traffic Control Devices (Manual), or a Department of Transportation approved supplement to that manual.

This bill would require the Department of Transportation to revise the Manual, as it read on January 1, 2012, to require the department or a local authority to round speed limits ~~down~~ to within 5 miles per hour of the 85th-percentile speed of free-flowing traffic. The bill would allow, in cases ~~where~~ *in which* the speed limit needs to be rounded up to the nearest 5 miles-per-hour increment of the 85th-percentile speed, the department or a local authority to decide to instead round down the speed limit to the lower 5 miles-per-hour increment, but then the department or a local authority would be prohibited from reducing the speed limit any further for any reason.

(2) This bill would incorporate changes to Section 21400 of the Vehicle Code proposed by both this bill and AB 345, which would become operative only if both bills are enacted and become effective on or before January 1, 2012, and this bill is chaptered last.

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

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

1 SECTION 1. It is the intent of the Legislature that the changes
 2 made to subdivision (b) of Section 21400 of the Vehicle Code by
 3 *Section 2 of this act or the changes made to subdivision (f) of*
 4 *Section 21400 of the Vehicle Code by Section 2.5 of this act* shall
 5 not alter any other provision of the California Manual on Uniform
 6 Traffic Control Devices as it read on January 1, 2012.

7 SEC. 2. Section 21400 of the Vehicle Code is amended to read:
 8 21400. (a) (1) The Department of Transportation shall, after
 9 consultation with local agencies and public hearings, adopt rules
 10 and regulations prescribing uniform standards and specifications
 11 for all official traffic control devices placed pursuant to this code,
 12 including, but not limited to, stop signs, yield right-of-way signs,
 13 speed restriction signs, railroad warning approach signs, street
 14 name signs, lines and markings on the roadway, and stock crossing
 15 signs placed pursuant to Section 21364.

16 (2) The Department of Transportation shall, after notice and
 17 public hearing, determine and publicize the specifications for
 18 uniform types of warning signs, lights, and devices to be placed
 19 upon a highway by a person engaged in performing work that
 20 interferes with or endangers the safe movement of traffic upon
 21 that highway.

1 (3) Only those signs, lights, and devices as are provided for in
2 this section shall be placed upon a highway to warn traffic of work
3 that is being performed on the highway.

4 (4) Control devices or markings installed upon traffic barriers
5 on or after January 1, 1984, shall conform to the uniform standards
6 and specifications required by this section.

7 (b) The Department of Transportation shall revise the California
8 Manual on Uniform Traffic Control Devices, as it read on January
9 1, 2012, to require the Department of Transportation or a local
10 authority to round speed limits to the nearest ~~5~~ five miles per hour
11 of the 85th percentile of the free-flowing traffic. However, in cases
12 ~~where in which~~ the speed limit needs to be rounded up to the
13 nearest ~~5~~ five miles-per-hour increment of the 85th-percentile
14 speed, the Department of Transportation or a local authority may
15 decide to instead round down the speed limit to the lower ~~5~~ five
16 miles-per-hour increment, but then the Department of
17 Transportation or a local authority shall not reduce the speed limit
18 any further for any reason.

19 *SEC. 2.5. Section 21400 of the Vehicle Code is amended to*
20 *read:*

21 21400. (a) (1) The Department of Transportation shall, after
22 ~~consultation consulting~~ with local agencies and ~~public hearings,~~
23 *groups representing users of streets, roads, and highways,*
24 *establishing a committee to advise the department, and holding*
25 *public hearings regarding rules and regulations,* adopt rules and
26 regulations prescribing uniform standards and specifications for
27 all official traffic control devices placed pursuant to this code,
28 including, but not limited to, stop signs, yield right-of-way signs,
29 speed restriction signs, railroad warning approach signs, street
30 name signs, lines and markings on the roadway, and stock crossing
31 signs placed pursuant to Section 21364.

32 (2) *The committee shall be composed of the following members:*

33 (A) *One representative selected by the director of the*
34 *department.*

35 (B) *One representative recommended by the Commissioner of*
36 *the California Highway Patrol.*

37 (C) *Two representatives recommended by the League of*
38 *California Cities.*

39 (D) *Two representatives recommended by the California State*
40 *Association of Counties.*

1 (E) Two representatives from motorized users of the highway.
 2 One shall be recommended by the Automobile Club of Southern
 3 California and one shall be recommended by AAA Northern
 4 California, Nevada and Utah.

5 (F) Two representatives, approved by the director, from
 6 nonmotorized users of the highway recommended by the Active
 7 Transportation and Livable Communities Committee created within
 8 the department.

9 (b) For purposes of this section, “users of the highway” means
 10 bicyclists, children, persons with disabilities, motorists, movers
 11 of commercial goods, pedestrians, users of public transportation,
 12 and seniors.

13 ~~The~~
 14 (c) The Department of Transportation shall, after notice and
 15 public hearing, determine and publicize the specifications for
 16 uniform types of warning signs, lights, and devices to be placed
 17 upon a highway by ~~any~~ a person engaged in performing work
 18 ~~which~~ that interferes with or endangers the safe movement of
 19 traffic upon that highway.

20 ~~Only~~
 21 (d) Only those signs, lights, and devices as are provided for in
 22 this section shall be placed upon a highway to warn traffic of work
 23 which is being performed on the highway.

24 ~~Any control~~
 25 (e) Control devices or markings installed upon traffic barriers
 26 on or after January 1, 1984, shall conform to the uniform standards
 27 and specifications required by this section.

28 (f) The Department of Transportation shall revise the California
 29 Manual on Uniform Traffic Control Devices, as it read on January
 30 1, 2012, to require the Department of Transportation or a local
 31 authority to round speed limits to the nearest five miles per hour
 32 of the 85th percentile of the free-flowing traffic. However, in cases
 33 in which the speed limit needs to be rounded up to the nearest five
 34 miles-per-hour increment of the 85th-percentile speed, the
 35 Department of Transportation or a local authority may decide to
 36 instead round down the speed limit to the lower five miles-per-hour
 37 increment, but then the Department of Transportation or a local
 38 authority shall not reduce the speed limit any further for any
 39 reason.

1 *SEC. 3. Section 2.5 of this bill incorporates amendments to*
2 *Section 21400 of the Vehicle Code proposed by both this bill and*
3 *Assembly Bill 345. It shall only become operative if (1) both bills*
4 *are enacted and become effective on or before January 1, 2012,*
5 *(2) each bill amends Section 21400 of the Vehicle Code, and (3)*
6 *this bill is enacted after Assembly Bill 345, in which case Section*
7 *2 of this bill shall not become operative.*

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