

**ASSEMBLY BILL**

**No. 1659**

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**Introduced by Assembly Member Rodriguez**

January 13, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1659, as introduced, Rodriguez. Vehicles: prima facie speed limits: schools.

(1) Existing law establishes a 25 miles per hour prima facie limit when approaching or passing a school building or the grounds thereof, contiguous to a highway and posted up to 500 feet away from the school grounds, 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. The prima facie limit also applies when approaching or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. A violation of that prima facie limit is an infraction.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie limit when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit would also apply when approaching, at that same distance, or passing

school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with one of those signs.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 25 miles per hour prima facie speed limit when approaching at a distance of 500 to 1,000 feet from a school building or grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit would also apply when approaching, at that same distance, or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with one of those signs.

This bill would allow a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie speed limit when approaching, at a distance of less than 1,320 feet from, or passing, a school building or grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. This bill would provide that a 25 miles per hour prima facie limit in a residence district, on a highway, with a posted speed limit of 30 miles per hour or slower, applies, as to those local authorities, when approaching, at a distance of 500 to 1,320 feet from a school building or grounds thereof, as specified. This bill would also authorize a local authority, on the basis of an engineering and traffic survey, to extend the maximum distance up to one mile to establish a prima facie speed limit and school warning signs, as specified.

By authorizing a change in the prima facie limits, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 22358.4 of the Vehicle Code is amended  
2 to read:

3 22358.4. (a) (1) ~~Whenever~~*If* a local authority determines  
4 upon the basis of an engineering and traffic survey that the prima  
5 facie speed limit of 25 miles per hour established by paragraph (2)  
6 of subdivision (a) of Section 22352 is more than is reasonable or  
7 safe, the local authority may, by ordinance or resolution, determine  
8 and declare a prima facie speed limit of 20 or 15 miles per hour,  
9 whichever is justified as the appropriate speed limit by that survey.

10 (2) An ordinance or resolution adopted under paragraph (1)  
11 shall not be effective until appropriate signs giving notice of the  
12 speed limit are erected upon the highway and, in the case of a state  
13 highway, until the ordinance is approved by the Department of  
14 Transportation and the appropriate signs are erected upon the  
15 highway.

16 (b) (1) Notwithstanding subdivision (a) or any other provision  
17 of law, a local authority may, by ordinance or resolution, determine  
18 and declare prima facie speed limits as follows:

19 (A) A 15 miles per hour prima facie limit in a residence district,  
20 on a highway with a posted speed limit of 30 miles per hour or  
21 slower, when approaching, at a distance of less than ~~500~~ *1,320*  
22 feet from, or passing, a school building or the grounds of a school  
23 building, contiguous to a highway and posted with a school  
24 warning sign that indicates a speed limit of 15 miles per hour,  
25 while children are going to or leaving the school, either during  
26 school hours or during the noon recess period. The prima facie  
27 limit shall also apply when approaching, at a distance of less than  
28 ~~500~~ *1,320* feet from, or passing, school grounds that are not  
29 separated from the highway by a fence, gate, or other physical  
30 barrier while the grounds are in use by children and the highway  
31 is posted with a school warning sign that indicates a speed limit  
32 of 15 miles per hour.

33 (B) A 25 miles per hour prima facie limit in a residence district,  
34 on a highway with a posted speed limit of 30 miles per hour or  
35 slower, when approaching, at a distance of 500 to ~~1,000~~ *1,320* feet  
36 from, a school building or the grounds thereof, contiguous to a  
37 highway and posted with a school warning sign that indicates a  
38 speed limit of 25 miles per hour, while children are going to or

1 leaving the school, either during school hours or during the noon  
 2 recess period. The prima facie limit shall also apply when  
 3 approaching, at a distance of 500 to ~~1,000~~ 1,320 feet from, school  
 4 grounds that are not separated from the highway by a fence, gate,  
 5 or other physical barrier while the grounds are in use by children  
 6 and the highway is posted with a school warning sign that indicates  
 7 a speed limit of 25 miles per hour.

8 (2) The prima facie limits established under paragraph (1) apply  
 9 only to highways that meet all of the following conditions:

10 (A) A maximum of two traffic lanes.

11 (B) A maximum posted 30 miles per hour prima facie speed  
 12 limit immediately prior to and after the school zone.

13 (3) The prima facie limits established under paragraph (1) apply  
 14 to all lanes of an affected highway, in both directions of travel.

15 (4) When determining the need to lower the prima facie speed  
 16 limit, the local authority shall take the provisions of Section 627  
 17 into consideration.

18 (5) (A) An ordinance or resolution adopted under paragraph  
 19 (1) shall not be effective until appropriate signs giving notice of  
 20 the speed limit are erected upon the highway and, in the case of a  
 21 state highway, until the ordinance is approved by the Department  
 22 of Transportation and the appropriate signs are erected upon the  
 23 highway.

24 (B) For purposes of subparagraph (A) of paragraph (1), school  
 25 warning signs indicating a speed limit of 15 miles per hour may  
 26 be placed at a distance up to ~~500~~ 1,320 feet away from school  
 27 grounds.

28 (C) For purposes of subparagraph (B) of paragraph (1), school  
 29 warning signs indicating a speed limit of 25 miles per hour may  
 30 be placed at any distance between 500 and ~~1,000~~ 1,320 feet away  
 31 from the school grounds.

32 (D) A local authority shall reimburse the Department of  
 33 Transportation for all costs incurred by the department under this  
 34 subdivision.

35 (E) *Notwithstanding the maximum distance established in this*  
 36 *section, a local authority may, upon the basis of an engineering*  
 37 *and travel survey documenting school attendance boundaries or*  
 38 *travel patterns to and from a school, or both, extend the maximum*  
 39 *distance up to one mile to establish a prima facie speed limit and*  
 40 *school warnings signs, as defined in this section, to a distance or*

1 *specific locations, or both, consistent with the findings of the travel*  
2 *survey.*

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

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