

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2575**

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**Introduced by Assembly Member Baker**

February 19, 2016

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An act to amend ~~Section 21350~~ *Sections 22352 and 40802* of the Vehicle Code, relating to ~~vehicles~~: *speed limits*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2575, as amended, Baker. ~~Traffic control devices~~. *Prima facie speed limits: rural roads.*

*Existing law establishes prima facie speed limits, including 15 miles per hour and 25 miles per hour, for various circumstances relating to traversing a railway grade crossing, approaching or passing a school building, and passing a senior center, among others. A violation of the Vehicle Code is a crime.*

*This bill would establish a prima facie speed limit of 40 miles per hour when driving on a road designated by a local governing body as a rural road, other than a state highway, as specified. Because the bill would create a new crime, it would impose a state-mandated local program.*

*Existing law prohibits a peace officer or other person from using a speed trap in arresting, or participating in the arrest of, any person for any alleged violation of the Vehicle Code. Existing law prohibits the use of a speed trap in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under the Vehicle Code.*

*Existing law defines a speed trap as, among other things, a particular section of a highway with a prima facie speed limit that is provided by the Vehicle Code or by local ordinance if that prima facie speed limit*

is not justified by an engineering and traffic survey, as specified, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. Existing law exempts local streets, roads, or school zones from the application of these provisions.

This bill would make the definition of speed trap inapplicable to a rural road, as described above.

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.

~~Existing law requires the Department of Transportation to place and maintain appropriate signs, signals, and other traffic control devices along highways under its jurisdiction. Existing law authorizes the department, with the consent of local authorities, to place and maintain appropriate signs, signals, and other traffic control devices along city streets and county roads as may be necessary or desirable to control or direct traffic, or to facilitate traffic flow, to or from state highways.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 SECTION 1. Section 22352 of the Vehicle Code is amended to  
2 read:  
3 22352. 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 thereof:  
6 (a) Fifteen miles per hour:  
7 (1) When traversing a railway grade crossing, if during the last  
8 100 feet of the approach to the crossing the driver does not have  
9 a clear and unobstructed view of the crossing and of any traffic on  
10 the railway for a distance of 400 feet in both directions along the  
11 railway. This subdivision does not apply in the case of any railway  
12 grade crossing where a human flagman is on duty or a clearly  
13 visible electrical or mechanical railway crossing signal device is

1 installed but does not then indicate the immediate approach of a  
2 railway train or car.

3 (2) When traversing any intersection of highways if during the  
4 last 100 feet of the driver's approach to the intersection the driver  
5 does not have a clear and unobstructed view of the intersection  
6 and of any traffic upon all of the highways entering the intersection  
7 for a distance of 100 feet along all those highways, except at an  
8 intersection protected by stop signs or yield right-of-way signs or  
9 controlled by official traffic control signals.

10 (3) On any alley.

11 (b) Twenty-five miles per hour:

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

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

26 (3) When passing a senior center or other facility primarily used  
27 by senior citizens, contiguous to a street other than a state highway  
28 and posted with a standard "SENIOR" warning sign. A local  
29 authority may erect a sign pursuant to this paragraph when the  
30 local agency makes a determination that the proposed signing  
31 should be implemented. A local authority may request grant  
32 funding from the Active Transportation Program pursuant to  
33 Chapter 8 (commencing with Section 2380) of Division 3 of the  
34 Streets and Highways Code, or any other grant funding available  
35 to it, and use that grant funding to pay for the erection of those  
36 signs, or may utilize any other funds available to it to pay for the  
37 erection of those signs, including, but not limited to, donations  
38 from private sources.

39 (c) *Forty miles per hour on a road designated by a local*  
40 *governing body as a rural road, other than a state highway, with*

1 a roadway width of 18 feet or less or traffic volumes of more than  
2 3,000 vehicles per day, and posted with a speed restriction sign  
3 displaying the prima facie limit.

4 SEC. 2. Section 40802 of the Vehicle Code is amended to read:

5 40802. (a) A “speed trap” is either of the following:

6 (1) A particular section of a highway measured as to distance  
7 and with boundaries marked, designated, or otherwise determined  
8 in order that the speed of a vehicle may be calculated by securing  
9 the time it takes the vehicle to travel the known distance.

10 (2) A particular section of a highway with a prima facie speed  
11 limit that is ~~provided~~ established by this code or by local ordinance  
12 under subparagraph (A) of paragraph (2) of subdivision (a) of  
13 Section 22352, or established under Section 22354, 22357, 22358,  
14 or 22358.3, if that prima facie speed limit is not justified by an  
15 engineering and traffic survey conducted within five years prior  
16 to the date of the alleged violation, and enforcement of the speed  
17 limit involves the use of radar or any other electronic device that  
18 measures the speed of moving objects. This paragraph does not  
19 apply to a local street, road, or school ~~zone~~; zone, or a rural road  
20 pursuant to subdivision (c) of Section 22352.

21 (b) (1) For purposes of this section, a local street or road is one  
22 that is functionally classified as “local” on the “California Road  
23 System Maps,” that are approved by the Federal Highway  
24 Administration and maintained by the Department of  
25 Transportation. When a street or road does not appear on the  
26 “California Road System Maps,” it may be defined as a “local  
27 street or road” if it primarily provides access to abutting residential  
28 property and meets the following three conditions:

29 (A) Roadway width of not more than 40 feet.

30 (B) Not more than one-half of a mile of uninterrupted length.  
31 Interruptions shall include official traffic control signals as defined  
32 in Section 445.

33 (C) Not more than one traffic lane in each direction.

34 (2) For purposes of this section, “school zone” means that area  
35 approaching or passing a school building or the grounds thereof  
36 that is contiguous to a highway and on which is posted a standard  
37 “SCHOOL” warning sign, while children are going to or leaving  
38 the school either during school hours or during the noon recess  
39 period. “School zone” also includes the area approaching or passing  
40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use  
2 by children if that highway is posted with a standard “SCHOOL”  
3 warning sign.

4 (c) (1) When all of the following criteria are met, paragraph  
5 (2) of this subdivision shall be applicable and subdivision (a) shall  
6 not be applicable:

7 (A) When radar is used, the arresting officer has successfully  
8 completed a radar operator course of not less than 24 hours on the  
9 use of police traffic radar, and the course was approved and  
10 certified by the Commission on Peace Officer Standards and  
11 Training.

12 (B) When laser or any other electronic device is used to measure  
13 the speed of moving objects, the arresting officer has successfully  
14 completed the training required in subparagraph (A) and an  
15 additional training course of not less than two hours approved and  
16 certified by the Commission on Peace Officer Standards and  
17 Training.

18 (C) (i) The prosecution proved that the arresting officer  
19 complied with subparagraphs (A) and (B) and that an engineering  
20 and traffic survey has been conducted in accordance with  
21 subparagraph (B) of paragraph (2). The prosecution proved that,  
22 prior to the officer issuing the notice to appear, the arresting officer  
23 established that the radar, laser, or other electronic device  
24 conformed to the requirements of subparagraph (D).

25 (ii) The prosecution proved the speed of the accused was unsafe  
26 for the conditions present at the time of alleged violation unless  
27 the citation was for a violation of Section 22349, 22356, or 22406.

28 (D) The radar, laser, or other electronic device used to measure  
29 the speed of the accused meets or exceeds the minimal operational  
30 standards of the National Traffic Highway Safety Administration,  
31 and has been calibrated within the three years prior to the date of  
32 the alleged violation by an independent certified laser or radar  
33 repair and testing or calibration facility.

34 (2) A “speed trap” is either of the following:

35 (A) A particular section of a highway measured as to distance  
36 and with boundaries marked, designated, or otherwise determined  
37 in order that the speed of a vehicle may be calculated by securing  
38 the time it takes the vehicle to travel the known distance.

39 (B) (i) A particular section of a highway or state highway with  
40 a prima facie speed limit that is provided by this code or by local

1 ordinance under subparagraph (A) of paragraph (2) of subdivision  
2 (a) of Section 22352, or established under Section 22354, 22357,  
3 22358, or 22358.3, if that prima facie speed limit is not justified  
4 by an engineering and traffic survey conducted within one of the  
5 following time periods, prior to the date of the alleged violation,  
6 and enforcement of the speed limit involves the use of radar or  
7 any other electronic device that measures the speed of moving  
8 objects:

9 (I) Except as specified in subclause (II), seven years.

10 (II) If an engineering and traffic survey was conducted more  
11 than seven years prior to the date of the alleged violation, and a  
12 registered engineer evaluates the section of the highway and  
13 determines that no significant changes in roadway or traffic  
14 conditions have occurred, including, but not limited to, changes  
15 in adjoining property or land use, roadway width, or traffic volume,  
16 10 years.

17 (ii) This subparagraph does not apply to a local street, road, or  
18 school-zone, zone, or a rural road pursuant to subdivision (c) of  
19 Section 22352.

20 *SEC. 3. No reimbursement is required by this act pursuant to*  
21 *Section 6 of Article XIII B of the California Constitution because*  
22 *the only costs that may be incurred by a local agency or school*  
23 *district will be incurred because this act creates a new crime or*  
24 *infraction, eliminates a crime or infraction, or changes the penalty*  
25 *for a crime or infraction, within the meaning of Section 17556 of*  
26 *the Government Code, or changes the definition of a crime within*  
27 *the meaning of Section 6 of Article XIII B of the California*  
28 *Constitution.*

29 ~~SECTION 1. Section 21350 of the Vehicle Code is amended~~  
30 ~~to read:~~

31 ~~21350. The Department of Transportation shall place and~~  
32 ~~maintain, or cause to be placed and maintained, with respect to~~  
33 ~~highways under its jurisdiction, appropriate signs, signals, and~~  
34 ~~other traffic control devices as required hereunder, and may place~~  
35 ~~and maintain, or cause to be placed and maintained, appropriate~~  
36 ~~signs, signals, or other traffic control devices as may be authorized~~  
37 ~~hereunder, or as may be necessary properly to indicate and to carry~~  
38 ~~out the provisions of this code, or to warn or guide traffic upon~~  
39 ~~the highways. The Department of Transportation, with the consent~~  
40 ~~of the local authorities, may also place and maintain, or cause to~~

1 ~~be placed and maintained, in or along city streets and county roads,~~  
2 ~~appropriate signs, signals, and other traffic control devices, or may~~  
3 ~~perform, or cause to be performed, any other work on city streets~~  
4 ~~and county roads, as may be necessary or desirable to control or~~  
5 ~~direct traffic, or to facilitate traffic flow, to, from, or on state~~  
6 ~~highways.~~

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