

AMENDED IN ASSEMBLY MAY 28, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

AMENDED IN ASSEMBLY APRIL 2, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1209**

**Introduced by Assembly Member Olberg**

February 28, 1997

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~~An act to amend Section 22352 of, and to add Section 22352.1 to, the Vehicle Code, relating to~~ *An act to amend, repeal, and add Section 22352 of, and to add and repeal Section 22352.1 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1209, as amended, Olberg. Vehicles: moderate density residential districts; speed limits; demonstration programs.

Existing law provides that the prima facie speed limit is 15 miles per hour under certain circumstances and 25 miles per hour under other specified circumstances. Existing law requires that the prima facie speed limit be applicable unless changed as authorized in the Vehicle Code, and, if so changed, only when signs have been erected giving notice thereof.

This bill would, additionally, provide that, *until January 1, 2001*, the prima facie speed limit is 35 miles per hour on any highway other than a state highway, in any moderate density residential district, as defined, within the boundaries of the Town of Apple Valley when posted with a sign giving notice of that speed limit, unless a different speed is determined by

local authority under procedures set forth in the Vehicle Code.

The bill would, *until January 1, 2001*, authorize the Town of Apple Valley, in conjunction with the Department of Transportation and the Department of the California Highway Patrol, to conduct a demonstration program that establishes a prima facie speed limit of 35 miles per hour, as described above. The bill would require the Department of Transportation and the Department of the California Highway Patrol to report annually to the Legislature, as specified, on the effectiveness of the program.

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. Section 22352 of the Vehicle Code is  
2 amended to read:

3 22352. (a) The prima facie limits are as follows and  
4 shall be applicable unless changed as authorized in this  
5 code and, if so changed, only when signs have been  
6 erected giving notice thereof:

7 ~~(a)~~

8 (1) Fifteen miles per hour:

9 ~~(1)~~

10 (A) When traversing a railway grade crossing, if  
11 during the last 100 feet of the approach to the crossing the  
12 driver does not have a clear and unobstructed view of the  
13 crossing and of any traffic on the railway for a distance of  
14 400 feet in both directions along the railway. This  
15 subdivision does not apply in the case of any railway grade  
16 crossing where a human flagman is on duty or a clearly  
17 visible electrical or mechanical railway crossing signal  
18 device is installed but does not then indicate the  
19 immediate approach of a railway train or car.

20 ~~(2)~~

21 (B) When traversing any intersection of highways if  
22 during the last 100 feet of the driver's approach to the  
23 intersection the driver does not have a clear and  
24 unobstructed view of the intersection and of any traffic



1 upon all of the highways entering the intersection for a  
2 distance of 100 feet along all those highways, except at an  
3 intersection protected by stop signs or yield right-of-way  
4 signs or controlled by official traffic control signals.

5 ~~(3)~~

6 (C) On any alley.

7 ~~(b)~~

8 (2) Twenty-five miles per hour:

9 ~~(1)~~

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

14 ~~(2)~~

15 (B) When passing a school building or the grounds  
16 thereof, contiguous to a highway and posted with a  
17 standard "SCHOOL" warning sign, while children are  
18 going to or leaving the school either during school hours  
19 or during the noon recess period. The prima facie limit  
20 shall also apply when passing any school grounds which  
21 are not separated from the highway by a fence, gate or  
22 other physical barrier while the grounds are in use by  
23 children and the highway is posted with a standard  
24 "SCHOOL" warning sign.

25 ~~(3)~~

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

36 ~~(e)~~

37 (3) Thirty-five miles per hour on any highway other  
38 than a state highway, in any moderate density residential  
39 district, as defined in subdivision (b) of Section 22352.1,  
40 when posted with a sign giving notice of that speed limit,



1 unless a different speed is determined by local authority  
2 under procedures set forth in this code.

3 *(b) This section shall remain in effect only until*  
4 *January 1, 2001, and as of that date is repealed, unless a*  
5 *later enacted statute, that is enacted on or before January*  
6 *1, 2001, deletes or extends that date.*

7 SEC. 2. Section 22352 is added to the Vehicle Code, to  
8 read:

9 22352. *(a) The prima facie limits are as follows and*  
10 *shall be applicable unless changed as authorized in this*  
11 *code and, if so changed, only when signs have been*  
12 *erected giving notice thereof:*

13 *(1) Fifteen miles per hour:*

14 *(A) When traversing a railway grade crossing, if*  
15 *during the last 100 feet of the approach to the crossing the*  
16 *driver does not have a clear and unobstructed view of the*  
17 *crossing and of any traffic on the railway for a distance of*  
18 *400 feet in both directions along the railway. This*  
19 *subdivision does not apply in the case of any railway grade*  
20 *crossing where a human flagman is on duty or a clearly*  
21 *visible electrical or mechanical railway crossing signal*  
22 *device is installed but does not then indicate the*  
23 *immediate approach of a railway train or car.*

24 *(B) When traversing any intersection of highways if*  
25 *during the last 100 feet of the driver's approach to the*  
26 *intersection the driver does not have a clear and*  
27 *unobstructed view of the intersection and of any traffic*  
28 *upon all of the highways entering the intersection for a*  
29 *distance of 100 feet along all those highways, except at an*  
30 *intersection protected by stop signs or yield right-of-way*  
31 *signs or controlled by official traffic control signals.*

32 *(C) On any alley.*

33 *(2) Twenty-five miles per hour:*

34 *(A) On any highway other than a state highway, in any*  
35 *business or residence district unless a different speed is*  
36 *determined by local authority under procedures set forth*  
37 *in this code.*

38 *(B) When passing a school building or the grounds*  
39 *thereof, contiguous to a highway and posted with a*  
40 *standard "SCHOOL" warning sign, while children are*



1 going to or leaving the school either during school hours  
2 or during the noon recess period. The prima facie limit  
3 shall also apply when passing any school grounds which  
4 are not separated from the highway by a fence, gate, or  
5 other physical barrier while the grounds are in use by  
6 children and the highway is posted with a standard  
7 “SCHOOL” warning sign.

8 (C) When passing a senior center or other facility  
9 primarily used by senior citizens, contiguous to a street  
10 other than a state highway and posted with a standard  
11 “SENIOR” warning sign. A local authority is not required  
12 to erect any sign pursuant to this paragraph until  
13 donations from private sources covering those costs are  
14 received and the local agency makes a determination that  
15 the proposed signing should be implemented. A local  
16 authority may, however, utilize any other funds available  
17 to it to pay for the erection of those signs.

18 (b) This section shall become operative on January 1,  
19 2001.

20 ~~SEC. 2.—~~

21 SEC. 3. Section 22352.1 is added to the Vehicle Code,  
22 to read:

23 22352.1. (a) Notwithstanding any other provision of  
24 law, the Town of Apple Valley, in conjunction with the  
25 Department of Transportation and the Department of  
26 the California Highway Patrol, may conduct a  
27 demonstration program that establishes a prima facie  
28 speed limit of 35 miles per hour on any state highway or  
29 other highway in a moderate density residence district.

30 (b) For the purposes of this section, a “moderate  
31 density residence district” is that portion within the  
32 boundaries of the Town of Apple Valley of a highway and  
33 the property contiguous thereto, other than a business  
34 district, (1) upon one side of which highway, within a  
35 distance of a quarter of a mile, the contiguous property  
36 fronting thereon is occupied by six, but not more than 12,  
37 separate dwelling houses or business structures, or (2)  
38 upon both sides of which highway, collectively, within a  
39 distance of a quarter of a mile, the contiguous property  
40 fronting thereon is occupied by 10, but not more than 15,

1 separate dwelling houses or business structures. A  
2 moderate density residence district may be longer than  
3 a quarter of a mile if the above ratio of separate dwelling  
4 houses or business structures to the length of the highway  
5 exists.

6 (c) Section 240 shall apply to the demonstration  
7 program established pursuant to subdivision (a).

8 (d) The demonstration program shall be developed  
9 and implemented in a manner consistent with  
10 implementation on a statewide basis.

11 (e) ~~The~~ *If the project authorized under this section is*  
12 *implemented, the* Department of Transportation and the  
13 Department of the California Highway Patrol shall jointly  
14 report to the Legislature annually on the effectiveness of  
15 the demonstration program, including, *but not limited to,*  
16 *information on the impact of the lower speed limit on*  
17 *accidents, fatalities, injuries, and speeding violations in*  
18 *the Town of Apple Valley and a recommendation as to*  
19 whether or not to authorize the program throughout the  
20 state.

21 (f) *This section shall remain in effect only until*  
22 *January 1, 2001, and as of that date is repealed, unless a*  
23 *later enacted statute, that is enacted on or before January*  
24 *1, 2001, deletes or extends that date.*

