

AMENDED IN SENATE JUNE 11, 1997
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

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~~ *March* 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~~ *March* 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, *as specified*, 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~~ *Town of Apple Valley* 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 (1) Fifteen miles per hour:

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

18 (B) When traversing any intersection of highways if
19 during the last 100 feet of the driver's approach to the
20 intersection the driver does not have a clear and
21 unobstructed view of the intersection and of any traffic
22 upon all of the highways entering the intersection for a



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

4 (C) On any alley.

5 (2) Twenty-five miles per hour:

6 (A) On any highway other than a state highway, in any
7 business or residence district unless a different speed is
8 determined by local authority under procedures set forth
9 in this code.

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

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

30 (3) Thirty-five miles per hour on any highway other
31 than a state highway, in any moderate density residential
32 district, as defined in subdivision (b) of Section 22352.1,
33 when posted with a sign giving notice of that speed limit,
34 unless a different speed is determined by local authority
35 under procedures set forth in this code.

36 (b) This section shall remain in effect only until
37 ~~January~~ *March* 1, 2001, and as of that date is repealed,
38 unless a later enacted statute, that is enacted on or before
39 ~~January~~ *March* 1, 2001, deletes or extends that date.



1 SEC. 2. Section 22352 is added to the Vehicle Code, to
2 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 (1) Fifteen miles per hour:

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

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

26 (C) On any alley.

27 (2) Twenty-five miles per hour:

28 (A) On any highway other than a state highway, in any
29 business or residence district unless a different speed is
30 determined by local authority under procedures set forth
31 in this code.

32 (B) When passing a school building or the grounds
33 thereof, contiguous to a highway and posted with a
34 standard "SCHOOL" warning sign, while children are
35 going to or leaving the school either during school hours
36 or during the noon recess period. The prima facie limit
37 shall also apply when passing any school grounds which
38 are not separated from the highway by a fence, gate, or
39 other physical barrier while the grounds are in use by



1 children and the highway is posted with a standard
2 “SCHOOL” warning sign.

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

13 (b) This section shall become operative on ~~January~~
14 *March* 1, 2001.

15 SEC. 3. Section 22352.1 is added to the Vehicle Code,
16 to read:

17 22352.1. (a) Notwithstanding any other provision of
18 law, the Town of Apple Valley, in conjunction with the
19 Department of Transportation and the Department of
20 the California Highway Patrol, may conduct a
21 demonstration program that establishes a prima facie
22 speed limit of 35 miles per hour on any state highway or
23 other highway in a moderate density residence district.

24 (b) For the purposes of this section, a “moderate
25 density residence district” is that portion within the
26 boundaries of the Town of Apple Valley of a highway and
27 the property contiguous thereto, other than a business
28 district, (1) upon one side of which highway, within a
29 distance of a quarter of a mile, the contiguous property
30 fronting thereon is occupied by six, but not more than 12,
31 separate dwelling houses or business structures, or (2)
32 upon both sides of which highway, collectively, within a
33 distance of a quarter of a mile, the contiguous property
34 fronting thereon is occupied by 10, but not more than 15,
35 separate dwelling houses or business structures. A
36 moderate density residence district may be longer than
37 a quarter of a mile if the above ratio of separate dwelling
38 houses or business structures to the length of the highway
39 exists.



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

3 ~~(d) The demonstration program shall be developed~~
4 ~~and implemented in a manner consistent with~~
5 ~~implementation on a statewide basis.~~

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

16 ~~(f)~~

17 *(d) The Town of Apple Valley shall select at least four*
18 *representative streets within a moderate density*
19 *residence district for purposes of the demonstration*
20 *program. The demonstration program shall be conducted*
21 *for at least one year but not longer than three years.*
22 *Selected streets shall have at least one quarter mile of*
23 *straight roadway without interruption and at least one of*
24 *the streets shall have a curb and gutter.*

25 *(e) Drivers of vehicles operating on selected streets*
26 *shall comply with this code for the purpose of all traffic*
27 *laws. Traffic laws shall be enforced by law enforcement*
28 *agencies in accordance with law.*

29 *(f) The Town of Apple Valley shall prepare a written*
30 *report at the end of the demonstration program. The*
31 *report shall include data identifying street volume, street*
32 *classification, street width, accident history for three*
33 *years prior to the demonstration program, incidences of*
34 *accidents occurring during the program, and the number*
35 *of violations, identified by violation, time of day, speed,*
36 *and residency of the violation. The report shall be*
37 *submitted to the Legislature within 90 days of the*
38 *conclusion of the program and shall be made available to*
39 *the public.*



1 (g) *In addition, the Town of Apple Valley shall have a*
2 *study conducted by a public or private entity employing*
3 *traffic and engineering consultants or by any*
4 *organization with traffic engineering expertise. The*
5 *entity or organization undertaking the study shall*
6 *conduct a before posting study of speeds on the selected*
7 *residential streets. Surveys shall include morning and*
8 *evening commute times. This study shall be presented*
9 *with the report described in subdivision (f).*

10 (h) This section shall remain in effect only until
11 ~~January~~ March 1, 2001, and as of that date is repealed,
12 unless a later enacted statute, that is enacted on or before
13 ~~January~~ March 1, 2001, deletes or extends that date.

14 _____
15 CORRECTIONS
16 Text — Page 7.

17 _____
18

