

Assembly Bill No. 1209

Passed the Assembly September 8, 1997

Chief Clerk of the Assembly

Passed the Senate September 2, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

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, 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 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 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 Town of Apple Valley to report to the Legislature, as specified.

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

SECTION 1. Section 22352 of the Vehicle Code is amended to read:



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

(1) Fifteen miles per hour:

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

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

(C) On any alley.

(2) Twenty-five miles per hour:

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

(B) When passing a school building or the grounds thereof, contiguous to a highway and posted 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 shall also apply when passing any school grounds which 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.



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

(3) Thirty-five miles per hour on any highway, other than a state highway, in any moderate density residential district, as defined in subdivision (b) of Section 22352.1, 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 this code.

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

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

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

(1) Fifteen miles per hour:

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

(B) When traversing any intersection of highways if during the last 100 feet of the driver’s approach to the intersection the driver does not have a clear and



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

(C) On any alley.

(2) Twenty-five miles per hour:

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

(B) When passing a school building or the grounds thereof, contiguous to a highway and posted 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 shall also apply when passing any school grounds which 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.

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

(b) This section shall become operative on March 1, 2001.

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

22352.1. (a) Notwithstanding any other provision of law, the Town of Apple Valley, in conjunction with the Department of Transportation and the Department of the California Highway Patrol, may conduct a demonstration program that establishes a prima facie



speed limit of 35 miles per hour on any highway, other than a state highway, in a moderate density residence district.

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

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

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

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

(f) The Town of Apple Valley shall prepare a written report at the end of the demonstration program. The report shall include data identifying street volume, street classification, street width, accident history for three years prior to the demonstration program, incidences of accidents occurring during the program, and the number of violations, identified by violation, time of day, speed,



and residency of the violation. The report shall be submitted to the Legislature within 90 days of the conclusion of the program and shall be made available to the public.

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

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



Approved _____, 1997

Governor

