

ASSEMBLY BILL

No. 529

**Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Smyth)**

February 15, 2011

An act to amend Section 21400 of, and to add Section 22358.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 529, as introduced, Gatto. Vehicles: speed limits: pilot project.

(1) Existing law requires the Department of Transportation, after consultation with local agencies and public hearings, to adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices. Existing law makes it a crime for a driver to fail to obey a sign or signal, defined as regulatory in the federal Manual on Uniform Traffic Control Devices, or a Department of Transportation approved supplement to that manual.

This bill would require the Department of Transportation to revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, 2012, with regard to the posting of the speed limit and would prohibit the department from revising certain provisions of the California Manual on Uniform Traffic Control Devices that allow a local agency to reduce speed limits by an additional 5 miles per hour, under the circumstances specified in that manual.

(2) Existing law allows a local authority, by ordinance, to determine and declare a prima facie speed limit, upon the basis of an engineering and traffic survey, on any portion of any street other than a state highway, under certain conditions.

This bill would allow, as a pilot project, the City of Glendale to enact an ordinance to set a speed limit on any major roadway, as defined, located in that city if the city council determines there is a demonstrable public safety concern due to escalating traffic collision and fatality rates. The bill would require the ordinance to require the pilot program to terminate 5 years after the effective date of the ordinance and would require the police department of the City of Glendale to submit a report to the Legislature on the effect of local speed limit control on lowering traffic collisions and fatalities.

The bill would make legislative findings and declarations as to the necessity of a special statute.

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 21400 of the Vehicle Code is amended
2 to read:

3 21400. (a) (1) The Department of Transportation shall, after
4 consultation with local agencies and public hearings, adopt rules
5 and regulations prescribing uniform standards and specifications
6 for all official traffic control devices placed pursuant to this code,
7 including, but not limited to, stop signs, yield right-of-way signs,
8 speed restriction signs, railroad warning approach signs, street
9 name signs, lines and markings on the roadway, and stock crossing
10 signs placed pursuant to Section 21364.

11 ~~The~~

12 (2) *The* Department of Transportation shall, after notice and
13 public hearing, determine and publicize the specifications for
14 uniform types of warning signs, lights, and devices to be placed
15 upon a highway by ~~any~~ a person engaged in performing work
16 ~~which that~~ interferes with or endangers the safe movement of
17 traffic upon that highway.

18 ~~Only~~

19 (3) *Only* those signs, lights, and devices as are provided for in
20 this section shall be placed upon a highway to warn traffic of work
21 ~~which that~~ is being performed on the highway.

22 ~~Any~~

1 (4) ~~control~~ Control devices or markings installed upon traffic
2 barriers on or after January 1, 1984, shall conform to the uniform
3 standards and specifications required by this section.

4 (b) *The Department of Transportation shall revise the California*
5 *Manual on Uniform Traffic Control Devices, as it read on January*
6 *1, 2012, to require that when a speed limit is to be posted, it should*
7 *be within 10 kilometers per hour or 5 miles per hour of the*
8 *85th-percentile speed of free-flowing traffic. The Department of*
9 *Transportation shall not revise those provisions of the California*
10 *Manual on Uniform Traffic Control Devices, as it read on January*
11 *1, 2012, that allow a local agency to reduce speed limits by an*
12 *additional 5 miles per hour, under the circumstances specified in*
13 *that manual.*

14 SEC. 2. Section 22358.6 is added to the Vehicle Code, to read:
15 22358.6. (a) For purposes of this section, “major roadway”
16 includes a state highway, as defined in Section 24 of the Streets
17 and Highways Code, a county highway, as defined in Section 25
18 of the Streets and Highways Code, or a highway, as defined in
19 Section 360, but does not include a freeway, as defined in Section
20 23.5 of the Streets and Highways Code.

21 (b) Notwithstanding Section 22358, the City of Glendale, as a
22 pilot project, may enact an ordinance to set a speed limit on any
23 major roadway located in that city if the city council determines
24 there is a demonstrable public safety concern due to escalating
25 traffic collisions and fatality rates. The ordinance shall require this
26 pilot program to terminate five years after the effective date of the
27 ordinance.

28 (c) Six months after the termination of the pilot program
29 specified in subdivision (b), the police department of the City of
30 Glendale shall submit a report to the Legislature on the effect of
31 the pilot program’s local speed limit controls on lowering traffic
32 collisions and fatalities.

33 SEC. 3. Due to the unique circumstances in which the City of
34 Glendale has experienced increasing speeds on some of its main
35 arterials, including Glenoaks Blvd, which have caused safety
36 problems for the city, and the fact that 44 percent of the city’s
37 speed limit signs will be increased due to changes made by the
38 California Manual on Uniform Traffic Control Devices, it is
39 necessary that, and the Legislature finds and declares that, a general

- 1 statute cannot be made applicable within the meaning of Section
- 2 16 of Article IV of the California Constitution.

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