

Assembly Bill No. 529

Passed the Assembly September 2, 2011

Chief Clerk of the Assembly

Passed the Senate August 30, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 529, Gatto. Vehicles: speed limits: downward speed zoning.

(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 and setting of speed limits. Existing law makes it a crime for a driver to fail to obey a sign or signal, defined as regulatory in the California Manual on Uniform Traffic Control Devices (Manual), or a Department of Transportation-approved supplement to that manual.

This bill would require the Department of Transportation to revise the Manual, as it read on January 1, 2012, to require the department or a local authority to round speed limits to within 5 miles per hour of the 85th-percentile speed of free-flowing traffic. The bill would allow, in cases in which the speed limit needs to be rounded up to the nearest 5 miles per hour increment of the 85th-percentile speed, the department or a local authority to decide to instead round down the speed limit to the lower 5 miles per hour increment, but then the department or a local authority would be prohibited from reducing the speed limit any further for any reason.

(2) This bill would incorporate changes to Section 21400 of the Vehicle Code proposed by both this bill and AB 345, which would become operative only if both bills are enacted and become effective on or before January 1, 2012, and this bill is chaptered last.

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

SECTION 1. It is the intent of the Legislature that the changes made to subdivision (b) of Section 21400 of the Vehicle Code by Section 2 of this act or the changes made to subdivision (f) of Section 21400 of the Vehicle Code by Section 2.5 of this act shall

not alter any other provision of the California Manual on Uniform Traffic Control Devices as it read on January 1, 2012.

SEC. 2. Section 21400 of the Vehicle Code is amended to read:

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

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

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

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

(b) The Department of Transportation shall revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, 2012, to require the Department of Transportation or a local authority to round speed limits to the nearest five miles per hour of the 85th percentile of the free-flowing traffic. However, in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th-percentile speed, the Department of Transportation or a local authority may decide to instead round down the speed limit to the lower five miles per hour increment, but then the Department of Transportation or a local authority shall not reduce the speed limit any further for any reason.

SEC. 2.5. Section 21400 of the Vehicle Code is amended to read:

21400. (a) (1) The Department of Transportation shall, after consulting with local agencies and groups representing users of streets, roads, and highways, establishing a committee to advise the department, and holding public hearings regarding rules and

regulations, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

(2) The committee shall be composed of the following members:

(A) One representative selected by the director of the department.

(B) One representative recommended by the Commissioner of the California Highway Patrol.

(C) Two representatives recommended by the League of California Cities.

(D) Two representatives recommended by the California State Association of Counties.

(E) Two representatives from motorized users of the highway. One shall be recommended by the Automobile Club of Southern California and one shall be recommended by AAA Northern California, Nevada and Utah.

(F) Two representatives, approved by the director, from nonmotorized users of the highway recommended by the Active Transportation and Livable Communities Committee created within the department.

(b) For purposes of this section, “users of the highway” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) The Department of Transportation shall, after notice and public hearing, determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by a person engaged in performing work that interferes with or endangers the safe movement of traffic upon that highway.

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

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

(f) The Department of Transportation shall revise the California Manual on Uniform Traffic Control Devices, as it read on January 1, 2012, to require the Department of Transportation or a local authority to round speed limits to the nearest five miles per hour of the 85th percentile of the free-flowing traffic. However, in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th-percentile speed, the Department of Transportation or a local authority may decide to instead round down the speed limit to the lower five miles per hour increment, but then the Department of Transportation or a local authority shall not reduce the speed limit any further for any reason.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 21400 of the Vehicle Code proposed by both this bill and Assembly Bill 345. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 21400 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 345, in which case Section 2 of this bill shall not become operative.

Approved _____, 2011

Governor