

Setting Speed Limits

Impacts of AB 43 / AB 1938

Transportation Division



California Manual for Setting Speed Limits

2020

California Manual for Setting
Speed Limits
(Revised February 2020)



Division of Traffic Operations
California Department of Transportation
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- Speed limits establish a reasonable and safe operating speed for a specific section of roadway
- Established by an Engineering and Traffic Survey (E&TS), by considering the following:
 - Prevailing speeds (85th percentile speed)
 - Collision History
 - Highway, traffic, and roadside conditions not readily apparent to the driver.
- 85th percentile Speed – the speed at or below which 85% of the traffic is moving

Engineering and Traffic Surveys (E&TS)

"In order for the court systems and the public to accept and respect the responsible public agencies' posting and enforcement of posted speed limits, an E&TS must incorporate sound, repeatable methods conforming to the CVC and engineering principles."

- An E&TS is valid for 5 years – CVC Section 40802
 - Under special conditions, an E&TS may be valid for seven or ten years.
- Existing E&TS may need to be reassessed before the renewal period is expired
 - Physical changes to the roadway, such as increasing or decreasing the number of travel lanes, may impact the 85th percentile speed
- Law enforcement agencies and courts are accustomed to seeing surveys and it may be difficult to defend a speed violation citation without one

AB 43 & AB 1938

“The purpose of AB 43 and AB 1938 is to provide greater flexibility in setting and reducing speed limits in California”

- Assembly Bill 43 – Traffic Safety
 - Includes 16 specific provisions that revised the CVC to grant agencies greater flexibility in setting speed limits, with additional flexibility for local agencies
 - 14 of 16 provisions applies to local authorities
- Assembly Bill 1938 – Traffic Safety - Speed Limit
 - Additional clarifications to AB43 Provisions and its intentions

Provisions in AB 43 and AB 1938

#	Section #	Subsection	Description
1	627	c2	Extend the considerations for ped and bike safety to increase consideration for children, seniors, persons with disability, and the unhoused.
2	22352	b1	Extend prima-facie speed limit to be applicable to state highways also
3	22354	a	Allow the lower limit of prima-facie speed limit on the state highway to 20 or 15 (25 was the prior lower limit).
4	22358	a	Allow the lower limit of prima-facie speed limit on the non-state highway to 25, 20 or 15 (30 was the prior lower limit)
5	40802	a2	Add the new senior zone and business activity districts to the list of prima facie listing within the citation
6	40802	b3	Add definition of senior zone as explicitly defined in the citation
7	40802	b4	Add definition of business activity district as explicitly defined in the citation
8	40802	c2Bi(II)	Extends the maximum length of time an engineering and traffic survey may be used from 10 to 14 years
9	40802	c2Bii	Add senior zone and business activity district to the list of prima facie listing within the citation
10	22358.6	NA	Rounding and ETS reductions from the 85th percentile for any speed survey
12	22358.7	NA	Reduction provisions for Safety Corridor & High Concentrations of Ped/Bikes
13	22358.8	NA	Reduction provisions for retaining current/prior speed limits
14	22358.9	NA	Reduction provisions for Business Activity Districts
15	22352	a1	Terminology change from triagman to triagperson
16	40802	b1	Deletion of "California Road System Maps" reference

* Does not apply to local agencies

Summary of Provisions: AB 43 and AB 1938

- **CVC 22358.6(a)** – Required to round speed limits to the nearest five miles per hour of the 85th % speed
 - 47.4 mph becomes **45 mph**
- **CVC 22358.6(b)** – In cases in which speed limit needs to be **rounded down** to the nearest 5mph, the local authority **may lower** the speed limit an **additional 5mph**, if engineers determine the roadway contains traffic conditions not readily apparent to the driver
- **CVC 22358.6(c)** - In cases in which the speed limit needs to be **rounded up** to the nearest 5mph of the 85th-percentile speed, the local authority **may decide to instead round down** the speed limit to the **lower 5mph increment**. If the speed limit is rounded down pursuant to this subdivision, the speed limit shall not be reduced any further pursuant to subdivision (b).

Table 2B-104(CA). Examples showing applicability of rounding and additional speed reduction on Local Agency's Roadways & Private Property Subjected to CVC

85 th -Percentile Speed (mph)	Rounding to nearest 5 mph increment (CVC 22358.6(a))	If rounding to nearest is up, may round down (CVC 22358.6(c))	If rounding to nearest if down, may additionally lower by 5 mph (CVC 22358.6(b))	If safety corridor or adjacent to high concentration of bicyclists & pedestrians, may additionally lower by 5 mph (CVC 22358.7)*
47.5-50.0	50	45	No	40
45.1-47.4	45	No	40	35
42.5-45.0	45	40	No	35
40.1-42.4	40	No	35	30

* Note – CVC Sections 22358.7, 22358.8 & 22358.9 are applicable to local agency roadways and private properties subjected to CVC, they are not applicable to the State Highway System. Refer to Section 2B.13 for more details.

Summary of Provisions: AB 43 and AB 1938

Table 2B-105(CA). Safety Corridor Definition Requirements

Category	Factors
Crash Weighting Factors to Develop One Serious/Fatal Injury Safety Corridor	<p>Crash weighting can be developed using fatal and serious injury crash data and other factors to prioritize safety corridors. Suggested weighting factors are as follows:</p> <ul style="list-style-type: none"> ▪ Crash severity: Fatal Crashes, Serious Injury Crashes ▪ Mode: Pedestrian-bicycle related crashes, vehicle/other ▪ Disadvantaged Community Status: MPO/RTPA or locally defined disadvantaged community status based on most current version of CalEnviroScreen ▪ Vulnerable Populations: Seniors (age 65 and older) and Youth (under age 15) based on the American Community Survey ▪ School proximity (within 0.25 miles) based on the California School Campus Database
Crash Density	<p>Each roadway segment block can be converted into ~ 0.25 mile overlapping "corridor" segments to create a consistent unit of measurement and assess the concentration of linear patterns of injuries within a define distance. The highest scoring (i.e. most fatal and serious injury crashes per mile) "corridor" segments within a street needs to be identified and an appropriate threshold set to determine safety corridor eligibility.</p>
Maintenance	<p>The jurisdiction can establish a review and re-evaluation frequency for safety corridors. However, such frequency need not exceed seven years.</p>

CVC Section 22358.7(a)(1) – “Safety Corridor” Definition

- Shall be defined as A roadway segment within an overall roadway network where the highest number of serious injury or fatality crashes occur.
- One or more of the required crash weighting factors listed shall be used to prioritize the locations of fatal and serious injury crashes in developing the “Safety Corridor”
- Shall represent a prioritized subset of the overall roadway network within an authority’s responsibilities and shall not exceed one-fifth of the overall roadway network

Summary of Provisions: AB 43 and AB 1938

Table 2B-106(CA). Requirements to determine Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians

Category	Generator
Land Use	Employment centers
	Presence of retail
	Parks, multi-use trails, and recreational destinations
	Schools/universities
	Senior Centers
	Cultural areas, entertainment space areas, or areas of community significance
	Religious facilities
	Health/medical facilities
Transit Factors	Transit stops
	Transit Oriented Developments/Transit Priority Areas
Presence of Pedestrian/Bicyclist Infrastructure	Sidewalk presence
	Crosswalk presence
	Bikeway presence
	Nearby signalized intersections on four-way intersections
	Presence of micromobility devices such as bicycles or scooters
Demographic Factors	Presence of vulnerable groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused
	MPO/RTPA or locally defined disadvantaged community status
	Presence of students (all levels)
Local Data	Need identified in a safety analysis such as a road safety audit or formalized planning document such as a local road safety plan

CVC Section 22358.7(a)(2) – “Land or facility that generates high concentrations of bicyclists or pedestrians”

- Shall be defined as The portion of the highway where one or more of any generators listed are present within 1320 feet
- The top 20% of pedestrian / bicycle fatalities or serious injuries within a 3 to 5 year period shall be based on the geographic area within the jurisdiction of the Engineer performing the E&TS

Examples of AB 43 and AB 1938

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