



Memorandum

TO: Rules Committee

FROM: Councilmember Pierluigi Oliverio

**SUBJECT: Reduce Speed on Dana Ave
by adopting a Pilot Program
implementing Assembly Bill 321**

DATE: July 30, 2010

Approved

Pierluigi Oliverio
54 p.f.

Date

July 30, 2010

RECOMMENDATION

Direct the Administration to create a 2 year pilot program that would reduce the speed on Dana Avenue where Trace Elementary School is located to 15 miles per hour (mph) reducing the speed from 25 mph by implementing Assembly Bill 321 (AB321).

BACKGROUND

AB321 took effect in January 2008. It allows municipalities to reduce speed limits to 15 miles per hour on two lane streets that are adjacent to schools in residential areas. (I have attached a Bill Analysis for AB321 to this memo).

The devastating fire at Trace Elementary School in July destroyed 16 classrooms and the library. The school is scheduled to reopen on August 16, 2010 using portable classrooms. As a result of the temporary usage of classrooms, the school will be divided across Dana Avenue with K-2 on one side of the street and grades 3-5 on the other side of the street. Students, teachers and parents will now be crossing Dana Avenue frequently throughout the day for the next two years while a permanent building is being built.

As we know, the City of San Jose traffic calming resources have been cut; at least for the 2010-2011 budget year. Therefore, it is important that we take full advantage of other resources that slow cars down. The costs associated with this pilot are anticipated to be minimal. Since a speed survey has already been completed, the expected cost will most likely be the changing of a sign from 25 mph to 15 mph.

As we also know, this neighborhood is home to Lincoln High School, Hoover Middle School, and the Rose Garden Park, in addition to Trace Elementary. A 15 mph sign will bring attention to drivers that they need to slow down and drive at a safe pace. Additionally, a lower speed limit sign will enable law enforcement to provide warnings and/or tickets to those drivers who drive to fast.

Thank you in advance for your support of my recommendation for a pilot.

BILL ANALYSIS

SENATE TRANSPORTATION & HOUSING COMMITTEE
SENATOR ALAN LOWENTHAL, CHAIRMAN

BILL NO: ab 321
AUTHOR: nava
VERSION: 6/27/07
FISCAL: yes

Analysis by: Carrie Cornwall
Hearing date: July 10, 2007

SUBJECT:

School zone: speed limits

DESCRIPTION:

This bill allows a local government to declare a speed limit of 15 mile per hour (MPH) in school zones and to expand the distance a 25 MPH school zone may be in force to 1000 feet from the school.

ANALYSIS:

Speed limits are generally set in accordance with engineering and traffic studies, which measure prevailing vehicular speeds and establish the limit at or near the 85th percentile (i.e., the speed which is exceeded by 15% of motorists), unless other safety-related factors suggest that a lower speed limit would be appropriate.

California law uses the 85th percentile to set speed limits, except in cases where the limit is set in state law, such as the 65 MPH limit on divided highways, 55 MPH on an undivided highway, and 25 MPH in residence districts. Speed limits only take effect when the government authority posts them on signs.

Existing law provides for a prima facie speed limit of 25 miles per hour in school zones when children are present, but it also allows a local authority by ordinance to determine and declare a speed limit of 20 or 15 miles per hour. To declare a lower speed limit, the local jurisdiction must conduct an engineering and traffic survey to show that the 25-hour speed limit is more than is reasonable or safe for a particular school zone. School zones are a distance of up to 500 feet away from the school on any street that passes a school.

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Similarly, a local government can impose and post a speed limit in a residence district that is higher than the prima facie speed limit of 25 MPH provided it conducts an engineering and traffic survey to show that a higher speed limit up to 65 MPH would facilitate the orderly movement of traffic and is reasonable and safe.

Existing law defines a residence district as one with at least 13 separate dwelling units or business structures along a quarter mile stretch of one side of a highway or 16 units along a quarter mile stretch of both sides of a highway.

This bill :

1. Allows a local government by ordinance to declare, without having to complete a engineering and traffic study, a prima facie speed limit of 15 MPH in a school zone in a residence district in its jurisdiction.
2. Allows the local government to expand the school zone in a residence district to a distance of 1000 feet on streets approaching a school, but between 500 and 1000 feet, the speed limit shall be 25 MPH.
3. Provides that for state highways, the California Department of Transportation (Caltrans) must also approve the ordinance establishing these 15 MPH and 25 MPH school zone speed limits and that the local government must reimburse Caltrans for its costs.

COMMENTS:

1. Purpose . The author introduced this bill to provide a tool to local schools and cities, if they choose to use it, to combat tragic accidents and unwarranted deaths and protects a segment of population that is often times defenseless when they cross streets near our schools.

2. Do lower speed limits lower speeds ? Nationwide speed limits are generally set at or near the 85th percentile, based on an engineering and traffic study. The rationale behind the 85th percentile methodology, which empirical studies have repeatedly borne out, is that 70% of motorists drive within a 10 MPH band of speed, 15% drive slower, and 15% driver much faster. Because vehicles going widely differing speeds on the

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same road cause accidents, the speed limit is set to slow the top 15% down. That is, it is set at the 85th percentile. Setting speed limits on a street without the use of such a study has the potential to make violators out of almost everyone that drives the particular stretch of street. As the author notes tragic accidents have occurred on and near school grounds, but is unclear whether and how simply lowering the speed limit will lower speeds and reduce accidents.

3. Proposed amendment . While the prima facie speed limit in a residence district is 25 MPH, a local government can increase that speed limit, up to 65 MPH, if conditions and an engineering and traffic study show that a higher speed limit would facilitate the orderly movement of traffic and is reasonable and safe. Some - including the Auto Clubs -- have suggested, therefore, that this bill should be amended to allow local governments to impose the 15 MPH school zone speed limit and to expand the school zone to 1000 feet only in those residence district with a speed limit of 30 MPH or slower. Otherwise, the bill could allow for radical changes in permitted speeds along stretches of highways. The author or the committee may wish to amend the bill to limit its application to residence districts with speed limits of 30 MPH or less.

4. Previous legislation . Last year, SB 1227 (Denham) would have, as introduced, established a prima facie speed limit of 15 MPH in school zones. In this committee, the author accepted amendments to make the bill a pilot project to establish a 15 MPH prima facie school zone speed limit in Merced and Monterey Counties and to permit signs on the street in those school zones that would read "Children are Present" and post the speed limit. In this amended form, SB 1227 passed this committee on a 10 to 2 vote, but was ultimately held on suspense in the Senate Appropriations Committee.

Assembly Votes:
Floor: 78 - 1
Appr: 17 - 0
Trans: 14 - 0

POSITIONS: (Communicated to the Committee before noon on
Wednesday, July 4,
2007)

SUPPORT: American Federation of State, County and

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Municipal Employees
Fifteenth District PTA

OPPOSED: None received.