



# What about...

# Speed Limits?

## How are speed limits determined?

The basic speed law of the California Vehicle Code (CVC) says that drivers must operate their vehicles at a speed that is reasonable and prudent under existing conditions. This law recognizes that the maximum safe speed varies due to traffic, roadway, weather, lighting and other conditions. It places the responsibility of selecting a safe and reasonable speed on the driver, no matter what conditions or signs are present.

The CVC also sets procedures that allow local jurisdictions to set and post speed limits on their roads. These include the use of engineering and traffic surveys, certain other engineering input and a vote by the jurisdiction's Council. An engineering and traffic survey is a "survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local agencies." Prevailing speeds, accident records, and roadside conditions not readily apparent to the driver are all factored into these surveys.

Prevailing speeds are determined by a speed zone survey, measuring the actual speed of free-moving traffic. Most motorists select a speed to reach their destination in the shortest time possible and to avoid endangering themselves, others, and property. The collective judgment of the majority of motorists represents the level of reasonable travel and acceptable risk. Radar is usually used to collect speed data. Surveys are usually taken from a hidden, unmarked vehicle, during off-peak weekday hours with at least 100 cars surveyed.

The speed limit is normally set at the 85<sup>th</sup> percentile speed from the survey. The Town's Traffic Safety Committee, made up of representatives from the CHP, Sheriff, Fire and other related agencies, reviews the survey, along with accident history and other potential factors. The Committee's recommendations are sent to the Town Council which in turn holds a public hearing before the speed limits become a Town ordinance.

## Why has my speed limit changed?

Speed limits must be based upon current engineering and traffic surveys, updated every five to 10 years. New surveys often show that a different speed limit is appropriate for a speed zone.

## Can we lower the speed limit to lower the speed of traffic and help decrease the number of accidents?

It is a common misconception that lower speed limits reduce speeds and accidents. Also, it has been frequently suggested that most motorists drive five to 10 mph over the posted speed limit, so lower limits should be established to account for this condition. Conversely, it is also a common belief that raising the speed limit increases speeds and accidents. For example, following a severe accident, one of the most frequent requests made to the local jurisdiction is to lower the speed limit. However, the potential for being involved in an accident is highest when traveling at speeds much lower or much higher than the majority of motorists.

A recent study performed by the Federal Highway Administration concluded the following:

- Lowering or raising the posted speed limits by 5, 10, 15 or 20 mph had a minor effect on vehicle speeds, and did not create a corresponding decrease or increase in vehicle speeds. The average change in speed is 1.5 mph regardless of whether a speed limit is raised or lowered.
- Lowering speed limits towards the 33rd percentile speed results in a noncompliance rate of approximately 67 percent.
- Accidents at experimental sites where speed limits were lowered increased by 5.4 percent.
- Accidents at experimental sites where speed limits were raised decreased by 6.7 percent.
- Lowering speed limits more than 5 mph below the 85th percentile speed of traffic did not reduce accidents.

Arbitrary, unrealistic and non-uniform speed limits have created a socially acceptable disregard for speed

limits. Unrealistic limits increase accident risks for persons who attempt to comply with limits by driving slower or faster than the majority of motorists. Unreasonably low limits significantly decrease driver compliance. Unreasonably low speed limits give users not familiar with the road, and pedestrians, a false indication of actual traffic speeds.

## Need more information?

**Engineering Division:**  
240-7000 x 7350

**For Potholes:**  
Public Works: 240-7000 x 7500

**General Information:**  
Town Hall: 240-7000 x 7070

[www.applevalley.org](http://www.applevalley.org)

OVER

# Speed Limits, continued

## **I live on a residential road; shouldn't my speed limit be 25mph?**

One of the most common misconceptions with regards to speed limits is whether or not the speed limit on a road in a residential area is or should be 25 mph. Before this can be answered, the terms "residential zoning" and "residential district" must be understood.

"Residential zoning" only means the land can be used to build family residences. While zoning might take into account the type of roads around, the two are not dependent on each other. "Residential District," is defined in the CVC as, within a quarter of a mile length of road, there must be on one side of the road "contiguous property fronting thereon is occupied by 13 or more separate dwelling houses" or on both sides of the road within the same quarter of a mile, there must be 16 houses.

However, even if a road meets this definition, there are other limits. For a 25 mph residential district speed limit to be enforceable with the use of radar, it must not be considered a "speed trap" by the CVC. That is, the primary road function must be that of a "local" road (not a collector or arterial road), it must be no more than one lane in each direction, and the maximum uninterrupted segment length must be less than one-half mile.

## **What are speed traps?**

Speed traps are illegal and cannot be used to cite drivers. A speed trap is a section of a highway measured and marked so that the speed of a vehicle may be calculated by measuring the time it takes the vehicle to travel the known distance.

The "speed trap law" through the CVC also defines where "radar or other electronic devices" can be used to determine speed – either on local streets with less than one-half mile of uninterrupted length or on highways where a traffic survey has been conducted within the last five to 10 years.

## **Can the speed be lowered because there are children on our street?**

Speed limits are set at 25 mph in a school zone due to the frequent presence of children. This does not hold true for other areas in town where children may be present.

Unwarranted speed limit signs create a false sense of security for parents and children, thinking

## **Children (cont.)**

the signs provide added protection. However, drivers often pay little attention to them and will drive at the speed which is safe and reasonable to them, not at a speed posted lower than the conditions of the road dictate. It is the driver's responsibility to adjust speed when encountering conditions that can include children playing in the area.

## **Why can't the speed limit be lowered for my road that is winding and hilly?**

CVC Section 22358.5 states, "physical conditions such as width, curvature, grade and surface condition, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning" In other words, drivers are required to be aware of the road conditions and other factors that affect driving and to adjust their speed accordingly, regardless of the posted speed.

## **Why are some roads posted with speed limit signs and others are not?**

This is due to *prima facie* speed limits. "Prima facie" speed limits are the specific limits stated in the California Vehicle Code (CVC). Some of these include:

- 15 mph for railway grade crossings
- 25 mph for residential and business districts, school zones and near senior citizen centers.
- 55 mph for two-lane, undivided highways not posted for a higher speed by appropriate agencies.

These *prima facie* speed limits are enforced by law enforcement officers with or without the presence of a speed limit sign. Per the CVC, *prima facie* speed limits can, but are not required to, be posted. The extensive posting of speed limit signs not only detracts from a neighborhood's curb appeal, but it often fails to achieve the desired result.

Local jurisdictions have authority to establish different speed limits based on engineering and traffic surveys. These speed limits must be posted in order to be radar enforced.