

Date of Hearing: May 5, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 43 (Friedman) – As Amended March 22, 2021

Policy Committee: Transportation Vote: 15 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill makes a number of changes to traffic safety laws to implement certain recommendations recently made in the California State Transportation Agency (CalSTA) publication titled *AB 2363 Zero Traffic Fatalities Task Force: Cal STA Report of Findings*.

Specifically, this bill:

- 1) In various ways, authorizes a local authority to establish or maintain a lower speed limit in certain areas, including a portion of highway designated as a high-injury street, as defined by this bill, and a portion of highway adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians, especially those from vulnerable groups such as children, seniors, persons with disabilities and the unhoused.
- 2) Requires a local authority, when conducting an engineering and traffic survey, to consider the safety of bicyclists and pedestrians, with increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices and the unhoused.
- 3) Authorizes a local authority, when conducting an engineering and traffic survey, to consider both of the following: (a) the current or immediately prior speed limit for a section of highway if a registered engineer has evaluated the section of highway and determined that no significant design changes, with the specific intent of increasing the safe operating speed, have been made to the roadway since completion of the traffic survey that established the speed limit; and (b) whether the section of highway has been designated by the local authority as experiencing a high concentration of fatalities and serious injuries based on recent data.
- 4) Allows the Department of Transportation (Caltrans), on the basis of an engineering or traffic study, to set the speed limit at 20 miles per hour (MPH) or 15 MPH on a state highway with an applicable speed limit of 65 MPH.
- 5) Allows a local government to make certain changes to speed limits by resolution, instead of by ordinance only, as is allowed by current law.
- 6) Makes other, related changes.

FISCAL EFFECT:

This requirements of this bill would lead to Caltrans needing to update the California Manual on Uniform Traffic Devices. Caltrans regularly updates this manual and reports it could absorb the work required by this bill within existing resources.

In addition, because the bill extends the longevity of Caltrans surveys where highway conditions have not changed, and because the bill will result in more roadways with set speed limits, Caltrans expects this bill to reduce its need to conduct engineering and traffic surveys by about 20%, which the department estimates will save approximately \$250,000 a year (special funds).

COMMENTS:

Background and Purpose. In California and elsewhere, speed limits are generally set in accordance with an engineering and traffic survey to measure prevailing vehicle speeds and establish the limit at or near the 85th percentile (meaning the speed 15% of motorists exceed, based on road design and average conditions). California uses the 85th percentile rule to set speed limits except in cases where the limit is set in state law, such as the 25 mph limit on residential streets and in school zones, or where an engineering and traffic survey shows other safety-related factors suggest a lower speed limit is warranted. These safety-related factors, as prescribed by law, include accident data; highway, traffic, and roadway conditions not readily apparent to the driver; residential density; and pedestrian and bicyclist safety.

Safety considerations notwithstanding, the way California and many other jurisdictions sets speed limits has not resulted in roadways that are particularly safe: every year, tens of thousands of people have died in vehicular accidents. This fairly dismal safety record has led to an international movement, in the United States known as the Vision Zero Network, with the goal of eliminating all traffic fatalities and serious traffic injuries.

In 2018, the author of this bill successfully moved through the Legislature, and across the Governor's desk, a bill to require a reconsideration of the ways the state sets speed limits, with the goal of eliminating traffic-related deaths. That bill— AB 2363 (Friedman), Chapter 650, Statutes of 2018—required the Secretary of Transportation, by July 1, 2019, to convene the Vision Zero Task Force to evaluate whether an alternative to the current process for setting speed limits should be considered and make recommendations on other steps to increase pedestrian and bicyclist safety. As required, the CalSTA secretary, in 2019, convened a 25-member task of representatives of the California Highway Patrol, the University of California and other academic institutions, Caltrans, the State Department of Public Health, local governments, bicycle safety organizations, statewide motorist service membership organizations, transportation advocacy organizations and labor organizations.

In January 2020, the CalSTA released the task force's report, the *AB 2363 Zero Traffic Fatalities Task Force: CalSTA report of findings*. The report included numerous recommendations, including specific recommendations regarding the setting of speed limits, and notably recommended providing authorities more flexibility in setting speed limits, with an emphasis on reducing speed when do so increases safety.

This bill implements several of the report's speed-limit-setting recommendations, with the goal of reducing, or eliminating traffic fatalities. According to the author:

Speed limit reform is far overdue in California. Speed limits are based on the speed driver's feel comfortable driving at, not safety. The 85th percentile is outdated, and has led locals to increase speed limits at the same time traffic fatalities continue to increase. Implementation of AB 43 at the local level has the potential to save hundreds of lives. This bill is the culmination of the Zero Traffic Fatalities Task Force recommendations on speed setting, verified and contributed to by experts across the state.

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