

File No. 210313

Committee Item No. \_\_\_\_\_

Board Item No. 29

# COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: April 6, 2021

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Prepared by: Jocelyn Wong

Date: April 2, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting California State Assembly Bill No. 43 (Friedman) - Traffic Safety]

2

3 **Resolution supporting Assembly Bill No. 43, authored by Assembly Member Laura**  
4 **Friedman, and co-authored by Assembly Members Phil Ting, David Chiu, and Bill Quirk,**  
5 **and co-authored by Assembly Member Tasha Boerner Horvath, which would implement**  
6 **policy recommendations from the California Transportation Agency as outlined in the**  
7 **Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed**  
8 **limits based on safety.**

9

10 WHEREAS, San Francisco adopted Vision Zero in 2014, a campaign to end all severe  
11 and fatal traffic collisions by 2024 and is committed to building better and safer streets,  
12 educating the public on traffic safety, enforcing traffic laws, and adopting policy changes that  
13 save lives; and

14 WHEREAS, Despite less traffic and cars on the road in traffic fatalities in San  
15 Francisco due to the COVID-19 pandemic, 29 people were killed in traffic collisions in 2020,  
16 the same number of people killed in traffic collisions in 2019; and

17 WHEREAS, According to the National Transportation Safety Board, speeding accounts  
18 for nearly a third of all traffic fatalities and speed is the number one factor in severe and fatal  
19 crashes in San Francisco; and

20 WHEREAS, California has based its speed limits by the 85th percentile methodology,  
21 which is a methodology based on the 1964 “Solomon Curve” which says speed limits should  
22 be set at what 85 percent of drivers think is healthy, and today transportation experts widely  
23 reject the notion that the 85th percentile speed is the safest speed; and

24 WHEREAS, Assembly Member Laura Friedman has introduced Assembly Bill No. 43  
25 (AB 43), which would implement policy recommendations from the California Transportation

1 Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on  
2 setting speed limits based on safety; and

3 WHEREAS, On March 22, 2021, AB 43 was amended to require traffic surveyors to  
4 take into account the presence of vulnerable groups, including children, seniors, the unhoused  
5 and persons with disabilities when setting speed limits; and

6 WHEREAS, Although seniors make up only 15% of San Francisco's population, they  
7 are at even greater risk of being severely or fatally injured in traffic violence than most groups,  
8 comprising of at least 50% of all people killed in traffic crashes each year; and

9 WHEREAS, The State Legislation Committee of San Francisco voted to support AB 43  
10 during its meeting on March 10, 2021; now, therefore, be it

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
12 supports Assembly Bill No. 43 as amended on March 22, 2021, and urges the California State  
13 Legislature to pass this bill; and, be it

14 FURTHER RESOLVED, The Board of Supervisors hereby directs the Clerk of the  
15 Board to transmit a copy of this Resolution to the California State Assembly and the California  
16 State Senate as well as the Bill's primary sponsor, Assembly Member Laura Friedman.

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AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 43**

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**Introduced by Assembly Members Friedman, Ting, Chiu, and  
Quirk  
(Principal coauthor: Assembly Member Boerner Horvath)**

December 7, 2020

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An act to ~~add Section 14033.5 to the Government Code, and to amend Section 40802 of, and to add Section 2904.5~~ *amend Sections 627, 21400, 22352, 22354, 22357, 22358, 22358.4, 22359, and 40802 of, and to add Sections 22358.6, 22358.7, and 22358.8* to, the Vehicle Code, relating to traffic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 43, as amended, Friedman. Traffic safety.

*(1) Existing law establishes various default speed limits for vehicles upon highways, as specified. Existing law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions.*

*This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.*

*(2) Existing law establishes a prima facie speed limit of 25 miles per hour on any highway, other than a state highway, located in any*

*business or residence district, as defined. Existing law authorizes a local authority to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*This bill would establish a prima facie speed limit of 25 miles per hour on state highways located in any business or residence district and would authorize the Department of Transportation (Caltrans) to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*(3) Existing law establishes a speed limit of 65 miles per hour on state highways, as specified. Existing law authorizes Caltrans to declare a speed limit on any such highway, as prescribed, of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, including erecting signs to give notice thereof. Existing law also authorizes a local authority, on a section of highway, other than a state highway, where the speed limit is 65 miles per hour to declare a lower speed limit, as specified.*

*This bill would additionally authorize Caltrans and a local authority to declare a speed limit of 20 or 15 miles per hour, as specified, on these highways.*

*(4) Existing law authorizes a local authority, without an engineering and traffic survey, to declare a lowered speed limit on portions of highway, as specified, approaching a school building or school grounds. Existing law limits this authority to sections of highway meeting specified requirements relating to the number of lanes and the speed limit of the highway before the school zone.*

*This bill would change certain of these requirements related to the declaration of these lowered speed limits. The bill would similarly authorize a lowered speed limit on a section of highway approaching a business activity district, as defined.*

*(5) Existing law requires Caltrans, by regulation, to provide for the rounding up or down to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic on a portion of highway as determined by a traffic and engineering survey.*

*This bill would authorize a local authority to further reduce the speed limit, as specified, and require Caltrans to accordingly revise the California Manual on Uniform Traffic Control Devices, as specified.*

*(6) Existing law defines a speed trap and prohibits evidence of a driver's speed obtained through a speed trap from being admissible in court in any prosecution against a driver for a speed-related offense. Existing law deems a road where the speed limit is not justified by a traffic and engineering survey conducted within the previous 7 years*

*to be a speed trap, unless the roadway has been evaluated by a registered engineer, as specified, in which case the speed limit remains enforceable for a period of 10 years. Existing law exempts a school zone, as defined, from certain provisions relating to defining a speed trap.*

*This bill would extend the period that a speed limit justified by a traffic and engineering survey conducted more than 7 years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer, as specified, to 14 years.*

*This bill would also exempt a senior zone and business activity district, as defined, from those provisions.*

*(7) This bill would make other technical, nonsubstantive, and conforming changes.*

*(8) By creating new duties for local authorities relating to traffic and engineering surveys, this bill would impose a state mandate.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law creates the Department of Transportation (Caltrans) within the Transportation Agency. Existing law provides various duties of Caltrans, including, among others, coordinating and assisting, upon request of the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.~~

~~This bill would require, beginning June 1, 2022, and every 6 months thereafter, Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual.~~

~~Existing law establishes the California Traffic Safety Program, which consists of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting from accidents. Existing law requires the program to include provisions to improve driver performance, including, driver education, driver testing to determine proficiency to operate motor vehicles, and~~

driver examinations and licensing, and provisions to improve bicyclist and pedestrian education and performance.

~~This bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation of state funds for this purpose.~~

~~Existing law establishes various speed limits and prohibits a person from driving with a greater speed than those limits. Existing law prohibits a peace officer or other person from using a speed trap in arresting, or participating in the arrest of, any person for any alleged violation of the Vehicle Code, and prohibits the use of a speed trap in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under the Vehicle Code. Existing law defines the term “speed trap,” for these purposes, among other things, to include a particular section of a highway with a prima facie speed limit that is provided by the Vehicle Code or by local ordinance, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within a specified number of years of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device.~~

~~This bill would extend the period of time a prima facie speed limit may be justified by an engineering and traffic survey, as specified, if a registered engineer evaluates the section of the highway and finds that there has been an increase in traffic-related crashes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~no~~-yes.

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

- 1     *SECTION 1. Section 627 of the Vehicle Code is amended to*
- 2     *read:*
- 3     627. (a) “Engineering and traffic survey,” as used in this code,
- 4     means a survey of highway and traffic conditions in accordance
- 5     with methods determined by the Department of Transportation for
- 6     use by state and local authorities.
- 7     (b) An engineering and traffic survey shall include, among other
- 8     requirements deemed necessary by the department, consideration
- 9     of all of the following:
- 10    (1) Prevailing speeds as determined by traffic engineering
- 11    measurements.

1 (2) Accident records.

2 (3) Highway, traffic, and roadside conditions not readily  
3 apparent to the driver.

4 (c) When conducting an engineering and traffic survey, local  
5 authorities, in addition to the factors set forth in paragraphs (1) to  
6 (3), inclusive, of subdivision (b) ~~may~~ shall consider all of the  
7 following:

8 (1) Residential density, if any of the following conditions exist  
9 on the particular portion of highway and the property contiguous  
10 thereto, other than a business district:

11 (A) Upon one side of the highway, within a distance of a quarter  
12 of a mile, the contiguous property fronting thereon is occupied by  
13 13 or more separate dwelling houses or business structures.

14 (B) Upon both sides of the highway, collectively, within a  
15 distance of a quarter of a mile, the contiguous property fronting  
16 thereon is occupied by 16 or more separate dwelling houses or  
17 business structures.

18 (C) The portion of highway is longer than one-quarter of a mile  
19 but has the ratio of separate dwelling houses or business structures  
20 to the length of the highway described in either subparagraph (A)  
21 or (B).

22 (2) ~~Pedestrian and bicyclist safety. Safety of bicyclists and~~  
23 ~~pedestrians, with increased consideration for vulnerable pedestrian~~  
24 ~~groups including children, seniors, persons with disabilities, users~~  
25 ~~of personal assistive mobility devices, and the unhoused.~~

26 (d) When conducting an engineering and traffic survey, a local  
27 authority may also consider both of the following:

28 (1) The current or immediately prior speed limit for a section  
29 of highway, as established by a previous engineering and traffic  
30 survey, if a registered engineer has evaluated the section of  
31 highway and determined that no significant design changes, with  
32 the specific intent of increasing the safe operating speed, have  
33 been made to the roadway since completion of the traffic survey  
34 that established the speed limit.

35 (2) Whether the section of highway has been designated by the  
36 local authority as experiencing a high concentration of fatalities  
37 and serious injuries based on recent data.

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

39 21400. (a) ~~(1)~~ The Department of Transportation shall, after  
40 consultation with local agencies and public hearings, adopt rules



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

7 (2)

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

14 (3)

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

18 (4)

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

22 ~~(b) The Department of Transportation shall revise the California~~  
23 ~~Manual on Uniform Traffic Control Devices, as it read on January~~  
24 ~~1, 2012, to require the Department of Transportation or a local~~  
25 ~~authority to round speed limits to the nearest five miles per hour~~  
26 ~~of the 85th percentile of the free-flowing traffic. However, in cases~~  
27 ~~in which the speed limit needs to be rounded up to the nearest five~~  
28 ~~miles per hour increment of the 85th-percentile speed, the~~  
29 ~~Department of Transportation or a local authority may decide to~~  
30 ~~instead round down the speed limit to the lower five miles per hour~~  
31 ~~increment, but then the Department of Transportation or a local~~  
32 ~~authority shall not reduce the speed limit any further for any reason.~~

33 *SEC. 3. Section 22352 of the Vehicle Code is amended to read:*

34 22352. The prima facie limits are as follows and shall be  
35 applicable unless changed as authorized in this code and, if so  
36 changed, only when signs have been erected giving notice thereof:

37 (a) Fifteen miles per hour:

38 (1) When traversing a railway grade crossing, if during the last  
39 100 feet of the approach to the crossing the driver does not have  
40 a clear and unobstructed view of the crossing and of any traffic on

1 the railway for a distance of 400 feet in both directions along the  
2 railway. This subdivision does not apply in the case of any railway  
3 grade crossing where a human ~~flagman~~ *flagperson* is on duty or a  
4 clearly visible electrical or mechanical railway crossing signal  
5 device is installed but does not then indicate the immediate  
6 approach of a railway train or car.

7 (2) When traversing any intersection of highways if during the  
8 last 100 feet of the driver's approach to the intersection the driver  
9 does not have a clear and unobstructed view of the intersection  
10 and of any traffic upon all of the highways entering the intersection  
11 for a distance of 100 feet along all those highways, except at an  
12 intersection protected by stop signs or yield right-of-way signs or  
13 controlled by official traffic control signals.

14 (3) On any alley.

15 (b) Twenty-five miles per hour:

16 (1) On any ~~highway other than a state~~ highway, in any business  
17 or residence district unless a different speed is determined by local  
18 authority *or the Department of Transportation* under procedures  
19 set forth in this code.

20 (2) When approaching or passing a school building or the  
21 grounds thereof, contiguous to a highway and posted with a  
22 standard "SCHOOL" warning sign, while children are going to or  
23 leaving the school either during school hours or during the noon  
24 recess period. The prima facie limit shall also apply when  
25 approaching or passing any school grounds which are not separated  
26 from the highway by a fence, gate, or other physical barrier while  
27 the grounds are in use by children and the highway is posted with  
28 a standard "SCHOOL" warning sign. For purposes of this  
29 subparagraph, standard "SCHOOL" warning signs may be placed  
30 at any distance up to 500 feet away from school grounds.

31 (3) When passing a senior center or other facility primarily used  
32 by senior citizens, contiguous to a street other than a state highway  
33 and posted with a standard "SENIOR" warning sign. A local  
34 authority may erect a sign pursuant to this paragraph when the  
35 local agency makes a determination that the proposed signing  
36 should be implemented. A local authority may request grant  
37 funding from the Active Transportation Program pursuant to  
38 Chapter 8 (commencing with Section 2380) of Division 3 of the  
39 Streets and Highways Code, or any other grant funding available  
40 to it, and use that grant funding to pay for the erection of those

1 signs, or may utilize any other funds available to it to pay for the  
2 erection of those signs, including, but not limited to, donations  
3 from private sources.

4 *SEC. 4. Section 22354 of the Vehicle Code is amended to read:*

5 22354. (a) Whenever the Department of Transportation  
6 determines upon the basis of an engineering and traffic survey that  
7 the limit of 65 miles per hour is more than is reasonable or safe  
8 upon any portion of a state highway where the limit of 65 miles  
9 is applicable, the department may determine and declare a prima  
10 facie speed limit of 60, 55, 50, 45, 40, 35, ~~30 or 25~~ 30, 25, 20, or  
11 15 miles per hour, whichever is found most appropriate to facilitate  
12 the orderly movement of traffic and is reasonable and safe, which  
13 declared prima facie speed limit shall be effective when appropriate  
14 signs giving notice thereof are erected upon the highway.

15 (b) This section shall become operative on the date specified in  
16 subdivision (c) of Section 22366.

17 *SEC. 5. Section 22357 of the Vehicle Code is amended to read:*

18 22357. (a) Whenever a local authority determines upon the  
19 basis of an engineering and traffic survey that a speed greater than  
20 25 miles per hour would facilitate the orderly movement of  
21 vehicular traffic and would be reasonable and safe upon any street  
22 other than a state highway otherwise subject to a prima facie limit  
23 of 25 miles per hour, the local authority may by ordinance *or*  
24 *resolution* determine and declare a prima facie speed limit of 30,  
25 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit  
26 of 65 miles per hour, whichever is found most appropriate to  
27 facilitate the orderly movement of traffic and is reasonable and  
28 safe. The declared prima facie or maximum speed limit shall be  
29 effective when appropriate signs giving notice thereof are erected  
30 upon the street and shall not thereafter be revised except upon the  
31 basis of an engineering and traffic survey. This section does not  
32 apply to any 25-mile-per-hour prima facie limit which is applicable  
33 when passing a school building or the grounds thereof or when  
34 passing a senior center or other facility primarily used by senior  
35 citizens.

36 (b) This section shall become operative on the date specified in  
37 subdivision (c) of Section 22366.

38 *SEC. 6. Section 22358 of the Vehicle Code is amended to read:*

39 22358. (a) Whenever a local authority determines upon the  
40 basis of an engineering and traffic survey that the limit of 65 miles

1 per hour is more than is reasonable or safe upon any portion of  
2 any street other than a state highway where the limit of 65 miles  
3 per hour is applicable, the local authority may by ordinance *or*  
4 *resolution* determine and declare a prima facie speed limit of 60,  
5 55, 50, 45, 40, 35, 30, ~~or 25~~ 25, 20, *or 15* miles per hour, whichever  
6 is found most appropriate to facilitate the orderly movement of  
7 traffic and is reasonable and safe, which declared prima facie limit  
8 shall be effective when appropriate signs giving notice thereof are  
9 erected upon the street.

10 (b) This section shall become operative on the date specified in  
11 subdivision (c) of Section 22366.

12 *SEC. 7. Section 22358.4 of the Vehicle Code is amended to*  
13 *read:*

14 22358.4. (a) (1) Whenever a local authority determines upon  
15 the basis of an engineering and traffic survey that the prima facie  
16 speed limit of 25 miles per hour established by subdivision (b) of  
17 Section 22352 is more than is reasonable or safe, the local authority  
18 may, by ordinance or resolution, determine and declare a prima  
19 facie speed limit of 20 or 15 miles per hour, whichever is justified  
20 as the appropriate speed limit by that survey.

21 (2) An ordinance or resolution adopted under paragraph (1)  
22 shall not be effective until appropriate signs giving notice of the  
23 speed limit are erected upon the highway and, in the case of a state  
24 highway, until the ordinance *or resolution* is approved by the  
25 Department of Transportation and the appropriate signs are erected  
26 upon the highway.

27 (b) (1) Notwithstanding subdivision (a) or any other provision  
28 of law, a local authority may, by ordinance or resolution, determine  
29 and declare prima facie speed limits as follows:

30 (A) A 15 miles per hour prima facie limit in a residence district,  
31 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
32 slower, when approaching, at a distance of less than 500 feet from,  
33 or passing, a school building or the grounds of a school building,  
34 contiguous to a highway and posted with a school warning sign  
35 that indicates a speed limit of 15 miles per hour, while children  
36 are going to or leaving the school, either during school hours or  
37 during the noon recess period. The prima facie limit shall also  
38 apply when approaching, at a distance of less than 500 feet from,  
39 or passing, school grounds that are not separated from the highway  
40 by a fence, gate, or other physical barrier while the grounds are in

1 use by children and the highway is posted with a school warning  
2 sign that indicates a speed limit of 15 miles per hour.

3 (B) A 25 miles per hour prima facie limit in a residence district,  
4 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
5 slower, when approaching, at a distance of 500 to 1,000 feet from,  
6 a school building or the grounds thereof, contiguous to a highway  
7 and posted with a school warning sign that indicates a speed limit  
8 of 25 miles per hour, while children are going to or leaving the  
9 school, either during school hours or during the noon recess period.  
10 The prima facie limit shall also apply when approaching, at a  
11 distance of 500 to 1,000 feet from, school grounds that are not  
12 separated from the highway by a fence, gate, or other physical  
13 barrier while the grounds are in use by children and the highway  
14 is posted with a school warning sign that indicates a speed limit  
15 of 25 miles per hour.

16 (C) A 25 or 20 miles per hour prima facie speed limit on a  
17 highway contiguous to a business activity district when posted  
18 with a sign that indicates a speed limit of 25 or 20 miles per hour.

19 (2) The prima facie limits established under paragraph (1) apply  
20 only to highways that meet all of the following conditions:

21 (A) A maximum of ~~two~~ four traffic lanes.

22 (B) A maximum posted ~~30~~ 35 miles per hour prima facie speed  
23 limit immediately prior to and after the school ~~zone~~: zone or  
24 business activity district.

25 (3) The prima facie limits established under paragraph (1) apply  
26 to all lanes of an affected highway, in both directions of travel.

27 (4) When determining the need to lower the prima facie speed  
28 limit, the local authority shall take the provisions of Section 627  
29 into consideration.

30 (5) (A) An ordinance or resolution adopted under paragraph  
31 (1) shall not be effective until appropriate signs giving notice of  
32 the speed limit are erected upon the highway and, in the case of a  
33 state highway, until the ordinance *or resolution* is approved by the  
34 Department of Transportation and the appropriate signs are erected  
35 upon the highway.

36 (B) For purposes of subparagraph (A) of paragraph (1), school  
37 warning signs indicating a speed limit of 15 miles per hour may  
38 be placed at a distance up to 500 feet away from school grounds.

39 (C) For purposes of subparagraph (B) of paragraph (1), school  
40 warning signs indicating a speed limit of 25 miles per hour may

1 be placed at any distance between 500 and 1,000 feet away from  
2 the school grounds.

3 (D) A local authority shall reimburse the Department of  
4 Transportation for all costs incurred by the department under this  
5 subdivision.

6 (6) *As used in this subdivision, a “business activity district” is*  
7 *that portion of a highway and the property contiguous thereto that*  
8 *includes central or neighborhood downtowns, urban villages, or*  
9 *zoning designations that prioritize commercial land uses at the*  
10 *downtown or neighborhood scale and meets at least three of the*  
11 *following requirements:*

12 (A) *Retail or dining commercial uses, including outdoor dining,*  
13 *that open directly onto sidewalks adjacent to the highway.*

14 (B) *Parking, including parallel, diagonal, or perpendicular*  
15 *spaces, located alongside the highway.*

16 (C) *Traffic control signals or stop signs regulating traffic flow*  
17 *on the highway, located at intervals of no more than 600 feet.*

18 (D) *Marked crosswalks not controlled by a traffic control device.*

19 (E) *Pedestrian density greater than one pedestrian per 100 feet*  
20 *of sidewalk during peak hours.*

21 (F) *Bicycle volume of 10 or more bicycles per hour operating*  
22 *within or passing through during peak hours, including both*  
23 *sidewalk and highway use.*

24 SEC. 8. *Section 22358.6 is added to the Vehicle Code, to read:*

25 22358.6. *The Department of Transportation shall, in the next*  
26 *scheduled revision, revise and thereafter maintain the California*  
27 *Manual on Uniform Traffic Control Devices to require the*  
28 *Department of Transportation or a local authority to round speed*  
29 *limits to the nearest five miles per hour of the 85th percentile of*  
30 *the free-flowing traffic. However, in cases in which the speed limit*  
31 *needs to be rounded up to the nearest five miles per hour increment*  
32 *of the 85th-percentile speed, the Department of Transportation or*  
33 *a local authority may decide to instead round down the speed limit*  
34 *to the lower five miles per hour increment. A local authority may*  
35 *additionally lower the speed limit as provided in Sections 22358.7*  
36 *and 22358.8.*

37 SEC. 9. *Section 22358.7 is added to the Vehicle Code, to read:*

38 22358.7. (a) *If a local authority, after completing an*  
39 *engineering and traffic survey, finds that the speed limit is still*  
40 *more than is reasonable or safe, the local authority may, by*

1 ordinance or resolution, determine and declare a prima facie speed  
2 limit that has been reduced an additional five miles per hour for  
3 either of the following reasons:

4 (1) The portion of highway has been designated as a high-injury  
5 street.

6 (2) The portion of highway is adjacent to any land or facility  
7 that generates high concentrations of bicyclists or pedestrians,  
8 especially those from vulnerable groups such as children, seniors,  
9 persons with disabilities, and the unhoused.

10 (b) As used in this section, “high-injury” street means a portion  
11 of highway that, based on at least the immediately preceding three  
12 years of traffic accident data, is identified and has been adopted  
13 by the local authority as experiencing a high concentration of  
14 traffic-related serious injuries and fatalities.

15 SEC. 10. Section 22358.8 is added to the Vehicle Code, to  
16 read:

17 22358.8. If a local authority, after completing an engineering  
18 and traffic survey, finds that the speed limit is still more than is  
19 reasonable or safe, the local authority may, by ordinance or  
20 resolution, retain the current speed limit or restore the immediately  
21 prior speed limit if that speed limit was established with an  
22 engineering and traffic survey and if a registered engineer has  
23 evaluated the section of highway and determined that no significant  
24 design changes, with the specific intent of increasing the safe  
25 operating speed, have been made to the roadway since completion  
26 of the traffic survey that established the prior speed limit.

27 SEC. 11. Section 22359 of the Vehicle Code is amended to  
28 read:

29 22359. With respect to boundary line streets and highways  
30 where portions thereof are within different jurisdictions, ~~no~~ an  
31 ordinance or resolution adopted under Sections 22357 and 22358  
32 shall not be effective as to any ~~such~~ portion until all authorities  
33 having jurisdiction of the portions of the street concerned have  
34 approved the same. This section shall not apply in the case of  
35 boundary line streets consisting of separate roadways within  
36 different jurisdictions.

37 SEC. 12. Section 40802 of the Vehicle Code is amended to  
38 read:

39 40802. (a) A “speed trap” is either of the following:

1 (1) A particular section of a highway measured as to distance  
2 and with boundaries marked, designated, or otherwise determined  
3 in order that the speed of a vehicle may be calculated by securing  
4 the time it takes the vehicle to travel the known distance.

5 (2) A particular section of a highway with a prima facie speed  
6 limit that is provided by this code or by local ordinance *or*  
7 *resolution* under paragraph (1) of subdivision (b) of Section 22352,  
8 or established under Section 22354, 22357, 22358, or 22358.3, if  
9 that prima facie speed limit is not justified by an engineering and  
10 traffic survey conducted within five years prior to the date of the  
11 alleged violation, and enforcement of the speed limit involves the  
12 use of radar or any other electronic device that measures the speed  
13 of moving objects. This paragraph does not apply to a local street,  
14 road, ~~or school zone: zone, senior zone, or business activity district.~~

15 (b) (1) For purposes of this section, a local street or road is one  
16 that is functionally classified as “local” on the “California Road  
17 System Maps,” that are approved by the Federal Highway  
18 Administration and maintained by the Department of  
19 Transportation. ~~When a street or road does not appear on the~~  
20 ~~“California Road System Maps,” it~~ *It may also be defined as a*  
21 *“local street or road” if it primarily provides access to abutting*  
22 *residential property and meets the following three conditions:*

23 (A) Roadway width of not more than 40 feet.

24 (B) Not more than one-half of a mile of uninterrupted length.  
25 Interruptions shall include official traffic control signals as defined  
26 in Section 445.

27 (C) Not more than one traffic lane in each direction.

28 (2) For purposes of this section, “school zone” means that area  
29 approaching or passing a school building or the grounds thereof  
30 that is contiguous to a highway and on which is posted a standard  
31 “SCHOOL” warning sign, while children are going to or leaving  
32 the school either during school hours or during the noon recess  
33 period. “School zone” also includes the area approaching or passing  
34 any school grounds that are not separated from the highway by a  
35 fence, gate, or other physical barrier while the grounds are in use  
36 by children if that highway is posted with a standard “SCHOOL”  
37 warning sign.

38 (3) *For purposes of this section, “senior zone” means that area*  
39 *approaching or passing a senior center building or other facility*  
40 *primarily used by senior citizens, or the grounds thereof that is*



1 *contiguous to a highway and on which is posted a standard*  
2 *“SENIOR” warning sign, pursuant to Section 22352.*

3 (4) *For purposes of this section, “business activity district”*  
4 *means a section of highway described in paragraph (6) of*  
5 *subdivision (b) of Section 22358.4 in which a standard 25 miles*  
6 *per hour or 20 miles per hour speed limit sign has been posted*  
7 *pursuant to subparagraph (C) of paragraph (1) of subdivision (b)*  
8 *of that section.*

9 (c) (1) When all of the following criteria are met, paragraph  
10 (2) of this subdivision shall be applicable and subdivision (a) shall  
11 not be applicable:

12 (A) When radar is used, the arresting officer has successfully  
13 completed a radar operator course of not less than 24 hours on the  
14 use of police traffic radar, and the course was approved and  
15 certified by the Commission on Peace Officer Standards and  
16 Training.

17 (B) When laser or any other electronic device is used to measure  
18 the speed of moving objects, the arresting officer has successfully  
19 completed the training required in subparagraph (A) and an  
20 additional training course of not less than two hours approved and  
21 certified by the Commission on Peace Officer Standards and  
22 Training.

23 (C) (i) The prosecution proved that the arresting officer  
24 complied with subparagraphs (A) and (B) and that an engineering  
25 and traffic survey has been conducted in accordance with  
26 subparagraph (B) of paragraph (2). The prosecution proved that,  
27 prior to the officer issuing the notice to appear, the arresting officer  
28 established that the radar, laser, or other electronic device  
29 conformed to the requirements of subparagraph (D).

30 (ii) The prosecution proved the speed of the accused was unsafe  
31 for the conditions present at the time of alleged violation unless  
32 the citation was for a violation of Section 22349, 22356, or 22406.

33 (D) The radar, laser, or other electronic device used to measure  
34 the speed of the accused meets or exceeds the minimal operational  
35 standards of the National Highway Traffic Safety Administration,  
36 and has been calibrated within the three years prior to the date of  
37 the alleged violation by an independent certified laser or radar  
38 repair and testing or calibration facility.

39 (2) A “speed trap” is either of the following:

1 (A) A particular section of a highway measured as to distance  
2 and with boundaries marked, designated, or otherwise determined  
3 in order that the speed of a vehicle may be calculated by securing  
4 the time it takes the vehicle to travel the known distance.

5 (B) (i) A particular section of a highway or state highway with  
6 a prima facie speed limit that is provided by this code or by local  
7 ordinance *or resolution* under paragraph (1) of subdivision (b) of  
8 Section 22352, or established under Section 22354, 22357, 22358,  
9 or 22358.3, if that prima facie speed limit is not justified by an  
10 engineering and traffic survey conducted within one of the  
11 following time periods, prior to the date of the alleged violation,  
12 and enforcement of the speed limit involves the use of radar or  
13 any other electronic device that measures the speed of moving  
14 objects:

15 (I) Except as specified in subclause (II), seven years.

16 (II) If an engineering and traffic survey was conducted more  
17 than seven years prior to the date of the alleged violation, and a  
18 registered engineer evaluates the section of the highway and  
19 determines that no significant changes in roadway or traffic  
20 conditions have occurred, including, but not limited to, changes  
21 in adjoining property or land use, roadway width, or traffic volume,  
22 ~~14~~ 14 years.

23 (ii) This subparagraph does not apply to a local street, road, or  
24 school ~~zone~~, *zone, senior zone, or business activity district.*

25 *SEC. 13. If the Commission on State Mandates determines that*  
26 *this act contains costs mandated by the state, reimbursement to*  
27 *local agencies and school districts for those costs shall be made*  
28 *pursuant to Part 7 (commencing with Section 17500) of Division*  
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. Section 14033.5 is added to the Government~~  
31 ~~Code, to read:~~

32 ~~14033.5. Beginning June 1, 2022, and every six months~~  
33 ~~thereafter, the department shall convene a committee of external~~  
34 ~~design experts to advise on revisions to the Highway Design~~  
35 ~~Manual.~~

36 ~~SEC. 2. Section 2904.5 is added to the Vehicle Code, to read:~~

37 ~~2904.5. The California Traffic Safety Program shall include a~~  
38 ~~traffic safety monitoring program that identifies and addresses~~  
39 ~~locations with pedestrian and bicyclist-related crashes, upon~~  
40 ~~appropriation of state funds for this purpose.~~

1 SEC. 3. Section 40802 of the Vehicle Code is amended to read:

2 40802. (a) A “speed trap” is either of the following:

3 (1) A particular section of a highway measured as to distance  
4 and with boundaries marked, designated, or otherwise determined  
5 in order that the speed of a vehicle may be calculated by securing  
6 the time it takes the vehicle to travel the known distance.

7 (2) (A) A particular section of a highway with a prima facie  
8 speed limit that is provided by this code or by local ordinance  
9 under paragraph (1) of subdivision (b) of Section 22352, or  
10 established under Section 22354, 22357, 22358, or 22358.3, if that  
11 prima facie speed limit is not justified by an engineering and traffic  
12 survey conducted within five years prior to the date of the alleged  
13 violation, and enforcement of the speed limit involves the use of  
14 radar or any other electronic device that measures the speed of  
15 moving objects. This paragraph does not apply to a local street,  
16 road, or school zone.

17 (B) If a registered engineer evaluates the section of the highway  
18 and finds there has been an increase in traffic-related crashes, the  
19 prima facie speed limit may be justified by an engineering and  
20 traffic survey conducted every 10 years.

21 (b) (1) For purposes of this section, a local street or road is one  
22 that is functionally classified as “local” on the “California Road  
23 System Maps,” that are approved by the Federal Highway  
24 Administration and maintained by the Department of  
25 Transportation. When a street or road does not appear on the  
26 “California Road System Maps,” it may be defined as a “local  
27 street or road” if it primarily provides access to abutting residential  
28 property and meets the following three conditions:

29 (A) Roadway width of not more than 40 feet.

30 (B) Not more than one-half of a mile of uninterrupted length.  
31 Interruptions shall include official traffic control signals as defined  
32 in Section 445.

33 (C) Not more than one traffic lane in each direction.

34 (2) For purposes of this section, “school zone” means that area  
35 approaching or passing a school building or the grounds thereof  
36 that is contiguous to a highway and on which is posted a standard  
37 “SCHOOL” warning sign, while children are going to or leaving  
38 the school either during school hours or during the noon recess  
39 period. “School zone” also includes the area approaching or passing  
40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use  
2 by children if that highway is posted with a standard “SCHOOL”  
3 warning sign.

4 (e) (1) When all of the following criteria are met, paragraph  
5 (2) of this subdivision shall be applicable and subdivision (a) shall  
6 not be applicable:

7 (A) When radar is used, the arresting officer has successfully  
8 completed a radar operator course of not less than 24 hours on the  
9 use of police traffic radar, and the course was approved and  
10 certified by the Commission on Peace Officer Standards and  
11 Training.

12 (B) When laser or any other electronic device is used to measure  
13 the speed of moving objects, the arresting officer has successfully  
14 completed the training required in subparagraph (A) and an  
15 additional training course of not less than two hours approved and  
16 certified by the Commission on Peace Officer Standards and  
17 Training.

18 (C) (i) The prosecution proved that the arresting officer  
19 complied with subparagraphs (A) and (B) and that an engineering  
20 and traffic survey has been conducted in accordance with  
21 subparagraph (B) of paragraph (2). The prosecution proved that,  
22 prior to the officer issuing the notice to appear, the arresting officer  
23 established that the radar, laser, or other electronic device  
24 conformed to the requirements of subparagraph (D).

25 (ii) The prosecution proved the speed of the accused was unsafe  
26 for the conditions present at the time of alleged violation unless  
27 the citation was for a violation of Section 22349, 22356, or 22406.

28 (D) The radar, laser, or other electronic device used to measure  
29 the speed of the accused meets or exceeds the minimal operational  
30 standards of the National Highway Traffic Safety Administration,  
31 and has been calibrated within the three years prior to the date of  
32 the alleged violation by an independent certified laser or radar  
33 repair and testing or calibration facility.

34 (2) A “speed trap” is either of the following:

35 (A) A particular section of a highway measured as to distance  
36 and with boundaries marked, designated, or otherwise determined  
37 in order that the speed of a vehicle may be calculated by securing  
38 the time it takes the vehicle to travel the known distance.

39 (B) (i) A particular section of a highway or state highway with  
40 a prima facie speed limit that is provided by this code or by local

1 ordinance under paragraph (1) of subdivision (b) of Section 22352,  
2 or established under Section 22354, 22357, 22358, or 22358.3, if  
3 that prima facie speed limit is not justified by an engineering and  
4 traffic survey conducted within one of the following time periods,  
5 prior to the date of the alleged violation, and enforcement of the  
6 speed limit involves the use of radar or any other electronic device  
7 that measures the speed of moving objects:  
8 (I) Except as specified in subclause (II) or (III), seven years.  
9 (II) If an engineering and traffic survey was conducted more  
10 than seven years prior to the date of the alleged violation, and a  
11 registered engineer evaluates the section of the highway and  
12 determines that no significant changes in roadway or traffic  
13 conditions have occurred, including, but not limited to, changes  
14 in adjoining property or land use, roadway width, or traffic volume,  
15 10 years.  
16 (III) If a registered engineer evaluates the section of the highway  
17 or state highway and finds there has been an increase in  
18 traffic-related crashes, the prima facie speed limit may be justified  
19 by an engineering and traffic survey conducted every 15 years.  
20 (ii) This subparagraph does not apply to a local street, road, or  
21 school zone.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):


Chan, Preston

Subject:

Supporting California State Assembly Bill No. 43 (Friedman) - Traffic Safety

The text is listed:

Resolution supporting California Assembly Bill No. 43, authored by Assemblymember Laura Friedman, to implement policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

**From:** [Groth, Kelly \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** Re: Additional Introduction Forms for Supervisor Chan 3/23/21  
**Date:** Friday, March 26, 2021 10:52:47 AM  
**Attachments:** [image001.png](#)

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Hi Jocelyn,

Apologies for my delay. The California State Association of Counties and League of California Cities have not taken a position on Assembly Bill No. 43. The clerical edits made to the resolution are approved, thank you.

Best,  
Kelly

Kelly Groth | 明美  
Legislative Aide  
Office of Supervisor Chan  
District 1, San Francisco Board of Supervisors  
(415) 554-7413

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**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Friday, March 26, 2021 10:34 AM  
**To:** Groth, Kelly (BOS) <kelly.groth@sfgov.org>  
**Cc:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** RE: Additional Introduction Forms for Supervisor Chan 3/23/21

Hi Kelly,

We are following up on the requested information below regarding the [California State Association of Counties](#) and [League of California Cities](#) positions. Thank you.

Best regards,  
**Jocelyn Wong**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Wednesday, March 24, 2021 11:27 AM  
**To:** Groth, Kelly (BOS) <kelly.groth@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** RE: Additional Introduction Forms for Supervisor Chan 3/23/21

Hi Kelly,

Please see attached for proof of clerical edits made to the Resolution. Kindly review and confirm these changes are acceptable.

Lastly, per Board Rule 2.8.2, please confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file. If they have not taken a position, please confirm by reply to this email to be included in the file as well.

Best regards,

**Jocelyn Wong**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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**From:** Groth, Kelly (BOS) <[kelly.groth@sfgov.org](mailto:kelly.groth@sfgov.org)>  
**Sent:** Tuesday, March 23, 2021 6:21 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** Re: Additional Introduction Forms for Supervisor Chan 3/23/21

Hi Jocelyn,

Confirming that the matters of the resolution are routine, not contentious in nature, and of no special interest. Attached is a copy of the most recent version of Assembly Bill No. 43, with the amendments referred to in the resolution.

Thank you!  
Kelly

Kelly Groth | 明美

Legislative Aide  
Office of Supervisor Chan  
District 1, San Francisco Board of Supervisors  
(415) 554-7413

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**From:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Sent:** Tuesday, March 23, 2021 6:11 PM  
**To:** Groth, Kelly (BOS) <[kelly.groth@sfgov.org](mailto:kelly.groth@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** RE: Additional Introduction Forms for Supervisor Chan 3/23/21

Hi Kelly,

Thank you for the legislation submission. Please provide a copy of Assembly Bill No. 43 for inclusion

to the official file.

Since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, please confirm that these matters are routine, not contentious in nature, and of no special interest.

Lastly, per Board Rule 2.8.2, please confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file.

Thank you in advance,

**Jocelyn Wong**

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** Groth, Kelly (BOS) <[kelly.groth@sfgov.org](mailto:kelly.groth@sfgov.org)>

**Sent:** Tuesday, March 23, 2021 6:09 PM

**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Subject:** Additional Introduction Forms for Supervisor Chan 3/23/21

Hello Clerk's office,

Attached are 2 introduction forms from Supervisor Chan. The two items are as follows:

1. Resolution in support of California State Assembly Bill 43

2. Hearing request on the sharing of traffic collision data between city departments  
Frances Hsieh from our office already delivered a hard copy of these forms with Supervisor Chan's signature. I've also attached the resolution here. Please let me know if there's anything else you need from us. I will be staff for the resolution and hearing request.

Thank you!

Kelly

Kelly Groth | 明美

Legislative Aide

Office of Supervisor Chan

District 1, San Francisco Board of Supervisors

(415) 554-7413