

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

Department: Conservation and Development **Email:** john.cunningham@dcd.cccounty.us
Contact Person: John Cunningham **Telephone:** 674-7833

Title: *(Describe in one sentence the issue you seek to address with State/Federal assistance)*
Legislation authorizing enhanced (size and penalties) school zones that will facilitate children walking and biking to/from K-12 schools.

Check one: **State Platform** [] **Federal Platform** []

Dept. Priority: *of* (e.g. 1 of 3)

I. Summary of Proposal:

Please briefly describe the proposal and include the following information (where applicable):

• ***Prior efforts to secure State ~~or Federal~~ assistance for the issue***

This proposal is an outgrowth of a long standing County effort to encourage the State to reform school siting practices. Due to substantial institutional resistance to this reform effort, staff examined other mechanisms to improve school safety. That examination resulted in this proposal. Prior efforts include:

1. Meeting with Department of Education staff to discuss solutions to school siting problems.
2. Meeting with members of our legislative delegation to address the issue.
3. Submitting legislative proposals to our legislative delegation.

• ***Compelling factors for the proposal that merit State ~~or Federal~~ assistance***

1. Policy changes being sought are addressed in the vehicle code necessitating involvement of the state.
2. Consistent local, statewide, national, and international data suggest that the proposal is an evidence-based solution to address the low K-12 bike rates.
3. The need to raise the bike/walk rates is broadly accepted in the planning and public policy field as evidenced by the popularity of Safe Routes to School (SR2S) Programs.
4. Changes to the state's school siting practices do not appear imminent.
5. The proposal is **directly** supported in the 2014 Contra Costa County State Legislative Platform. ¹

¹ "141: SUPPORT efforts to improve safety throughout the transportation system. ... The County also supports the expansion of school safety improvement programs such as crossing guards, revised school zone references in the vehicle code, Safe Routes to Schools (SR2S) grants..."

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

• *Consequences if State or Federal assistance is not provided*

The status quo (low K-12 walk/bike rates), generally understood to be unacceptable, will continue.

Existing countywide public investments in safe routes to school projects and programs will continue to underperform in terms of return on investment.

• *Steps taken locally to advance issue*

1. Staff submitted a similar 2015 legislative proposal to the California State Association of Counties (CSAC). The school siting reform issue was added to CSACs 2014 legislative platform at the request of Contra Costa County. The Transportation, Water and Infrastructure Committee discussed the proposal and approved submitting the document to CSAC.
2. Staff is coordinating with the Metropolitan Transportation Commission (MTC) to support the proposal. The school siting reform issue was added to MTCs 2014 legislative platform at the request of Contra Costa County.
3. Meeting with the County Engineers Association of California (CEAC) at their policy conference to solicit feedback and support for the School Zone Enhancement Proposal.
4. Staff is currently coordinating with professional counterparts in other interested/affected counties. Thus far staff level support from 4-5 other counties has been confirmed.
5. The Board of Supervisors, in their [draft 2014 Countywide Transportation plan comment letter](#), requested support on the proposal from the countywide transportation authority (Contra Costa Transportation Authority - CCTA).

II. Action Requested:

Briefly describe the specific State/Federal assistance requested, e.g. a specified amount of funding for a particular purpose, a change in law promoting a particular outcome, etc.

a. Affected Code Sections (if known):

California Vehicle Code (CVC) Section 22352: States that the maximum speed limit is 25 mph "when approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard 'SCHOOL' warning sign, while children are going to or leaving the school either during school hours or during the noon recess period."

CVC Section 22358.4: Based on traffic survey results, the maximum speed limit can be reduced to 15 mph up to 500 feet away from a school and to 25 mph from 500 to 1,000 feet away from a school.

b. Proposed Statutory Language (if available):

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

b.1. Proposed Language – Point Enhancement

VEHICLE CODE - VEH

DIVISION 6. DRIVERS' LICENSES [12500 - 15325] (Heading of Division 6 amended by Stats. 1961, Ch. 1615.)

CHAPTER 1. Issuance of Licenses, Expiration, and Renewal [12500 - 13008] (Chapter 1 enacted by Stats. 1959, Ch. 3.)

ARTICLE 3. Issuance and Renewal of Licenses [12800 - 12819] (Article 3 enacted by Stats. 1959, Ch. 3.)

12810.5. (#) For purposes of this subdivision, each point assigned pursuant to Section 12810 shall be valued at one and one-half times the value otherwise required by that section for each violation that occurs on a highway with a school warning sign as established in Section 22358.4. If a person is convicted of a second offense within seven years, on a highway with a school warning sign, each point assigned shall be valued at twice the value otherwise required by that section.

b.2. Proposed Language – Safety Zone Enhancement

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

CHAPTER 7. Speed Laws [22348 - 22413]

ARTICLE 1. Generally [22348 - 22366]

22358.4.

...

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

(A) A 15 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of less than ~~500~~ 1,320 [1] feet from, or passing, a school building or the grounds of a school building, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, ~~while children are going to or leaving the school, either during school hours or during the noon recess period.~~ [2] The prima facie limit shall also apply when approaching, at a distance of less than ~~500~~ 1,320 [1] feet from, or passing, school grounds that are not separated from the highway by a fence, gate, or other physical barrier ~~while the grounds are in use by children~~ [2] and the highway is posted with a school warning sign that indicates a speed limit of 15 miles per hour.

(B) A 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of 500 to ~~1,000~~ 1,320 [1] feet from, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, ~~while children are going to or leaving the school, either during school hours or during the noon recess period.~~ The prima facie limit shall also apply when approaching, at a distance of 500 to ~~1,000~~ 1,320 [1] feet from, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

and the highway is posted with a school warning sign that indicates a speed limit of 25 miles per hour.

22358.4. (#) Notwithstanding the maximum distance established in this section (22358.4), a local authority may, upon the basis of a travel survey documenting school attendance boundaries and/or travel patterns to and from a school, extend the maximum distance to establish a prima facie speed limit and school warning signs, as defined in section 22358.4, to a distance and/or specific locations consistent with the findings of the travel survey.

III. Fiscal Impact:

By design, this proposal is a minor increment built upon existing obligations and activities. That said, fiscal impacts are estimated to be minimal and as follows:

a. County

Public Works Departments will have an obligation to increase the number of signs in school areas.

Additional activities are authorized under this proposal (a travel study to supporting further expansion of the school zone) but they are not compulsory and would only be undertaken at the discretion of the agency.

b. State (if applicable)

None.

c. Other (if applicable)

Violators would face increased penalties.

IV. Anticipated Supporters of proposal:

Supporters are likely to include state/local jurisdictions and NGOs that prioritize programs such as SR2S, active transportation, traffic safety, childhood obesity intervention, complete streets, etc. Due to recent legislation (AB1358 [2008], AB32/SB 375 [2006/2008]) that either directly or indirectly encourage a shift to non-motorized travel, support for the proposal should be broad.

V. Anticipated Opponents of proposal:

Opposition is likely to include the California Department of Transportation (Caltrans) and the California Highway Patrol who have opposed enhanced fine zones in the past.

The original proposal relied on an increase in fines in the school zone to encourage lower speeds. In September 2014 the

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

Governor vetoed SB 1151 (Cannella) which increased the fines in school zones. In his veto message the Governor indicated his opposition to increases in fines. In response to the Governor's opposition to fines, staff is proposing enhanced drivers license/point implications for infractions in a school zone.

VI. Position on proposal by CSAC or League of California Cities (if available):

Pending. Staff attended the CEAC policy conference in September and received feedback. Staff is currently revising the proposal to be responsive to the comments and intend on bringing the proposal back to CSAC for reconsideration and support.

VII. Prior History of Proposal (if any):

This specific proposal has never been submitted to the state. Analogous proposals that may be instructive for this proposal include:

SB 1151 (Cannella): The bill was vetoed by the Governor in September 2014. It would have increased fines in the school zone. The Governor, in his veto message, indicated that he supports increased safety in school zones but opposes increases in fines. The County had a position of "Support and Request Amendment" on this bill.

In response to the Governor's opposition to fines, staff is proposing enhanced drivers license/point implications for infractions in a school zone.

AB 1886 (2002): The bill authorized a pilot program in Santa Barbara, Ventura, and Alameda Counties, which "*would double or increase the fines as described above for a designated violation occurring in a specially posted school zone, as specified.*" Fines collected from this violation were used to fund bicycle and pedestrian safety programs. This statute was allowed to sunset in 2007.

The post-mortem report to the legislature on the program (by CHP) did not endorse the program, "*...the findings do not support continuation of the program...*" Observations on the pilot program and the post-mortem report:

The estimated cost to implement the program described in the post-mortem report characterizes sign installation as "very costly". In response:

1. Some of the Options/Alternatives proposed in the report are more expensive than the signage (traffic calming for example),
2. The Options/Alternatives in the report include signage, despite being flagged as "very costly" earlier in the report.
3. Signage is regularly considered a low cost solution.

Questioning the effectiveness of increased fines and additional signage is to question, essentially, the effectiveness of a major

CONTRA COSTA COUNTY
2015 COUNTY-SPONSORED LEGISLATION
SCHOOL ZONE ENHANCEMENT PROPOSAL

component of traffic control worldwide. The proposal is a minor incremental extension of a pervasive system that is broadly and reasonably assumed to have some measure of effectiveness.

The threshold for the determination of "costly" may be unrealistic in the report.

Limited (observed) benefits from the pilot may be due to minimal implementation efforts.