

Introduced by Senator Cannella
(Coauthors: Assembly Members Baker and Bonilla)

February 27, 2015

An act to amend Section 22358.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as introduced, Cannella. Vehicles: prima facie speed limits: schools.

(1) Existing law establishes a 25 miles per hour prima facie limit when approaching or passing a school building or the grounds thereof, contiguous to a highway and posted up to 500 feet away from the school grounds, 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. The prima facie limit also applies when approaching 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 and the highway is posted with a standard "SCHOOL" warning sign. A violation of that prima facie limit is an infraction.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie limit when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds thereof, 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. The prima facie limit would also apply when approaching, at that same distance, 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 and the highway is posted with one of those signs.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 25 miles per hour prima facie speed limit when approaching at a distance of 500 to 1,000 feet from a school building or 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 would also apply when approaching, at that same distance, 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 and the highway is posted with one of those signs.

This bill would allow a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie speed limit when approaching, at a distance of less than 1,320 feet from, or passing, a school building or grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour 24 hours a day. This bill would provide that 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, applies, as to those local authorities, when approaching, at a distance of 500 to 1,320 feet from a school building or grounds thereof. This bill would also authorize a local authority, on the basis of an engineering and traffic survey, to extend the maximum distance to establish a prima facie speed limit and school warning signs, as specified. This bill would also allow the 15 miles per hour or 25 miles per hour prima facie speed limit to apply 24 hours a day.

By authorizing a change in the prima facie limits, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

(2) 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 22358.4 of the Vehicle Code is amended
2 to read:

3 22358.4. (a) (1) ~~Whenever~~*If* a local authority determines
4 upon the basis of an engineering and traffic survey that the prima
5 facie speed limit of 25 miles per hour established by paragraph (2)
6 of subdivision (a) of Section 22352 is more than is reasonable or
7 safe, the local authority may, by ordinance or resolution, determine
8 and declare a prima facie speed limit of 20 or 15 miles per hour,
9 whichever is justified as the appropriate speed limit by that survey.

10 (2) An ordinance or resolution adopted under paragraph (1)
11 shall not be effective until appropriate signs giving notice of the
12 speed limit are erected upon the highway and, in the case of a state
13 highway, until the ordinance is approved by the Department of
14 Transportation and the appropriate signs are erected upon the
15 highway.

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

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

33 (B) A 25 miles per hour prima facie limit in a residence district,
34 on a highway with a posted speed limit of 30 miles per hour or
35 slower, when approaching, at a distance of 500 to ~~1,000~~ *1,320* feet
36 from, a school building or the grounds thereof, contiguous to a
37 highway and posted with a school warning sign that indicates a
38 speed limit of 25 miles per ~~hour, while children are going to or~~

1 ~~leaving the school, either during school hours or during the noon~~
2 ~~recess period.~~ *hour.* The prima facie limit shall also apply when
3 approaching, at a distance of 500 to ~~1,000~~ *1,320* feet from, school
4 grounds that are not separated from the highway by a fence, gate,
5 or other physical barrier ~~while the grounds are in use by children~~
6 and the highway is posted with a school warning sign that indicates
7 a speed limit of 25 miles per hour.

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

10 (A) A maximum of two traffic lanes.

11 (B) A maximum posted 30 miles per hour prima facie speed
12 limit immediately prior to and after the school zone.

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

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

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

24 (B) For purposes of subparagraph (A) of paragraph (1), school
25 warning signs indicating a speed limit of 15 miles per hour may
26 be placed at a distance up to ~~500~~ *1,320* feet away from school
27 grounds.

28 (C) For purposes of subparagraph (B) of paragraph (1), school
29 warning signs indicating a speed limit of 25 miles per hour may
30 be placed at any distance between 500 and ~~1,000~~ *1,320* feet away
31 from the school grounds.

32 (D) A local authority shall reimburse the Department of
33 Transportation for all costs incurred by the department under this
34 subdivision.

35 (E) *Notwithstanding the maximum distance established in this*
36 *section, a local authority may, upon the basis of an engineering*
37 *and travel survey documenting school attendance boundaries or*
38 *travel patterns to and from a school, or both, extend the maximum*
39 *distance to establish a prima facie speed limit and school warnings*

1 *signs, as defined in this section, to a distance or specific locations,*
2 *or both, consistent with the findings of the travel survey.*

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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