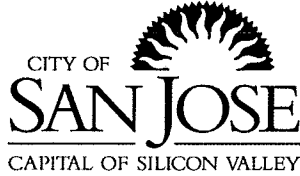


COUNCIL DATE: 06/19/18
FILE: 18-836
ITEM: 2.32



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Jim Ortbal

SUBJECT: RESOLUTION ESTABLISHING
SPEED LIMITS

DATE: May 29, 2018

Approved D. DSYL

Date 6/7/18

COUNCIL DISTRICTS: 4, 5, 6, 10

RECOMMENDATION

Adopt a resolution to repeal Resolution No. 78532 and set forth speed limits in the City of San José in compliance with State law to:

- a) Re-establish speed limits with changes to three roadways; including portions of Chynoweth Avenue, Jackson Avenue and Montgomery Street;
- b) Establish a speed limit on Lincoln Avenue between Park Avenue and San Carlos Street; and
- c) Make an administrative correction as described in this memorandum.

OUTCOME

This action will lower and establish appropriate speed limits on certain streets and adopt a new speed limit resolution.

BACKGROUND

The California Vehicle Code (CVC), together with the California Manual on Uniform Traffic Control Devices (CA MUTCD), provide direction to local and state agencies on establishing posted speed limits for a variety of roadways in the State. Generally, unless a *prima facie* speed limit has been identified in the CVC, agencies are required to conduct an Engineering and Traffic Survey to justify the posted speed limit. For example, the CVC provides for a *prima facie* speed limit of 25 mph on local streets, and when approaching or passing school zones (up to 500 feet from the school grounds), without the need for an

Engineering and Traffic Survey.

Engineering and Traffic Surveys

Per the CA MUTCD, when speed limits are established based on Engineering and Traffic Surveys, they must be adopted by ordinance or resolution. San José Municipal Code Section 11.28.010 specifies that these speed limits will be established by resolution, and is otherwise consistent with State law. For all roadways, the established speed limits are not effective until appropriate signs have been installed on the street providing notice to motorists.

There are approximately 520 roadway segments in the City that require Engineering and Traffic Surveys. These surveys must be conducted to adjust or establish speed limits as set forth in CVC Sections 22357 and 22358, and to provide for the use of radar, or other electronic device, to enforce speed limits. For streets subject to radar enforcement, surveys must be updated every five, seven or ten years based on criteria outlined in CVC Section 40802. Surveys can be conducted more frequently, if justified, due to changes in land use or traffic conditions. CVC Section 627 requires consideration of all of the following when completing a survey: prevailing speeds (85th percentile speeds), crash records, and highway traffic and roadside conditions not readily apparent to the driver. A survey may also include consideration of residential density and the safety of pedestrians and bicyclists. Once completed, Engineering and Traffic Surveys are filed with the Santa Clara Superior Court, if needed for use in traffic hearings.

State Guidelines

CVC Section 22350 states that no person shall drive at a speed greater than is reasonable or prudent. As with most laws, speed limits depend on the voluntary compliance of a high majority of motorists. Per the CA MUTCD, speed limits cannot be set arbitrarily low, as this would create violators of the majority of drivers and would not command the respect of the public.

State standards require that a speed limit be established at the nearest 5 mph increment of the 85th percentile speed. The speed limit may be adjusted downward by 5 mph if conditions exist which are not readily apparent to the driver. Per the CA MUTCD, the most decisive factor in determining if the 5 mph downward adjustment should be applied is the crash history on a roadway. Alternately, the speed limit may be set at the 5 mph increment below the 85th percentile even if the closest 5 mph increment is above the 85th percentile without a requirement to document supporting reasons in the Engineering and Traffic Survey; however, if this option is used, then an additional 5 mph reduction cannot be used. Setting speed limits in such a manner allows law enforcement officers to use radar enforcement to cite drivers who do not conform to what the majority of motorists consider reasonable and prudent.

It is important to note that individual states in the country must either follow the Federal MUTCD guidelines or adopt similar guidelines that are in substantial compliance with Federal guidelines. The State of California has patterned the CA MUTCD after the Federal guidelines and incorporated various modifications it deems relevant and important to State roadways. The establishment of posted speed limits is an example where California provides additional guidance to local agencies. While the Federal MUTCD indicates that the posted speed limit should be set within 5 mph of the 85th percentile speed, the State guidelines allow for a potential downward adjustment from the prevailing speed based on unapparent conditions.

ANALYSIS

San José is one of the safest big cities in the nation for transportation operations, with an injury crash rate that is currently about one-third of the national average. A majority of the services provided by staff in DOT's Transportation Safety and Operations Division are focused on the core goal of traffic safety for all roadway users: pedestrians, bicyclists and motorists. In support of this goal, DOT strives to maintain current Engineering and Traffic Surveys to ensure that San José roadways are radar enforceable. The Police Department relies heavily on these surveys, not only in being current, but that they are completed thoroughly and in compliance with State law to reinforce their testimony and use of radar in traffic hearings for speed related moving violations.

Since March 2018, when Council adopted a new speed limit resolution, DOT has completed surveys for approximately 26 roadway segments on City streets. The majority of the completed surveys support maintaining the current posted speed limits previously approved by the City Council. The posted speed limits for the roadway segments included in this memorandum are ones that require Council action.

A. Speed Limit Changes Based on Updated Surveys

The posted speed limits on the roadway segments in the following table are proposed to be decreased. Jackson Avenue is one of 17 Priority Safety Corridors in the Vision Zero San José transportation safety initiative adopted by the City Council in May 2015. A detailed summary of the Engineering and Traffic Surveys conducted for these roadway segments is included in Attachment A.

	Roadway Segments (Council District)	Current Adopted /Posted Speed Limit	Speed Limit if based on 85th Percentile	Proposed Speed Limit
1	Chynoweth Ave – 750’ w/o Duesenberg Dr to Snell Ave (CD 10)	40, 30	35	30
2	Jackson Ave – McKee Rd to Berryessa Rd (CD 4, 5)	(35,40) / (35,40)	40	35
3	Montgomery St – San Carlos St to Santa Clara St (CD 6)	35	35	30

B. Establish Speed Limit for New Roadway Segment

The proposed speed limit in the following table is for a segment of Lincoln Avenue that was surveyed for the first time to establish a radar enforceable speed limit. A detailed summary of the Engineering and Traffic Survey conducted for this roadway segment is included in Attachment B.

	Roadway Segments (Council District)	Current Posted Speed Limit	Speed Limit if based on 85th Percentile	Proposed Speed Limit
1	Lincoln Ave – San Carlos St to Park Ave (CD 6)	25	30	25

C. Administrative Corrections

The proposed resolution includes an administrative correction to reflect the prior street name change on “Old Bayshore Hwy” between Airport Pkwy and Fourth St, to “Matrix Blvd”.

EVALUATION AND FOLLOW-UP

No additional follow-up is required at this time.

POLICY ALTERNATIVES

The speed limits proposed in this memorandum are supported by State law.

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the June 19, 2018, Council agenda. The proposed speed limit changes have been discussed with the respective council offices.

COORDINATION

This memorandum has been coordinated with the Police Department, the City Attorney's Office, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

COST SUMMARY/IMPLICATIONS

No additional funding is required. Existing funding from DOT's Personal Services (\$2,000) and Non-Personal Equipment (\$2,000) appropriations will support the one-time costs incurred for installing new speed limit signs, estimated at approximately \$4,000.

CEQA

CEQA Section 15301, File No. PP14-017 – Citywide Exemption for Traffic Flow Management and Operations.

/s/
JIM ORTBAL
Director of Transportation

For questions, please contact Laura Wells, Deputy Director of Transportation Safety, Operations, and Parking at 408-975-3725.

Attachment

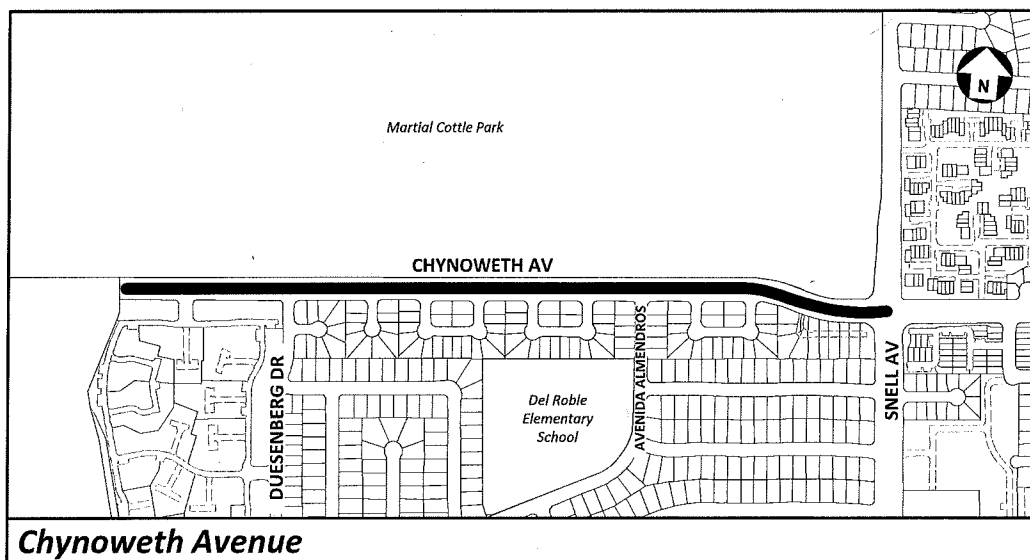
A1. Chynoweth Av – 750' west of Duesenberg Dr to Snell Av (CD 10)

The speed limit on this segment of Chynoweth Av was established at 40 mph based on a prior survey completed in May 2007. The segment was posted at 30 mph during the recent construction activities along Chynoweth Av. The segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Chynoweth Av is a two-lane, undivided, minor arterial street, approximately 0.64 miles long, and carries an average daily traffic volume of 3,250 vehicles. Adjacent land use is residential with side-on and back-on single family homes and high-density housing. Martial Cottle Park is located on the north side of the segment. Recent improvements have been implemented on this segment of Chynoweth Av that narrowed the roadway.

The nearest 5 mph increment to the 85th percentile speed on Chynoweth Av is 35 mph. As permitted by State law, the posted speed limit may be rounded down to the nearest 5 mph increment of 30 mph. The proposed speed limit of 30 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Chynoweth Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 th Percentile Speed (MPH)	Speed Limit if based on 85 th Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Chynoweth Av	33.5	35	30	30



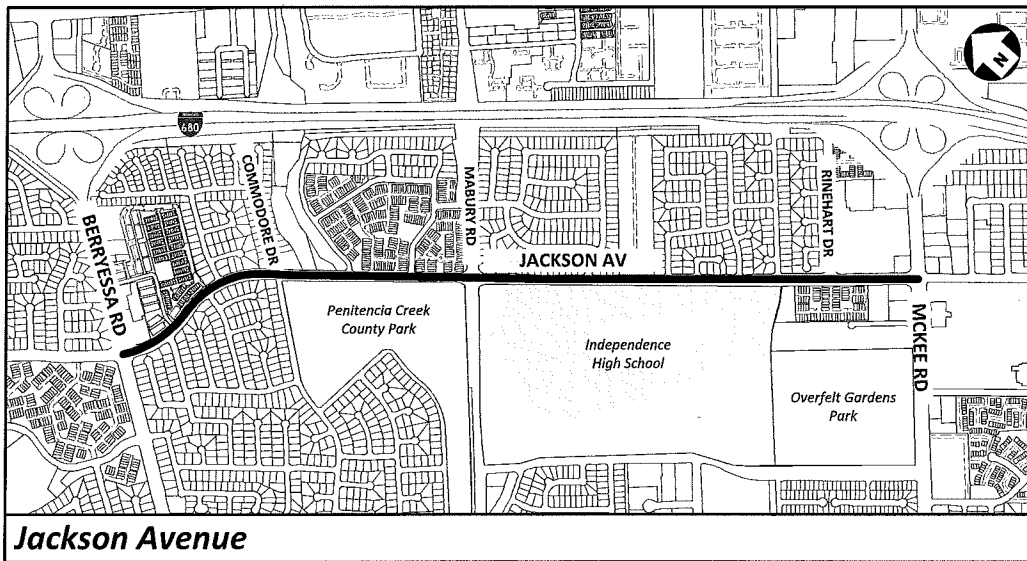
A2. Jackson Av – McKee Rd to Berryessa Rd (CD 4, 5)

The portion of Jackson Av between McKee Rd and Mabury Rd was established at 40 mph and the portion between Mabury Rd and Berryessa Rd was established at 35 mph based on prior surveys completed in January 2011. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Jackson Av is a four-lane, divided, minor arterial street, approximately 1.42 miles long, and carries an average daily traffic volume of 15,150 vehicles. Adjacent land use is mixed residential with some commercial establishments. Independence High School and Penitencia Creek County Park are located west of Jackson Av.

The nearest 5 mph increment to the 85th percentile speed on Jackson Av is 40 mph. As permitted by State law, the posted speed limit may be rounded down to the nearest 5 mph increment of 35 mph. The proposed speed limit of 35 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Jackson Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 th Percentile Speed (MPH)	Speed Limit if based on 85 th Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Jackson Avenue	38.5	40	35, 40	35



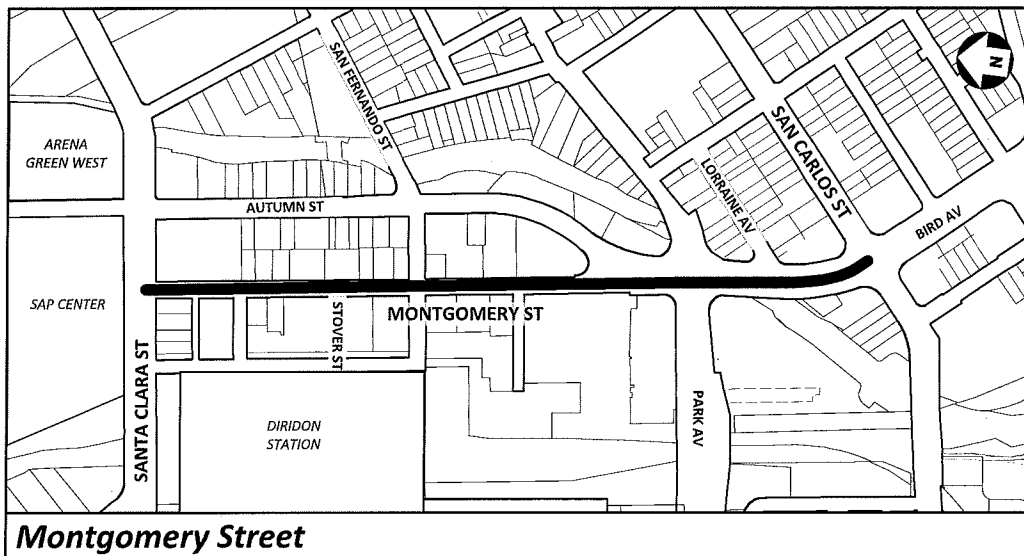
A3. Montgomery Street – San Carlos Street to Santa Clara Street (CD 6)

The portion of Montgomery St between Santa Clara St and Park Av was established at 35 mph based on a prior survey completed in 2016; and the portion between Park Av and San Carlos St is currently posted at 35 mph. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Montgomery St is primarily a two-lane, one-way southbound, undivided, minor arterial street, and a five-lane, divided, minor arterial street between San Carlos St and Park Av, approximately 0.51 miles long, and carries an average daily traffic volume of 12,050 vehicles. Adjacent land use is predominately commercial, with some side-on single-family homes. There is significant pedestrian activity along Montgomery St as this segment provides access to the Diridon Station and SAP Center.

The nearest 5 mph increment to the 85th percentile speed on this segment of Montgomery St is 35 mph. As permitted by State law, the speed limit may be rounded down to the nearest 5 mph increment of 30 mph. The proposed speed limit of 30 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on Montgomery St. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 th Percentile Speed (MPH)	Speed Limit if based on 85 th Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Montgomery Street	32.7	35	35	30



B1. Lincoln Av – San Carlos St to Park Av (CD 6)

This segment of Lincoln Av is currently posted at 25 mph and was recently surveyed for the first time to establish a radar enforceable speed limit.

This segment of Lincoln Av is a two-lane, undivided, minor arterial street, approximately 0.17 miles long, and carries an average daily traffic volume of 2,900 vehicles. Adjacent land use is predominately front-on and side-on single-family homes with some commercial establishments.

The nearest 5 mph increment to the 85th percentile speed on this segment of Lincoln Av is 30 mph. As permitted by State law, the speed limit may be rounded down to the nearest 5 mph increment of 25 mph. The proposed speed limit of 25 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Lincoln Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 th Percentile Speed (MPH)	Speed Limit if based on 85 th Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Lincoln Avenue	28.0	30	25	25

