



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Ristow

**SUBJECT: RESOLUTION ESTABLISHING
SPEED LIMITS**

DATE: June 13, 2022

Approved

Date

06/16/22

COUNCIL DISTRICTS: 3, 4, 8

RECOMMENDATION

Adopt a resolution to repeal Resolution No. 78961 and set forth speed limits in the City of San José in compliance with state law to:

- a) Establish a 20 mph business activity district speed limit on six streets: Evergreen Village Square, and portions of Almaden Avenue, Jackson Street, Post Street, Santa Clara Street, and Willow Street.
- b) Adopt the speed limit established by the County of Santa Clara for portions of Sierra Road for the segments within the jurisdiction of San José.

OUTCOME

This action will establish lower speed limits on certain streets in business activity districts, reconcile the speed limit resolution with speed limits established by other jurisdictions, 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. Assembly Bill 43 became effective January 1, 2022 and expanded the areas eligible for *prima facie* speed limits

that do not require these surveys, specifically, 25 mph senior zones and 20 mph or 25 mph business activity districts.

Engineering and Traffic Surveys

There are approximately 527 roadway segments in San José that require Engineering and Traffic Surveys. These surveys must be conducted in order to adjust or establish speed limits as set forth in the vehicle code, such as 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 14 years based on criteria outlined in CVC 40802. Surveys can be conducted more frequently, if justified, due to changes in land use or traffic conditions. CVC 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 County Superior Court if needed for use in traffic hearings.

State Guidelines

CVC 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 five mph increment of the 85th percentile speed. The speed limit may be adjusted downward by five mph if conditions exist which are not readily apparent to the driver. Alternately, the speed limit may be set at the five mph increment below the 85th percentile even if the closest five mph increment is above the 85th percentile without a requirement to document supporting reasons in the Engineering and Traffic Survey. 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.

Assembly Bill 43

Assembly Bill 43 (Friedman) gives local authorities more flexibility to lower speed limits on high injury roadways, near vulnerable populations, and in business activity districts. While the bill became effective in January 2022, certain provisions will not be available until June 30, 2024, or when the Judicial Council establishes an on-line adjudication tool for traffic infractions, whichever is sooner. The ability to establish a business activity district speed limit, via new code section CVC 22358.9, is one of the provisions that may be implemented now.

ANALYSIS

A majority of the services provided by staff in Department of Transportation’s (DOT) Transportation Safety and Operations Division are focused on the core goal of traffic safety for all roadway users such as 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. San José 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.

A. Business Activity Districts

CVC 22358.9 authorizes local authorities to establish a 20 mph or 25 mph speed limit on roadways adjacent to a business activity district. These districts include central or neighborhood downtowns and urban villages that meet at least three of the following characteristics:

- No less than 50 percent of the contiguous property consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the street;
- Parking spaces located alongside the street;
- Traffic signals or stop signs located at intervals no more than 600 feet; or
- Marked crosswalks not controlled by a traffic control device

Eligible roadways have a maximum of four travel lanes that meet the following conditions:

- 30 mph prior to and after the business activity district if posting a 25 mph speed limit, or
- 25 mph prior to and after the business activity district if posting a 20 mph speed limit

Staff have identified the following roadways that are contiguous to business activity districts that meet at least three of the four requirements in CVC 22358.9. The speed limit on these roadway segments is proposed to be lowered from 25 mph to 20 mph.

	Retail or Dining	On-street Parking	Signals/Stop Signs w/in 600 feet	Crosswalks (uncontrolled)
Almaden Av: St. John St – Santa Clara St	X	X	X	
Evergreen Village Square	X	X		X
Jackson St: 3 rd St – 7 th St	X	X	X	
Post St: Market St – 1 st St	X	X	X	
Santa Clara St: Almaden Ave – 5 th St	X	X	X	
Willow St: Palm St – Almaden Ave	X	X	X	X

Signage denoting the new speed limits will be installed over the summer. During fiscal year 2022-23, DOT intends to retain consultant services to assist with updating some of San José’s

Engineering and Traffic Surveys and to evaluate whether additional corridors may be eligible for business activity district speed limits.

B. Sierra Road Engineering and Traffic Survey

CVC 22359 requires that the posted speed limit for a street bounded by multiple jurisdictions be approved by the governing body of each jurisdiction. Sierra Road, between 0.15 miles southwest of Skyview Drive and Felter Road, is a two-way rural street located in the foothills of east San José. This segment of Sierra Road has shared jurisdiction between the City of San José and the County of Santa Clara. The segment carries an average daily vehicle traffic volume ranging from 200 to 1180 vehicles per day along the 6.2-mile corridor, with volumes decreasing on the eastern portion. In general, pavement width on Sierra Road is 22 feet with no curbs or sidewalks on either side of the roadway. There are segments on the eastern portion where Sierra Road narrows to 12 feet providing a single paved lane serving both travel directions.

In April 2021, the County of Santa Clara’s Board of Supervisors adopted an ordinance to reduce the speed limit from 30 mph to 25 mph along Sierra Road on the County portion from 0.15 miles southwest of Skyview Drive to Skyview Drive and established a speed limit of 25 mph from Skyview Drive to 0.75 north of Skyview Drive (City and County). The remaining sections (City and County) to Felter Road did not have an established speed limit.

Subsequently, City and County staff collaborated on data collection for the remaining section of Sierra Road to Felter Road. The following table is a summary of the speed data along Sierra Road:

Street Segment (CD4)	85th Percentile Survey Speed (mph)	Current Adopted/Posted Speed Limit (mph)	Speed Limit if based on 85 th Percentile (mph)	Recommended Posted Speed Limit (mph)
Sierra Rd – 0.15 miles southwest of Skvview Dr to 0.75 miles northeast of Skyview Dr	29.5	25/30	30	25
Sierra Rd – 0.75 miles northeast of Skyview Dr to Felter Rd	31.9	--/--	30	25

In April 2022, the County Board of Supervisors adopted an ordinance to establish a 25 mph speed limit on the remaining section. Per CVC 22359, the posted speed limit on Sierra Road, between 0.15 miles southwest of Skvview Drive and Felter Road, must be incorporated in the City’s speed limit resolution.

The 25 mph speed limit adopted by the County Board of Supervisors is appropriate and reasonable to facilitate the orderly movement of traffic and to allow for radar enforcement on this section of Sierra Road. On both roadway segments adopted by the County, the five mph increment of the 85th percentile speed is 30 mph. As authorized by state law, a maximum five

mph reduction has been applied to the roadway based on the lack of curb, gutter, and sidewalk on either side of the roadway, residential properties along portions of Sierra Road, presence of pedestrians and bicyclists, areas of limited sight distance, and narrow roadway conditions.

CONCLUSION

This proposed action will include speed limit reduction on Evergreen Village Square, and portions of Almaden Avenue, Jackson Street, Post Street, Santa Clara Street, and Willow Street, and establish an appropriate speed limit on the identified segments of Sierra Road.

EVALUATION AND FOLLOW-UP

This memorandum will not require further follow-up.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals

PUBLIC OUTREACH

In 2021, DOT, the San José Police Department, and County of Santa Clara Roads and Airports Department and Sherriff's Office participated in community meetings hosted by the Santa Clara County Open Space Authority regarding resident concerns about a variety of traffic concerns on Sierra Road. Residents that attended these meetings were supportive of the proposed speed limit of 25 mph on Sierra Road.

The speed limit changes for the identified business activity districts were shared during the March 7, 2022 Transportation and Environment Committee and on April 6, 2022 during the Vision Zero Task Force meetings. DOT will accompany the changes with education and outreach to inform residents and businesses of the new speed limit reductions and the importance of safe streets. Additionally, as required by CVC 22358.9, during the first 30 days that a lower speed limit is in effect on the business activity district corridors, only warning citations will be issued for violations exceeding the speed limit by 10 mph or less.

This memorandum will be posted on the City's website for the June 28, 2022 City Council meeting agenda.

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COORDINATION

This memorandum has been coordinated with the Police Department, City Attorney's Office, Department of Planning, Building, and Code Enforcement, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

COST SUMMARY/IMPLICATIONS

Installation of new speed limit signs for business activity districts and the San José portion of Sierra Road will incur a one-time cost of approximately \$11,000 and will be absorbed within DOT's existing budget.

CEQA

Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c), Existing Facilities.

/s/

JOHN RISTOW
Director of Transportation

For questions, please contact Lam Cruz, Division Manager, at (408) 794-1962.