

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Jim Ortbal

**SUBJECT:** RESOLUTION ESTABLISHING  
SPEED LIMITS

**DATE:** February 20, 2018

Approved

Date

3-1-18

**COUNCIL DISTRICTS: 2, 3, 4, 5, 6, 8**

## **RECOMMENDATION**

Adopt a resolution to repeal Resolution No. 78275 and set forth speed limits in the City of San José in compliance with State law to:

1. Re-establish speed limits with changes to three roadways; including portions of Alum Rock Avenue, Autumn Street, and Capitol Avenue.
2. Establish speed limits on portions of the following three roadways: Campbell Avenue, Gurdwara Avenue, and Raleigh Road.
3. Make administrative corrections as described in this memorandum.

## **OUTCOME**

This action will lower speed limits on certain streets, establish appropriate speed limits on certain streets, and establish 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 in order 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 (85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> percentile even if the closest 5 mph increment is above the 85<sup>th</sup> 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 85<sup>th</sup> 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 July 2017, when Council adopted a new speed limit resolution, DOT has completed surveys for approximately 60 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. Alum Rock Av 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.

	<b>Roadway Segments (<i>Council District</i>)</b>	<b>Current Adopted/Posted Speed Limit</b>	<b>Speed Limit if based on 85<sup>th</sup> Percentile</b>	<b>Proposed Speed Limit</b>
1	Alum Rock Av – US-101 to Capitol Av (CD 5)	35 / (25,35)	35	<b>30</b>
2	Autumn St – Santa Clara St to Julian St (CD 3)	(25,30) / (25,30)	30	<b>25</b>
3	Capitol Av – Capitol Ex to McKee Rd (CD 5)	35 / 40	40	<b>35</b>
4	Capitol Av – McKee Rd to Trimble Rd (CD 4, 5)	35 / 40	40	<b>35</b>

**B. Establish Speed Limits for New Roadway Segments**

The proposed speed limits on the roadway segments in the following table are for street segments that were surveyed for the first time to establish a radar enforceable speed limit. A detailed summary of the Engineering and Traffic Surveys conducted for these roadway segments are included in Attachment B.

	Roadway Segments ( <i>Council District</i> )	Current Posted Speed Limit	Speed Limit if based on 85 <sup>th</sup> Percentile	Proposed Speed Limit
1	Campbell Av - Leigh Av to Meridian Av (CD 6)	25	30	25
2	Gurdwara Av - Aborn Rd to Quimby Rd (CD 8)	35	40	35
3	Raleigh Rd – Cottle Rd to Via Del Oro (CD 2)	30	35	30

**C. Administrative Corrections**

The proposed resolution includes various administrative corrections as highlighted in Attachment C.

**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 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.

HONORABLE MAYOR AND CITY COUNCIL

February 20, 2018

**Subject: Resolution Establishing Speed Limits**

Page 5 of 5

**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 (\$4,000) and Non-Personal Equipment (\$4,000) appropriations will support the one-time costs incurred for installing new speed limit signs, estimated at approximately \$8,000.

**CEQA**

Exempt, File No. PP14-017, CEQA Guidelines Section 15301 Existing Facilities.

/s/  
JIM ORTBAL  
Director of Transportation

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

Attachments

ATTACHMENT A

Resolution Establishing Speed Limits

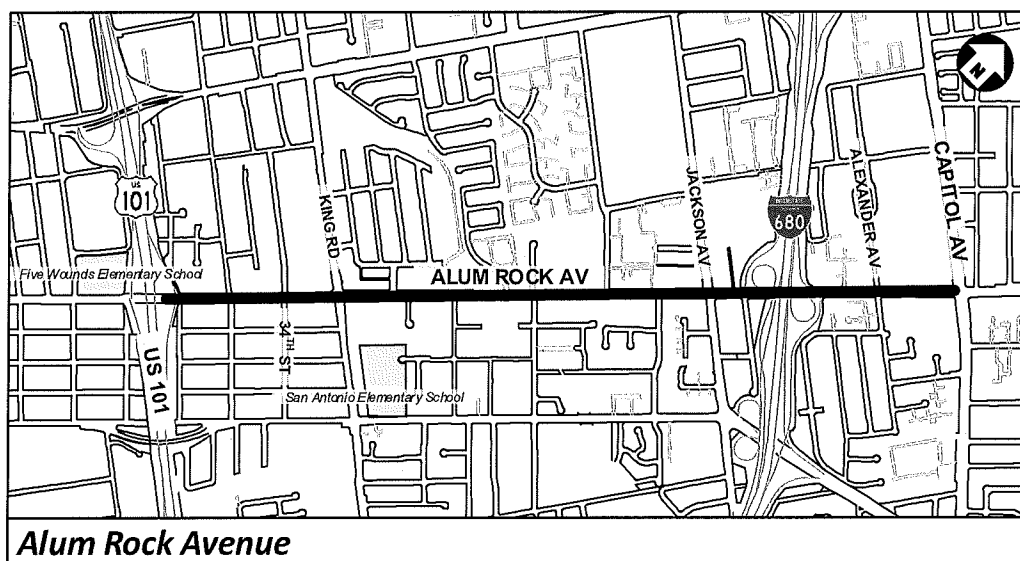
**A1. Alum Rock Avenue – US-101 to Capitol Avenue (CD 5)**

The speed limit on this segment of Alum Rock Av was established at 35 mph based on a prior survey completed by the State in September 2005. The State relinquished this segment to the City in December 2011. Alum Rock Av between Jackson Av and Capitol Av is currently posted at 35 mph, and the segment between US-101 and Jackson Av was posted at 25 mph by the Valley Transportation Authority (VTA) during the Bus Rapid Transit construction project. The entire segment was recently surveyed by the City to establish a radar enforceable speed limit.

This segment of Alum Rock Av is a four-lane, divided, major arterial street, approximately 1.64 miles long, and carries an average daily traffic volume of 23,950 vehicles. Adjacent land use is predominately commercial with single family homes and high density housing. VTA's Bus Rapid Transit operates on a dedicated median bus lane from 34<sup>th</sup> St to Alexander Av. The west end of the segment provides access to US-101 and the east end provides access to I-680.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Alum Rock 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 Alum Rock Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Alum Rock Avenue	34	35	25, 35	30



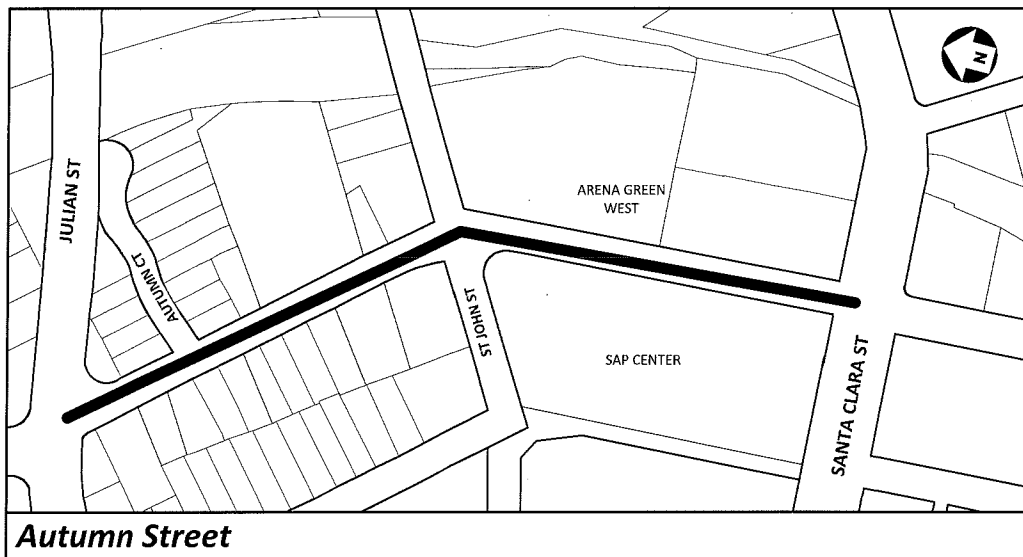
**A2. Autumn Street – Santa Clara Street to Julian Street (CD 3)**

The portion of Autumn St between Santa Clara St and St. John St is currently posted at 30 mph based on a prior survey completed by the City in 2009; and the portion between St. John St and Julian St is currently posted at 25 mph. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Autumn St is a two-lane, undivided, minor arterial street, approximately 0.30 miles long, and carries an average daily traffic volume of 3,000 vehicles. Adjacent land use is predominately industrial and commercial, with some front-on and side-on single family homes. SAP Center and Arena Green West are located on the southern end of the segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Autumn St is 30 mph. As permitted by State law, the posted 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 Autumn St. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Autumn Street	29.5	30	25, 30	25



**Autumn Street**

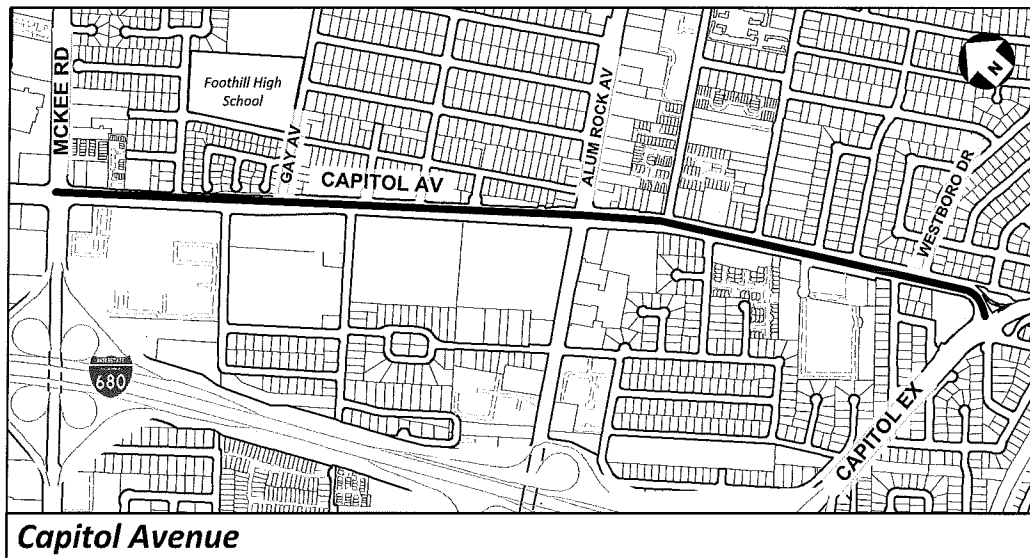
**A3. Capitol Avenue – Capitol Expressway to McKee Road (CD 5)**

This segment of Capitol Av is currently posted at 40 mph based on a prior survey completed in June 1995. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Capitol Av is a four-lane, divided, major arterial street, approximately 1.23 miles long, and carries an average daily traffic volume of 23,300 vehicles. Adjacent land use is mixed residential with some commercial establishments. Light Rail Transit operates with a separate right-of-way on a raised median. There are bike lanes from south of Westboro Av to McKee Rd.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Capitol 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 Capitol Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Capitol Avenue	39.7	40	40	35





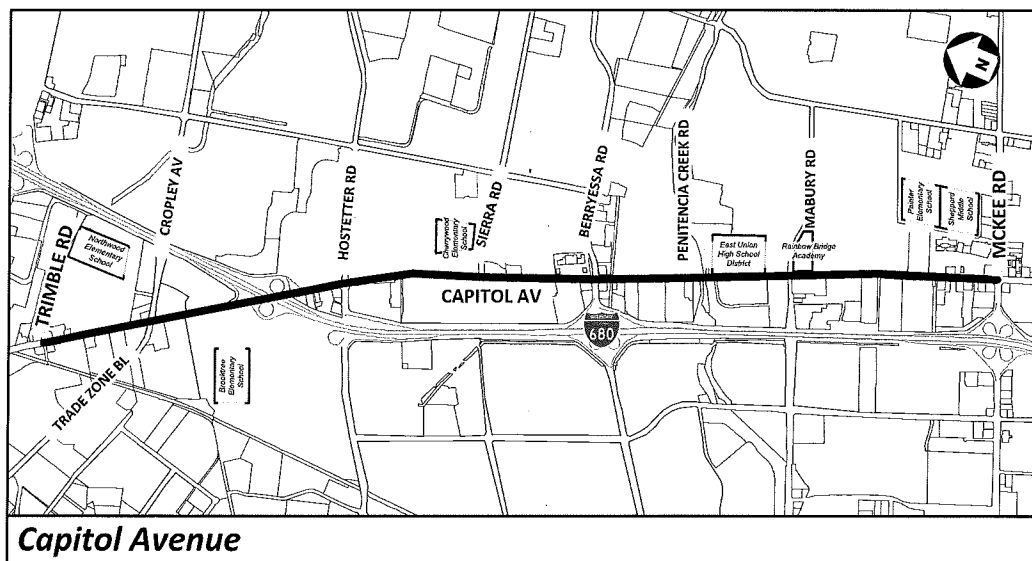
**A4. Capitol Avenue – McKee Road to Trimble Road (CD 4, 5)**

This segment of Capitol Av is currently posted at 40 mph based on a prior survey completed in January 2012. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Capitol Av is a four-six lane, divided, major arterial street, approximately 3.54 miles long, and carries an average daily traffic volume of 21,150 vehicles. Adjacent land use is predominately residential with some commercial establishments. Light Rail Transit operates with a separate right-of-way on a raised median. There are bike lanes throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Capitol Av is 40 mph. As permitted by State law, a maximum 5 mph reduction is applied based on the following factors: 37 crashes were speed related, of which 23 resulted in injuries, five additional crashes involved pedestrians or bicyclists, and high bicycle and pedestrian activities due to proximity to schools and the Light Rail station. The proposed speed limit of 35 mph is appropriate and reasonable to facilitate an orderly movement of traffic, enhance safety for pedestrians and bicyclists, and to allow for radar enforcement on this section of Capitol Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Capitol Avenue	40	40	40	35



**ATTACHMENT B**

**Resolution Establishing Speed Limits**

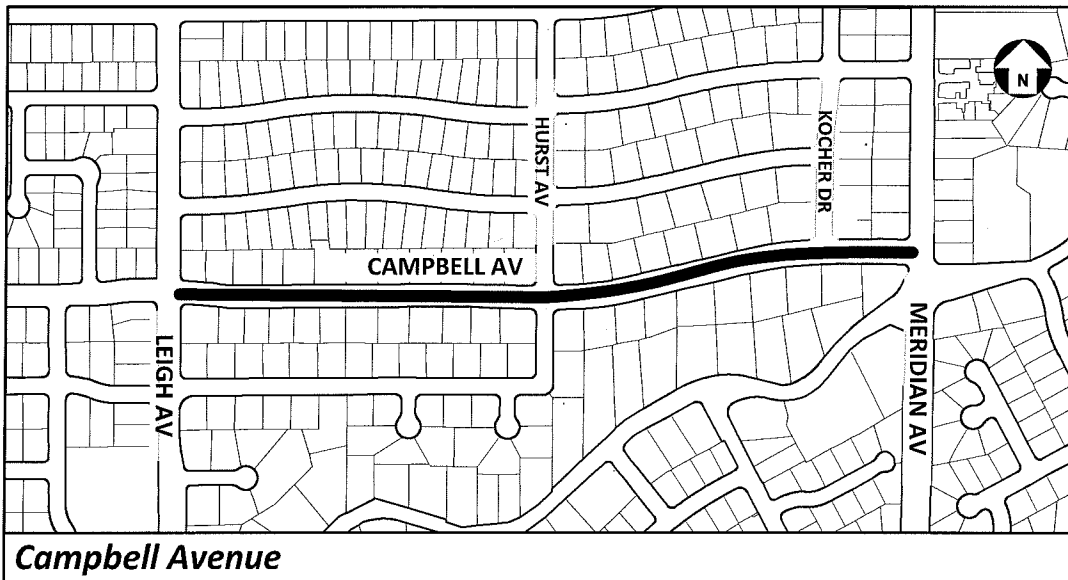
**B1. Campbell Avenue – Leigh Avenue to Meridian Avenue (CD 6)**

This segment of Campbell 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 Campbell Av is a two-lane, undivided, minor arterial street, approximately 0.51 miles long, and carries an average daily traffic volume of 1,350 vehicles. Adjacent land use is front-on and side-on single family homes.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Campbell Av is 30 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the crash history. Although there were only five crashes, all five crashes resulted in an injury of which two involved bicyclists, the bicyclist injury crashes were speed related, and the injury crash rate is significantly higher than the statewide average for a similar roadway. The proposed speed limit of 25 mph is appropriate and reasonable to facilitate an orderly movement of traffic, enhance safety for pedestrians and bicyclists, and to allow for radar enforcement on this section of Campbell Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Campbell Avenue	31.7	30	25	25



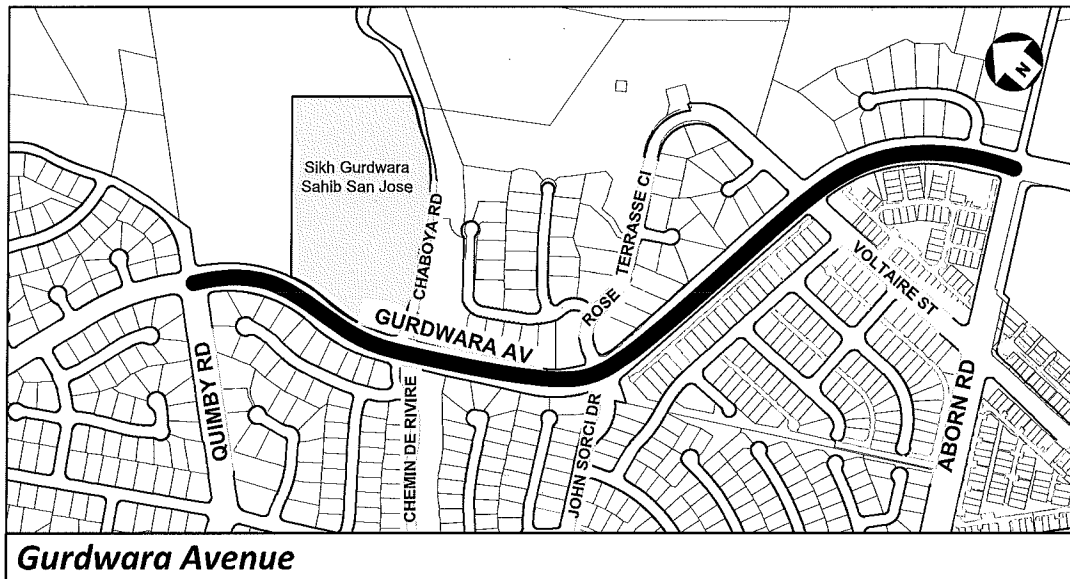
**B2. Gurdwara Avenue – Aborn Road to Quimby Road (CD 8)**

Gurdwara Av is currently posted at 35 mph and was surveyed for the first time to establish a radar enforceable speed limit.

Gurdwara Av is a four-lane, divided, local street, approximately 0.77 miles long, and carries an average daily traffic volume of 2,700 vehicles. Adjacent land use is primarily back-on single family homes enclosed by a six-foot divider wall. *Sikh Gurdwara Sahib - San Jose* is located on the northern end of the segment. There is a combination of vertical and gradual horizontal curves throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Gurdwara 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 Gurdwara Av. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Gurdwara Avenue	39	40	35	35



**Gurdwara Avenue**

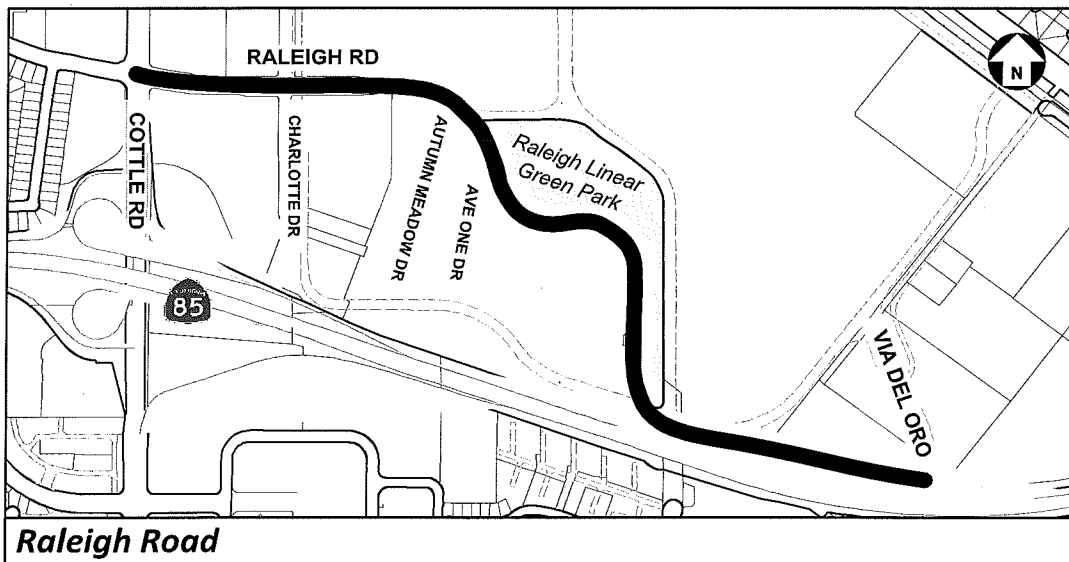
**B3. Raleigh Road – Cottle Road to Via Del Oro (CD 2)**

This segment of Raleigh Rd is currently posted at 35 mph and was recently surveyed for the first time to establish a radar enforceable speed limit.

This segment of Raleigh Rd is primarily a two-lane, undivided, local street, approximately 1.06 miles long, and carries an average daily traffic volume of 3,850 vehicles. Adjacent land use is predominately high-density housing with commercial establishments between Cottle Rd and Charlotte Dr. Raleigh Linear Green Park is located north of Raleigh Rd and there are multiple horizontal curves throughout the entire segment. There are also bike lanes throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Raleigh Rd is 35 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the crash history and pedestrian and bicycle activity. Although there were only seven crashes, four crashes were speed related of which two resulted in an injury, two additional crashes resulted in an injury, the injury crash rate is significantly higher than the statewide average for a similar roadway, and there is high pedestrian and bicycle activity due to proximity to Raleigh Linear Green Park and Village Oaks Shopping Center. The proposed speed limit of 30 mph is appropriate and reasonable to facilitate an orderly movement of traffic, enhance safety for pedestrians and bicyclists, and to allow for radar enforcement on this section of Raleigh Rd. The Engineering and Traffic Survey data and a map of the area are shown below.

Street	85 <sup>th</sup> Percentile Speed (MPH)	Speed Limit if based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
Raleigh Road	36	35	35	30



## ATTACHMENT C

### Resolution Establishing Speed Limits

Page 1 of 1

- C1.** The following local street segments have prima facie speed limits of 25 mph that have been established per CVC Sections 22352 and 40802. The 25 mph prima facie speed limits do not need local approval and can be removed from the speed limit resolution.
- a. Fleming Av –Impresario Wy to South City Limit
  - b. Murillo Av – Norwood Av to Klein Rd
  - c. Phelan Av – McLaughlin Av to Bevin Brook Dr
  - d. Rose Av – Capitol Av to White Rd
  - e. Saddlebrook Dr – Branham Ln to 80' w/o Frontier Trail Dr
  - f. Sierra Rd – Ashford Ct to 300' e/o Hazlett Wy
  - g. Taylor St – El Dorado St to Gold St
  - h. Williams St – Daniel Wy to Genevieve Ln
  - i. Yerba Buena Rd – Verona Rd to North End (Fowler Rd)
- C2.** The speed limit resolution incorporates administrative corrections to reconcile Attachment “A” in the resolution with the posted speed limits and Engineering and Traffic Surveys for the following street segments as identified below.
- a. Murillo Av – Quimby Rd to Norwood Av, 35 mph
  - b. Sanchez Dr – Blossom Hill Rd to North End, 35 mph
  - c. Willow St – Meridian Av to Minnesota Av (120' e/o), 30 mph.
  - d. Willow St – Minnesota Av (120' e/o) to First St, 25 mph