



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** John Ristow

**SUBJECT: RESOLUTION ESTABLISHING  
SPEED LIMITS**

**DATE:** January 17, 2019

Approved

Date

1/17/19

**COUNCIL DISTRICTS: 2, 3, 4, 10**

## **RECOMMENDATION**

Adopt a resolution to repeal Resolution No. 78680 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 four roadways; including portions of Charcot Avenue, Edenvale Avenue, Leyland Park Drive, and Oakland Road;
- B. Establish speed limits on portions of the following three roadways: Brokaw Road, Great Oaks Parkway/Boulevard, and Lean Avenue; and
- C. Make administrative corrections as described in this memorandum to Council.

## **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 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 (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 could reduce credibility of speed limit signage on city streets.

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 Department of Transportation's (DOT) 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 June 2018, when Council adopted a new speed limit resolution, DOT has completed surveys for approximately 43 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. 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	Charcot Av – Orchard Pkwy to Zanker Rd (CD 4)	40	40	<b>35</b>
2	Edenvale Av – Chynoweth Av to Saddlebrook Dr (CD 2)	35	35	<b>30</b>
3	Leyland Park Dr – McAbee Rd to Camden Av (CD 10)	30	30	<b>25</b>
4	Oakland Rd – Bayshore Fw (US 101) to Fox Ln (CD 3, 4)	(40,45) / (40,45)	45	<b>40</b>

### **B. Establish Speed Limit for New Roadway Segment**

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	Brokaw Rd – Matrix Bl to Oakland Rd (CD 3, 4)	40	40	<b>40</b>
2	Great Oaks Pkwy/Bl – Cottle Rd to SR-85 (CD 2)	40	45	<b>40</b>
3	Lean Av – Curie Dr to Santa Teresa Bl (CD 2)	25	30	<b>25</b>

**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.

**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 (\$1,200) and Non-Personal Equipment (\$800) appropriations will support the one-time costs incurred for installing new speed limit signs, estimated at approximately \$2,000.

**CEQA**

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

/s/  
JOHN RISTOW  
Acting Director of Transportation

For questions please contact Laura Wells, DOT Acting Assistant Director at 408-975-3725.

Attachments

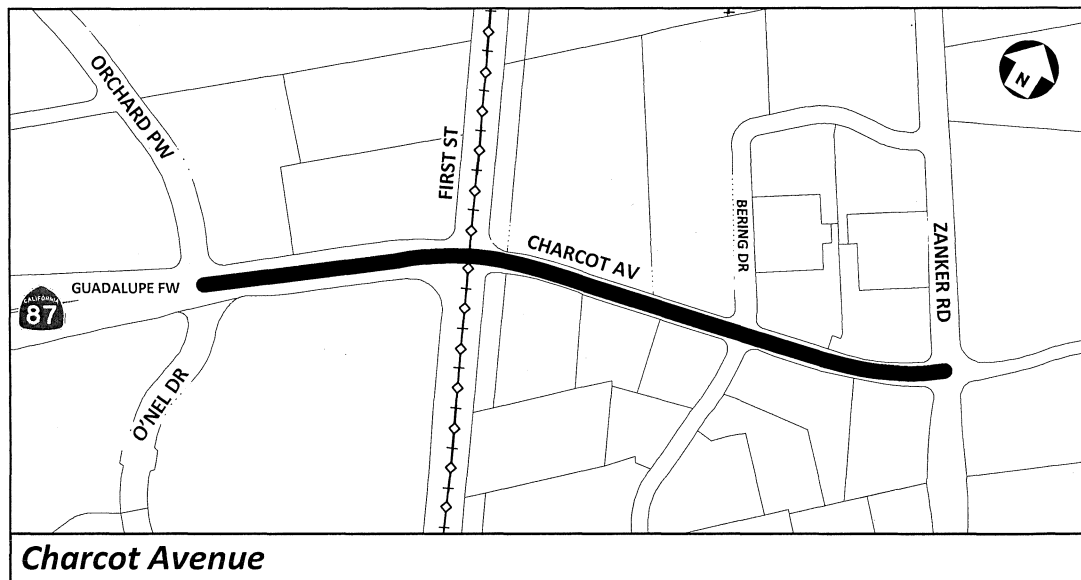
**A1. Charcot Avenue – Orchard Parkway to Zanker Road (CD 4)**

The speed limit on this segment of Charcot Av was established at 40 mph based on a prior survey completed in June 2011. The segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Charcot Av is primarily a two-lane, undivided, collector street, and a four-lane, divided, collector street between Orchard Pkwy and First St, approximately 0.73 miles long, and carries an average daily traffic volume of 13,250 vehicles. Adjacent land use is entirely commercial and industrial. There is a horizontal S-curve from Orchard Pkwy to First St. There is an at-grade light rail crossing at First St. Bike lanes were installed throughout the entire segment since the last time the segment was surveyed.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Charcot Av is 40 mph. As permitted by State law, the 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 Charcot 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)
Charcot Avenue	39.0	40	40	35



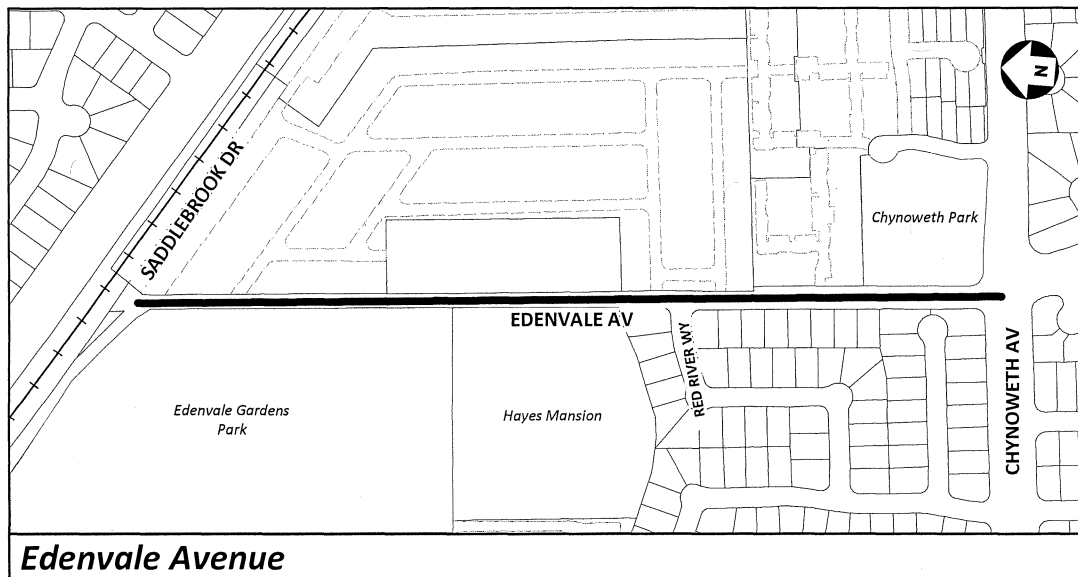
**A2. Edenvale Avenue – Chynoweth Avenue to Saddlebrook Drive (CD 2)**

The speed limit on this segment of Edenvale Av was established at 35 mph based on a prior survey completed in October 2009. The segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Edenvale Av is a two-lane, undivided, collector street, approximately 0.42 miles long, and carries an average daily traffic volume of 3,650 vehicles. Adjacent land use is residential with front-on and side-on single family homes and high density housing. The Hayes Mansion and Edenvale Gardens Park are located on the west side of the segment, and Chynoweth Park is located on the east side.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Edenvale 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 Edenvale 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)
Edenvale Av	34.0	35	35	30



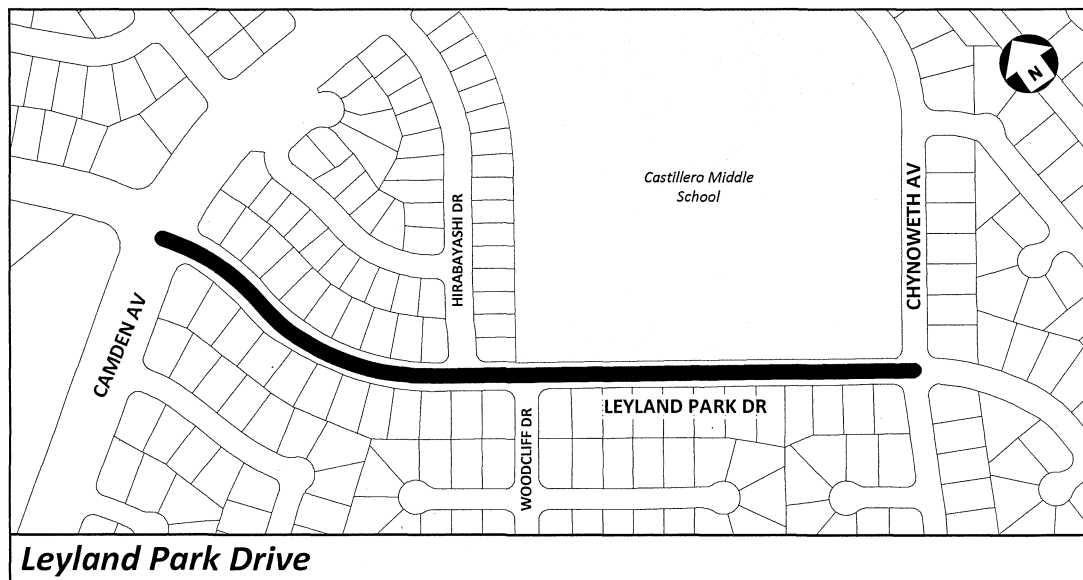
**A3. Leyland Park Drive – McAbee Road to Camden Avenue (CD 10)**

The speed limit on this segment of Leyland Park Dr was established at 30 mph based on a prior survey completed in August 2005. The segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Leyland Park Dr is a two-lane, undivided, collector street, approximately 0.32 miles long, and carries an average daily traffic volume of 3,100 vehicles. Adjacent land use is predominately front-on and side-on single family homes. Castellero Middle School is located to the north of the segment. There is a horizontal curve between Hirabayashi Dr and Camden Av.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Leyland Park Dr 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 Leyland Park Dr. 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)
Leyland Park Drive	29.0	30	30	25





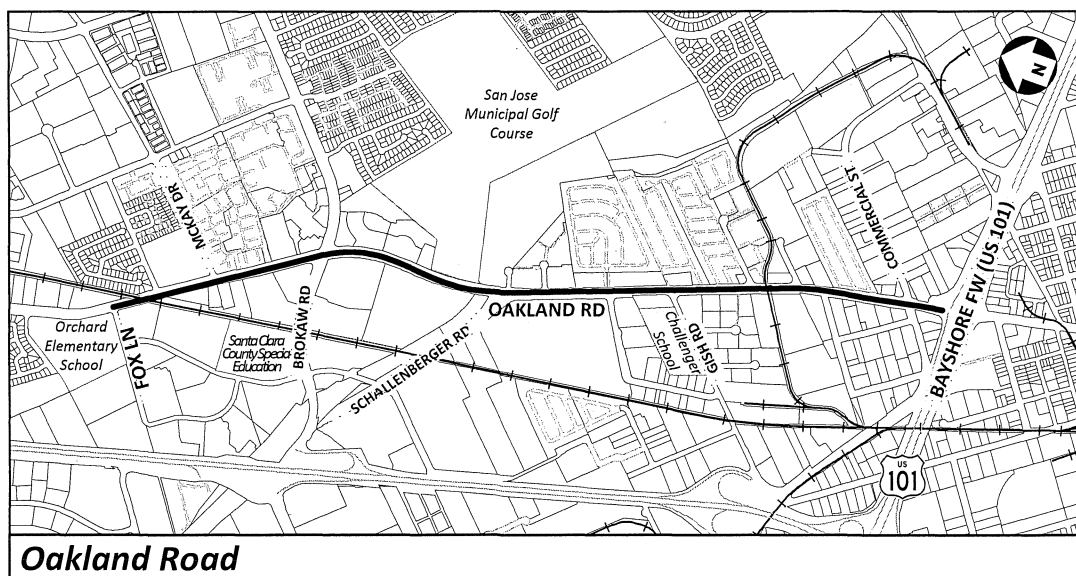
**A4. Oakland Road – Bayshore Freeway (US 101) to Fox Lane (CD 3, 4)**

The portion of Oakland Rd between Bayshore Fw (US 101) and Brokaw Rd was established at 40 mph and the portion between Brokaw Rd and Fox Ln was established at 45 mph based on prior surveys completed in February 2011. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Oakland Rd is primarily a six-lane, divided, major arterial street, approximately 1.85 miles long, and carries an average daily traffic volume of 24,550 vehicles. Adjacent land use is mostly industrial and commercial with some mixed residential housing. There are multiple horizontal curves throughout the entire segment. There are also bike lanes throughout the majority of the segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Oakland Rd is 45 mph. As permitted by State law, the posted speed limit may be rounded down to the nearest 5 mph increment of 40 mph. The proposed speed limit of 40 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Oakland 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)
Oakland Road	43.0	45	40, 45	40



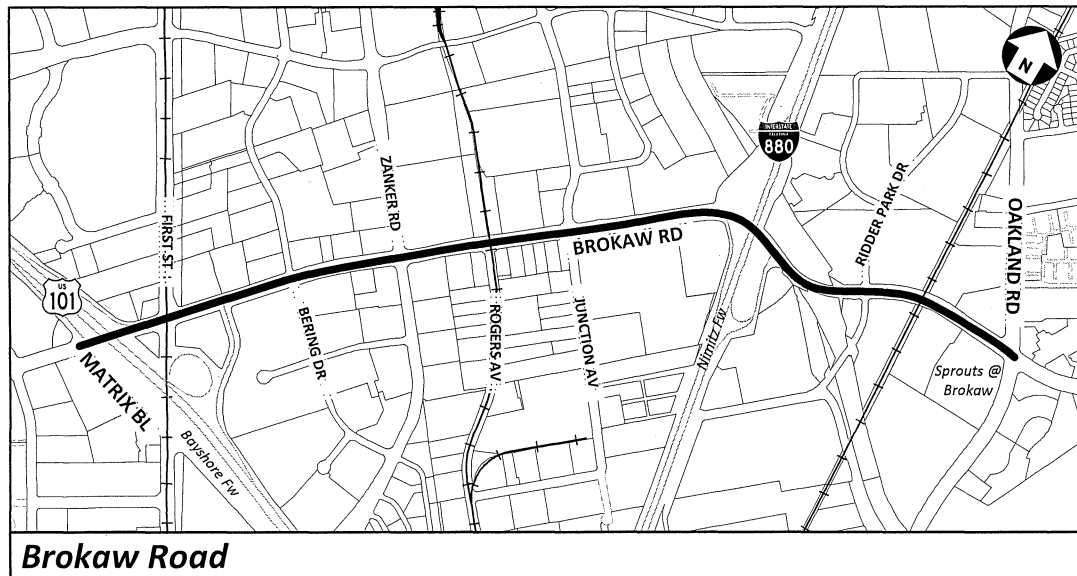
**B1. Brokaw Road – Matrix Boulevard to Oakland Road (CD 3, 4)**

The portion of Brokaw Rd between First St and Oakland Rd was established at 40 mph based on a prior survey completed in February 2011, and the portion between Matrix Bl and First St was recently surveyed for the first time. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Brokaw Rd is a six-lane, divided, major arterial street; approximately 1.62 miles long, and carries an average daily traffic volume of 40,600 vehicles. Adjacent land use is entirely commercial. There is a horizontal S-curve between I-880 and east of Ridder Park Dr. There are bike lanes throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on Brokaw Rd is 40 mph. The proposed speed limit of 40 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Brokaw 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)
Brokaw Road	42.0	40	40	40



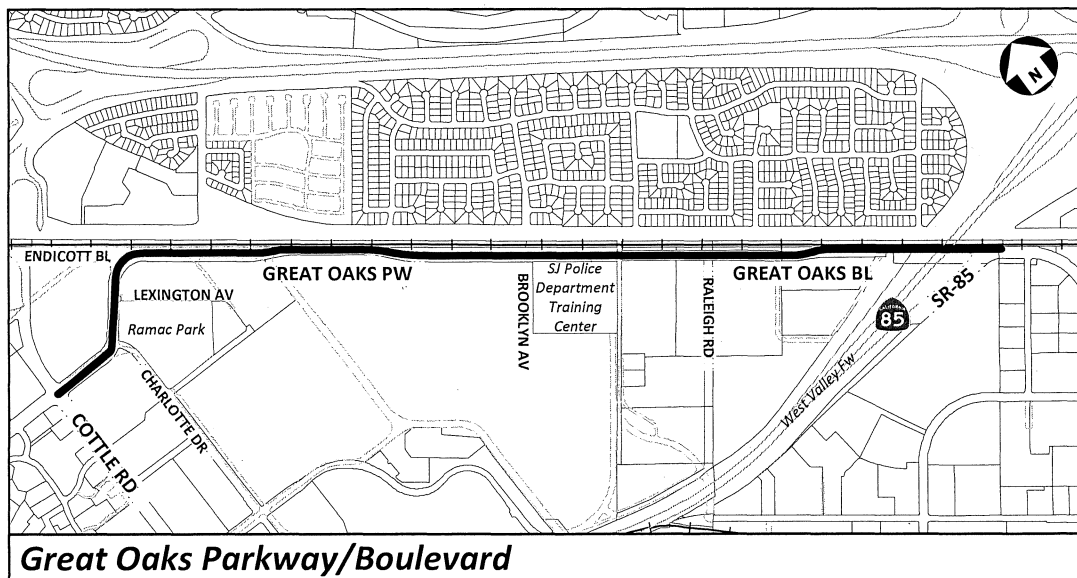
**B2. Great Oaks Parkway/Boulevard – Cottle Road to SR-85 (CD 2)**

This segment of Great Oaks Pkwy/Bl is currently posted at 40 mph and was recently surveyed for the first time to establish a radar enforceable speed limit.

This segment of Great Oaks Pkwy/Bl is a four-lane, divided, local street, approximately 1.78 miles long, and carries an average daily traffic volume of 10,850 vehicles. Adjacent land use is predominately commercial with some high density housing. There are multiple horizontal curves throughout the entire segment. There is an uncontrolled crosswalk east of Endicott Bl enhanced with high visibility signs and markings, and bike lanes throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Great Oaks Pkwy/Bl is 45 mph. As permitted by State law, the speed limit may be rounded down to the nearest 5 mph increment of 40 mph. The proposed speed limit of 40 mph is appropriate and reasonable to facilitate an orderly movement of traffic, and to allow for radar enforcement on this section of Great Oaks Pkwy/Bl. 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)
Great Oaks Parkway/Boulevard	44.0	45	40	40



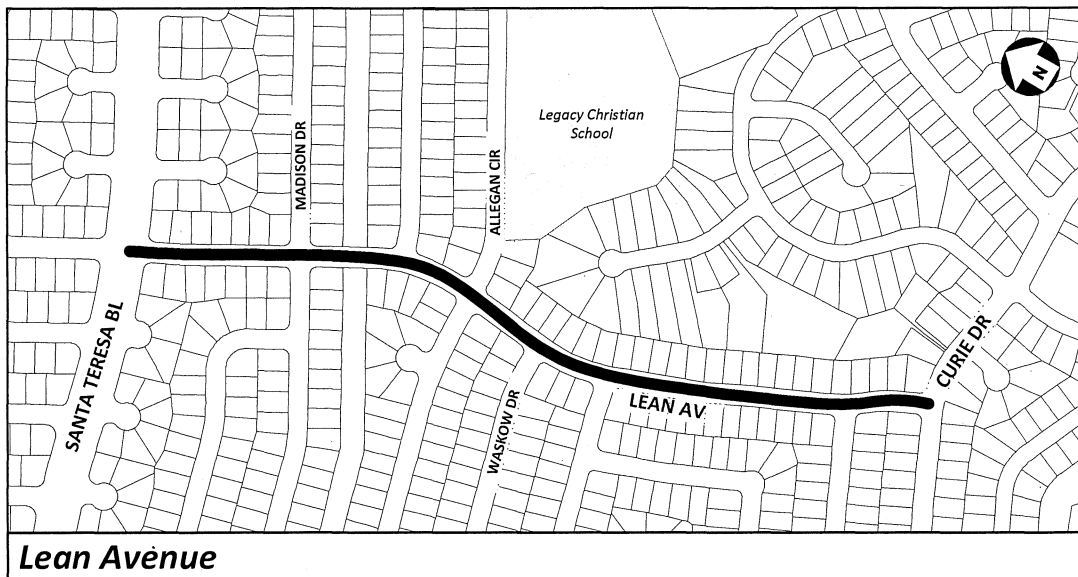
**B3. Lean Avenue – Curie Drive to Santa Teresa Boulevard (CD 2)**

This segment of Lean 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 Lean Av is a two-lane, undivided, collector street, approximately 0.48 miles long, and carries an average daily traffic volume of 2,200 vehicles. Adjacent land use is entirely residential with front-on and side-on single family homes. There are multiple horizontal curves throughout the entire segment.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed on this segment of Lean 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 Lean 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)
Lean Avenue	29.5	30	25	25



- C1.** 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. Airport Pkwy – Airport Bl to Matrix Bl, 35 mph
  - b. Mount Pleasant Road – Clayton Rd to Marten Av, 30 mph
- C2.** The following local street segment has a *prima facie* speed limit of 25 mph that has been established per CVC Sections 22352 and 40802. The 25 mph *prima facie* speed limit does not need local approval and can be removed from the speed limit resolution.
- a. Leyland Park Dr – McAbee Rd to Gillis Dr