



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Hans F. Larsen

**SUBJECT: RESOLUTION ESTABLISHING  
SPEED LIMITS**

**DATE:** May 29, 2012

Approved

Date

6/5/12

**COUNCIL DISTRICT:** 2, 3, 8, 9, 10

## **RECOMMENDATION**

Adopt a resolution to repeal Resolution No. 76152 and set forth the speed limits in the City of San José in compliance with state law and provide the opportunity for radar speed enforcement by:

- a. Establishing speed limits on two roadways; including portions of Camden Avenue and Ruby Avenue.
- b. Re-establishing speed limits with changes to three roadways; including portions of Coleman Avenue, McKean Road, and San Ignacio Avenue.
- c. Adopting the speed limit established by the County of Santa Clara for McKean Road between Calero Creek and Harry Road for the segment within the jurisdiction of San José.
- d. Making administrative corrections to the speed limit resolution as described in this memorandum.

## **OUTCOME**

This action will establish appropriate speed limits in compliance with state law to allow the San José Police Department to use radar, or other electronic device, to enforce speed limits on roadways within the City, and reconcile the speed limit resolution with speed limits established by other jurisdictions and with posted speed limits on various roadways.

## **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 500 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 an Engineering and Traffic Survey: prevailing speeds (85<sup>th</sup> percentile speeds), accident 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 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 the greater 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 guidelines 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 still 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. Setting speed limits in such a manner allows law enforcement officers to use radar enforcement to cite drivers under state law.

Additional flexibility became effective January 2012 with the passage of AB 529. In cases where the speed limit needs to be rounded up to the nearest 5 mph increment of the 85<sup>th</sup> percentile speed, the local agency may now decide to round the speed limit down to the lower 5

mph increment, without a requirement to document supporting reasons in the Engineering and Traffic Survey. However, in these cases the local agency is prohibited from reducing the speed limit any further for any reason.

**ANALYSIS**

San José is one of the safest big cities in the nation, with an injury crash rate about half the national average. A majority of the services provided by staff in DOT's Transportation Operations Division and the Police Department's Traffic Enforcement Unit (TEU) are jointly 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. TEU 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.

This past year, DOT completed surveys on 79 roadway segments on City streets. The majority of the completed surveys support maintaining the current posted speed limit previously approved by the City Council. The posted speed limits for the roadway segments included in this memorandum are ones that require Council action. As highlighted below, the posted speed limits for two roadway portions in San José are proposed to be increased. The proposed speed limits for all of these roadways incorporate the maximum allowable downward adjustment from the 85<sup>th</sup> percentile speed.

**A. Speed Limits for New and Modified Roadway Segments**

The posted speed limit currently in place on Camden Avenue is based on prior surveys for a portion of the segment currently included in the speed limit resolution. The roadway segment in the resolution is being expanded to include the entire segment of Camden Avenue identified below. The segment of Ruby Avenue was surveyed for the first time to establish a radar enforceable speed limit and needs to be included in the resolution. A detailed summary of the Engineering and Traffic Surveys conducted for each roadway segment is included in Attachment A.

	<b>Roadway Segments (Council District)</b>	<b>Current Adopted/Posted Speed Limit</b>	<b>85<sup>th</sup> Percentile Based Speed Limit</b>	<b>Proposed Speed Limit *</b>
1	Camden Ave – Blossom Hill Rd to Bascom Ave (CD 9)	**/40	45	<b>40</b>
2	Ruby Ave – Delta Rd to Aborn Rd (CD 8)	**/25	30	<b>25</b>

\* Proposed Speed Limit to comply with State Law and allow for radar speed enforcement by SJPD  
 \*\* Segment does not have an adopted speed limit

**B. Speed Limit Changes Based on Updated Surveys**

Based upon the results of recent surveys, the speed limit in the resolution for a portion of McKean Road is proposed to be changed to reflect the speed limit currently posted on the street. The posted speed limits on the other two roadways below (or a portion of) are proposed to be increased. A detailed summary of the Engineering and Traffic Surveys conducted for these roadway segments is included in Attachment B.

	Roadway Segments (Council District)	Current Adopted/Posted Speed Limit	85th Percentile Based Speed Limit	Proposed Speed Limit *
1	Coleman Ave – Hedding St to Airport Blvd Coleman Ave – Airport Blvd to North City Limit (CD 3)	35 40	45	40
2	McKean Rd – Casa Loma Rd to Bailey Avenue McKean Rd – Bailey Avenue to Calero Dam (CD 10)	35/45 45	50	45
3	San Ignacio Ave – Santa Teresa Blvd to Great Oaks Blvd (CD 2)	30	40	35

\* Proposed Speed Limit to comply with State Law and allow for radar speed enforcement by SJPD

**C. Speed Limits for Multi-jurisdiction Roads**

CVC Section 22359 requires that the posted speed limit for a street bounded by multiple jurisdictions be approved by the governing body of each jurisdiction. In June 2009, the County of Santa Clara established a 40 mph speed limit for McKean Road, between Calero Creek and Harry Road. The City has reviewed the survey conducted by the County and agrees that the established 40 mph speed limit is safe, reasonable, and in compliance with state law. The east side of the northern end of this roadway is within the City of San José, and as a boundary line roadway, the posted speed limit needs to also be incorporated in the City’s speed limit resolution. A detailed summary of this roadway segment is included in Attachment C.

	Roadway Segments (Council District)	Current Adopted/Posted Speed Limit	85th Percentile Based Speed Limit	Proposed Speed Limit *
1	McKean Rd – Calero Creek to Harry Rd (CD 10)	45/40	45	40

\* Proposed Speed Limit to comply with State Law and allow for radar speed enforcement by SJPD

**D. Administrative Corrections**

The proposed resolution also includes various administrative corrections, including incorporation of speed limits that had previously been approved by City Council but incorrectly set forth or not included in the current speed limit resolution. A detailed summary of these corrections to accurately reflect the approved speed limit in the proposed resolution is included in Attachment D.

### **EVALUATION AND FOLLOW-UP**

DOT is responsible for changes to speed limit signs on City roadways. The San José Police Department will conduct enforcement as needed on roadways in San José to address any compliance issues with the new speed limits.

### **POLICY ALTERNATIVES**

The proposed speed limit changes for the City roadways and the County roadway identified in this memorandum are based upon state law. The City is required to follow state law in conducting Engineering and Traffic Surveys and in setting posted speed limits in the City.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater; **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria listed above, however this memorandum will be posted on the City's website for the June 19, 2012 City Council agenda.

### **COORDINATION**

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

### **COST SUMMARY/IMPLICATIONS**

Installation of new speed limit signs for City of San José roadways will incur a one-time cost of approximately \$3,000 and will be absorbed within DOT's existing budget.

**BUDGET REFERENCE**

Fund	Appn	Appn Name	Total Appn	Cost	2011-2012 Appn Ordinance	Last Budget Action (Date, Ord. No.)
001	0512	Non-Personal / Equipment – DOT	\$9,991,815	\$3,000	Section 2.21	10/18/11 Ord. No. 28979

**CEQA**

Exempt, File No. PP10-113.

/s/  
HANS F. LARSEN  
Director of Transportation

For questions please contact Laura Wells, Deputy Director of Transportation, at 975-3725.

Attachments

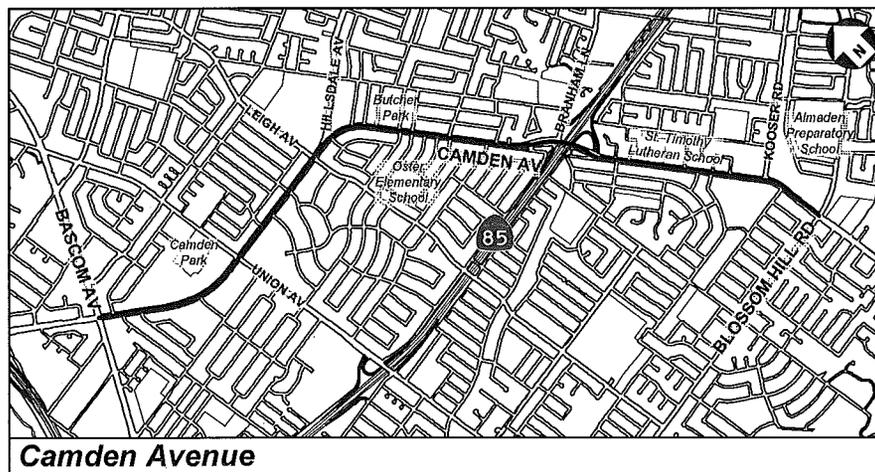
**A1. Camden Avenue – Blossom Hill Road to Bascom Avenue (CD 9)**

This segment of Camden Avenue is currently posted at 40 mph based on prior surveys of various portions in 2003. However, the segment between Blossom Hill Road and Hillsdale Avenue was never incorporated into the speed limit resolution. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Camden Avenue is predominantly a six-lane, divided, major arterial street; it is a four-lane, divided, major arterial street between Wyrick Avenue and Hillsdale Avenue. The segment is approximately 3.2 miles long and carries an average daily traffic of 29,150 vehicles. Adjacent land use is predominantly single and multi-family homes; there are some commercial establishments at major intersections.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 45 mph. As permitted by State law, the speed limit has been rounded down to 40 mph. No further reduction is permitted. The proposed speed limit of 40 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of Camden Avenue. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
44.8	45	40	40



**A2. Ruby Avenue – Delta Road to Aborn Road  
 (CD 8)**

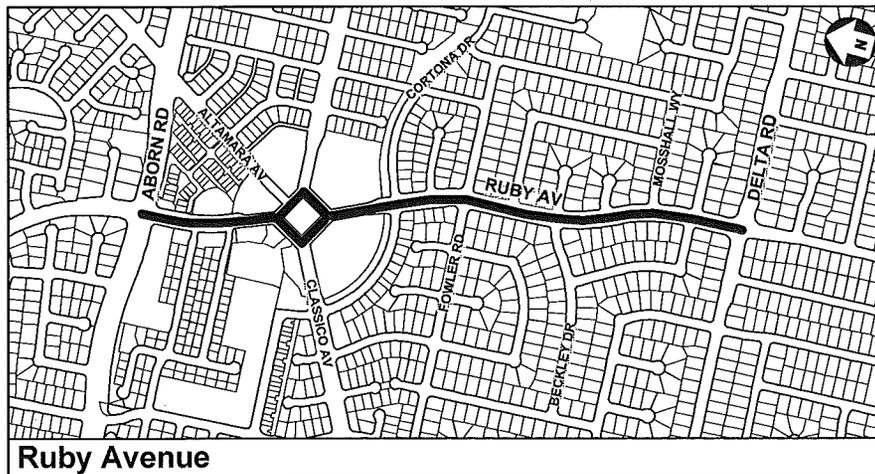
This segment of Ruby Avenue is currently posted at 25 mph. The entire segment was recently surveyed for the first time to establish a radar enforceable speed limit.

Ruby Avenue is a two-lane, minor arterial street, approximately 0.7 mile long, and carries an average daily traffic of 9,850 vehicles. Adjacent land use is predominately front-on and side-on single family homes; there are commercial establishments at Evergreen Village Square.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 30 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the following factors: two speed related crashes, of which one resulted in injury; heavy pedestrian activity, diagonal on-street parking, and multiple uncontrolled crosswalks within Evergreen Village Square; there is an additional uncontrolled crosswalk at Beckley Drive.

The proposed speed limit of 25 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of Ruby Avenue. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
31.5	30	25	25



**B1. Coleman Avenue – Hedding Street to North City Limit**  
 (CD 3)

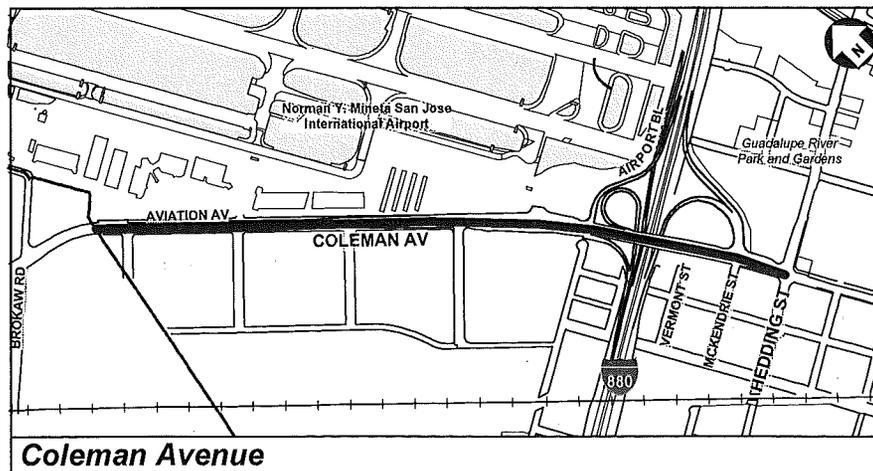
The portion of Coleman Avenue between Airport Boulevard and the North City Limit is currently posted at 40 mph based on a prior survey completed in December 2004. The portion between Hedding Street and Airport Boulevard is posted at 35 mph based on a prior survey also completed in December 2004. Significant roadway modifications at the I-880 interchange have taken place since the prior surveys; as a result these two segments have been combined due to their similar roadway characteristics. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of Coleman Avenue is a 5-6 lane major arterial street, approximately 1.2 miles long, and carries an average daily traffic of 31,600 vehicles. Adjacent land use is entirely industrial and commercial.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 45 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the following factors: 26 crashes along this segment were speed related, of which half resulted in injuries; per the California MUTCD speed zoning in urban areas should be in 5 mph increments (south of Hedding Street, the speed limit is 35 mph); and a 40 mph speed limit provides continuity in speed zoning with the 40 mph speed limit established by the City of Santa Clara for the adjoining northern segment of Coleman Avenue.

The proposed speed limit of 40 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of Coleman Avenue. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
46	45	35, 40	40



**B2. McKean Road – Casa Loma Road to Calero Dam**  
(CD 10)

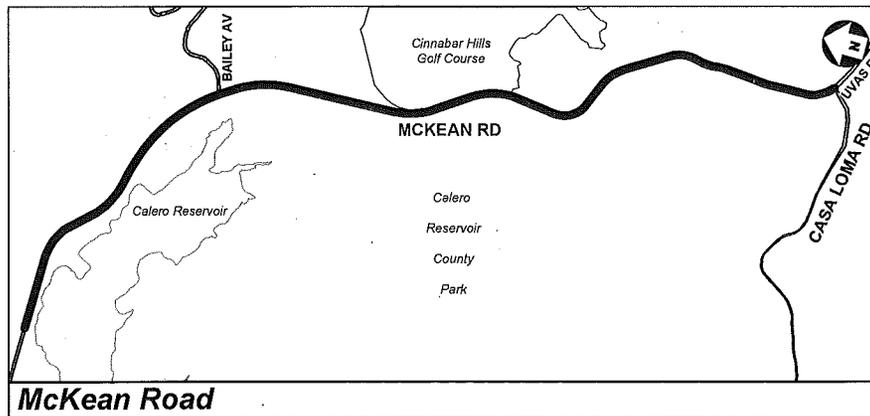
This segment of McKean Road is currently posted at 45 mph. However, a speed limit of 35 mph is incorrectly reflected in the speed limit resolution. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of McKean Road is a two-lane, undivided, arterial street; approximately 3.6 miles long; and carries an average daily traffic of 2,600 vehicles. Adjacent land use is predominantly public park land and rural open space.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 50 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the following factors: five crashes on this segment were speed related, of which one resulted in a fatality; there were two additional injury crashes involving a bicyclist or a pedestrian; this segment of McKean Road is heavily used by recreational cyclists, and due to the narrow roadway width and lack of shoulders, cyclists share the roadway with vehicular traffic. A 45 mph speed limit also provides continuity in speed zoning with the 45 mph speed limit established by the County of Santa Clara for the adjoining segments of McKean Road and Uvas Road.

The proposed speed limit of 45 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of McKean Road. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
50	50	45	45



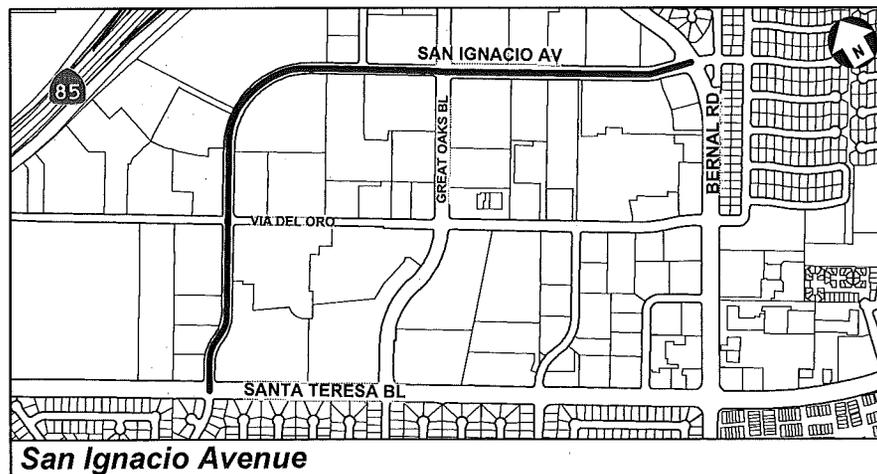
**B3. San Ignacio Avenue – Santa Teresa Boulevard to Great Oaks Boulevard  
 (CD 2)**

This segment of San Ignacio Avenue is currently posted at 30 mph based on a prior survey completed in August 2003. The entire segment was recently surveyed to establish a radar enforceable speed limit.

This segment of San Ignacio Avenue is a two-lane, undivided, collector street, approximately 0.7 mile long, and carries an average daily traffic of 5,100 vehicles. Adjacent land use is commercial and industrial.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 40 mph. As permitted by State law, the speed limit has been rounded down to 35 mph. No further reduction is permitted. The proposed speed limit of 35 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of San Ignacio Avenue. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
38.5	40	30	35



**C1. McKean Road – Harry Road to Calero Creek**  
 (CD 10)

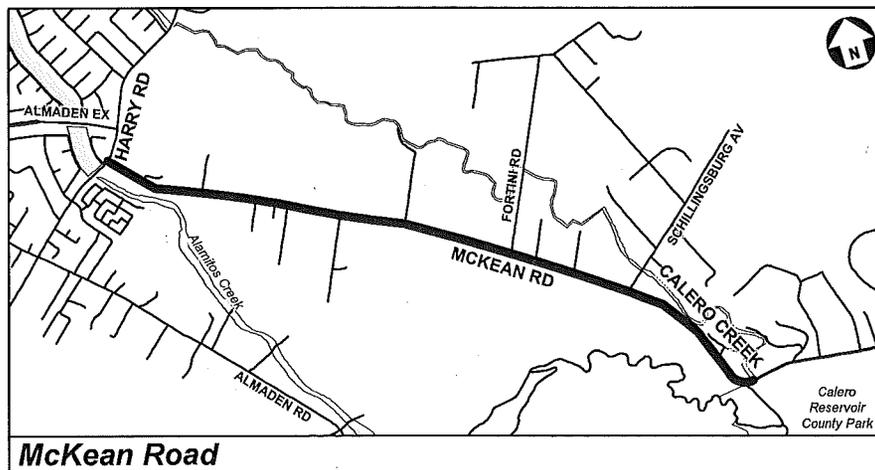
This segment of McKean Road is currently posted at 40 mph. However, a speed limit of 45 mph is incorrectly reflected in the speed limit resolution. This segment was surveyed in June 2009 by the County of Santa Clara to establish a radar enforceable speed limit. The speed limit also needs to be adopted by San José.

This segment of McKean Road is a two-lane, undivided, arterial street; approximately 2.1 miles long; and carries an average daily traffic of 3,000 vehicles. Adjacent land use is predominantly rural open space.

The nearest 5 mph increment to the 85<sup>th</sup> percentile speed is 45 mph. As permitted by State law, a maximum 5 mph reduction has been applied based on the following factors: crash rate above the State average for similar roadways, two crashes on this segment were speed related, this segment of McKean Road is heavily used by recreational cyclists, and due to the narrow roadway width and lack of shoulders, cyclists share the roadway with vehicular traffic.

The proposed speed limit of 45 mph is appropriate and reasonable to facilitate the orderly movement of traffic, and to allow for radar enforcement on this section of McKean Road. The Engineering and Traffic Survey data and a map of the area are shown below.

85 <sup>th</sup> Percentile Survey Speed (MPH)	Posted Speed Limit Based on 85 <sup>th</sup> Percentile (MPH)	Current Posted Speed Limit (MPH)	Recommended Posted Speed Limit (MPH)
47	45	40	40



Roadway Segment	Current Resolution Speed Limit (MPH)	Prior Council Action	
		Approved Speed Limit (MPH)	Resolution
Bayshore Road West - Hedding Street to Mission Street * (CD 3)	30	30	66016
Cypress Avenue – Constance Drive to Stevens Creek Blvd (CD 1)	30	25	72599
Fenian Drive – Rincon Avenue to Keith Drive (CD 1)	35	30	72599
Foxworthy Avenue – Old Almaden Road to Hillsdale Avenue (CD 6 & 9)	Not Included	35	72221
McKean Road – Harry Road to Almaden Road (CD 10)	40	35	72221
Parkmoor Avenue – Meridian Avenue to Lincoln Avenue (CD 6)	25	30	72599
Santa Clara Street – Autumn Street to Market Street (CD 3)	35	30	72599
Senter Road – Tully to Keyes Street ** (CD 3 & 7)	45	40	72221
Tully Road – Capitol Expwy to White Road *** (CD 8)	45	40	72559

\* Proposed segment reflects correct eastern limit as Bayshore Road West ends at Mission Street.

\*\* Segment is being combined in proposed resolution with previously approved 40mph segment of Senter Road from Capital Expwy to Tully Road

\*\*\* Segment is being combined in proposed resolution with previously approved 40mph segment of Tully Road from Monterey Road to Capitol Expwy