



## **Public Works Department**

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### **REGULATIONS FOR ESTABLISHING SPEED LIMITS**

Procedures and regulations for establishing appropriate speed limits are specified in the California Vehicle Code (CVC). Specific sections of the CVC that pertain to the establishment of speed limits by local jurisdictions are summarized below:

- > CVC Section 22349 establishes a maximum speed limit of 55 and 65 miles-per-hour (MPH) on two-lane and multi-lane highways, respectively.
- > CVC Section 22350 establishes the “Basic Speed Law”, which requires motorists to drive at a reasonable and prudent speed.
- > CVC Section 22352 establishes “Prima Facie” speed limits of 25 MPH in “business and residence districts”, in school zones and in areas near senior centers. Fifteen MPH speed limits are established at “blind” railroad crossings and intersections. “Business Districts” are defined in CVC Sections 235 and 240. “Residence Districts” are defined in CVC Sections 240 and 515.
- > CVC Section 22357 allows local jurisdictions to raise a prima facie speed limit above 25 MPH (except in schools and senior areas) upon the basis of an engineering and traffic survey.
- > CVC Section 22358 allows local jurisdictions to reduce a prima facie speed limit from the 55 or 65 MPH maximum upon the basis of an engineering and traffic survey.

“Engineering and traffic survey” is defined in CVC Section 627 as conforming to methods established by the Department of Transportation (Caltrans) for use by State and local authorities. Section 2B.13, “Speed Limit Sign”, of the California Manual on Uniform Traffic Control Devices specifies the procedures and requirements for an engineering and traffic survey.

There are no provisions in the CVC which would authorize any local jurisdiction to establish a speed limit by any method other than as prescribed in the CVC. The result of posting speed limits which are not in compliance with the CVC, is that when a speeding citation is contested, which many are, the court is left with little choice but to dismiss the citation. This effectively prevents enforcement of speeding except for exceeding the maximum speed limit of 55 or 65 MPH. This situation would certainly not be favored by the majority of the drivers or residents.

It appears to be the intent of the regulations to protect citizens from unreasonable regulations in the course of their daily activities. The regulations provide procedures to balance the concerns of a vocal minority with the unspoken, yet demonstrated, will of the people. All traffic rules and regulations are based on the concept of “voluntary compliance”. These rules must be fair and reasonable for responsible drivers, who are a large majority, to choose to comply. This knowledge is based on many studies by organizations including the Federal Highway Administration, State Department of Transportation, universities, professional organizations and the insurance industry. These studies invariably find that drivers comply with those rules with which they agree, and ignore those which they find unreasonable. In effect, drivers are deciding the appropriate speed limit each time that they drive. These types of studies also continuously report that the speed at which a street is posted, has very little effect on the typical speed of traffic on that street. Posting a lower, or higher, speed limit may result in an overall change in speeds of 2 MPH.

Although the posting of speed limits frequently generates concerns and interests from citizens, especially nearby residents, it is necessary to comply with the legal requirements in order to provide the safest streets possible. It should be noted that enforcement efforts frequently result in the residents of the area being cited for speeding. Providing reasonable speed limits, which the majority of drivers will try to obey, is the best compromise between the concerns for safety which are stated by citizens in their homes versus the actions of those citizens when they are in their vehicles.

The complete California Manual on Uniform Traffic Control Devices is available online at the California Department of Transportation’s website:

[http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/ca\\_mutcd.htm](http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/ca_mutcd.htm)

The current California Vehicle Code is available online at the California Department of Motor Vehicles’ website:

<http://www.dmv.ca.gov/pubs/pubs.htm>