

# SPEED LIMITS

## GENERAL

The following information is intended to explain the basics of speed limits, summarize the applicable laws, and provide a brief outline of how and why speed limits are determined.

Traffic rules account for most of the contact by average citizens with law enforcement and the courts.

## SPEED LIMIT MISCONCEPTIONS

Four widely held misconceptions about speed limits are:

1. Speed-limit signs will slow down traffic;
2. Speed-limit signs will decrease accidents and increase safety;
3. Raising a posted speed limit will increase the speed of traffic; and
4. Lowering a posted speed limit will automatically decrease the speed of traffic.

However, several studies have consistently shown that there are no significant changes in average vehicle speeds following the posting of new or revised speed limits.



Similar research has found no direct relationship between posted speed limits and crash frequency.

## CALIFORNIA SPEED LAW

The primary legal justification for Vehicle Code enforcement in California is the California Vehicle Code (CVC).

All states base their speed regulations on the **Basic Speed Law**. “No person shall drive a vehicle at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property” (CVC 22350).

State law also establishes maximum speed limits. For example, the maximum speed on an undivided two-lane roadway is 55 MPH (CVC 22349b).

All other speed limits are called prima facie limits, which are considered by law to be safe and prudent under normal conditions. Certain prima facie limits are established by State law and include

the 25 MPH speed limit in business and residential districts and the 25 MPH in school zones when children are present. (Residence district speed limits do not need to be posted to be enforceable.)

Local authorities have authority to establish reduced speed limits on the basis of **engineering and traffic surveys** (CVC 22358). Such surveys must include an analysis of roadway conditions, accident records, and a sampling of the prevailing speed of traffic (CVC 627). Other factors may be considered, but an unreasonable speed limit, which is called a **speed trap**, may not be established (CVC 40802).

The State Legislature has declared a strong public policy against the use of speed traps, to the extent that citations issued where a speed trap is found to exist are likely to be dismissed, particularly if radar enforcement methods are used (CVC 40803 – 40805).

A provision of the Vehicle Code that California courts have generally considered very strongly reads “It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition not readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning as the basic rule of section

22350 is sufficient regulation as to such conditions” (CVC 22358.5). The words, “It is the intent of the Legislature,” are intended to get the attention of traffic engineers and local jurisdictions in setting and maintaining local speed limits. Such speed limits must be set carefully, as justified by appropriate factors, to avoid making such limits unenforceable.

In practice, speed limits are normally set at the first five-mile-per-hour increment near the 85 percentile speed, defined as that speed at or below which 85 percent of the traffic is moving. Further reduction must be documented and clearly justified by an Engineering and Traffic Survey.

### RESIDENTIAL AREAS

The most common concerns about speeding generally originate from residential areas. Twenty-five MPH speed-limit signs may be posted on residential streets without conducting a speed survey, if the street or segment of street being considered (CVC 515) meets the following:

A "residence district" is that portion of a highway and the property contiguous thereto, other than a business district upon

(a) one side of which highway, within a distance of a quarter of a mile, the

contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or

(b) both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate-dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate-dwelling houses or business structures to the length of the highway exists.

### VEHICLE CODE ENFORCEMENT

The California Highway Patrol (CHP) is responsible for enforcing traffic laws on roads in the unincorporated area. If you have a question about enforcement of speed limits, please contact the CHP Dispatcher at: **(805) 477- 4100.**

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**Public Works Agency  
Transportation Department**  
800 S. Victoria Avenue  
Ventura CA 93009-1620