



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** January 16, 2018

**TO:** Carolyn Lehr, City Manager

**FROM:** Andrew Clough, Acting Public Works Director

**SUBJECT:** **Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Section 4-9.39 To Chapter 9 Of Title 4 Of The Emeryville Municipal Code, "Vehicular Traffic And Parking" (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))**

### RECOMMENDATION

Staff recommends that the City Council adopts the second reading of the attached ordinance adding Section 4-9.39 to Chapter 9 of Title 4 of the Emeryville Municipal Code, "Vehicular Traffic And Parking" to designate speed limits for nine street segments.

### BACKGROUND

Engineering and Traffic Surveys are regularly conducted once every five (5) years by governing municipalities for the purpose of ensuring set speed limits do not constitute unlawful speed traps pursuant to Section 40802(a) of the California Vehicle Code (CVC). Engineering and Traffic Surveys may be extended to every seven (7) years if criteria are met, or every ten (10) years if a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred as specified in Section 40802(c) of the CVC.

The CVC authorizes cities to increase or decrease the prima facie speed limits by ordinance to appropriate limits as determined by an Engineering and Traffic Survey. Posted speed limits not defined in the CVC or established by ordinance are not valid. The CVC requires that speed surveys must be performed with the use of radar or other electronic devices at locations where speed limits are to be enforced with the use of radar. The current survey must be completed within five years as specified in Section 40802(a); seven years as specified in Section 40802(c), or ten years as specified in Section 40802(c), of the date of the preceding survey.

Speed zones are primarily established to protect the public from the unreasonable behavior of reckless, unreliable, or otherwise dangerous drivers. Speed limits are generally established at or near the 85th percentile speed, which is defined as the speed at or below which 85 percent of traffic is moving. Speed limits established on this basis conform to the consensus of those who drive on the roadways as to what speed is reasonable and safe, and are not dependent on the judgment of one or a few individuals. The Engineering and Traffic Survey, as defined in Section 627 of the CVC, must consider

the prevailing speeds, collision records, pedestrian and bicycle activity, and roadway traffic and roadside conditions not readily apparent to the driver.

On December 19, 2017, the City Council introduced and adopted the first reading of the attached proposed ordinance.

## **DISCUSSION**

In 2016, the Public Works Department authorized the private consulting firm Kimley-Horn and Associates, Inc. to conduct an Engineering and Traffic Survey that was intended to serve as the basis for the establishment and enforcement of speed limits for selected streets within the City of Emeryville. The specific procedures used for the Engineering and Traffic Survey are outlined in the 2014 California MUTCD.

The recommendations contained in the report are intended to establish prima facie speed limits. Prima facie limits attempt to advise the motorist and enforcement of the reasonable speed for a particular section of roadway for the prevailing conditions. In many cases, the recommendations made produce a uniform speed limit along the road. As a result, the speed limits in adjacent jurisdictions were considered as well as along the various street segments surveyed within the City of Emeryville.

The summary of the survey was presented to the Public Works Committee on April 20, 2017. It was noted that the only proposed change in speed limit for the street segments was to reduce the speed limit on the northern segment of Hollis Street from 30 mph to 25 mph. All other streets surveyed had their existing posted speed limits verified. It was recommended by the Committee to forward the entire Engineering and Traffic Survey to the City Council for approval. City Council's approval will enable the Emeryville Police Department to perform radar enforcement on the street segments studied.

A summary of the data analysis, along with recommended speed limits can be found in Exhibit "A" – Speed Survey Recommendations. The full report in its entirety can be found in Exhibit "B" - Engineering and Traffic Survey for Speed Limits.

## **FISCAL IMPACT**

None

## **STAFF COMMUNICATION WITH THE PUBLIC**

City Staff has presented and discussed the Engineering and Traffic Survey with:

1. Public Works Committee and Transportation Committee on April 20, 2017.

## **CONFLICT OF INTEREST**

None

## **CONCLUSION**

Staff recommends that the City Council adopt the second reading of the proposed ordinance.

**PREPARED BY:** Ryan O'Connell, Senior Civil Engineer, Public Works

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Carolyn Lehr, City Manager

## **ATTACHMENTS**

1. Ordinance
2. Exhibit "A" – Speed Survey Recommendations
3. Exhibit "B" – Engineering and Traffic Survey for Speed Limits