



REPORT TO MAYOR AND COUNCIL

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: March 10, 2015

SUBJECT: INTRODUCE ORDINANCE NO. 15-2 AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.20 (OPERATION OF VEHICLES), ARTICLE IV (SPECIAL SPEED ZONES), SECTION 10-20-080 (SPEED LIMITS ESTABLISHED) TO CHANGE THE SPEED LIMIT ON FARM BUREAU ROAD FROM WILLOW PASS ROAD TO CLAYTON ROAD FROM 35 MILES PER HOUR TO 30 MILES PER HOUR

Report in Brief

The posted speed limit on Farm Bureau Road from Willow Pass Road to Clayton Road is 35 miles per hour. Recently, an Engineering and Traffic Survey was conducted by the City in accordance with the California Manual on Uniform Traffic Control Devices to confirm the validity of the existing speed limit on Farm Bureau Road following the April 2014 removal of the “Truck Route” designation from this street. Based on this review, it was determined that the speed limit on Farm Bureau Road should be lowered from 35 miles per hour to 30 miles per hour.

Staff recommends that the City Council introduce Ordinance No. 15-2 amending Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation of Vehicles), Article IV (Special Speed Zones), Section 10-20-080 (Speed limits established) to change the speed limit on Farm Bureau Road from Willow Pass Road to Clayton Road from 35 miles per hour to 30 miles per hour.

Background

Speed limits in California are governed by the California Vehicle Code (CVC) and the California Manual on Uniform Traffic Control Devices (MUTCD). The CVC authorizes a local authority to follow two procedures to establish or change speed limits. The first procedure is a blanket regulation set by statute that applies on a statewide basis, such as the maximum speed limit of 65-mph on highways or 55-mph on a two-lane (undivided) highway, and the 25-mph speed limit on local (residential) streets and in business districts or school zones.

The second procedure is through “prima facie” speed limits established by the State or local jurisdictions and based on an Engineering and Traffic Survey (ETS). The ETS evaluates travel speeds, traffic volumes, collision history, and roadside conditions. The CVC requires that all speed zones, other than those set by statute, be updated with a new ETS every seven years or following a significant change to roadway conditions, traffic conditions, adjacent land uses, etc.

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If an ETS is conducted within the seven year period, it will ensure the validity of the speed limit, and allows the use of radar enforcement by the police department. Without a timely and valid ETS, a traffic citation could be deemed the product of a “speed trap” by the Court system and would not be enforceable.

In general, the CVC requires the City to round speed limits to the nearest five miles per hour of the 85th percentile speed of free-flowing traffic. The 85th percentile speed is the speed at or below which 85% of the traffic is moving, and is also known as the “critical speed.” It is the travel speed that the State and the Court system determine to be a safe and reasonable speed to maintain public confidence and command voluntary compliance of the greater majority of motorists. Speed limits set arbitrarily below the “critical speed” identified through an ETS are generally considered a speed trap, as defined in the CVC, and are not defensible in the Court system.

Discussion

Farm Bureau Road is a two-lane, undivided collector street that carries approximately 10,000 vehicles per day, including commuter and non-work related trips. Farm Bureau Road extends a distance of 1.2 miles in a north-south direction, connecting Clayton Road to Willow Pass Road where the street name changes to E. Olivera Road.

The adjacent land use along Farm Bureau Road is primarily residential, with some commercial uses located near Willow Pass Road and at Walnut Avenue. Farm Bureau Road is also designated as a “Bikeway” in the City of Concord *2030 General Plan* and serves as a walking route to Wren Avenue Elementary School by providing direct pedestrian and vehicular access to the school. The posted speed limit on Farm Bureau Road is currently 35 miles per hour.

In December 2014, a new ETS was conducted by the City on Farm Bureau Road from Willow Pass Road to Clayton Road in accordance with the MUTCD to confirm the validity of the existing speed limit on Farm Bureau Road. The ETS was undertaken in response to changes in traffic conditions that have occurred since the “Truck Route” designation was removed from this street in April 2014. The new ETS included the collection of vehicle speeds by radar during free-flowing traffic conditions on Farm Bureau Road.

The recent removal of the Truck Route designation from Farm Bureau Road has affected traffic conditions and vehicle composition in this corridor, resulting in approximately 600 medium- to heavy-duty trucks (or 6% of total weekday traffic) being removed from this street. Moreover, a slight reduction in vehicle speeds has been observed by City staff on Farm Bureau Road, and this observation was further confirmed by the speed survey conducted for the new ETS.

The ETS in December was performed on two segments of Farm Bureau Road including: (1) from Willow Pass Road to Concord Boulevard; and (2) from Concord Boulevard to Clayton Road. The 85th percentile speed was measured at 34 miles per hour on both segments. This represents a drop of one mile per hour compared to the previous ETS which was conducted when Farm Bureau Road was a truck route and forms the basis for the posted speed limit of 35 miles per hour.

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Speed Limit Criteria

The CVC requires a local authority to set speed limits by rounding the 85th percentile speed to the nearest five miles per hour increment. However, in cases where the nearest five miles per hour increment would be a round-up, a local authority may instead round down to the lower five miles per hour increment, but no further reductions will be allowed, as specified in the CVC.

For example, in the case of the new ETS performed on Farm Bureau Road, the 85th percentile speed was measured at 34 miles per hour which would normally round up to 35 miles per hour to set the speed limit at the nearest five miles per hour increment. However, a local authority such as the City of Concord is permitted under the CVC to instead round down to 30 miles per hour to set the speed limit at the lower five miles per hour increment, but then the speed limit cannot be reduced any further for any reason.

Recommendation: Change the Speed Limit on Farm Bureau Road from Willow Pass Road to Clayton Road from 35 miles per hour to 30 miles per hour

Based on the above criteria, staff recommends that the speed limit on Farm Bureau Road from Willow Pass Road to Clayton Road be reduced from 35 miles per hour to 30 miles per hour due to the following considerations affecting Farm Bureau Road:

- This street is designated as a “Neighborhood” street (or residential collector street) in the *2030 General Plan*, serving and connecting to residential areas with destinations such as Wren Avenue Elementary School, and the neighborhood retail.
- This street is designated as a bicycle facility in the *2030 General Plan*.
- A moderate volume of traffic is served by this street with slow to moderate speeds and significant walking activity in addition to auto travel.
- Presence of numerous roadside driveways not readily apparent to the driver.
- Forty-seven (47) traffic collisions have been reported on Farm Bureau Road since January 2010, including 14 injuries and six collisions involving a pedestrian or bicycle.
- Lowering the speed limit on this street to 30 miles per hour would be consistent with future plans to improve the street to Complete Streets standards to encourage alternative modes of transportation to the automobile, by making it safer and more convenient for school children and adults to walk and ride bicycles on Farm Bureau Road.

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The City Attorney has reviewed the staff proposal to lower the speed limit on Farm Bureau Road from 35 miles per hour to 30 miles per hour and concurs with staff's findings, based on the relatively high number of automobile collisions recorded on this road since 2010.

Fiscal Impact

The cost to install and replace the appropriate speed limit signs to implement the proposed speed limit change is approximately \$1,000. This cost will be covered through the FY 2014-15 operating budget for Signs & Markings.

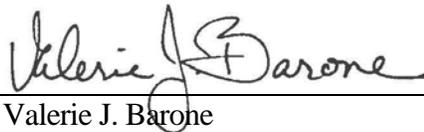
Public Contact

The posting of the Council Agenda and the publishing of a Public Hearing Notice in the newspaper provide information to the public. Additionally, the Public Hearing Notice was mailed to area residents and commercial businesses located within 500 feet of Farm Bureau Road from Willow Pass Road to Clayton Road, advising that City staff will bring this matter to the City Council for consideration on March 10, 2015.

To date, no feedback has been received by the City from area residents or nearby businesses regarding the proposal to lower the speed limit on Farm Bureau Road from 35 miles per hour to 30 miles per hour.

Recommendation for Action

Staff recommends that the City Council introduce Ordinance No. 15-2 amending Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation of Vehicles), Article IV (Special Speed Zones), Section 10-20-080 (Speed limits established) to change the speed limit on Farm Bureau Road from Willow Pass Road to Clayton Road from 35 miles per hour to 30 miles per hour.



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ORDINANCE NO. 15-2

AN ORDINANCE OF THE CITY OF CONCORD AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.20 (OPERATION OF VEHICLES), ARTICLE IV (SPECIAL SPEED ZONES), SECTION 10-20-080 (SPEED LIMITS ESTABLISHED) TO CHANGE THE SPEED LIMIT ON FARM BUREAU ROAD FROM WILLOW PASS ROAD TO CLAYTON ROAD FROM 35 MILES PER HOUR TO 30 MILES PER HOUR.

WHEREAS, the posted speed limit on Farm Bureau Road from Willow Pass Road to Clayton Road is 35 miles per hour; and

WHEREAS, upon performing a new engineering and traffic survey (E&TS) in December 2014, the 85th percentile speed of free-flowing traffic on Farm Bureau Road from Willow Pass Road to Concord Boulevard and from Concord Boulevard to Clayton Road was measured at 34 miles per hour; and

WHEREAS, California Vehicle Code (CVC) Section 21400(b) specifies that in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th percentile speed, a local authority may decide to instead round down the speed limit to the lower five miles per hour increment, but no further reductions can be applied; and

WHEREAS, Section 2B.13 of the California Manual on Uniform Traffic Control Devices (MUTCD) 2014 Edition specifies that said CVC criteria may be used to establish posted speed limits on the basis of an E&TS performed after January 1, 2012; and

WHEREAS, the 85th percentile speed measured on Farm Bureau Road can be rounded down to 30 miles per hour to establish the speed limit as specified in CVC Section 21400(b) and MUTCD Section 2B.13; and

WHEREAS, the lower speed limit of 30 miles per hour is justified based on prevailing conditions on Farm Bureau Road, including General Plan designation as a “Neighborhood” street serving and connecting to residential areas with destinations such as homes, Wren Avenue Elementary School, and neighborhood retail; General Plan designation as an on-street bicycle facility; medium volume of traffic being served with slow to moderate speeds and significant walking in addition to autos; presence of numerous roadside driveways not readily apparent to the

1 driver; forty-seven (47) traffic collisions reported since January 2010 including 14 injuries and six
2 collisions involving a pedestrian or bicycle; and City plans to establish Complete Streets on Farm
3 Bureau Road to encourage walking and bicycling.

4 **THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

5 **Section 1.** Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation
6 of Vehicles), Article IV (Special Speed Zones), Section 10-20-080 (Speed limits established),
7 Subsection (5) *Thirty-five miles per hour*, is hereby amended by deleting “Farm Bureau Road from
8 Willow Pass Road to Clayton Road”.

9 **Section 2.** Concord Municipal Code Title 10 (Traffic and Vehicles), Chapter 10.20 (Operation
10 of Vehicles), Article IV (Special Speed Zones), Section 10-20-080 (Speed limits established),
11 Subsection (6) *Thirty miles per hour*, is hereby amended by adding “Farm Bureau Road from Willow
12 Pass Road to Clayton Road”.

13 **Section 3.** This Ordinance No. 15-2 shall become effective thirty (30) days following its
14 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
15 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
16 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
17 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s
18 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
19 once within fifteen (15) days after its passage and adoption, including the vote of the
20 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
21 Concord.

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23 _____
Tim Grayson
Mayor

24 ATTEST:

25 _____
Joelle Fockler
City Clerk

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27 (Seal)

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Ordinance No. 15-2 was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on March 10, 2015, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council of the City of Concord on March 24, 2015, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

Joelle Fockler
City Clerk