

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
CALIFORNIA TRAFFIC CONTROL DEVICES COMMITTEE

SPECIAL MEETING OF THE
CALIFORNIA TRAFFIC CONTROL DEVICES COMMITTEE

CALTRANS HEADQUARTERS
BASEMENT AUDITORIUM
1120 N STREET
SACRAMENTO, CALIFORNIA

THURSDAY, MARCH 19, 2009

3:00 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

Committee Members

Hamid Bahadori, Chairman

John Fisher, Vice Chairman

Jacob Babico

Wayne Henley

Jeff Knowles

Farhad Mansourian

Robert Maynard

Deborah Wong

Caltrans Personnel

Will Kempton, Director

Devin der Singh, Committee Secretary

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A P P E A R A N C E S

Also Present

David Rosemon, City of Long Beach

Assistant Chief of Police Dan Katz, City of San Jose

Chad Dornsife, Best Highway Safety Practices Institute

Jim Haggerty, City of Walnut Creek

Terry Preston, Walk Sacramento

Reh-Lin Chen, City of San Leandro

Mina Layba, City of Thousand Oaks

Kirk Hutson, the Office of State Senator Tony Strickland

Stephanie Breed, the Office of State Assembly Member
Audra Strickland

Jay Spurgin, City of Thousand Oaks

Chief of Police Sam Spiegel, City of Folsom
and California Police Chiefs Association

Chief Don Johnson, City of Sunnyvale Department of Public
Safety
and Santa Clara County Police Chiefs Association

Lieutenant Donald Discher, City of Sunnyvale Department of
Public Safety

Walter Laabs, City of Santa Rosa

The Honorable Julie Pierce, City of Clayton
and League of California Cities Subcommittee on the
Transportation Task Force

Monica M. Suter, ITE Western District

Laura Wells, City of San Jose

Commissioner Joseph Farrow, California Highway Patrol

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P R O C E E D I N G S

3:02 p.m.

COMMITTEE CHAIRMAN BAHADORI: Good afternoon everyone. If you would take your seats please. I am going to call the meeting of March 19 of the California Traffic Control Devices Committee to order. This is a special meeting. Our regular meetings will resume on May 14 in Los Angeles. This meeting is dealing with only one specific item, and that is the establishing of the speed limits for streets and highways where the law enforcement is using radar to enforce the speed limit.

Time is very limited and so I am going to deviate a little bit from our normal, standard operating procedures for this meeting. I am going to have only members of the Committee introduce themselves and not everybody in the audience.

If you would like to address the Committee please fill out a speaker card, they are back there, and give it to Mr. Singh here, the Secretary of the Committee. Because I need to know after we are done with the Caltrans staff presentation how many people need to speak, to divide the time equally and make sure we get through all of the speakers. And everybody who has gone through the trouble of showing up here, and some of you have traveled from a distance, get an opportunity to share their views with the

1 Committee.

2 Having said that, if anybody has not filled out a
3 speaker card and would like to address the Committee, please
4 fill out the speaker card, give it to Mr. Singh so that we
5 know who is speaking, who is not.

6 With that I am going to ask the Committee Members
7 to introduce themselves. I am Hamid Bahadori. I am the
8 Chair of the Committee and I represent the Automobile Club
9 of Southern California. I am going to start with Ms. Wong.

10 COMMITTEE MEMBER WONG: Deborah Wong with AAA of
11 Northern California.

12 COMMITTEE MEMBER KNOWLES: Jeff Knowles with
13 League of California Cities, Northern Section.

14 COMMITTEE MEMBER MANSOURIAN: Good afternoon, I am
15 Farhad Mansourian. I am Marin County Public Works Director
16 and one of the two representatives of California counties.

17 COMMITTEE MEMBER HENLEY: I am Wayne Henley and I
18 am the Caltrans representative on the CTCDC.

19 COMMITTEE VICE CHAIRMAN FISHER: Good afternoon, I
20 am John Fisher. I represent the League of California
21 Cities, southern half, and I am work for the City of Los
22 Angeles Department of Transportation.

23 COMMITTEE MEMBER MAYNARD: I am Robert Maynard
24 representing the California Highway Patrol.

25 COMMITTEE MEMBER BABICO: Good afternoon. My name

1 is Jacob Babico, I work for the County of San Bernardino.

2 Representing CSAC, Southern California.

3 COMMITTEE CHAIRMAN BAHADORI: Thank you. I would
4 like also to recognize that we have two distinguished guests
5 today with us, Commissioner Joe Farrow from CHP and Caltrans
6 Director, Mr. Will Kempton also. They are in attendance and
7 we are very happy to have both gentlemen here, considering
8 how busy they are these days with all the stuff and the
9 great things that they are doing up here in Sacramento for
10 the rest of us.

11 Okay, Mr. Singh, I am going to not go through the
12 niceties, you know. If you need to use the restrooms go out
13 there and find them.

14 (Laughter)

15 COMMITTEE CHAIRMAN BAHADORI: And if there is an
16 emergency there are enough police officers here to help us
17 so don't worry about the emergency exit procedures.

18 So with that I am going to go to Mr. Henley.
19 Mr. Henley, you want to do your staff presentation, bring
20 everybody on the same page.

21 COMMITTEE MEMBER HENLEY: I am going to be really
22 brief here because we are here mainly to listen to you. I
23 am going to talk about the history, what Caltrans'
24 responsibility is in this, and then where we are right now.

25 As you may or may not know, we have been wrestling

1 with this issue for about two years now. And the reason we
2 are is because since 2004 we have noticed that the speed
3 limits have been creeping upwards, partly because of the way
4 they are set and also partly because of drivers driving
5 faster.

6 At the same time the locals have been voicing
7 their concern about the lack of flexibility in our
8 procedures and how we set speed limits. And what they
9 basically want to do is reduce the speed limits in business
10 areas and in residential areas to make them more comfortable
11 for the people that live and work there.

12 At the same time, though, the enforcement
13 community is concerned about speed traps and the very
14 difficult issue of enforcing speed limits when there are
15 lots of violators.

16 Like I said, we have been working on this for two
17 years. We have had a couple of workshops, we have had some
18 task forces, we have addressed it at our meetings, and we
19 still do not have a resolution 100 percent.

20 Our responsibility in this is that by the
21 California Vehicle Code, Caltrans is charged with setting
22 the standards and the regulations and rules for all traffic
23 control devices on public roads in California. And we are
24 supposed to do that with consultation from the local
25 governments, the cities and counties mainly. So we are

1 trying to fulfill that and that's what this committee here
2 is for, is to basically provide us consultation or advice or
3 recommendations on how to deal with these traffic control
4 devices.

5 In addition to just the law, if you look at
6 Caltrans and the way we operate, and we have operated now
7 for a few years, we have a very core set of values. And one
8 of those is to give good customer service. And the way we
9 do that is by listening to our customers. And of course we
10 have lots of them in law enforcement, in the cities and the
11 counties, public citizens. We listen to all of them and try
12 to come up with the best solution possible.

13 And we also value teamwork. And let's face it, we
14 are a team. Caltrans only accounts for about 15,000 miles
15 of public roadway in California and the locals probably
16 another 200,000 miles of public roads. So you can see that
17 we both have a stake in this.

18 Where we are right now if we didn't have this
19 meeting today, we do have a proposal from the CTC that was
20 actually passed in September. And that proposal is to set
21 the speed limit within five miles an hour of the 85th
22 percentile. If there are a number of factors that the
23 motorists can't really see or perceive you can -- and the
24 engineers can, they can reduce that by an additional five
25 miles an hour.

1 Now really the nut here is, okay, if you reduce
2 the speed limit too much then most of your people are going
3 to be violators. And so we have this threshold called the
4 50th percentile. Fifty percent of the people going faster
5 than the 50th percentile and 50 percent are going slower.
6 And right now the proposal is that the speed limit should
7 not be lower than the 50th percentile. We call that the
8 soft floor. The hard floor would be the change of one word.
9 It would not be should, it would be shall. In other words,
10 the speed limits in no case would be set below the 50th
11 percentile.

12 And like I say, as of this moment we have a
13 proposal from the CTC, a recommendation that we adopt the
14 soft floor. And we are here today to hear, you know, some
15 last-minute comments before we go forward with that
16 proposal. And so I am ready to open it up to comments.

17 COMMITTEE CHAIRMAN BAHADORI: Okay, thank you,
18 Mr. Henley, I appreciate that. I think in my zeal to go
19 through the agenda as quickly as possible to expedite it I
20 forgot that we need to have a public comment period also.
21 So if there is anybody here who would like to address the
22 Committee on any item that is not on the agenda but is
23 within the purview of the Committee, please step forward.
24 If you are talking about the speed limit we are going to go
25 through the cards. If anybody wants to address the

1 Committee on any other issue.

2 (No response)

3 COMMITTEE CHAIRMAN BAHADORI: Seeing none we are
4 closing public comments.

5 Okay, thank you, Mr. Henley.

6 Colleagues, if you do not have any questions for
7 Mr. Henley I would prefer to go with the speakers, we have
8 quite a few. And what I would like to ask you, again
9 another deviation from our normal operating procedures here,
10 when the speakers come to the podium, since there are quite
11 a few and we want to go through all of them, I appreciate if
12 you will refrain from asking them specific questions or
13 engaging into a debate, as we sometime do.

14 If you have a specific question or you want a
15 point of clarification from any of the speakers please put
16 their names down with the specific question that you have.
17 When we go through everyone then let me know and we will
18 call that individual or those individuals back to the podium
19 and you can ask them questions. Otherwise we may run out of
20 time and not get to everyone. Is that okay?

21 (Affirmative responses)

22 COMMITTEE CHAIRMAN BAHADORI: Thank you.

23 Okay, time is very limited so I would appreciate
24 if you keep your comments focused to the issue. Do not
25 repeat the previous speakers. And I appreciate if you can

1 share with the Committee factual information specific to
2 your city or to your agency, things that can help the
3 Commission, and ultimately the Director of Caltrans, to make
4 a decision, by offering factual information. We appreciate
5 everyone's professional opinions but facts probably may be
6 more germane at this point.

7 With that I am going to start. I am going to give
8 you each three minutes. Please, when you get close I will
9 remind you. Please do not go over your three minutes.

10 First I am going to start with Dave Rosemon of the
11 City of Long Beach.

12 And if I mispronounce anyone's name, my apologies
13 in advance and please correct me.

14 Mr. Rosemon, Our old friend from Long Beach.

15 MR. ROSEMON: Yes.

16 COMMITTEE CHAIRMAN BAHADORI: By old I mean
17 longevity.

18 MR. ROSEMON: We have got three microphones here
19 today, don't we?

20 COMMITTEE CHAIRMAN BAHADORI: You are lucky we are
21 not videotaping you.

22 MR. ROSEMON: The City of --

23 COMMITTEE CHAIRMAN BAHADORI: Go ahead.

24 MR. ROSEMON: The City of Long Beach is strongly
25 in support of a flexible floor. Specifically with our city

1 we have about 104 speed zones, which is about 30 percent of
2 our total that would be impacted by this change.

3 In an urban environment the small, two-lane roads
4 end up being collector streets and those collector streets
5 end up carrying quite a bit of traffic. And in our city we
6 try to stick as hard as we can to the letter of the law.

7 However, in this case when you have two-lane
8 arterial streets and they are residential, you have a
9 tendency to have the difference between the 85th percentile
10 and the 50th percentile be within five miles an hour.
11 That's 75 percent of the cases within the City of Long
12 Beach. And that would force us to raise speed limits which
13 are 25 in residential neighborhoods to 30, or from 30 to 35
14 on those two-lane collector streets.

15 Of the remaining 25 percent within Long Beach,
16 those arterial streets that were reduced that would be
17 affected by this tend to have significant accident history,
18 or they have some other safety aspect be it that it is
19 adjacent to a light rail or some other type of truck-related
20 activity.

21 We are strongly in support of providing the
22 flexibility to engineers to make that determination. I have
23 heard arguments from others that say that this is not an
24 engineering thing, it is a political thing. I am here to
25 tell you it is an engineering discretion that engineers need

1 to have to be able to keep speeds at a certain level.

2 I drove here from Long Beach today. And I decided
3 after I got off the, coming down the Grapevine that I would
4 set my cruise control at 80 miles an hour. Sorry. I went
5 over 100 miles without passing a single vehicle. That was
6 my, that was my choice to violate the 70 mile an hour speed
7 limit.

8 However there is, on the freeway system there is a
9 limit and that limit is set. At the local level when you
10 have local streets, what this change would do is force us to
11 bring that up. We can't maintain a reasonable limit and be
12 able to keep speeds where they should. And a lot of places
13 what happens is that this allows engineers and enforcement
14 to work together to keep speeds where they are.

15 One of the suggestions that I made early on was
16 that if you drop below the 50th why not have a condition
17 that would require additional signage or additional measures
18 to assure that the driver was aware of that speed limit.
19 Today is a lot different than in the past. We have speed
20 feedback signs, we have the ability to put pavement markings
21 with the speed limit on the ground, double-post signs, more
22 visible signs. Why not do that if there is a concern that
23 the motorist does not know what the speed limit is. And
24 that's my three minutes.

25 COMMITTEE CHAIRMAN BAHADORI: Thank you, I

1 appreciate it.

2 The next speaker, Dan Katz, City of San Jose
3 Police Department.

4 ASSISTANT CHIEF KATZ: Thank you. Dan Katz,
5 Assistant Chief of Police, City of San Jose. I guess we
6 have been in this for about two years. Thank you for
7 staying on top of this issue.

8 But the City of San Jose has been involved in this
9 problem because of our traffic issues. This is the Mercury
10 News. Above the fold, "Slow Down, San Jose Police Reduce
11 Traffic Accidents by 37 Percent." We have one of the lowest
12 crash rates in the nation, it's about half of the national
13 average. It doesn't occur by accident, it is because we
14 have good, professional engineering.

15 We have good enforcement with a very limited
16 amount of resources in the police department and we have
17 good, educational efforts. And that is what we are trying
18 to protect is our low crash rate. Because it is not about
19 revenue. We don't do this with speed traps. It is about
20 saving lives and safety.

21 So with our limited resources we need to make the
22 best that we can and get out there and have a speed limit we
23 can enforce. We have taken a look at the hard floor and
24 determined that about 260 of our surveyed streets, the speed
25 limit would be raised. That was going to be very

1 detrimental to our enforcement efforts and we strongly
2 believe there could be speed creep.

3 We have a city of a million people, we have a
4 county of 1.8 million people, most of who traverse our city
5 on a very regular basis, and we have a very sophisticated
6 judiciary. I think our feeling is that when some of these
7 hard floor recommendations were brought about that we were
8 paying the price for maybe perhaps some poorly written
9 surveys and some speed traps. But we are being punished
10 when we have a judiciary that understands surveys. We have
11 good surveys and they have no problem in other jurisdictions
12 invalidating surveys that are quite frankly rubber-stamped.

13 So from our perspective that soft floor gives our
14 engineers, who we have great faith in, flexibility to set
15 speeds as they should be, that are reasonable and can stand
16 up to the test of judicial review. And we also feel that
17 setting a hard floor contradicts the Vehicle Code 627 that
18 you need to take those things into consideration. I think,
19 you know, for many of our streets, if you went to a hard
20 floor, it is going to make speed setting a mathematical
21 exercise and one that takes crash history and engineering
22 expertise out of the equation. So from the City of San
23 Jose's standpoint and the County Chiefs of Santa Clara
24 County representing 1.8 million people, we strongly urge you
25 to go with the soft floor that is on the table. Thank you.

1 COMMITTEE CHAIRMAN BAHADORI: Thank you, Chief.

2 The next speaker is Chad Dornsife. Yes, our
3 friend Chad.

4 MR. DORNSIFE: My name is Chad Dornsife with the
5 Best Highway Safety Practices Institute. We are here to
6 support the hard floor. What we have going on here, and it
7 is politics. Because in the 1940s, '50s, every ten years
8 everybody goes through this exercise, at what should we set
9 speed limits. Every ten years the results come out
10 conclusive that it should be the 85 percent or within five
11 miles an hour of the 85th percentile.

12 And what is happening here is we have people who
13 do not want to accept their own engineering practices. They
14 want to violate the 85th percentile. If they are allowed to
15 go to the soft floor, like with these 37 and 38 mile an hour
16 85th percentiles, they will have 80, 90, sometimes the speed
17 limits will be set at the zero percentile. So you will have
18 80 or 90 percent of the people exceeding the speed limit the
19 day you post it.

20 That is not a proper speed limit exercise. The
21 sign does not determine the safety of the roadway, the
22 engineering on the roadway determines the safety. And if
23 you really want to reduce accidents then I suggest you do
24 engineering studies and safety audits of each roadway. Look
25 at your driveways, your access points, look at your conflict

1 points and mitigate for them, because the number on the sign
2 is not going to make your roads safer. Thank you.

3 COMMITTEE CHAIRMAN BAHADORI: Thank you, Chad, we
4 appreciate it.

5 Jim Haggerty, City of Walnut Creek.

6 MR. HAGGERTY: I'll be brief. The City of Walnut
7 Creek opposes the hard floor. We believe that it will
8 negate the engineers' ability to set a safe speed limit.
9 There are times when there are other circumstances that
10 should be looked at and the wording changes that ability to
11 even examine other considerations. We also believe it will
12 be detrimental to enforcement efforts and so for that reason
13 we are opposed. Thank you.

14 COMMITTEE CHAIRMAN BAHADORI: Thank you,
15 Mr. Haggerty.

16 The next speaker, Terry Preston, Walk Sacramento.

17 MR. PRESTON: Thank you for your time. We are a
18 local, pedestrian safety advocacy group. And we very much
19 support the idea of a soft floor, solely because it would
20 work in many areas around the Sacramento region. And we can
21 tell you that almost no two intersections, two jurisdictions
22 are the same. I believe local jurisdictions need to be
23 able, with proper engineering procedures, to be able to make
24 the right determination for the right speed at the right
25 time and the right place. One size fits all solutions

1 rarely, rarely work. (The microphone was raised by a staff
2 member.) Just as setting the microphone at the same height.

3 And so we do appreciate your work on this point.
4 We have talked with local jurisdictions about speed
5 concerns. They say, we hear it from our locals all, all the
6 time. They would like to be able to have much more
7 flexibility with being able to set local speed policy but,
8 as they say, our hands are tied.

9 I think this goes against the entire democratic
10 process. I believe it is within the right and the purview
11 of our local elected officials and those who make decisions
12 to be able to make proper decisions for something as basic
13 as speed and safety.

14 I think speed is a major concern. We all know
15 that speed past a certain point is much more likely to
16 severely injure or to kill someone. We believe that this is
17 an extremely important concept. Roads are designed not just
18 for cars but also for the people who walk on them and for
19 the bicycles who ride on them too. And we believe that
20 speed policies that were set mainly to accommodate the speed
21 of cars and for, and for automobile users goes against the
22 basic concept of what a real, complete street is all about.

23 Thank you for your time and we look forward to
24 your determination. Thanks.

25 COMMITTEE CHAIRMAN BAHADORI: Thank you,

1 Mr. Preston.

2 The next speaker, Mr. Chen from the City of San
3 Leandro.

4 MR. CHEN: Reh-Lin Chen, City of San Leandro.

5 I was the, probably can be boast as the first one
6 in 2007 that used the revised CA MUTCD to implement, at that
7 time, the newly adopted policy. The City of San Leandro has
8 got about 65 street segments that need an engineering
9 traffic survey.

10 And during that time I think either difficulties
11 to follow it but I also made a decision. I said, that
12 should be -- If nationwide using this kind of standard I
13 think that must be have a reason. So I try it on the 15
14 street segments. At the very beginning I think I almost
15 risk losing my job, but eventually nothing happened. All
16 those 15 streets nothing happened, and then even safer,
17 based on statistics. And now, now we got to this point.

18 I think for those of you who also work in the, in
19 the transportation planning side I think I use this analogy.
20 We are talking about just like using an equation in a trip
21 generation manual. Using the average rate or you have a
22 range of rate. When people conduct a survey is a certain
23 land use they can generate so much of it. This is kind of
24 like very similar we can be attacked. No matter what method
25 we will be attacked.

1 But what I am telling you is, say, that one -- set
2 the 50 percentile as the hard floor. I think I just look at
3 my 65 street segments and I think I have automatically, I
4 had to raise the speed limits for additional 15 street
5 segments.

6 So what I am telling you is that say, okay. I
7 think definitely to echo what the Long Beach, the
8 professional just mentioned. If you set a hard floor,
9 what's the engineering supposed to do? I think what our
10 positions here. So I think we need to give some kind of
11 legitimate reason for traffic engineers who do the job is
12 not based on the formula. And also, another --

13 COMMITTEE CHAIRMAN BAHADORI: Mr. Chen, if you can
14 summarize, thank you.

15 MR. CHEN: Sure, sure. Another factor. I know we
16 should not adding to another factor. We forget about our --
17 when we do the engineering traffic survey we do the pace.
18 Ten mile street pace. So we have this kind of reference we
19 can refer to, whether 85th percentile, 50th percentile. Are
20 they really reasonable this pace, this factor being forgot.
21 So I just support the soft floor. Thank you.

22 COMMITTEE CHAIRMAN BAHADORI: Thank you. And I
23 have known you for years and I am glad you kept your job,
24 the City of San Leandro needs you.

25 The next speaker is a friend that has been

1 discussing this with us for, since we started discussing it.
2 Mina from City of Thousand Oaks. Mina Layba.

3 MS. LAYBA: Good afternoon. Again I am Mina
4 Layba, City of Thousand Oaks, legislative affairs manager.
5 Thousand Oaks is located in Ventura County between Los
6 Angeles and Santa Barbara. We are 50 square miles in size
7 with approximately 400 streets. The city has participated
8 in over two, well close to two years in proceedings and we
9 are interested in setting safe and reasonable speed limits.

10 Again, we are not interested in speed traps, we
11 don't need the revenue. It is not something that we are
12 here for. We just want to create safety in our community
13 for residents, motorists and people that work along the
14 street ways. It was our hope in working with CTCDC that we
15 found an administrative solution versus proposing
16 legislation. And we feel that the soft floor is the answer.
17 We have worked through the process, we have gone through the
18 hearings and the workshops.

19 Today I am pleased to introduce to you some
20 representatives from our jurisdiction. First I would like
21 to introduce Kirk Hutson from Senator Tony Strickland's
22 office.

23 MR. HUTSON: Hello, my name is Kirk Hutson and I
24 am from Senator Tony Strickland's Office. Senator
25 Strickland supports the June 2008 recommendation by the

1 California Traffic Control Devices Committee on Section
2 2B.13 of the California Traffic Manual and its inclusion of
3 a soft floor in setting local speed limits.

4 For the last few years the City of Thousand Oaks
5 has worked with the Senator in his capacity as a former
6 Assembly Member to address the issues of speed limits. In
7 2003 as an Assembly Member, Senator Strickland proposed
8 Assembly Bill 872 that received wide support, including that
9 of the League of Cities. Unfortunately the bill was killed
10 in the Senate committee. Since that attempt the CTCDC began
11 reviewing Section 2B.13 in June 2007. The City of Thousand
12 Oaks participated at every quarterly meeting and worked with
13 other cities to provide input.

14 The soft floor would give the City the ability to
15 round down and set appropriate speed limits by taking into
16 consideration a number of safety factors unique to heavily
17 impacted areas. A soft floor would provide cities and
18 counties flexibility to set safe speed limits in each
19 individual and unique jurisdiction.

20 The City of Thousand Oaks public works department
21 did some comparisons of the application of a soft floor
22 versus a hard floor on its speed zones. They found that
23 nearly two-thirds or 61 percent of posted speeds in our
24 slower speed segment, the 35 miles or less, would have to be
25 rounded up five up five miles per hour as an unintended

1 consequence of imposing a hard floor. Clearly the hard
2 floor creates an increase in speed to residential and
3 collector streets, where senior citizens walk and kids ride
4 their bikes.

5 The Senator respectfully requests the adoption of
6 this new policy as it was written with the soft floor. This
7 is the best approach to assuring that safe speed limits are
8 posted, not only within his jurisdiction but other cities
9 and counties as well. Thank you.

10 COMMITTEE CHAIRMAN BAHADORI: Thank you. So Mina
11 has been here long enough to know our system, she is playing
12 the system. Put only one card and brings more people, okay.

13 MS. LAYBA: No, they filled out cards.

14 COMMITTEE CHAIRMAN BAHADORI: Did they? Okay.

15 MS. LAYBA: They are in there somewhere. And we
16 will make sure that --

17 COMMITTEE CHAIRMAN BAHADORI: So when I get to
18 them please make sure they don't come up again.

19 MS. LAYBA: We will let you -- I promise.

20 COMMITTEE CHAIRMAN BAHADORI: Okay Mina, who is
21 the next person?

22 MS. LAYBA: Stephanie Breed from Assembly Member
23 Strickland's Office.

24 COMMITTEE CHAIRMAN BAHADORI: Yes. You have two
25 representatives from the two Stricklands. And the other one

1 is in DC. Okay, go ahead.

2 MS. BREED: Hello there. My name is Stephanie
3 Breed and I am representing Assemblywoman Audra Strickland.
4 And she really wanted to be here today but she is down in
5 the district doing visits with constituents so I am here to
6 relay these remarks from her.

7 Today I urge the Director's approval of a soft
8 floor in setting local speed limits. Speed limits have been
9 a major concern to constituents and they have appealed to
10 the City and my office to assist in finding a resolution to
11 better manage speeds on arterial streets. The inclusion of
12 a soft floor provides a flexibility for local jurisdictions
13 like Thousand Oaks the ability to set reasonable speed
14 limits based on the character and prevalent issues of their
15 jurisdiction.

16 It is my understanding that the City of Thousand
17 Oaks' engineers tested the use of the soft floor versus the
18 hard floor on all the speed segments throughout the city.
19 Based on this analysis traffic engineers discovered that
20 nearly two-thirds or 61 percent of posted speeds in our
21 slower speed segments of 35 miles per hour or less would
22 have to be rounded up five miles per hour if a hard floor
23 were imposed. Many of these segments are in our residential
24 and collector street zones with unusual conditions not
25 readily apparent to drivers. A hard floor is definitely not

1 the right answer, especially if it inadvertently raises the
2 speed limits in residential and commercial corridors where
3 families live and children play.

4 We seek your support in implementing a soft floor
5 in setting local speed limits. The soft floor provides
6 local officials the ability to create reasonable speed
7 limits that reflect the best use in safeguarding its
8 residents and motorists alike. Thank you.

9 COMMITTEE CHAIRMAN BAHADORI: Thank you.

10 MS. LAYBA: Okay, I promise this is the last
11 person.

12 COMMITTEE CHAIRMAN BAHADORI: Okay.

13 MS. LAYBA: With the factual information in our
14 analysis, Jay Spurgin, our city engineer. Thank you.

15 COMMITTEE CHAIRMAN BAHADORI: Yes, we know Jay.
16 Thank you.

17 MR. SPURGIN: And thank you and thank you for
18 considering all of our testimony, soft versus hard. What
19 Mina meant to say was we have about 400 miles of streets,
20 not just 400 streets in the city. And we evaluate 260 speed
21 zone segments on a, you know, on a routine basis. And as
22 you heard earlier, citywide fully one-third of those would
23 have to be, the speed limit would have to be raised if a
24 hard floor was enacted. So that's citywide.

25 But really of more concern to myself and to many

1 of our residents, and certainly our city council, is on the
2 collector streets, primarily in the residential districts as
3 well as commercial and our business area streets 35 miles an
4 hour or less, a hard floor would result in 61 percent of
5 those segments having to be raised.

6 That is a real concern because when we are looking
7 -- we are talking about collector streets that are feeding
8 residential areas. If we are now bumping those up to 35 and
9 up to 40, think of people coming in to their homes, their
10 neighborhoods and 40 miles an hour and then having to drop
11 down to 25, which of course would be the prima facie speed
12 limits for those residential areas. So that is a
13 significant impact in our city. We have evaluated every
14 segment, looking at what the impact of what a hard floor
15 would do.

16 COMMITTEE CHAIRMAN BAHADORI: Jay, I would
17 appreciate it if you can summarize.

18 MR. SPURGIN: I think there is something that
19 maybe you should consider. One of the things that we have
20 to do when we have a speed hump request is we do an actual
21 speed survey on residential streets. That we wouldn't, we
22 wouldn't do an engineering analysis on because it is prima
23 facie.

24 Do you know that four out of five of those
25 streets, the 50th percentile when we actually measure

1 speeds, is above 25. So in a residential neighborhood right
2 now throughout our state there are more than 50 percent of
3 people not obeying the speed limit.

4 Now I don't want speed traps either, I am totally
5 against that. But if you consider that, in residential
6 areas the hard floor wouldn't work. And also, the way we
7 have been setting speed limits over the years, whether it is
8 the current law or the law previous to this, many of our
9 streets have been set below the 50th. So please consider
10 those facts as well. Obviously we encourage you to adopt
11 the soft floor, thank you.

12 COMMITTEE CHAIRMAN BAHADORI: Thank you,
13 informative as always. Mina, do you have anyone else or
14 that's it?

15 MS. LAYBA: No, that's it, thank you.

16 COMMITTEE CHAIRMAN BAHADORI: Okay, thank you.

17 The next speaker, Chief Sam Spiegel, City of
18 Folsom.

19 CHIEF SPIEGEL: Good afternoon, members of the
20 Committee and audience. I have got a difficult task before
21 you because you have received letters of support from the
22 California Police Chiefs Association that I am representing
23 today in support of the soft floor on the 50 percent.

24 And I am here to tell you today that at the
25 request of President Melekian that I am asking to withdraw

1 that letter of support. Not to say that we are opposed to
2 the 50 percent, but more so because the recent communication
3 that has gone out through the California police chiefs in
4 the last several weeks has generated a tremendous amount of
5 concern. Now there's a lot of people in this room and I
6 heard from some of them before the meeting, you have been at
7 this for two years. So if the pummeling needs to start now,
8 start throwing it now because I only have three minutes up
9 here so get your shots in.

10 I apologize on behalf of the Chiefs. The Chiefs
11 should have been involved in this more actively. I don't
12 want to take anything away from Dan Katz from San Jose, he
13 has been intimately involved. But quite candidly, as an
14 association, you have got letters here from seven percent of
15 the municipal chiefs in the state. If the association as
16 the body of law enforcement that protects 70 percent of the
17 state was really supportive of a position you should have
18 had a whole lot more than that. And it doesn't exist as of
19 today.

20 I am here to beg your indulgence, and everyone in
21 this room, and to ask you to delay a decision on this, at
22 least for another 90 to 120 days, to give the law
23 enforcement community an opportunity to bring together not
24 just Cal Chiefs but CPOA and the state sheriffs. While our
25 sheriffs in several counties throughout the state have a

1 primary enforcement role in addition to that of the Highway
2 Patrol, and they have contract cities. They need to be at
3 the table too and weighing in.

4 Our overriding concern, in addition to the
5 confusion created for the chiefs, or that the chiefs have
6 created for themselves, is that the judiciary is not
7 involved in this in any way. And we need collectively with
8 the engineering community and the enforcement community, to
9 find a way to force the judiciary to the discussion table on
10 this so that we don't end up with a complete change in
11 policy of how we are going to do the design of engineering
12 surveys. Have something new come before the courts and end
13 up with a tremendous amount of surveys and enforcement
14 actions thrown out until we level out the understanding
15 field.

16 I would look forward to your support of delaying
17 the decision for 90 to 120 days. Thank you.

18 COMMITTEE CHAIRMAN BAHADORI: Thank you, Chief
19 Spiegel. Just for the purpose of clarity and the minutes,
20 did you speak on behalf of the City of Folsom or the chiefs
21 of police association?

22 CHIEF SPIEGEL: Both.

23 COMMITTEE CHAIRMAN BAHADORI: Both. And this is
24 the request from the police chief association to delay?

25 CHIEF SPIEGEL: It is.

1 COMMITTEE CHAIRMAN BAHADORI: And you have the
2 authority to represent them?

3 CHIEF SPIEGEL: Yes, I do have that authority.

4 COMMITTEE CHAIRMAN BAHADORI: Okay and thank you.
5 And involving judiciary. Hey, we thought it is difficult
6 now, let's get attorneys involved.

7 (Laughter)

8 COMMITTEE CHAIRMAN BAHADORI: I'm kidding, I'm
9 kidding. I'm kidding. Ken Chong is sitting there. He is
10 my buddy, he is an attorney.

11 Okay, the next one is Chief Don Johnson from the
12 City of Sunnyvale.

13 CHIEF JOHNSON: Chief Don Johnson, City of
14 Sunnyvale. I am today representing the Department of Public
15 Safety in the City of Sunnyvale, the City itself and the
16 interests of the Santa Clara County Police Chiefs
17 Association. And collectively we represent the soft floor
18 proposal that is before you. I think in our particular
19 situation you would see an increase of 63 percent on 224
20 streets or 141 speed limits would go up in my city alone.

21 So I would urge you to take into consideration the
22 letter that was sent to you some time ago supporting the
23 soft floor. I would also submit to you that my feeling is
24 it has gone on for two years, we have had ample opportunity
25 to have input. I am not sure that a soft floor would

1 significantly change what we are doing now as far the
2 engineering and traffic surveys and the application thereof.

3 So I am not sure as an individual city
4 representative and representing the Santa Clara County
5 Chiefs Association that we would be in support of extending
6 this to get the input of 300 police agencies across the
7 state who have had an opportunity to do that. Thank you.

8 COMMITTEE CHAIRMAN BAHADORI: Thank you. Just so
9 that -- some of you may not be familiar with the role of the
10 Committee. This Committee serves as an advisory to the
11 Caltrans Director. The ultimate decision is made by the
12 Caltrans Director on issues regarding whatever gets into the
13 California MUTCD. We are an advisory committee and the
14 ultimately decision is with someone else.

15 Another friend who has been with us for years on
16 this, Laura Wells from the City of San Jose.

17 MS. WELLS: First off, Jim Helmer our director
18 expressed his regrets that he could not be here, he had some
19 meetings that he couldn't get out of but said that I could
20 have his time as well.

21 I have a PowerPoint. I don't know if it is
22 working, Devinder.

23 COMMITTEE CHAIRMAN BAHADORI: Laura, just out of
24 fairness --

25 MS. WELLS: I have, I have very --

1 COMMITTEE CHAIRMAN BAHADORI: -- I have to give
2 you three minutes.

3 MS. WELLS: And this is -- Correct.

4 COMMITTEE CHAIRMAN BAHADORI: Because I am giving
5 three minutes to everyone else.

6 MS. WELLS: I will be quick. I will be quick.

7 I thought visually if we could all see what we are
8 really talking about. Is it going to show on this side or
9 that side? Oh there, okay.

10 What you have heard before from several people is
11 existing state law gives us, and I am going to just start
12 talking, certain criteria that engineers have to follow that
13 are a requirement in state law. And then there's certain
14 criteria that --

15 COMMITTEE CHAIRMAN BAHADORI: Laura, okay. I know
16 it is probably rude to interrupt you. But I am known to be
17 rude so I am going to interrupt you. Do you mind if you --
18 because another member of the Committee has slides. If I
19 call you when we have this thing set up.

20 MS. WELLS: It doesn't take from my three minutes,
21 does it?

22 COMMITTEE CHAIRMAN BAHADORI: Okay, let's go on.
23 No, go on.

24 MS. WELLS: I can come back.

25 COMMITTEE CHAIRMAN BAHADORI: Because he is trying

1 to set it up.

2 MS. WELLS: I'll come back.

3 COMMITTEE CHAIRMAN BAHADORI: Come back. I'll
4 call you again when we are ready. Okay, we will come back
5 to Ms. Wells a bit later. The next one is Donald Discher
6 from the City of Sunnyvale Department of Public Works.

7 LIEUTENANT DISCHER: Public Safety, sir.

8 COMMITTEE CHAIRMAN BAHADORI: Sorry, Public
9 Safety.

10 LIEUTENANT DISCHER: I'll be very brief too.
11 Again, thank you. I have been coming to your meetings since
12 I found out about the Committee and you met in San
13 Francisco. It has been an education to say the least.

14 I think at one point the Chairman stopped in the
15 Pasadena meeting to say, if anything, we have all learned
16 from this experience. And I can tell you, as the lieutenant
17 of our traffic unit, which is responsible for 300 miles of
18 roadway in the heart of Silicon Valley, this has ignited so
19 much dialogue within our department, our county, it has been
20 incredibly beneficial. People who did not know what 627
21 meant in a conversation or 40802 or 22358. We have all
22 become smarter, better enforcement people, engineers for it.
23 So I do want to thank you.

24 My chief has already spoken. As he said, 130,000
25 population, 300 miles of roadway, 224 surveys I checked by

1 hand will go up, 63 percent of them five to ten miles per
2 hour.

3 You had asked in the beginning, keep it short. If
4 you have specifics to your city, your case examples. I
5 printed the PowerPoint just in case. There are some area
6 photographs there that have engineering surveyed segmented
7 streets that list the 85th, 50th and what the hard floor
8 will do to our city specifically. And if there are not any
9 questions I will leave you with those in your hands. Thank
10 you.

11 COMMITTEE CHAIRMAN BAHADORI: Thank you. We
12 appreciate you coming to our meetings over the last year or
13 so.

14 The next speaker, Walter Laabs, City of Santa
15 Rosa. Walter.

16 MR. LAABS: Thank you. Walter Laabs, City of
17 Santa Rosa traffic engineering division.

18 I just want to talk a little bit about Section
19 627, which was just brought up. The Vehicle Code starts
20 out, it says: "An act to repeal and reenact the Vehicle Code
21 Chapter 3 Statutes of 1959." Because I have always been
22 curious why engineering and traffic survey is found in the
23 Ts of definitions. So I went to the Statues of '59, chapter
24 3, engineering and traffic survey was not in there. All the
25 definitions were ending in either a five or a zero.

1 However, later on that year Chapter 10 was passed and there
2 is engineering and traffic survey in the Ts of 627.

3 Why in the Ts, why not in the Es? My only guess
4 is that it was put in and then amended to put engineering
5 before traffic. That is the only explanation I have. I am
6 not sure of that but I throw that out to you because I want
7 to talk about engineering judgment. In the MUTCD it says:

8 "Thus, while this Manual provides
9 Standards, Guidance, and Options for design
10 and application of traffic control devices,
11 this Manual should not be a substitute for
12 engineering judgment."

13 That is Section 1A.09.

14 Section 627 considers five criteria for the
15 conducting an engineering traffic survey, you know that,
16 prevailing speeds, accident records, highway traffic and
17 roadside conditions, residential density, pedestrian and
18 bicyclist safety. The first three were put in in 1959, the
19 last two, which applied to local authorities, were added in
20 2001.

21 I am asking you, please don't limit our judgment
22 with a hard floor. I prefer no floor but a soft floor is
23 better than -- Thank you.

24 COMMITTEE CHAIRMAN BAHADORI: Thank you, Walter.

25 The next speaker, Julie Pierce. It doesn't say on

1 your card which organization you represent or if you are an
2 individual. Please make sure you mention that for the
3 minutes.

4 MAYOR PIERCE: I am Julie Pierce, I am the mayor
5 of the City of Clayton. I am also a representative of the
6 speed limit subcommittee from the League of California
7 Cities' subcommittee on the transportation task force. And
8 I have also been a member of the Contra Costa Transportation
9 Authority for 17 years. So traffic and traffic studies are
10 something as an elected official I am getting fairly used to
11 dealing with on many levels.

12 I wanted to make some very quick points about my
13 very small city. We are in support of the soft floor. But
14 let me preface all of that by saying that we do support the
15 suggestion to return to the pre-2004 rules allowing the
16 speed limit to be set within five miles an hour rather than
17 the nearest five miles an hour. Because as we study the
18 soft floor versus soft floor that really would exacerbate
19 the problem in our city, leading to up to ten mile an hour
20 shifts on our neighborhood collector streets. And so I
21 think that is a really critical thing and I want to say I
22 support that suggestion.

23 Using prior traffic surveys. My city engineer
24 went through all of the neighborhood collectors and
25 arterials. This is the letter that was placed on your dais

1 today. Behind it is actually a chart on the third page that
2 shows exactly what happens to our neighborhood streets when
3 you apply the hard floor or soft floor. And as you can see
4 we have a couple of streets that come in at that 43, 38.
5 Those magic three and eight numbers that push you to the
6 higher number if you go to the nearest one. So that is
7 where it exacerbates.

8 So using the hard floor would not allow us to
9 reduce the speed or allow for not readily apparent on
10 several of our residential density conditions. Partly
11 because as you look at these charts, six of the seven
12 neighborhood collectors and arterial routes would have to
13 have their speed raised using the hard floor. The soft
14 floor would allow us a little bit more flexibility. And so
15 that is because the 85th and 50th are often within five
16 miles an hour of each other, which makes it doubly hard to
17 deal with.

18 So in order to keep our neighborhoods safe in a
19 very small town we are also -- our neighborhood arterials
20 are also regional commute routes. They carry very heavy,
21 regional commute traffic two times a day and they also carry
22 heavy traffic from a regional quarry. This also passes a
23 school, an elementary school.

24 So in addition to all that we would like to ask
25 that special considerations also be allowed to address speed

1 limits where heavy truck traffic is an issue and where that
2 passes through school access routes beyond the immediate
3 school zone. But we are in support of the soft floor.

4 COMMITTEE CHAIRMAN BAHADORI: Thank you, Mayor
5 Pierce. It is always a pleasure to have elected officials
6 here sharing their views with us.

7 MAYOR PIERCE: Thank you.

8 COMMITTEE CHAIRMAN BAHADORI: Thank you. The next
9 speaker, Stephanie Breed.

10 COMMITTEE SECRETARY SINGH: She already did.

11 COMMITTEE CHAIRMAN BAHADORI: Pardon?

12 COMMITTEE SECRETARY SINGH: She already spoke?

13 COMMITTEE CHAIRMAN BAHADORI: She's the one, she
14 was with the Strickland's Office. And I think Kirk also was
15 with Strickland's Office.

16 Okay, the next speaker is another individual who
17 has been closely involved with us on this and part of our
18 subcommittee, Monica Suter. And she is wearing so many hats
19 I don't even know who she is representing here today. Are
20 you cities or ITE or --

21 MS. SUTER: Thank you. Yes, thank you, Hamid.
22 Yes. I am a licensed civil and traffic engineer and I have
23 over ten -- well I have over 21 years of experience but ten
24 years with a large city. And beyond that I worked as a
25 consulting engineer and represented cities as an on-call

1 traffic engineer and so on and so forth.

2 And I want to thank Caltrans and the CHP very much
3 for their strength and fortitude on this issue and standing
4 firmly together on this. This is a very politicized issue
5 as we can all see.

6 You know, essentially if we went to the American
7 Medical Association board as engineers and said, hey, you
8 know, we think that when you practice medicine perhaps maybe
9 you ought to do this and this and this, but that is not
10 really our area of expertise. I think we would be treading
11 on dangerous territory there.

12 Now the other thing is I am also the ITE District
13 6 President, and that is the Western Region which covers 13
14 states. And one of the policies that they have with ITE is
15 to not set arbitrarily low speed limits, okay, and that they
16 be based in fact.

17 So I think the problem is that as Max Schmitz very
18 diplomatically scolded us in October of 2007 scolded us on
19 this issue is he basically said to us, you know, when we
20 were given the exercise to properly post the speed limit,
21 many engineers in fact in that room went ahead and reverse
22 engineered it to the value that they wanted, that they
23 thought they could politically sell.

24 The problem with that is -- And there are many
25 engineers who are not here today because they feel they

1 can't speak up in this forum or publicly. And that is a
2 very sad statement. And I am concerned about the safety and
3 I am going to explain why this is actually contradicting
4 safety.

5 The problem is that when we have this kind of
6 political force, that in some cases is well-intended of
7 course but other cases is actually pushing against true
8 safety, what we are getting into is engineers who are trying
9 to practice properly and do the right thing are being
10 subverted in their practice.

11 Now I have been tasked when I have worked, you
12 know, working for a large city and also working beyond that
13 I have dealt with politics. I have been able to raise speed
14 limits and explain it to the public. I worked together with
15 police departments and with the consultant. And when we
16 explained the speed trap law rather than just blaming it,
17 and we explained why it actually protected the safety of the
18 citizens out there. And that means the drivers but also the
19 pedestrians and bicyclists.

20 Because in fact there is a table here in the
21 letter that you have seen and maybe some of you have seen
22 also the Do Speed Limits Really Matter? Why did I go ahead
23 and take a look at that. If you look at that it is a little
24 handout with a little funny face emoticon going, do they
25 really matter? You know, do they matter or not? Because

1 this is really obviously a very emotional issue for a lot of
2 people.

3 Well it turns out if you do some engineering
4 calculations and you run the numbers based on what in many
5 cases we are hearing today, how we have so frequently ten
6 mile per hour differences between what people are really
7 traveling in the roadway and what in fact the posted speed
8 limit is. Well unfortunately engineers are also using that
9 lower value to do their engineering calculations.

10 COMMITTEE CHAIRMAN BAHADORI: Monica, I would
11 appreciate it if you would address the Committee and not the
12 audience.

13 MS. SUTER: I'm sorry.

14 COMMITTEE CHAIRMAN BAHADORI: Thank you.

15 MS. SUTER: Okay, sure, sorry about that. So
16 essentially what is happening is that when you do the
17 calculations you are off by quite a bit and your engineering
18 calculations are in fact off. So if you look at that, and
19 most of you are familiar with those numbers. But basically
20 for just a ten mile per hour difference in your speed, you
21 know, say they are traveling ten miles per hour higher in
22 fact. If you want to slow them down you have got to change
23 the character of the roadway, that's the bottom line. You
24 can post whatever you want but it does not change human
25 behavior. We know that, studies have shown that. So are we

1 going to pretend it isn't what it is or not?

2 So the problem is -- The reason why I am
3 supporting the hard floor and on behalf of many other
4 engineers who could not be here today who care about this
5 issue because they have seen how it is getting politicized,
6 and trying to speak for those who cannot speak on this issue
7 today, is that in fact it is the safest thing to do. And it
8 is hard to sell at times but it is not that hard to sell and
9 I am really concerned about the direction our profession is
10 taking on this.

11 COMMITTEE CHAIRMAN BAHADORI: Would you summarize,
12 please.

13 MS. SUTER: Yes. In summary, we actually need the
14 CHP and the CTCDC and also Caltrans to continue to be strong
15 on this issue. It is like a teenager who abuse their
16 freedom, and that is what engineers unfortunately have
17 unintentionally done here because of the political pressure.
18 And I understand that. And as a result we need our hands a
19 little bit more tied and that is why we need the harder
20 floor. I wish it were not so but in this case it is a
21 fairly simple case.

22 COMMITTEE CHAIRMAN BAHADORI: Thank you.

23 MS. SUTER: And I have also provided some language
24 on conditions not readily apparent to the motorists, which
25 can be clarified --

1 COMMITTEE CHAIRMAN BAHADORI: Monica --

2 MS. SUTER: -- to soften the hard floor a little
3 bit without the freedom to just what some elected officials
4 have already said, the soft floor means that they will be
5 able to do whatever it is that they want and post whatever
6 they want. And I think that gets very far away. And I have
7 also mentioned things about the approach speed and I think
8 we need to get back to that and define it if we are going to
9 get politics out of engineering.

10 COMMITTEE CHAIRMAN BAHADORI: Thank you.

11 MS. SUTER: Thank you, Hamid.

12 COMMITTEE CHAIRMAN BAHADORI: Thank you, thank
13 you. We will have other meetings to solve the other
14 problems of the world, thank you.

15 MS. SUTER: I hope so.

16 COMMITTEE CHAIRMAN BAHADORI: And thank you for
17 your contributes to ITE and I assume your reference to a
18 teenager was to John Fisher here, but that's okay.

19 (Laughter)

20 COMMITTEE VICE CHAIRMAN FISHER: Hardly, hardly.

21 COMMITTEE CHAIRMAN BAHADORI: Ms. Wells, do you
22 want to come back and do your presentation now, we are ready
23 for you.

24 MS. WELLS: Sure.

25 COMMITTEE CHAIRMAN BAHADORI: And then I have one

1 other speaker I want to give a little bit more time.

2 COMMITTEE VICE CHAIRMAN FISHER: Should we dim the
3 lights?

4 MS. WELLS: First I want to say -- I didn't
5 announce who I was. Laura Wells, deputy director for
6 transportation and parking operations, City of San Jose.
7 Also a registered civil engineer and started out my life as
8 a math geek. So whenever we are talking about the hard and
9 soft floor what is flowing through my mind are numbers.

10 What we have here, we are really dealing with --
11 It's not going, it's not working. You can push to the next
12 one.

13 State law requires us to consider those items
14 there, I am not going to read them. It allows us to
15 consider, it allows us to consider those factors.

16 What the hard floor does for us, essentially it
17 leaves us with only being able to consider prevailing
18 speeds. Those other factors are there but I can't use them.
19 The next three slides will show why.

20 What we are dealing with, and some people have
21 already mentioned it, is speed compaction. Frequently, and
22 I looked at all 450 segments in San Jose, the average spread
23 between the 50th and 85th is between four to five miles per
24 hour. You are either going to have this kind of a setup
25 where all you need to do is determine the 85th and the 50th.

1 I don't even have to look at the street. Just send a
2 trained intern out to collect the radar shots. My speed
3 limit is 30.

4 Or you are going to have this situation where it
5 is straddling one five mile per hour increment. Again math,
6 30 miles per hour.

7 The only time I can entertain looking at those
8 other factors, crash rate, unusual conditions, residential
9 density, bicycle/pedestrian safety, is when I have this
10 situation. Or I can look at, okay, I am going to -- The
11 85th is maybe 30.6. I am going to initially go to 30. If I
12 don't have unusual conditions I am going to set the speed
13 limit at 30 miles per hour. If I have unusual conditions
14 and my 50th happens to be under 25 I can entertain posting
15 at 25. That doesn't happen on local roadways.

16 I looked at all 450 segments in San Jose. We can
17 only entertain that -- I don't know if you can -- You can't
18 see the pie there but 10 of 45 represents about two percent
19 of our survey segments where we can entertain those unusual
20 conditions, crash rate, et cetera.

21 You know, Dan and I, Assistant Chief Dan and I
22 joked on the way up, I just solved our department's budget.
23 I don't need engineers anymore. Again, I could just send
24 out interns to collect my radar shots. It is not worth the
25 effort to do a full-fledged survey for only ten -- two

1 percent of those cases.

2 At that point again, like what I am indicating,
3 the exercise of an engineering and traffic survey,
4 engineering is out of it, it just becomes a math exercise.

5 And as Dan pointed out, his enforcement
6 capabilities are restricted. Because if he is now enforcing
7 at a higher level, if I have to raise the speed limit five
8 miles per hour you are essentially enforcing almost
9 sometimes at the 99th percentile, the 100th percentile, or
10 you are not even enforcing, it is not worth his time to go
11 out.

12 COMMITTEE CHAIRMAN BAHADORI: Ms. Wells, if you
13 could summarize, please.

14 MS. WELLS: Okay, I will summarize. The next
15 slide, moving quickly.

16 Statewide impacts, next slide.

17 Those four cities there, 500 streets just for four
18 cities. Across the state it's going to be thousands of
19 cities. That picture there represents a street where we
20 would have to raise the speed limit to 30. I already spent
21 a million dollars traffic calming it. The 50th is 25.6. I
22 would have to raise it to 30 miles per hour. I can't spend
23 any more money on it.

24 One last slide. I would support and recommend
25 that you adopt the CTCDC's recommendations. It is not going

1 to be gloom and doom for the city. I am looking at even
2 with the soft floor I am going to have to raise speed
3 limits. If I have the criteria before the Commissioners of
4 the 85th and the 50th I am going to have to really do due
5 diligence to rationalize and to support that speed limit if
6 it is lower than a soft floor. It is going to be difficult.
7 So I am already looking at raising 10 to 15 percent of my
8 surveys with a soft floor, not lowering it.

9 COMMITTEE CHAIRMAN BAHADORI: Thank you.

10 MS. WELLS: Thank you.

11 COMMITTEE CHAIRMAN BAHADORI: Thank you,
12 Ms. Wells, and thank you for going through the effort of
13 preparing the PowerPoint, we appreciate it.

14 Our last speaker is one of our two distinguished
15 guests that we have today with us, Commissioner Joe Farrow,
16 CHP. Sir.

17 COMMISSIONER FARROW: Thank you, Mr. Chairman, and
18 members of the Committee. It is certainly a pleasure for me
19 to be here today. It has been a great dialogue. A lot of
20 passion in the room. I would like to publicly thank
21 everybody who is here testifying on the topic. Obviously
22 traffic safety is foremost in everyone's mind. Certainly
23 from a safety practitioner I do appreciate that. I think we
24 really do want the same thing, we want to make our
25 communities safe, we want the state to be safe, and I think

1 that is a normal calling for all of us.

2 I came here personally today really to set the
3 record straight on a couple of issues. I read all of the
4 documents that have been out here before and highlight some
5 of the positions by the California Highway Patrol. I
6 thought it would be very important for me to be here in
7 person, in public to show you exactly where I stand as I
8 represent my agency.

9 A couple of things though before I do that. I
10 want to go on record by saying that the Highway Patrol is
11 all about traffic safety. I think that goes without saying.
12 The Highway Patrol was created to bring uniformity statewide
13 in all jurisdictions about traffic safety. That is why we
14 were created in 1929 by the California Legislature.

15 And one of the things I think that all of us are
16 very, very aware of, are two things I want on the record.
17 Speed limits in California come under really one guideline.
18 But all speed limits depend upon voluntary compliance of the
19 greater majority. That goes without saying. They cannot be
20 set arbitrarily by law because it makes violators the
21 majority, and that is what we want to stand against.

22 Two, I want for the record just to establish in
23 the MUTCD current standards, currently today, it talks about
24 the 85th percentile. That studies have shown that
25 establishing a speed limit less than the 85th percentile

1 generally results in an increase in collision rates. That
2 is the standard that is set out there today.

3 Further studies show that establishing a speed
4 limit at less than the 85th percentile generally results in
5 an increase in collisions. That is stated twice in the
6 MUTCD document that is currently out there. So I just want
7 that to be kind of a foundation before I give you my
8 prepared remarks.

9 First of all, I do believe currently today under
10 the 2004 85th percentile and the way we establish speed
11 limits it does give the cities and communities exactly what
12 they want, they have a soft floor. I think it has already
13 been testified by many of you in here that you do go below
14 the 50th percentile in many cases. It is already a
15 standard, it already exists. I think you already have what
16 you are looking for, I think that is on record.

17 Only one of the speakers that came up here
18 actually touched upon the second issue that is really up for
19 vote here today, which is, the 85th percentile is when you
20 round the number. Do you round to the nearest or can you
21 round down? That is the second part of this proposal. That
22 is why I am here. That is what I want to talk about.

23 Officially I do not have a problem with the 50th
24 percentile on the soft floor, currently what the cities and
25 counties want. You already have it.

1 I do have an objection to the 85th percentile of
2 always being rounded own. Because I think it takes away
3 from the merit of what the 85th percentile is all about,
4 that you round it to the nearest number. And I think that
5 is what is out there currently under the existing law, that
6 is what is out there today.

7 And really in the time that I have I would want
8 the Committee just to consider this. And I am not sure of
9 the history, I have not been here for two years, I have not
10 followed it as closely as I probably should have. But I am
11 now and I am very interested in this and I would offer this
12 up for the Committee to consider:

13 To simply walk away from the proposal that you
14 have out here today. I don't think it is necessary, I don't
15 think you need it. I think the cities already have what
16 they are looking for. They have a soft floor that they can
17 exercise. The only issue that they have is how do they
18 round and really what they are talking about are two miles
19 an hour at some point.

20 For example, the person that comes in at 37 miles
21 a hour, they have the ability to round it down to 35, they
22 adjust accordingly. What they are talking about is when it
23 gets to 38 or 39, under the current standard it makes it
24 round it to the nearest, which would be 40, they work from
25 there. That is really the only issue but only one person

1 has actually talked about that today.

2 And I would like to use that as really the
3 consideration for this group. Simply remove the proposal
4 you have out here today, keep it the way it is. I think
5 they have what they are looking for. Safety becomes
6 foremost in mind and it adheres to the standards in your own
7 manual. And all the things that we have out here is that it
8 makes it so the majority of the people out there driving
9 don't become the people that are getting all the citations.
10 So I ask you just to consider that.

11 And there again I understand the Committee. I sat
12 up here for years and years and years in this position. I
13 understand that it is a recommendation to the Director. The
14 Director does have a very difficult call to make. But I
15 think it is important that we go on record that he
16 understands specifically what the Patrol was thinking about,
17 at the same time considering all the other testimony that
18 you had in here today. I thank you very much for your time.

19 COMMITTEE CHAIRMAN BAHADORI: Thank you very much,
20 Commissioner Farrow, we appreciate your testimony.

21 Is there anybody else in the audience who wishes
22 to address the Committee who may not have had a chance?

23 Okay, before I close the public hearing part, any
24 of our colleagues here who wanted to have a specific
25 question from any of the speakers, not a debate?

1 COMMITTEE MEMBER MANSOURIAN: I want to ask the
2 Commissioner a question.

3 COMMITTEE CHAIRMAN BAHADORI: Commissioner Farrow,
4 could you please come back to the podium. Mr. Mansourian.

5 COMMITTEE MEMBER MANSOURIAN: Commissioner, thank
6 you for taking time. I want to clarify, I am on page seven
7 of the ten. I want to make sure everyone is on the same
8 page. I want to make sure I understood your proposal. So
9 if you go on page seven of ten.

10 Mr. Singh, would you make sure the Commissioner
11 has that.

12 So Commissioner, I am looking at the fourth
13 paragraph where it says, Standard.

14 COMMISSIONER FARROW: Yes.

15 COMMITTEE MEMBER MANSOURIAN: "When a speed limit
16 is to be posted, it shall be within --" That is what the
17 Committee has voted on.

18 COMMISSIONER FARROW: Right.

19 COMMITTEE MEMBER MANSOURIAN: Is your proposal
20 that we change it from within to below?

21 COMMISSIONER FARROW: My proposal, my proposal is
22 to leave it under the standard that was in effect in 2004
23 where it says, to the nearest. That is the current standard
24 that you have out there right now. And I was just trying to
25 bring back to the attention of the Committee that you really

1 have two issues that you are dealing with, the soft and the
2 hard floor and the nearest increments of five miles an hour
3 versus anywhere within the five miles.

4 COMMITTEE MEMBER MANSOURIAN: Great, thank you
5 very much.

6 COMMITTEE CHAIRMAN BAHADORI: Just for
7 clarification, the Commissioner's recommendation is to leave
8 the language as is and not change anything. Just leave the
9 California MUTCD as it is now.

10 Any other members who wish to ask a question from
11 anybody else who spoke and addressed us?

12 No? Okay, having seen none and having seen none
13 from the audience we close the public hearing and bring it
14 back to the Committee.

15 Okay, colleagues, so who is the brave one who
16 wants to start? Yes, Mr. Knowles.

17 COMMITTEE MEMBER KNOWLES: I would like to start
18 because I did have some data from four different cities that
19 we did not have available. And it is a different format
20 than San Jose did so I thought it might be good to have that
21 on the table before we start our discussion.

22 COMMITTEE CHAIRMAN BAHADORI: Before you also
23 start, Mr. Knowles.

24 You have a matrix, a spreadsheet that shows the
25 cities that have communicated with us. Some of them are

1 duplicates but it adds up to like about 75. We have
2 received some communication after that spreadsheet was
3 prepared. Mr. Singh, have all the members seen this?

4 COMMITTEE SECRETARY SINGH: Yes.

5 COMMITTEE CHAIRMAN BAHADORI: They have it? Okay,
6 so that's additional information that we have received.
7 Which is pretty much four agencies in support of the hard
8 floor and five agencies in support of the soft floor,
9 without going into details.

10 Mr. Knowles, how long do you think your thing is
11 going to take?

12 COMMITTEE MEMBER KNOWLES: Three to five minutes.

13 COMMITTEE CHAIRMAN BAHADORI: Okay, three to five
14 minutes is fair.

15 COMMITTEE MEMBER KNOWLES: Okay. I wanted to
16 review partially -- and this is completely in line I found
17 with Caltrans' staff report about where we are. I want to
18 point out that I got data from four different cities,
19 Oakland, Pleasanton, Vacaville and San Leandro, they shared
20 their data. And these are not specific surveys, this is
21 citywide data.

22 The red line here represents the 85th percentile
23 on all 151 surveys that we do in Vacaville. And I wanted to
24 point out that the dashed blue line, the lowest of the
25 dashed line, represents the old Caltrans Traffic Manual. So

1 this would be the initial starting point for all speed
2 limits back before 2004 when the rule was, round down to the
3 first five mile an hour increment below the 85th percentile.
4 So that is where it would actually be.

5 Now when we established the 2004 California MUTCD
6 the standard changed to the dashed green line. And I am
7 pointing that out and how much higher that is because it is
8 a little bit harder to see the color difference. And then
9 it also plotted where the 50th percentile is.

10 The bottom line is, now the old rules were, based
11 on those dashed lines, under unusual conditions we could
12 round down another five miles an hour. So I wanted to point
13 out that difference. Under the old Caltrans Traffic Manual,
14 which has kind of gotten us to this discussion today, the
15 blue line is where you could round the speed limit down to.
16 Based on the 2004 standard the green line is what you could
17 round down to.

18 So the issue that brought us really to the table
19 is the number of speed limits that fell in that difference.
20 All of those speed limits had to be increased statewide as
21 those surveys expired. Some cities are more involved than
22 others because only as your speed limits expire and you
23 start looking at the new rules do you realize what their
24 impacts are. And there are still cities out there that are
25 not quite aware of how they are being affected.

1 So this is the problem. We had the League of
2 California Cities and a number of agencies coming to us and
3 the Legislature trying to change the 2004 California MUTCD
4 rules because of the number of speed limits that were
5 getting caught in these areas shaded in green. And they
6 were saying, this is unacceptable and why did you change the
7 rules on us. What was the problem with the old Traffic
8 Manual language.

9 Now we thought we were changing -- Without any
10 data we thought, and I was on the Committee and I voted for
11 this a year ago, a year ago plus. We gave the flexibility
12 of the old Traffic Manual language sort of, we got close.
13 Because we said, instead of rounding to the nearest you can
14 round within five miles an hour. So it wasn't quite the
15 same as the Traffic Manual.

16 But to prevent abuses the thought was we should
17 add this 50th percentile floor to the equation. Because not
18 seeing the data it seemed to us, it seemed to me, that there
19 was enough of a difference between the 85th percentile and
20 the 50th percentile, 35 percentile less. But we should have
21 a margin to use engineering and judgment.

22 Unfortunately, when we changed that you can see
23 that instead of making things better we made things much
24 worse. Here is the green area. The green areas show the
25 difference between the Traffic Manual and the 2004 standard.

1 And then when we added the 50th percentile floor we didn't
2 eliminate any of the green but we added all the tan. Any
3 speed limit now falling within the green area or the tan
4 area had to be increased. So we did not -- When we go back
5 to what we tried to solve I think we -- because we didn't
6 have the data we didn't know what the impact would be of our
7 solution over a year ago. We made things more than twice as
8 bad as the problem we were trying to solve.

9 COMMITTEE CHAIRMAN BAHADORI: Mr. Knowles, you
10 went through two slides and it took five minutes. You have
11 eight slides.

12 COMMITTEE MEMBER KNOWLES: Okay.

13 COMMITTEE CHAIRMAN BAHADORI: If you could move
14 faster, thank you.

15 COMMITTEE MEMBER KNOWLES: This is close to the
16 last one. I wanted to explain the difference. When the
17 Committee last made a recommendation and voted on this we
18 came up with a solution that is not the Traffic Manual and
19 not the 2004. And this is data we have not seen before. So
20 what we did was -- the solution was instead of the Traffic
21 Manual that says we are going to round down five miles an
22 hour, we accepted language that said, the initial speed
23 limit needed to be within five. So that already raised the
24 bar a little bit.

25 So the net result is shown in this graph. If you

1 ignore the 50th percentile hard floor and we are just
2 looking at the lowest possible speed limit with unusual
3 conditions not readily apparent to the driver, the last
4 recommendation from the Committee eliminated the green areas
5 here but established the gray areas. So in these gray
6 areas, this is the difference between -- the blue is the old
7 Traffic Manual, the gray is the Committee's last
8 recommendation. Which is, you have to be within five, but
9 then under unusual conditions you can still lower it another
10 five. So this is actually --

11 I think the Committee's intent was to lessen the
12 impact of the 2004 California MUTCD so we solved the problem
13 instead of sending it to the Legislature, but not, but we
14 still wanted to restrict abuses of the speed limits. So we
15 can see the last recommendation from the Committee was more
16 restrictive than in the past but it did provide, did ease up
17 the standard for those people most severely impacted by the
18 2004 California MUTCD standard.

19 And then the other slide which you have copies of
20 as a Committee are the actual data. I want to point out to
21 the CHP that just because the speed limits can be set at the
22 minimum does not mean we set all of our speed limits at the
23 minimum. All these yellow dots show where Vacaville
24 actually set its speed limits, often above the minimum.

25 But I wanted to point out that based on the

1 California Traffic Manual I still have one speed limit left
2 I have to adjust. Based on the 2004 California MUTCD I have
3 to increase 16. I just increased 22 last year. But if we
4 had a hard floor I would have to increase 55 more speed
5 limits or a total of 36.4 percent more of my speed limits.

6 Similarly for the City of San Leandro that you
7 heard that data about. They already increased 16 speed
8 limits but they would have to do a total of 26 with the hard
9 floor. The City of Pleasanton --

10 COMMITTEE CHAIRMAN BAHADORI: Mr. Knowles, if we
11 stipulate that all the cities have the same problem as
12 Vacaville is that okay?

13 COMMITTEE MEMBER KNOWLES: If we will stipulate
14 that I am not the exception here. And the City of Oakland
15 also sent their data.

16 COMMITTEE CHAIRMAN BAHADORI: Thank you. These
17 are great slides and I really appreciate your effort, as I
18 am sure the rest of the Committee does. But in the interest
19 of time, we got the message. Thank you. Thank you,
20 Mr. Knowles, this was great. And thank you for working with
21 the other cities, bringing the information to the Committee.

22 This is the kind of information that I was
23 referring to. These are factual informations and the
24 consequences of the decision rather than professional
25 opinions, which we all have and are very good and valid.

1 Okay, do you have any questions for Mr. Knowles or
2 do you want to start discussion? Mr. Mansourian.

3 COMMITTEE MEMBER MANSOURIAN: Well, Mr. Chairman,
4 you asked for a brave soul to start the discussion so I am
5 volunteering as a brave soul. My view is this, the
6 Committee has made the recommendation to the Director. I
7 believe our decision is done unless there is a motion or a
8 proposal to change it, which we can vote on. But whatever
9 the decision, I wanted to request Director Kempton to please
10 do one thing, to make a decision as soon as possible, and
11 here is why.

12 In the last two years hundreds of surveys
13 throughout California have expired and city and county
14 public works directors have not updated them. So many
15 traffic law enforcement agencies are not taking place
16 because the surveys are not good. But we are not doing them
17 because they do not know which rule to follow, the existing
18 one, the proposed one or maybe the new one.

19 As a matter of fact, the City of Los Angeles and
20 the County of Marin, John Fisher and I, next week are
21 briefing 400 public works directors, all cities and
22 counties. And one of the largest sessions signed up is what
23 is this supposed to be. And I have prepared everything
24 except the last slide, which is what Director Kempton is
25 going to decide.

1 So as far as I am concerned I do not support that
2 we continue this. Mr. Kempton can obviously wait as many
3 days as he wishes. We have been at this for two years. And
4 I want to leave you with one thought. We live in a reality
5 and politics is part of it. And traffic engineering
6 judgment, just like a police officer, has a lot of
7 discretion. We have the same thing.

8 All of this started because Senate Bill 848 was
9 introduced. And Senator Corbett introduced this. And the
10 proposal, if I am right, it even got out of the committee.
11 It was, get rid of the traffic engineering survey. It was
12 like --

13 COMMITTEE CHAIRMAN BAHADORI: It didn't get out of
14 the committee.

15 COMMITTEE MEMBER MANSOURIAN: It didn't get out of
16 the committee. It was like, throw everything out and let's
17 just do what we feel like. And we approached the CHP, we
18 approached Caltrans and said, what do you guys think of
19 this. This is really revolutionizing and politicizing the
20 way we do traffic engineering. There was no support. It's
21 like, we are taking no position on that.

22 And cities and counties and the sheriffs
23 association and a few others, we got very involved and
24 Senator Corbett agreed to withdraw that. So I just wanted
25 you to know there is a huge movement out there. And what

1 the Senator's office said is they had received a lot of
2 complaints about the existing language, the 2004.

3 So in conclusion, as far as I am concerned, unless
4 there is another motion the Committee has made its decision
5 and I hope we go forward, whatever the Director decides.

6 COMMITTEE CHAIRMAN BAHADORI: We heard from one
7 member of the Committee. Mr. Fisher.

8 COMMITTEE VICE CHAIRMAN FISHER: Thank you very
9 much. And I would like to echo what Mr. Mansourian said.
10 That I think time is of the essence here because we have
11 debated this for over a two year period. In the meantime
12 the transportation professionals want to know what rules do
13 I use, and they have been holding up on processing those
14 speed limits that have to be renewed every seven to ten
15 years, awaiting this outcome. And during that time period
16 some speed limits have expired.

17 I have heard many people say here that the problem
18 is that we are going to have to increase our speed limits.
19 I do not see that as the problem, I see the problem as we
20 have to restore realistic speed limits throughout the state.
21 And I think we took liberties in the past, which meant in
22 effect that speed limits were no longer credible. To me
23 that is the real problem that we face today. We got
24 ourselves into this situation, now how do we get ourselves
25 out.

1 I think one of the reasons, Commissioner Farrow,
2 that we did not stick with the current language that is in
3 the California MUTCD because it says you can reduce the
4 speed limit another five miles an hour based on the needs of
5 the community. And the problem with that is those were
6 words where you could really do almost anything you wanted
7 to based on where the politicians wanted you to go.

8 And we found through many hearings that we had
9 over many meetings that many traffic engineers were setting
10 the speed limits such that the greater majority of the speed
11 limits within their jurisdictions were well below the 50th
12 percentile. And that was a result of this loose language
13 where we could casually reduce it down.

14 So that is why we developed the 50th percentile
15 and the need for documentation. So that we would have to do
16 due diligence, as Laura Wells from the City of San Jose
17 mentioned, to really justify going below the 50th
18 percentile. It would require a written report and it would
19 require that we cite those items in the Vehicle Code which
20 guide us to that reduction. And that is why we felt it was
21 necessary to require documentation, because of the casual
22 way that this had been handled in the past.

23 I personally supported the flexibility of having
24 the soft floor. Because as we could see from many of the
25 presentations here, there is speed compaction. That the

1 85th percentile speed and the 50th percentile speed
2 sometimes were contained within that five mile an hour
3 increment. And to me that would be a reason for allowing to
4 go below the 50th percentile speed, just to go to that next
5 increment.

6 But I am troubled by something that I heard quite
7 often today. And that is, a statement that if you support
8 the soft floor then we won't have to change the speed limits
9 on two-thirds of our streets or 61 percent or something like
10 that. And I think a careful evaluation of the language that
11 we adopted would not lead one to that conclusion. That
12 certainly if you adopt the soft floor not as many speed
13 limits would have to be raised. But certainly some would
14 have to because the prior speeds were just way too low and
15 set at the 30th percentile or something in that range.

16 Finally I would like to emphasize that if Director
17 Kempton, if Caltrans does adopt the language that this
18 Committee had recommended to you, I think it was clearly the
19 intent of the Committee that going below the 50th percentile
20 and documenting it would be a rare occasion. Because if it
21 is the common occurrence then so many of our intersections
22 will be unsafe. Because we use the posted speed limit as a
23 guideline for how we set our yellow clearance times at
24 signalized intersections. We use the posted speed limit to
25 guide us as to what taper rates we use and for common

1 striping and in construction zones.

2 And if we have an artificially low speed then we
3 are going to be putting in traffic control devices or
4 traffic control features that are non-standard and do not
5 meet the safety needs. For example, Monica Suter in one of
6 her papers that she submitted to this Committee showed that
7 if you put the speed limit ten miles an hour below the 85th
8 percentile speed, your yellow time is going to be one second
9 too short. And that could mean the difference between a
10 crash and getting through the intersection safely.

11 So in summary, I would hope that the
12 recommendation of this Committee would prevail. But I
13 caution everyone that we really need to do due diligence in
14 documenting a need to go below the 50th percentile speed.
15 Because too many of them would reduce the credibility of
16 traffic control devices that we have out there. Thank you.

17 COMMITTEE CHAIRMAN BAHADORI: It reminds me of
18 Plato. If all men were angels we didn't need laws, and if
19 the government was run by angels we didn't need a
20 government, or something like that. But anyway, anybody
21 else? Ms. Wong?

22 COMMITTEE MEMBER WONG: No.

23 COMMITTEE CHAIRMAN BAHADORI: Okay. Mr. Henley?

24 COMMITTEE MEMBER HENLEY: No.

25 COMMITTEE CHAIRMAN BAHADORI: Chief Maynard?

1 COMMITTEE MEMBER MAYNARD: No.

2 COMMITTEE CHAIRMAN BAHADORI: Mr. Babico?

3 COMMITTEE MEMBER BABICO: Yes, I have something.

4 I echo what Farhad and John said, that in the recommendation
5 that we have adopted in having a hard floor and soft floor
6 in fact we are restoring the confidence on our professionals
7 as well as the law enforcement and the engineers in having
8 more, taking into consideration what it takes to establish
9 any speed zone. By having only a hard floor that you are
10 narrowing the ability of the engineering gentlemen to look
11 at one window, one range of thought, without going into
12 recommendation or the guidance that it will create in
13 documentation. And that way we are not kind of relying on
14 the engineering judgment as such.

15 However, by creating the soft floor, and with the
16 correct and detailed documentation, we are making the
17 engineer to seem more and more, as well as the law
18 enforcement, in creating the support document to their
19 judgment in setting the speed. So for that reason I believe
20 the CTCDC's recommendation is more effective than creating
21 back the reliability to the traffic engineer and the law
22 enforcement and I agree with that.

23 COMMITTEE CHAIRMAN BAHADORI: Thank you. Any
24 other comments? Okay.

25 The standing decision as of now is the latest

1 recommendation from the Devices Committee that was made in
2 the last meeting. When was that, Mr. Singh?

3 COMMITTEE SECRETARY SINGH: September 17.

4 COMMITTEE CHAIRMAN BAHADORI: September 17 of
5 2008. And that decision was for a soft floor with
6 protection if you want to go below the 50th percentile you
7 have to comply with 22358.5, part of the California Vehicle
8 Code. If the Committee makes no action today, no additional
9 action, that will be the recommendation to Caltrans and the
10 Caltrans Director.

11 I have had a couple of requests. One is from the
12 Commissioner of the CHP to stay with the California MUTCD as
13 it is written today, do not make any changes. That says
14 that you have to round to the nearest five mile per hour
15 increment. And then the reduction of the five miles per
16 hour is part of the California Vehicle Code, which we cannot
17 change anyway, 22358.5 stands as is. It is outside the
18 purview of this committee or Caltrans.

19 I have another request from Chief Spiegel
20 representing the California Police Chiefs Association for
21 this Committee to delay this decision and allow for maybe 90
22 to 120 days for the law enforcement to get together and do
23 whatever that the police chiefs think needs to be done.

24 Then there is always a possibility of somebody
25 having a new motion. If nothing happens then the work of

1 this committee is done. If I do not see a motion on either
2 Item 2, 3 or 4, then Item 1, which is no action and the
3 latest decision as formulated September 17, 2008, stands to
4 Caltrans. Chief Maynard.

5 COMMITTEE MEMBER MAYNARD: I make a motion that we
6 go with Option 2, which is to leave the current language as
7 is.

8 COMMITTEE CHAIRMAN BAHADORI: I have a motion from
9 Chief Maynard to have a recommendation to Caltrans to stay
10 with the existing language of the California MUTCD as it was
11 adopted in 2004, which says you will round to the nearest
12 85th. Do I have a second?

13 COMMITTEE MEMBER WONG: I'll second.

14 COMMITTEE CHAIRMAN BAHADORI: I have a motion and
15 a second. Discussion?

16 COMMITTEE MEMBER MANSOURIAN: We have discussed
17 enough.

18 COMMITTEE CHAIRMAN BAHADORI: Mr. Mansourian
19 thinks we have discussed enough. I have a motion and a
20 second. All those in favor of the motion raise your hand,
21 please.

22 (Show of hands)

23 COMMITTEE CHAIRMAN BAHADORI: We have three to
24 five in favor of the motion, the motion fails.

25 Is there any other motion on the floor?

1 Okay, any other further discussion?

2 COMMITTEE MEMBER MANSOURIAN: Just a request from
3 the Director if he wishes to tell us anything.

4 COMMITTEE CHAIRMAN BAHADORI: The Director.
5 Director Kempton, for those of you who don't know, is having
6 like maybe a million balls up in the air with the state
7 budget and the stimulus money and all that. And we are so
8 thankful for him to giving us the opportunity to be here, we
9 appreciate it.

10 DIRECTOR KEMPTON: Thank you, Mr. Chairman and
11 members. I just wanted to express my appreciation to the
12 Committee for getting together and taking a lot of your time
13 to re-hear this issue. You are meeting at my request
14 because I wanted an opportunity to have folks who had
15 expressed concerns to me be able to come back before the
16 Committee and express those concerns.

17 And I really appreciate Commissioner Farrow, our
18 partner at the California Highway Patrol, being here today
19 as well. And I think the attendance of two of the
20 administration's department directors to listen to the input
21 and hear this issue is significant and obviously speaks to a
22 concern that we not only have for the safety of the
23 traveling public but also for an open process to get as much
24 input as we can.

25 I appreciate what Chief Spiegel asked with respect

1 to lengthening the time for a decision but I think
2 Mr. Mansourian makes a very, very good point. I am not
3 inclined to wait before I would render a decision on this
4 issue for that period of time. However, I will wait for 30
5 days. So any input that the chiefs can get to me within
6 that time frame. I will render a decision by April 21st on
7 this issue.

8 One point that I think was touched on that is
9 extremely important in this process is the involvement of
10 the judiciary. I think both the education of the judiciary
11 and certainly making sure they are engaged in these
12 discussions is vitally important. Because obviously one of
13 the major problems that we have in terms of the ability of
14 our law enforcement agencies to actually enforce speed
15 limits is how the courts will read, read the engineering
16 data and the background documentation.

17 So that is my intent. I will move quickly. I
18 appreciate the fact that you have once again come together
19 to hear this issue. I certainly appreciate the attendance
20 of all of the folks and people who have submitted written
21 comments on this issue. I will take those carefully into
22 consideration but I will act promptly, assuming you think 30
23 days is a prompt decision. Thank you.

24 COMMITTEE MEMBER KNOWLES: Thank you.

25 COMMITTEE CHAIRMAN BAHADORI: Thank you very much,

1 Director Kempton, we appreciate it. For those of you who
2 are here, please go out and spread the news among the folks,
3 you will have an answer by April 21st. But one thing,
4 Mr. Kempton did not say what year April 21st.

5 (Laughter)

6 COMMITTEE MEMBER KNOWLES: Thirty days.

7 COMMITTEE CHAIRMAN BAHADORI: Okay. Colleagues,
8 any other issues?

9 Okay. Having seen none, we are adjourned. Our
10 next meeting is May 14th in Los Angeles, District 7.

11 (Thereupon, the special meeting of the
12 California Traffic Control Devices Committee
13 was adjourned at 4:32 p.m.)

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CERTIFICATE OF REPORTER

I, Ramona Cota, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Department of Transportation, California Traffic Control Devices Committee special meeting; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said special meeting, nor in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of March, 2009.

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