

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Landfills

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION

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November 5, 2020

Jessica Stull-Otto
Round Valley Area Municipal Advisory Council (RVAMAC)
Library Commons 23925 Howard Street
PO Box 372
Covelo, CA 95428

Email: j.stullotto@gmail.com
admin@mac.roundvalley.org

RE: REQUEST FOR SPEED ZONE ON HOWARD STREET, COUNTY ROAD 334D, MILEPOST
0.00 – 0.54 FROM HWY 162 to SCHOOL (COVELO AREA)

Dear Ms Stull-Otto:

Pursuant to the RVAMAC meeting of November 5, 2020 I have the following responses:

- 1) The Mendocino County Department of Transportation (MCDOT) appreciates the messages from the meeting attendees, as we need public input on the conditions of our roads. Our local road staff makes every effort to regularly review our roads. Our Traffic Safety Engineer performs field reviews of all 1016 miles of road annually, by reviewing one third of these roads on a rotation schedule. However, with so many roads to oversee, we need the eyes and ears of the public to bring matters to our attention.
- 2) The request is to establish MAXIMUM a speed zone on the subject County Road segment. Howard Street which is presently not posted, and therefore are subject to the State's Prima Facie Speed Limit 25 speed in Residential & Business Districts; per California Vehicle Code (CVC) § 22352b Twenty-five miles per hour: "(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code...".
- 3) Over 90% of Mendocino County Maintained Roads are not posted for a MAXIMUM a speed zone; but, this does not mean that people are permitted to travel at 55 MPH (CVC) § 22349 "...(b) Notwithstanding any other provision of law, no person may drive a vehicle upon a two-lane, undivided highway at a speed greater than 55 miles per hour...". In all cases, speeds on California roads are governed by the Basic Speed Law – "No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property" (CVC 22350). Typically, drivers are safe, sane and courteous, so they slow (usually to speeds lower than the posted limit) when necessary.
- 4) Prima Facie Speed Limit Law sets maximum speed limits in areas where speed limit signs not be posted but are specified in the CVC such as 25 MPH school zones, residential, and business districts. A "residence district" under the California Vehicle Code (CVC) can be posted 25 miles per hour (MPH) (although this not radar enforceable without an engineering traffic study). A CVC residence district must

consist of 13 or more separate dwellings on one side or 16 or more separate dwellings on both sides of a quarter of a mile segment of road within 75 feet of the roadway.

Unfortunately, though some of the subject road segments might meet these definitions – CVC does not support radar enforcement “residence or business district” without supporting engineering study.

5) Mendocino County Code (MCC) Section 15.04.030 (F), (4), requires that posted speed limits be designated in accordance with the CVC as Maximum Speed Limits adopted by the Board of Supervisors. However, for such speed zones to be radar enforceable by the California Highway Patrol (CHP) there needs to be a current speed survey (within the last 5 years) on file in the courts.

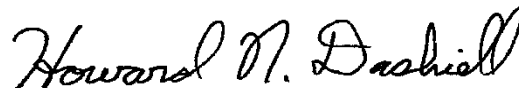
a) MCC section 15.04.040 governs speed limit changes and charges the County Road Commissioner with determining an application meritorious. Typically, the Road Commissioner’s decision as to merit is based on many factors, including but not limited to, the majority of community support (citizen petition), support of public safety agencies (CHP), meeting the California Manual on Uniform Traffic Control Devices (CA MUTCD), and Caltrans Traffic Manual Policies and Warrants for establishing speed limits. All speed zone change requests found meritorious and undertaken by MCDOT are based on an engineering traffic study prepared and submitted to the Board of Supervisors pursuant to CVC and support a MAXIMUM speed limits. This MAXIMUM limit could be **higher** than 25 mph Prima Facie.

b) The CHP, which is responsible for traffic enforcement on County roads, adheres to a very conservative interpretation of this provision based on their experience with the courts. The MUTCD California Supplement, Section 2B.116, states that the speed limits should be established at or near the 85-percentile speed measured during a radar survey. The rationale for using the 85-percentile speed is because the majorities of drivers comply with the basic speed law – “no person shall drive at a speed greater than is reasonable and prudent” – and disregard regulations which they consider unreasonable. So, speed zones are intended for the top fringe of drivers who are inclined to be reckless, unreliable, or have faulty judgment and must be controlled by enforcement. A speed limit set at or rounded to the 85-percentile speed provides law enforcement officers with a means of controlling the drivers who will not conform to what the majority considers reasonable and prudent.

Therefore, if you provided me with a petition or letters from with a majority of the residents on businesses or controlling agencies in the area, I will schedule a traffic study to determine the 85-percentile speed. This process usually takes a year. The financial expenditure of staff time for work associated with undertaking a speed study, ordinance, and County Code amendment, can be as much as \$5,000 to \$7,000 and is not insignificant. Furthermore, commitment to patrol from the CHP along with support from public safety - Sheriff and fire will bolster your application and success of any speed zone – because without some law enforcement presence speed zones have little to no effect.

Please feel free to contact me with any questions or comments.

Sincerely,



Howard N. Dashiell, Director

Cc. John Haschak, Supervisor, Third District
Carmel Angelo, Chief Executive Officer
Christian Curtus, County Counsel
Bill Wood, Sr. Engineering Technician (traffic safety) for MCDOT