

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ESCONDIDO, CALIFORNIA, RETAINING THE EXISTING  
SPEED LIMIT ON FOUR STREET SEGMENTS

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) On October 8, 2021, the State of California approved Assembly Bill 43, which took effect January 1, 2022 and amends the California Vehicle Code as it relates to speed limits.

b) California Vehicle Code Section 40802 requires that enforcement of declared prima facie speed limits on a particular section of a highway or state highway be justified by an Engineering and Traffic Survey conducted no more than seven years prior to the date of the alleged violation. However, if a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, then enforcement of a declared prima facie speed limit on a particular section of a highway or state highway may be justified by an Engineering and Traffic Survey conducted no more than 14 years prior to the date of the alleged violation.

c) California Vehicle Code section 22357 provides that whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate

the orderly movement of traffic and is reasonable and safe. California Vehicle Code section 22357 further requires that the declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. California Vehicle Code section 22357 does not apply to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

d) California Vehicle Code section 22358 provides that whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, 25, 20, or 15 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

e) Section 22358.8 was added to the California Vehicle Code as part of Assembly Bill 43, and allows the following:

(1) If a local authority, after completing an engineering and traffic survey, finds that the speed limit is still more than is reasonable or safe, the local authority may, by ordinance, retain the current speed limit or restore the immediately prior speed limit if that speed limit was established with an engineering and traffic survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established the prior speed limit.

(2) The section does not authorize a speed limit to be reduced by any more than five miles per hour from the current speed limit nor below the immediately prior speed limit.

(3) A local authority shall issue only warning citations for violations of exceeding the speed limit by 10 miles per hour or less for the first 30 days that a lower speed limit is in effect as authorized by this section.

f) Escondido Municipal Code Section 28-5 provides the City Council authority to establish and amend traffic schedules for speed zones.

SECTION 2: That upon consideration of the staff report, the recommendation of the Transportation Community and Safety Commission, and provisions of the State of California Vehicle Code (as amended by Assembly Bill 43), this City Council finds that retaining the speed limits for the street segments attached and incorporated to this Ordinance as Exhibit "A" is in the best interest of the City.

SECTION 3. ENVIRONMENTAL REVIEW. The proposed Ordinance is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5), as the proposed updates are solely changes to the City's administrative processes, under the authority provided by state law, and consist of administrative activities of the City that will not result in direct or indirect physical changes to the environment.

SECTION 4. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 5. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 23<sup>rd</sup> day of AUGUST, 2023 by the following vote to wit:

AYES : Councilmembers: GARCIA, GARCIA, MORASCO, MARTINEZ, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
19FEE5DB8C3B409...  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2023-09 passed at a regular meeting of the City Council of the City of Escondido held on the 9<sup>th</sup> day of August, 2023, after having been read at the regular meeting of said City Council held on the 23<sup>rd</sup> day of August, 2023.

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2023-09

## ORDINANCE NO. 2023-09

## EXHIBIT "A"

Street Name	Segment		Retained Speed Limit (MPH)
	From	To	
W Citracado Parkway	W Valley Parkway	Scenic Trail Way	35 (25 WCAP*)
Mountain View Drive	Glenridge Road	City Limits	35
Sheridan Avenue	Ash Street	Conway Drive	25

*\*When Children Are Present*