

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY APRIL 8, 2024

AMENDED IN ASSEMBLY MARCH 12, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2583

**Introduced by Assembly Member Berman
(Coauthor: Assembly Member Wallis)**

February 14, 2024

An act to amend Section 65302 of the Government Code, and to amend Section 40802 of, ~~to add Section 22352.5 to, and to amend,~~ repeal, and add Sections 22352 and 22358.4 of, *and to add and repeal Section 22352.5 of*, the Vehicle Code, relating to traffic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2583, as amended, Berman. School zones and walk zones.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including a circulation element to plan for transportation routes.

This bill would require, upon any substantive revision of the circulation element on or after January 1, 2025, the legislative body of a city or county, to identify and establish school walk zones for all schools located within the scope of the general plan. The bill would define a “school walk zone” to mean all roadways and sidewalks within ~~½ mile~~ *1,000 feet* in all directions of the boundary line of a school grounds. By placing new duties on county and city officials with respect to their land use planning, the bill would impose a state-mandated local program.

Existing law establishes a prima facie speed limit of 25 miles per hour when approaching or passing a school building or grounds contiguous to a highway or when the school grounds are not separated from the highway, as specified. Existing law authorizes a local authority, by ordinance or resolution, to reduce the prima facie speed limit based on an engineering and traffic survey, as specified. Existing law authorizes a local authority, by ordinance or resolution, to modify the prima facie speed limit based on distance from the school, if the highways have a maximum of two traffic lanes and a maximum posted prima facie speed limit of 30 miles per hour immediately before and after the school zone, as specified.

This bill would, beginning on January 1, ~~2027~~, 2028, establish a prima facie speed limit of 20 miles per hour in a school zone, as defined, during certain hours and days a school is in operation. The bill would, until January 1, ~~2027~~, 2028, authorize a local authority, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 miles per hour in a school zone, as specified. The bill would authorize a local authority, by ordinance or resolution, to determine and declare a prima facie speed limit of 25 miles per hour when approaching a school at a distance of 500 to 1,000 feet, without the above-mentioned conditions, as specified. The bill would also make conforming changes to implement these new speed limits and authorizations.

Existing law defines a “speed trap,” under certain circumstances, to mean, among other things, a particular section of a highway or state highway with a prima facie speed limit that is provided by law, as specified, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within a certain specified time period, and enforcement of the speed limit involves the use of radar or another specified electronic device. Existing law exempts application of that definition to a local street, road, or school zone, senior zone, business activity district, or speed limit adopted by a local authority under certain conditions.

This bill would expand the above-described exemption from what constitutes a speed trap to include school zones as described above.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302 of the Government Code is
2 amended to read:

3 65302. The general plan shall consist of a statement of
4 development policies and shall include a diagram or diagrams and
5 text setting forth objectives, principles, standards, and plan
6 proposals. The plan shall include the following elements:

7 (a) A land use element that designates the proposed general
8 distribution and general location and extent of the uses of the land
9 for housing, business, industry, open space, including agriculture,
10 natural resources, recreation, and enjoyment of scenic beauty,
11 education, public buildings and grounds, solid and liquid waste
12 disposal facilities, greenways, as defined in Section 816.52 of the
13 Civil Code, and other categories of public and private uses of land.
14 The location and designation of the extent of the uses of the land
15 for public and private uses shall consider the identification of land
16 and natural resources pursuant to paragraph (3) of subdivision (d).
17 The land use element shall include a statement of the standards of
18 population density and building intensity recommended for the
19 various districts and other territory covered by the plan. The land
20 use element shall identify and annually review those areas covered
21 by the plan that are subject to flooding identified by flood plain
22 mapping prepared by the Federal Emergency Management Agency
23 (FEMA) or the Department of Water Resources. The land use
24 element shall also do both of the following:

25 (1) Designate in a land use category that provides for timber
26 production those parcels of real property zoned for timberland
27 production pursuant to the California Timberland Productivity Act
28 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
29 of Division 1 of Title 5).

30 (2) Consider the impact of new growth on military readiness
31 activities carried out on military bases, installations, and operating
32 and training areas, when proposing zoning ordinances or
33 designating land uses covered by the general plan for land, or other

1 territory adjacent to military facilities, or underlying designated
2 military aviation routes and airspace.

3 (A) In determining the impact of new growth on military
4 readiness activities, information provided by military facilities
5 shall be considered. Cities and counties shall address military
6 impacts based on information from the military and other sources.

7 (B) The following definitions govern this paragraph:

8 (i) “Military readiness activities” mean all of the following:

9 (I) Training, support, and operations that prepare the members
10 of the military for combat.

11 (II) Operation, maintenance, and security of any military
12 installation.

13 (III) Testing of military equipment, vehicles, weapons, and
14 sensors for proper operation or suitability for combat use.

15 (ii) “Military installation” means a base, camp, post, station,
16 yard, center, homeport facility for any ship, or other activity under
17 the jurisdiction of the United States Department of Defense as
18 defined in paragraph (1) of subsection (e) of Section 2687 of Title
19 10 of the United States Code.

20 (b) (1) A circulation element consisting of the general location
21 and extent of existing and proposed major thoroughfares,
22 transportation routes, terminals, any military airports and ports,
23 ~~school walk zones~~, and other local public utilities and facilities,
24 all correlated with the land use element of the plan.

25 (2) (A) Commencing January 1, 2011, upon any substantive
26 revision of the circulation element, the legislative body shall
27 modify the circulation element to plan for a balanced, multimodal
28 transportation network that meets the needs of all users of streets,
29 roads, and highways for safe and convenient travel in a manner
30 that is suitable to the rural, suburban, or urban context of the
31 general plan.

32 (B) Upon any substantive revision of the circulation element
33 on or after January 1, 2025, the legislative body shall do all of the
34 following:

35 (i) Incorporate the principles of the Federal Highway
36 Administration’s Safe System Approach, in the circulation element
37 by including policies that aim to eliminate fatal and serious injuries
38 for all road users through a holistic view of the roadway system,
39 including provisions that account for human error, recognize

1 vulnerable road users, and promote redundant and proactive safety
2 measures.

3 (ii) Develop bicycle plans, pedestrian plans, and traffic calming
4 plans based on the policies and goals in the circulation element
5 that shall address all of the following for any urbanized area within
6 the scope of the general plan:

7 (I) Identify safety corridors and any land or facility that
8 generates high concentrations of bicyclists or pedestrians.

9 (II) Identify and establish school walk zones for all schools
10 located within the scope of the general plan.

11 (III) Use evidence-based strategies, including strategies
12 identified in the United States Department of Transportation's
13 Strategic Highway Safety Plan to develop safety measures specific
14 to those areas that are intended to eliminate traffic fatalities, with
15 an emphasis on fatalities of bicyclists, pedestrians, and users of
16 any other form of micromobility device in the areas identified in
17 subclauses (I) and (II).

18 (IV) Set goals for initiation and completion of all actions
19 identified in the plans within 25 years of the date of adoption of
20 the modified circulation element based upon projected development
21 activities within urbanized areas within the scope of the general
22 plan and projected availability of revenues.

23 (C) A county or city shall begin implementation of the modified
24 circulation element plan specified in subparagraph (B) within two
25 years of the date of adoption of the plan.

26 (i) A county or city shall regularly review the progress towards
27 and identify impediments to completing implementation of the
28 plan for a multimodal transportation network, including all bicycle
29 plans, pedestrian plans, and traffic calming plans iterated in the
30 modified circulation element, and the construction of any related
31 infrastructure.

32 (ii) A county or city shall consider revising the circulation
33 element if, following the review under clause (i), the county or
34 city determines it will not reach the goals of the bicycle, pedestrian,
35 or traffic calming plans within 25 years of the date of adoption of
36 the modified circulation element.

37 (D) For the purposes of this paragraph, the following definitions
38 shall apply:

39 (i) "Business activity district" has the same meaning as defined
40 in Section 22358.9 of the Vehicle Code.

(ii) “Land facilities that generate high concentrations of bicyclists or pedestrians” has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) “Micromobility device” means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) “Safety corridor” has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) “Urbanized area” has the same meaning as defined in Section 21071 of the Public Resources Code.

(E) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(3) For purposes of this subdivision, “school walk zone” means all roadways and sidewalks within ~~one-half mile~~ *1,000 feet* in all directions of the boundary line of a school grounds.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

1 (B) Prevention and control of the pollution of streams and other
2 waters.

3 (C) Regulation of the use of land in stream channels and other
4 areas required for the accomplishment of the conservation plan.

5 (D) Prevention, control, and correction of the erosion of soils,
6 beaches, and shores.

7 (E) Protection of watersheds.

8 (F) The location, quantity, and quality of the rock, sand, and
9 gravel resources.

10 (3) Upon the next revision of the housing element on or after
11 January 1, 2009, the conservation element shall identify rivers,
12 creeks, streams, flood corridors, riparian habitats, and land that
13 may accommodate floodwater for purposes of groundwater
14 recharge and stormwater management.

15 (e) An open-space element as provided in Article 10.5
16 (commencing with Section 65560).

17 (f) (1) A noise element that shall identify and appraise noise
18 problems in the community. The noise element shall analyze and
19 quantify, to the extent practicable, as determined by the legislative
20 body, current and projected noise levels for all of the following
21 sources:

22 (A) Highways and freeways.

23 (B) Primary arterials and major local streets.

24 (C) Passenger and freight online railroad operations and ground
25 rapid transit systems.

26 (D) Commercial, general aviation, heliport, helistop, and military
27 airport operations, aircraft overflights, jet engine test stands, and
28 all other ground facilities and maintenance functions related to
29 airport operation.

30 (E) Local industrial plants, including, but not limited to, railroad
31 classification yards.

32 (F) Other ground stationary noise sources, including, but not
33 limited to, military installations, identified by local agencies as
34 contributing to the community noise environment.

35 (2) Noise contours shall be shown for all of these sources and
36 stated in terms of community noise equivalent level (CNEL) or
37 day-night average sound level (L_{dn}). The noise contours shall be
38 prepared on the basis of noise monitoring or following generally
39 accepted noise modeling techniques for the various sources
40 identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

1 (3) The noise contours shall be used as a guide for establishing
2 a pattern of land uses in the land use element that minimizes the
3 exposure of community residents to excessive noise.

4 (4) The noise element shall include implementation measures
5 and possible solutions that address existing and foreseeable noise
6 problems, if any. The adopted noise element shall serve as a
7 guideline for compliance with the state's noise insulation standards.

8 (g) (1) A safety element for the protection of the community
9 from any unreasonable risks associated with the effects of
10 seismically induced surface rupture, ground shaking, ground
11 failure, tsunami, seiche, and dam failure; slope instability leading
12 to mudslides and landslides; subsidence; liquefaction; and other
13 seismic hazards identified pursuant to Chapter 7.8 (commencing
14 with Section 2690) of Division 2 of the Public Resources Code,
15 and other geologic hazards known to the legislative body; flooding;
16 and wildland and urban fires. The safety element shall include
17 mapping of known seismic and other geologic hazards. It shall
18 also address evacuation routes, military installations, peakload
19 water supply requirements, and minimum road widths and
20 clearances around structures, as those items relate to identified fire
21 and geologic hazards.

22 (2) The safety element, upon the next revision of the housing
23 element on or after January 1, 2009, shall also do the following:

24 (A) Identify information regarding flood hazards, including,
25 but not limited to, the following:

26 (i) Flood hazard zones. As used in this subdivision, "flood
27 hazard zone" means an area subject to flooding that is delineated
28 as either a special hazard area or an area of moderate or minimal
29 hazard on an official flood insurance rate map issued by FEMA.
30 The identification of a flood hazard zone does not imply that areas
31 outside the flood hazard zones or uses permitted within flood
32 hazard zones will be free from flooding or flood damage.

33 (ii) National Flood Insurance Program maps published by
34 FEMA.

35 (iii) Information about flood hazards that is available from the
36 United States Army Corps of Engineers.

37 (iv) Designated floodway maps that are available from the
38 Central Valley Flood Protection Board.

1 (v) Dam failure inundation maps prepared pursuant to Section
2 6161 of the Water Code that are available from the Department of
3 Water Resources.

4 (vi) Awareness Floodplain Mapping Program maps and 200-year
5 flood plain maps that are or may be available from, or accepted
6 by, the Department of Water Resources.

7 (vii) Maps of levee protection zones.

8 (viii) Areas subject to inundation in the event of the failure of
9 project or nonproject levees or floodwalls.

10 (ix) Historical data on flooding, including locally prepared maps
11 of areas that are subject to flooding, areas that are vulnerable to
12 flooding after wildfires, and sites that have been repeatedly
13 damaged by flooding.

14 (x) Existing and planned development in flood hazard zones,
15 including structures, roads, utilities, and essential public facilities.

16 (xi) Local, state, and federal agencies with responsibility for
17 flood protection, including special districts and local offices of
18 emergency services.

19 (B) Establish a set of comprehensive goals, policies, and
20 objectives based on the information identified pursuant to
21 subparagraph (A), for the protection of the community from the
22 unreasonable risks of flooding, including, but not limited to:

23 (i) Avoiding or minimizing the risks of flooding to new
24 development.

25 (ii) Evaluating whether new development should be located in
26 flood hazard zones, and identifying construction methods or other
27 methods to minimize damage if new development is located in
28 flood hazard zones.

29 (iii) Maintaining the structural and operational integrity of
30 essential public facilities during flooding.

31 (iv) Locating, when feasible, new essential public facilities
32 outside of flood hazard zones, including hospitals and health care
33 facilities, emergency shelters, fire stations, emergency command
34 centers, and emergency communications facilities or identifying
35 construction methods or other methods to minimize damage if
36 these facilities are located in flood hazard zones.

37 (v) Establishing cooperative working relationships among public
38 agencies with responsibility for flood protection.

1 (C) Establish a set of feasible implementation measures designed
2 to carry out the goals, policies, and objectives established pursuant
3 to subparagraph (B).

4 (3) Upon the next revision of the housing element on or after
5 January 1, 2014, the safety element shall be reviewed and updated
6 as necessary to address the risk of fire for land classified as state
7 responsibility areas, as defined in Section 4102 of the Public
8 Resources Code, and land classified as very high fire hazard
9 severity zones, as defined in Section 51177. This review shall
10 consider the advice included in the Office of Planning and
11 Research's most recent publication of "Fire Hazard Planning,
12 General Plan Technical Advice Series" and shall also include all
13 of the following:

14 (A) Information regarding fire hazards, including, but not limited
15 to, all of the following:

16 (i) Fire hazard severity zone maps available from the Office of
17 the State Fire Marshal.

18 (ii) Any historical data on wildfires available from local agencies
19 or a reference to where the data can be found.

20 (iii) Information about wildfire hazard areas that may be
21 available from the United States Geological Survey.

22 (iv) General location and distribution of existing and planned
23 uses of land in very high fire hazard severity zones and in state
24 responsibility areas, including structures, roads, utilities, and
25 essential public facilities. The location and distribution of planned
26 uses of land shall not require defensible space compliance measures
27 required by state law or local ordinance to occur on publicly owned
28 lands or open-space designations of homeowner associations.

29 (v) Local, state, and federal agencies with responsibility for fire
30 protection, including special districts and local offices of
31 emergency services.

32 (B) A set of goals, policies, and objectives based on the
33 information identified pursuant to subparagraph (A) for the
34 protection of the community from the unreasonable risk of wildfire.

35 (C) A set of feasible implementation measures designed to carry
36 out the goals, policies, and objectives based on the information
37 identified pursuant to subparagraph (B), including, but not limited
38 to, all of the following:

39 (i) Avoiding or minimizing the wildfire hazards associated with
40 new uses of land.

1 (ii) Locating, when feasible, new essential public facilities
2 outside of high fire risk areas, including, but not limited to,
3 hospitals and health care facilities, emergency shelters, emergency
4 command centers, and emergency communications facilities, or
5 identifying construction methods or other methods to minimize
6 damage if these facilities are located in a state responsibility area
7 or very high fire hazard severity zone.

8 (iii) Designing adequate infrastructure if a new development is
9 located in a state responsibility area or in a very high fire hazard
10 severity zone, including safe access for emergency response
11 vehicles, visible street signs, and water supplies for structural fire
12 suppression.

13 (iv) Working cooperatively with public agencies with
14 responsibility for fire protection.

15 (D) If a city or county has adopted a fire safety plan or document
16 separate from the general plan, an attachment of, or reference to,
17 a city or county's adopted fire safety plan or document that fulfills
18 commensurate goals and objectives and contains information
19 required pursuant to this paragraph.

20 (4) Upon the next revision of a local hazard mitigation plan,
21 adopted in accordance with the federal Disaster Mitigation Act of
22 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
23 local jurisdiction has not adopted a local hazard mitigation plan,
24 beginning on or before January 1, 2022, the safety element shall
25 be reviewed and updated as necessary to address climate adaptation
26 and resiliency strategies applicable to the city or county. This
27 review shall consider advice provided in the Office of Planning
28 and Research's General Plan Guidelines and shall include all of
29 the following:

30 (A) (i) A vulnerability assessment that identifies the risks that
31 climate change poses to the local jurisdiction and the geographic
32 areas at risk from climate change impacts, including, but not limited
33 to, an assessment of how climate change may affect the risks
34 addressed pursuant to paragraphs (2) and (3).

35 (ii) Information that may be available from federal, state,
36 regional, and local agencies that will assist in developing the
37 vulnerability assessment and the adaptation policies and strategies
38 required pursuant to subparagraph (B), including, but not limited
39 to, all of the following:

40 (I) Information from the internet-based Cal-Adapt tool.

1 (II) Information from the most recent version of the California
2 Adaptation Planning Guide.

3 (III) Information from local agencies on the types of assets,
4 resources, and populations that will be sensitive to various climate
5 change exposures.

6 (IV) Information from local agencies on their current ability to
7 deal with the impacts of climate change.

8 (V) Historical data on natural events and hazards, including
9 locally prepared maps of areas subject to previous risk, areas that
10 are vulnerable, and sites that have been repeatedly damaged.

11 (VI) Existing and planned development in identified at-risk
12 areas, including structures, roads, utilities, and essential public
13 facilities.

14 (VII) Federal, state, regional, and local agencies with
15 responsibility for the protection of public health and safety and
16 the environment, including special districts and local offices of
17 emergency services.

18 (B) A set of adaptation and resilience goals, policies, and
19 objectives based on the information specified in subparagraph (A)
20 for the protection of the community.

21 (C) A set of feasible implementation measures designed to carry
22 out the goals, policies, and objectives identified pursuant to
23 subparagraph (B), including, but not limited to, all of the following:

24 (i) Feasible methods to avoid or minimize climate change
25 impacts associated with new uses of land.

26 (ii) The location, when feasible, of new essential public facilities
27 outside of at-risk areas, including, but not limited to, hospitals and
28 health care facilities, emergency shelters, emergency command
29 centers, and emergency communications facilities, or identifying
30 construction methods or other methods to minimize damage if
31 these facilities are located in at-risk areas.

32 (iii) The designation of adequate and feasible infrastructure
33 located in an at-risk area.

34 (iv) Guidelines for working cooperatively with relevant local,
35 regional, state, and federal agencies.

36 (v) The identification of natural infrastructure that may be used
37 in adaptation projects, where feasible. Where feasible, the plan
38 shall use existing natural features and ecosystem processes, or the
39 restoration of natural features and ecosystem processes, when
40 developing alternatives for consideration. For purposes of this

1 clause, “natural infrastructure” means using natural ecological
2 systems or processes to reduce vulnerability to climate change
3 related hazards, or other related climate change effects, while
4 increasing the long-term adaptive capacity of coastal and inland
5 areas by perpetuating or restoring ecosystem services. This
6 includes, but is not limited to, the conservation, preservation, or
7 sustainable management of any form of aquatic or terrestrial
8 vegetated open space, such as beaches, dunes, tidal marshes, reefs,
9 seagrass, parks, rain gardens, and urban tree canopies. It also
10 includes systems and practices that use or mimic natural processes,
11 such as permeable pavements, bioswales, and other engineered
12 systems, such as levees that are combined with restored natural
13 systems, to provide clean water, conserve ecosystem values and
14 functions, and provide a wide array of benefits to people and
15 wildlife.

16 (D) (i) If a city or county has adopted the local hazard
17 mitigation plan, or other climate adaptation plan or document that
18 fulfills commensurate goals and objectives and contains the
19 information required pursuant to this paragraph, separate from the
20 general plan, an attachment of, or reference to, the local hazard
21 mitigation plan or other climate adaptation plan or document.

22 (ii) Cities or counties that have an adopted hazard mitigation
23 plan, or other climate adaptation plan or document that substantially
24 complies with this section, or have substantially equivalent
25 provisions to this subdivision in their general plans, may use that
26 information in the safety element to comply with this subdivision,
27 and shall summarize and incorporate by reference into the safety
28 element the other general plan provisions, climate adaptation plan
29 or document, specifically showing how each requirement of this
30 subdivision has been met.

31 (5) Upon the next revision of the housing element on or after
32 January 1, 2020, the safety element shall be reviewed and updated
33 as necessary to identify residential developments in any hazard
34 area identified in the safety element that do not have at least two
35 emergency evacuation routes.

36 (6) After the initial revision of the safety element pursuant to
37 paragraphs (2), (3), (4), and (5), the planning agency shall review
38 and, if necessary, revise the safety element upon each revision of
39 the housing element or local hazard mitigation plan, but not less
40 than once every eight years, to identify new information relating

1 to flood and fire hazards and climate adaptation and resiliency
2 strategies applicable to the city or county that was not available
3 during the previous revision of the safety element.

4 (7) Cities and counties that have flood plain management
5 ordinances that have been approved by FEMA that substantially
6 comply with this section, or have substantially equivalent
7 provisions to this subdivision in their general plans, may use that
8 information in the safety element to comply with this subdivision,
9 and shall summarize and incorporate by reference into the safety
10 element the other general plan provisions or the flood plain
11 ordinance, specifically showing how each requirement of this
12 subdivision has been met.

13 (8) Before the periodic review of its general plan and before
14 preparing or revising its safety element, each city and county shall
15 consult the California Geological Survey of the Department of
16 Conservation, the Central Valley Flood Protection Board, if the
17 city or county is located within the boundaries of the Sacramento
18 and San Joaquin Drainage District, as set forth in Section 8501 of
19 the Water Code, and the Office of Emergency Services for the
20 purpose of including information known by and available to the
21 department, the agency, and the board required by this subdivision.

22 (9) To the extent that a county's safety element is sufficiently
23 detailed and contains appropriate policies and programs for
24 adoption by a city, a city may adopt that portion of the county's
25 safety element that pertains to the city's planning area in
26 satisfaction of the requirement imposed by this subdivision.

27 (h) (1) An environmental justice element, or related goals,
28 policies, and objectives integrated in other elements, that identifies
29 disadvantaged communities within the area covered by the general
30 plan of the city, county, or city and county, if the city, county, or
31 city and county has a disadvantaged community. The
32 environmental justice element, or related environmental justice
33 goals, policies, and objectives integrated in other elements, shall
34 do all of the following:

35 (A) Identify objectives and policies to reduce the unique or
36 compounded health risks in disadvantaged communities by means
37 that include, but are not limited to, the reduction of pollution
38 exposure, including the improvement of air quality, and the
39 promotion of public facilities, food access, safe and sanitary homes,
40 and physical activity.

1 (B) Identify objectives and policies to promote civic engagement
2 in the public decisionmaking process.

3 (C) Identify objectives and policies that prioritize improvements
4 and programs that address the needs of disadvantaged communities.

5 (2) A city, county, or city and county subject to this subdivision
6 shall adopt or review the environmental justice element, or the
7 environmental justice goals, policies, and objectives in other
8 elements, upon the adoption or next revision of two or more
9 elements concurrently on or after January 1, 2018.

10 (3) By adding this subdivision, the Legislature does not intend
11 to require a city, county, or city and county to take any action
12 prohibited by the United States Constitution or the California
13 Constitution.

14 (4) For purposes of this subdivision, the following terms shall
15 apply:

16 (A) “Disadvantaged communities” means an area identified by
17 the California Environmental Protection Agency pursuant to
18 Section 39711 of the Health and Safety Code or an area that is a
19 low-income area that is disproportionately affected by
20 environmental pollution and other hazards that can lead to negative
21 health effects, exposure, or environmental degradation.

22 (B) “Public facilities” includes public improvements, public
23 services, and community amenities, as defined in subdivision (d)
24 of Section 66000.

25 (C) “Low-income area” means an area with household incomes
26 at or below 80 percent of the statewide median income or with
27 household incomes at or below the threshold designated as low
28 income by the Department of Housing and Community
29 Development’s list of state income limits adopted pursuant to
30 Section 50093 of the Health and Safety Code.

31 SEC. 2. Section 22352 of the Vehicle Code is amended to read:

32 22352. The prima facie limits are as follows and shall be
33 applicable unless changed as authorized in this code and, if so
34 changed, only when signs have been erected giving notice thereof:

35 (a) Fifteen miles per hour:

36 (1) When traversing a railway grade crossing, if during the last
37 100 feet of the approach to the crossing the driver does not have
38 a clear and unobstructed view of the crossing and of any traffic on
39 the railway for a distance of 400 feet in both directions along the
40 railway. This subdivision does not apply in the case of any railway

1 grade crossing where a human flagperson is on duty or a clearly
2 visible electrical or mechanical railway crossing signal device is
3 installed but does not then indicate the immediate approach of a
4 railway train or car.

5 (2) When traversing any intersection of highways if during the
6 last 100 feet of the driver's approach to the intersection the driver
7 does not have a clear and unobstructed view of the intersection
8 and of any traffic upon all of the highways entering the intersection
9 for a distance of 100 feet along all those highways, except at an
10 intersection protected by stop signs or yield right-of-way signs or
11 controlled by official traffic control signals.

12 (3) On any alley.

13 (b) Twenty-five miles per hour:

14 (1) On any highway, in any business or residence district unless
15 a different speed is determined by local authority or the Department
16 of Transportation under procedures set forth in this code.

17 (2) When passing a senior center or other facility primarily used
18 by senior citizens, contiguous to a street other than a state highway
19 and posted with a standard "SENIOR" warning sign. A local
20 authority may erect a sign pursuant to this paragraph when the
21 local agency makes a determination that the proposed signing
22 should be implemented. A local authority may request grant
23 funding from the Active Transportation Program pursuant to
24 Chapter 8 (commencing with Section 2380) of Division 3 of the
25 Streets and Highways Code, or any other grant funding available
26 to it, and use that grant funding to pay for the erection of those
27 signs, or may utilize any other funds available to it to pay for the
28 erection of those signs, including, but not limited to, donations
29 from private sources.

30 ~~(3) (A) In a school zone during all of the following time periods:~~

31 ~~(i) Seven a.m. through 10 a.m., inclusive, and 2 p.m. through 5~~
32 ~~p.m., inclusive, Monday through Friday, on days the school is in~~
33 ~~operation. A local authority may propose alternative hours, so long~~
34 ~~as the hours are no less than one hour before or after the school is~~
35 ~~in operation and the alternative hours are posted on the "SCHOOL"~~
36 ~~warning sign.~~

37 ~~(ii) During any period when the beacons attached to a standard~~
38 ~~"SCHOOL" warning sign are flashing if the sign is equipped with~~
39 ~~a notice that indicates that the school zone speed limit is in effect~~
40 ~~when the beacons are flashing. For the purpose of this~~

1 subparagraph, a standard “SCHOOL” warning sign may be placed
2 at any distance up to 500 feet away from school grounds.

3 ~~(B) For the purposes of this paragraph, “school zone” has the~~
4 ~~same meaning as defined in Section 40802 of the Vehicle Code.~~

5 *(3) When approaching or passing a school building, or the*
6 *grounds thereof, contiguous to a highway and posted with a*
7 *standard “SCHOOL” warning sign, while children are going to*
8 *or leaving the school either during school hours or during the*
9 *noon recess period. The prima facie limit shall also apply when*
10 *approaching or passing any school grounds that are not separated*
11 *from the highway by a fence, gate, or other physical barrier while*
12 *the grounds are in use by children and the highway is posted with*
13 *a standard “SCHOOL” warning sign. For purposes of this*
14 *paragraph, standard “SCHOOL” warning signs may be placed*
15 *at any distance up to 500 feet away from school grounds.*

16 ~~(c) This section shall become inoperative on~~ *remain in effect*
17 *until January 1, 2027, 2028, and as of that date is repealed.*

18 SEC. 3. Section 22352 is added to the Vehicle Code, to read:

19 22352. The prima facie limits are as follows and shall be
20 applicable unless changed as authorized in this code and, if so
21 changed, only when signs have been erected giving notice thereof:

22 (a) Fifteen miles per hour:

23 (1) When traversing a railway grade crossing, if during the last
24 100 feet of the approach to the crossing the driver does not have
25 a clear and unobstructed view of the crossing and of any traffic on
26 the railway for a distance of 400 feet in both directions along the
27 railway. This subdivision does not apply in the case of any railway
28 grade crossing where a human flagperson is on duty or a clearly
29 visible electrical or mechanical railway crossing signal device is
30 installed but does not then indicate the immediate approach of a
31 railway train or car.

32 (2) When traversing any intersection of highways if during the
33 last 100 feet of the driver’s approach to the intersection the driver
34 does not have a clear and unobstructed view of the intersection
35 and of any traffic upon all of the highways entering the intersection
36 for a distance of 100 feet along all those highways, except at an
37 intersection protected by stop signs or yield right-of-way signs or
38 controlled by official traffic control signals.

39 (3) On any alley.

(b) (1) Twenty miles per hour in a school zone during all of the following time periods:

(A) Seven a.m. ~~through 10~~ to 9 a.m., inclusive, and 2 p.m. ~~through~~ to 5 p.m., inclusive, Monday through Friday, on days the school is in operation. A local authority may propose alternative hours, so long as the hours are no less than one hour before or after the school is in operation and the alternative hours are posted on the “SCHOOL” warning sign.

(B) During any period when the beacons attached to a standard “SCHOOL” warning sign are flashing if the sign is equipped with a notice that indicates that the school zone speed limit is in effect when the beacons are flashing. For the purpose of this subparagraph, a standard “SCHOOL” warning sign may be placed at any distance up to 500 feet away from school grounds.

(2) For the purposes of this subdivision, “school zone” has the same meaning as defined in Section 40802 of the Vehicle Code.

(c) Twenty-five miles per hour:

(1) On any highway, in any business or residence district unless a different speed is determined by local authority or the Department of Transportation under procedures set forth in this code.

(2) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard “SENIOR” warning sign. A local authority may erect a sign pursuant to this paragraph when the local agency makes a determination that the proposed signing should be implemented. A local authority may request grant funding from the Active Transportation Program pursuant to Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code, or any other grant funding available to it, and use that grant funding to pay for the erection of those signs, or may utilize any other funds available to it to pay for the erection of those signs, including, but not limited to, donations from private sources.

(d) This section shall become operative on January 1, ~~2027~~. 2028.

SEC. 4. Section 22352.5 is added to the Vehicle Code, to read:

22352.5. (a) Notwithstanding Section 22352, a local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 miles per hour in a school zone during all of the following time periods:

1 (1) Seven a.m. ~~through 10 to 9 a.m.~~, inclusive, and 2 p.m.
2 ~~through to 5 p.m.~~, inclusive, Monday through Friday, on days the
3 school is in operation. A local authority may propose alternative
4 hours, so long as the hours are no less than one hour before or after
5 the school is in operation and the alternative hours are posted on
6 the “SCHOOL” warning sign.

7 (2) During any period when the beacons attached to a standard
8 “SCHOOL” warning sign are flashing if the sign is equipped with
9 a notice that indicates that the school zone speed limit is in effect
10 when the beacons are flashing. For the purpose of this
11 subparagraph, a standard “SCHOOL” warning sign may be placed
12 at any distance up to 500 feet away from school grounds.

13 (b) For purposes of this section, “school zone” has the same
14 meaning as defined in Section 40802 of the Vehicle Code.

15 (c) This section shall ~~become inoperative on~~ *remain in effect*
16 *until* January 1, ~~2027~~, 2028, and as of that date is repealed.

17 SEC. 5. Section 22358.4 of the Vehicle Code is amended to
18 read:

19 22358.4. (a) (1) Whenever a local authority determines upon
20 the basis of an engineering and traffic survey that the prima facie
21 speed limit established by subdivision (b) of Section 22352 is more
22 than is reasonable or safe, the local authority may, by ordinance
23 or resolution, determine and declare a prima facie speed limit of
24 15 miles per hour if justified as the appropriate speed limit by that
25 survey.

26 (2) An ordinance or resolution adopted under paragraph (1)
27 shall not be effective until appropriate signs giving notice of the
28 speed limit are erected upon the highway and, in the case of a state
29 highway, until the ordinance is approved by the Department of
30 Transportation and the appropriate signs are erected upon the
31 highway.

32 (b) (1) Notwithstanding subdivision (a) or any other provision
33 of law, a local authority may, by ordinance or resolution, determine
34 and declare prima facie speed limits as follows:

35 (A) A 15 miles per hour prima facie limit in a residence district,
36 on a highway with a posted speed limit of 30 miles per hour or
37 slower, when approaching, at a distance of less than 500 feet from,
38 a school building or the grounds thereof, contiguous to a highway
39 and posted with a school warning sign that indicates a speed limit
40 of 15 miles per hour from 7 a.m. ~~through 10 to 9 a.m.~~, inclusive,

1 and 2 p.m. ~~through~~ to 5 p.m., inclusive, Monday through Friday,
2 on days the school is in operation and the highway is posted with
3 a school warning sign that indicates a speed limit of 15 miles per
4 hour, or during a period when beacons attached to a standard
5 “SCHOOL” warning sign are flashing and the sign is equipped
6 with a notice that indicates that the school zone speed limit is in
7 effect when a beacon is flashing. A local authority may propose
8 alternative hours, so long as the hours are no less than one hour
9 before or after the school is in operation and the alternative hours
10 are posted on the “SCHOOL” warning sign.

11 (B) A 25 miles per hour prima facie limit on a highway when
12 approaching, at a distance of 500 to 1,000 feet from, a school
13 building or the grounds thereof, contiguous to a highway and
14 posted with a school warning sign that indicates a speed limit of
15 25 miles per hour from 7 a.m. ~~through~~ to 9 a.m., inclusive, and
16 2 p.m. ~~through~~ to 5 p.m., inclusive, Monday through Friday, on
17 days the school is in operation and the highway is posted with a
18 school warning sign that indicates a speed limit of 25 miles per
19 hour, or during a period when beacons attached to a standard
20 “SCHOOL” warning sign are flashing and the sign is equipped
21 with a notice that indicates that the school zone speed limit is in
22 effect when a beacon is flashing. A local authority may propose
23 alternative hours, so long as the hours are no less than one hour
24 before or after the school is in operation and the alternative hours
25 are posted on the “SCHOOL” warning sign.

26 (2) The prima facie limit established under subparagraph (A)
27 of paragraph (1) applies only to highways that meet all of the
28 following conditions:

29 (A) A maximum of two traffic lanes.

30 (B) A maximum posted 30 miles per hour prima facie speed
31 limit immediately prior to and after the school zone.

32 (3) The prima facie limits established under paragraph (1) apply
33 to all lanes of an affected highway, in both directions of travel.

34 (4) When determining the need to lower the prima facie speed
35 limit, the local authority shall take the provisions of Section 627
36 into consideration.

37 (5) (A) An ordinance or resolution adopted under paragraph
38 (1) shall not be effective until appropriate signs giving notice of
39 the speed limit are erected upon the highway and, in the case of a
40 state highway, until the ordinance is approved by the Department

1 of Transportation and the appropriate signs are erected upon the
2 highway.

3 (B) For purposes of subparagraph (A) of paragraph (1), school
4 warning signs indicating a speed limit of 15 miles per hour may
5 be placed at a distance up to 500 feet away from school grounds.

6 (C) For purposes of subparagraph (B) of paragraph (1), school
7 warning signs indicating a speed limit of 25 miles per hour may
8 be placed at any distance between 500 and 1,000 feet away from
9 the school grounds.

10 (D) A local authority shall reimburse the Department of
11 Transportation for all costs incurred by the department under this
12 subdivision.

13 (c) This section shall ~~become inoperative on~~ *remain in effect*
14 *until* January 1, ~~2027~~, 2028, and as of that date is repealed.

15 SEC. 6. Section 22358.4 is added to the Vehicle Code, to read:

16 22358.4. (a) (1) Whenever a local authority determines upon
17 the basis of an engineering and traffic survey that the prima facie
18 speed limits established by subdivision (b) or (c) of Section 22352
19 are more than is reasonable or safe, the local authority may, by
20 ordinance or resolution, determine and declare a prima facie speed
21 limit of 15 miles per hour if justified as the appropriate speed limit
22 by that survey.

23 (2) An ordinance or resolution adopted under paragraph (1)
24 shall not be effective until appropriate signs giving notice of the
25 speed limit are erected upon the highway and, in the case of a state
26 highway, until the ordinance is approved by the Department of
27 Transportation and the appropriate signs are erected upon the
28 highway.

29 (b) (1) Notwithstanding subdivision (a) or any other provision
30 of law, a local authority may, by ordinance or resolution, determine
31 and declare prima facie speed limits as follows:

32 (A) A 15 miles per hour prima facie limit in a residence district,
33 on a highway with a posted speed limit of 30 miles per hour or
34 slower, when approaching, at a distance of less than 500 feet from,
35 a school building or the grounds thereof, contiguous to a highway
36 and posted with a school warning sign that indicates a speed limit
37 of 15 miles per hour from 7 a.m. ~~through 10~~ to 9 a.m., inclusive,
38 and 2 p.m. ~~through~~ to 5 p.m., inclusive, Monday through Friday,
39 on days the school is in operation and the highway is posted with
40 a school warning sign that indicates a speed limit of 15 miles per

1 hour, or during a period when beacons attached to a standard
2 “SCHOOL” warning sign are flashing and the sign is equipped
3 with a notice that indicates that the school zone speed limit is in
4 effect when a beacon is flashing. A local authority may propose
5 alternative hours, so long as the hours are no less than one hour
6 before or after the school is in operation and the alternative hours
7 are posted on the “SCHOOL” warning sign.

8 (B) A 25 miles per hour prima facie limit on a highway when
9 approaching, at a distance of 500 to 1,000 feet from, a school
10 building or the grounds thereof, contiguous to a highway and
11 posted with a school warning sign that indicates a speed limit of
12 25 miles per hour from 7 a.m. ~~through 10~~ to 9 a.m., inclusive, and
13 2 p.m. ~~through~~ to 5 p.m., inclusive, Monday through Friday, on
14 days the school is in operation and the highway is posted with a
15 school warning sign that indicates a speed limit of 25 miles per
16 hour, or during a period when beacons attached to a standard
17 “SCHOOL” warning sign are flashing and the sign is equipped
18 with a notice that indicates that the school zone speed limit is in
19 effect when a beacon is flashing. A local authority may propose
20 alternative hours, so long as the hours are no less than one hour
21 before or after the school is in operation and the alternative hours
22 are posted on the “SCHOOL” warning sign.

23 (2) The prima facie limit established under subparagraph (A)
24 of paragraph (1) applies only to highways that meet all of the
25 following conditions:

26 (A) A maximum of two traffic lanes.

27 (B) A maximum posted 30 miles per hour prima facie speed
28 limit immediately prior to and after the school zone.

29 (3) The prima facie limits established under paragraph (1) apply
30 to all lanes of an affected highway, in both directions of travel.

31 (4) When determining the need to lower the prima facie speed
32 limit, the local authority shall take the provisions of Section 627
33 into consideration.

34 (5) (A) An ordinance or resolution adopted under paragraph
35 (1) shall not be effective until appropriate signs giving notice of
36 the speed limit are erected upon the highway and, in the case of a
37 state highway, until the ordinance is approved by the Department
38 of Transportation and the appropriate signs are erected upon the
39 highway.

(B) For purposes of subparagraph (A) of paragraph (1), school warning signs indicating a speed limit of 15 miles per hour may be placed at a distance up to 500 feet away from school grounds.

(C) For purposes of subparagraph (B) of paragraph (1), school warning signs indicating a speed limit of 25 miles per hour may be placed at any distance between 500 and 1,000 feet away from the school grounds.

(D) A local authority shall reimburse the Department of Transportation for all costs incurred by the department under this subdivision.

(c) This section shall become operative on January 1, ~~2027~~ 2028.

SEC. 7. Section 40802 of the Vehicle Code is amended to read: 40802. (a) A “speed trap” is either of the following:

(1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, school zone, senior zone, business activity district, or speed limit adopted under Section 22358.7 or 22358.8.

(b) (1) For purposes of this section, a local street or road is one that is functionally classified as “local” on the “California Road System Maps,” that are approved by the Federal Highway Administration and maintained by the Department of Transportation. It may also be defined as a “local street or road” if it primarily provides access to abutting residential property and meets the following three conditions:

(A) Roadway width of not more than 40 feet.

(B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.

1 (C) Not more than one traffic lane in each direction.

2 (2) For purposes of this section, “school zone” means that area
3 of a highway within 500 feet of school grounds and on which is
4 posted a standard “SCHOOL” warning sign, from 7 a.m. ~~through~~
5 ~~10 to~~ 9 a.m., inclusive, and 2 p.m. ~~through~~ to 5 p.m., inclusive,
6 Monday through Friday, on days the school is in operation, during
7 a period when beacons attached to a standard “SCHOOL” warning
8 sign are flashing, or while the school grounds are in use by children
9 if that highway is posted with a standard “SCHOOL” warning
10 sign. A local authority may propose alternative hours, so long as
11 the hours are no less than one hour before or after the school is in
12 operation and the alternative hours are posted on the “SCHOOL”
13 warning sign.

14 (3) For purposes of this section, “senior zone” means that area
15 approaching or passing a senior center building or other facility
16 primarily used by senior citizens, or the grounds thereof that is
17 contiguous to a highway and on which is posted a standard
18 “SENIOR” warning sign, pursuant to Section 22352.

19 (4) For purposes of this section, “business activity district”
20 means a section of highway described in subdivision (b) of Section
21 22358.9 in which a standard 25 miles per hour or 20 miles per
22 hour speed limit sign has been posted pursuant to paragraph (1)
23 of subdivision (a) of that section.

24 (c) (1) When all of the following criteria are met, paragraph
25 (2) of this subdivision shall be applicable and subdivision (a) shall
26 not be applicable:

27 (A) When radar is used, the arresting officer has successfully
28 completed a radar operator course of not less than 24 hours on the
29 use of police traffic radar, and the course was approved and
30 certified by the Commission on Peace Officer Standards and
31 Training.

32 (B) When a laser or any other electronic device is used to
33 measure the speed of moving objects, the arresting officer has
34 successfully completed the training required in subparagraph (A)
35 and an additional training course of not less than two hours
36 approved and certified by the Commission on Peace Officer
37 Standards and Training.

38 (C) (i) The prosecution proved that the arresting officer
39 complied with subparagraphs (A) and (B) and that an engineering
40 and traffic survey has been conducted in accordance with

1 subparagraph (B) of paragraph (2). The prosecution proved that,
2 prior to the officer issuing the notice to appear, the arresting officer
3 established that the radar, laser, or other electronic device
4 conformed to the requirements of subparagraph (D).

5 (ii) The prosecution proved the speed of the accused was unsafe
6 for the conditions present at the time of alleged violation unless
7 the citation was for a violation of Section 22349, 22356, or 22406.

8 (D) The radar, laser, or other electronic device used to measure
9 the speed of the accused meets or exceeds the minimal operational
10 standards of the National Highway Traffic Safety Administration,
11 and has been calibrated within the three years prior to the date of
12 the alleged violation by an independent certified laser or radar
13 repair and testing or calibration facility.

14 (2) A “speed trap” is either of the following:

15 (A) A particular section of a highway measured as to distance
16 and with boundaries marked, designated, or otherwise determined
17 in order that the speed of a vehicle may be calculated by securing
18 the time it takes the vehicle to travel the known distance.

19 (B) (i) A particular section of a highway or state highway with
20 a prima facie speed limit that is provided by this code or by local
21 ordinance under paragraph (1) of subdivision (b) of Section 22352,
22 or established under Section 22354, 22357, 22358, or 22358.3, if
23 that prima facie speed limit is not justified by an engineering and
24 traffic survey conducted within one of the following time periods,
25 prior to the date of the alleged violation, and enforcement of the
26 speed limit involves the use of radar or any other electronic device
27 that measures the speed of moving objects:

28 (I) Except as specified in subclause (II), seven years.

29 (II) If an engineering and traffic survey was conducted more
30 than 7 years prior to the date of the alleged violation, and a
31 registered engineer evaluates the section of the highway and
32 determines that no significant changes in roadway or traffic
33 conditions have occurred, including, but not limited to, changes
34 in adjoining property or land use, roadway width, or traffic volume,
35 14 years.

36 (ii) This subparagraph does not apply to a local street, road, or
37 school zone, senior zone, business activity district, or speed limit
38 adopted under Section 22358.4, 22358.7, or 22358.8.

39 SEC. 8. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

O