Ms. Riley:

I received your attached 1-14-21 letter via email.

I could attend (by Zoom) your 2-10-21 meeting - However I have an appointment from 4 to 5:00 pm that evening which might have me joining the MAC meeting somewhat late... after your meeting starts at 5:00... but, I am sure can join quite before it ends at 7:00 pm.

When it comes to speed zones it is all about law:

California Vehicle Code (CVC) § **22349** - Two lane - **55 MPH maximum** speed limit

CVC § **22350** -**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”... regardless of a posted maximum or prima facie district.

CVC § **627** - Mendocino County Code (MCC) Section 15.04.030, requires that posted speed limits be designated in Ordinance and accordance with the CVC as Maximum Speed Limits adopted by the Board of Supervisors (BOS).  However, for such speed zones to be radar enforceable by the California Highway Patrol (CHP), there needs to be a current **85th percentile Prevailing Speed** Engineering and Traffic Survey (E&TS) (within the last 5 to 7 years) on file for the courts.

Old posted speed zones (set before 1988 when CHP started radar enforcement) are a "legal enforcement problem countywide" because they are no longer radar enforceable without adjustment to the 85th percentile prevailing speed... for most county roads with old postings that means raising the posted limit between 5 to 15 miles per hour (mph) and the public rarely if ever will accept that.  Nevertheless, even if the public & BOS keep their legacy pre 1988 speed zones on the books, they effectively become classified under **CVC 40802 as "Speed Traps**... so MCDoT when petitioned by the public is trying to set new legal speed zones that hold up in court.  Trouble is that public & BOS can't accept raising the limits between 5 to 15 mph; when a new E&TS typically finds that higher speed.  Effective speed management requires a collaborative effort among Engineers, Law enforcement & Judiciary... examples why CHP will not enforce our speed zones:

*CVC 40803... No evidence as to the speed of a vehicle... be admitted in any court…when based upon or obtained by…a speed trap.*

*People v. Goulet (13 Cal.App.4th) 1992  
Speed traps bring disrespect to law enforcement and the courts…if a speed limit is set without being justified by ETS…it cannot be enforced by any means involving the use of radar.*

*People v. Perez, Orange County 2005  
Defendant - 53 mph on lidar  
Posted speed limit - 35 mph  
85th Percentile 44.2 mph  
Case dismissed !*

Ms. Riley, I happened to have recently responded to residences of a Tomki Road & Calpella Road who had contacted CHP about speeders.  I blocked out the names but am providing those letters FYI.  I also went through this process recently with the Round Valley Area Municipal Advisory Council (RVAMAC)... letter attached.  If I attend your meeting the contents of this email and attached letters will be the basis of what I say.

Your letter is very understandable and very much what I hear from many citizens, MAC's, etc.  Please make people slow down... Please make people be courteous and slow for bikes, pedestrians, turning cars from driveways... Post more signs, lower limits, flashing speed feedback signs... the Road Department needs to do SOMETHING!  It is the OPINION of the public that better messaging to drivers will make a difference.  Unfortunately, this is my response (opinion) based on studies and traffic behavior analysis on non-freeway/highway rural roads; that the basis for the principal behind 85th percentile Prevailing Speed is that most drivers are safe, drive the road per conditions - not the sign, drive within their "stopping sight distance".  There are about 15% who are aggressive, drive over what is reasonable and drive at speeds extremely unsafe for ANY condition.  When all is said & done the only effective purpose for a speed zone is to allow lawful enforcement... that gets a message across to those 15% of drivers who are *bad actors*.

In the end, I expect that your MAC (and the public at the meeting) will settle on getting me to add more CVC 40802 signs... if you can, you will insist on posting prima facie residential and park zones lower... none of it will be enforceable... but; people will hope that drivers who see more signs will slow down... the speed surveys and studies say that won't work... my own observations show it won't change Prevailing Speed... the argument I will attempt to make, will be for enforcement of those 15% of really bad guys... I fully expect to lose that argument and go on to put up a bunch of signs that say the same thing at $600 each...

Nevertheless, I am willing to have a conservation... it up to you; but, you could also invite the Sheriff & CHP... or research what I wrote above for yourself...

Feel free to call and discuss your letter before or simply reiterate your points in the open meeting... it is up to you.  Send me the Zoom login information as the 10th of February approaches...

Cordially,  
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County Engineer – County Surveyor – Road Commissioner

<RVMAC 1.14.21 ltr.pdf>

<E Side Calpella Rd MP 2.9-3.2 Speed Zone sample let.pdf>

<Howard Street Speed Zone response to RVAMAC 12-17-20 rev.pdf>

<Tomki Rd MP 0.80-1.5 Speed Zone sample ltr.pdf>