



Transportation Engineering Division

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Speed Limits

All states base their speed regulations on the *Basic Speed Law*: "No person shall drive a vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of persons or property" – CVC (California Vehicle Code) 22350.



All speed limits other than maximum speed limits are called prima facie limits, which are considered by law to be safe and prudent under normal conditions. Certain prima facie limits are established by California law and include the 25 MPH speed limit in business and residential districts and the 25 MPH limit in school zones when children are present.

An unreasonable speed limit, which is called a speed trap, may not be established. The Legislature has declared a strong public policy against the use of speed traps, to the extent that citations issued where a speed trap is found to exist are likely to be dismissed by local courts, particularly if radar enforcement methods are used -- CVC 40803–40805.

In practice, speed limits are normally set at the first five-mile per hour increment nearest the 85th percentile speed, defined as that speed at or below which 85 percent of the traffic is moving. Any further reduction of the speed limit must be documented by and clearly justified by an Engineering and Traffic Survey.

In residential neighborhoods, a 25 MPH speed limit is the default without an engineering and traffic survey so long as all of these conditions are met:

- The width does not exceed 40 feet.
- Within a distance of a quarter of a mile, there are 13 or more separate dwelling houses on one side of the highway, or 16 or more separate dwelling houses on both sides of the highway.
- There can only be one travel lane in each direction.

In all other areas the speed limit is set by an [engineering and traffic survey](#) which is done once every seven years for each segment of roadway.

When traffic problems occur, concerned citizens frequently ask why we don't lower the speed limit. There are widely held misconceptions that speed limit signs will slow the speed of traffic, reduce accidents, and increase safety. Most drivers drive

at a speed that they consider to be comfortable, regardless of the posted speed limit. Before and after studies have shown that there are no significant changes in average vehicle speeds following the posting of new or revised speed limits. Furthermore, research has found no direct relationship between posted speed limits and accident frequency.

Realistic speed limits help preserve uniformity of speed. Uniformity of speed is valuable for a number of reasons:

- It maintains consistency in traffic gaps for crossing traffic.
- It enables pedestrians to more accurately judge the speed of traffic.
- It reduces the possibility of conflict between faster and slower drivers.
- It makes unreasonable violators more obvious to enforcement personnel.

If you have any questions regarding speed limits or the engineering and traffic survey, please contact the Transportation Engineering Division by completing an [online form](#) or by calling (510) 494-4745.

If you have concerns regarding the enforcement of speed limits please contact the Traffic Unit of the Fremont Police Department at (510) 790-6800.