

Speed limits leave margin of error

By MARK BERGSTROM
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SANTA CRUZ — The speed-limit sign on Morrissey Boulevard may say 25, but don't believe it.

Since most drivers drive about 40 mph southbound on Morrissey between Parnell and Fairmont avenues, that is really the speed limit in that stretch. It's 41 mph going the other way.

The reason for the difference is that tricky answer on the driver's test called "the Basic Speed Law."

The Basic Speed Law says no person shall drive at a speed greater than is reasonable or prudent.

Since the California Vehicle Code assumes that the majority of drivers (85 percent) comply with the Basic Speed Law, the 85th percentile speed is the one the state says should be the real speed limit for a specific stretch of roadway.

For the police department to use radar to enforce speeding violations, the local courts must have on record a speed survey that establishes the 85th percentile speed on every roadway.

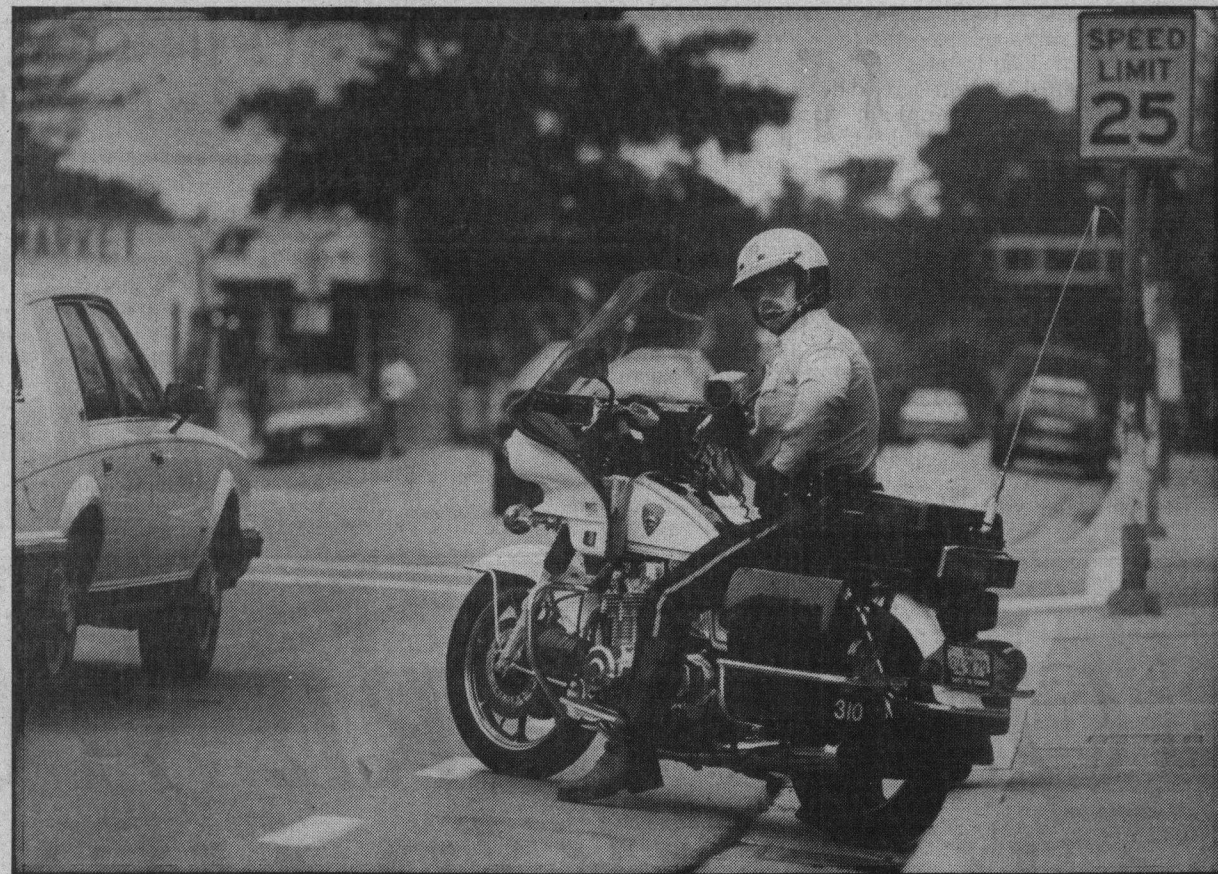
The same law governs the use of radar by police in Capitola, Scotts Valley, Watsonville and on county roads by the Highway Patrol.

"If you use radar on a non-surveyed roadway, chances are any tickets you write there will be dismissed," said Deputy Police Chief Mike Dunbaugh.

The City Council recently certified a new survey of city streets that will guide speed enforcement in the city through 1995.

"It sure seems we are encouraging a lot of drivers (to speed) by adopting this survey," worried Councilman Scott Kennedy.

In all but two cases, the 85th percentile speed is higher than 25 mph. Those two exceptions, both 24 mph, are Miramar Drive south-



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SCPD Officer Mark Sanders uses radar to check speed of traffic on Laurel Street.

bound between Escalona and Alta Vista drives and Laurel Street westbound between Cleveland Avenue and King Street.

The other city streets range from 28 mph (Broadway westbound between Fairbanks and Ocean) to 43 mph (Delaware Avenue eastbound between Swanton and Swift).

Police agencies can use radar to stop motorists exceeding those speeds. Each agency sets its own rules for how far over the survey

speed motorists can go before getting a ticket. SCPD uses 5 mph over, according to Dunbaugh.

"If somebody gets a ticket based on radar in this community, it's well deserved," Dunbaugh said.

He takes exception to the 85th percentile as always being a safe speed. "Branciforte is a good example. There are a lot of little kids walking to and from school and the 85th percentile — 34 to 40 mph — is faster than we think is safe there,"

he said.

"It's real frustrating for some neighborhoods who want us to crack down on speeders," Dunbaugh said. "The residents don't realize just how high the (survey) speeds are." Drivers shouldn't interpret the survey to be a ticket to speed, authorities warn. Guessing can be costly and dangerous, authorities say, because the survey speeds vary widely and even change from one block to the next.