SFMTA - TASC SUMMARY SHEET										
PreStaff_Date: 2/1/2022	Public Hearing	Consent	No objections:							
Requested_by: SFMTA	Public Hearing Regular		Item Held:							
Handled: Jeffrey Tom	Informational / 0	•	Other:							
Section Head : ET लि	PH - Regular	Julei	Other							
Location: Various Business Districts										
Subject: 20 MPH Speed Limit (Phase 2)										
PROPOSAL / REQUEST: RESCIND – 25 MPH SPEED LIMIT ESTABLISH – 20 MPH SPEED LIMIT 3rd Street, between Williams Avenue and 9th Avenue, between Lincoln Way and J Balboa Street, between 3rd Avenue and Balboa Street, between 3rd Avenue and Castro Street, between 33rd Avenue and Castro Street, between Market Street an Chestnut Street, between Divisadero Str Clement Street, between 26th Avenue and Columbus Avenue, between Bonview Stree Diamond Street, between Chenery Street Divisadero Street, between Pine Street an Divisadero Street, between Golden Gate Geary Street, between Mason Street and Geneva Avenue, between Gloria Court and (see attached for full list)	udah Street (D5) 7th Avenue (D1) d 39th Avenue (D1) d 19th Street (D8) eet and Fillmore Street (I nd 22nd Avenue (D1) ie and Arguello Boulevard n Street and North Point ( et and Folsom Street (D9) et and Bosworth Street (D9) and O'Farrell Street (D2 a Avenue and Haight Street Market Street (D3)	d (D1) D2 and D3) )) 8) nd D5)								
BACKGROUND INFORMATION / CC (All Supervisor Districts)	MMENTS									
Summary: Second phase of the implementation of AB43 which allowed cities in California to lower speed limits to 20 MPH in designated businesses districts that meet criteria such as at least 50 percent commercial frontage, on-street parking, and four or fewer lanes.										
Jeffrey Tom, jeffrey.tom@sfmta.com										
Background: * Current speed limits are 25 MPH										
HEARING NOTIFICATION AND PR	OCESSING NOTES:		MENTAL CLEARANCE BY: TA Attached Pending							
CHECK IF PREPARING SEPARATE	SFMTA BOARD CAL	ENDAR IT	EM FOR PROPOSAL: 🛛 🛛							

Various Business Districts - 20 MPH Speed Limit (Phase 2)

**RESCIND – 25 MPH SPEED LIMIT** 

This item has been scheduled for a series of Public Hearings. The segments highlighted are scheduled on March 18, 2022.

ESTABLISH - 20 MPH SPEED LIMIT 3rd Street, between Williams Avenue and Evans Avenue (D10) 9th Avenue, between Lincoln Way and Judah Street (D5) Balboa Street, between 3rd Avenue and 7th Avenue (D1) Balboa Street, between 33rd Avenue and 39th Avenue (D1) Castro Street, between Market Street and 19th Street (D8) Chestnut Street, between Divisadero Street and Fillmore Street (D2) Clement Street, between 26th Avenue and 22nd Avenue (D1) Clement Street, between Funston Avenue and Arguello Boulevard (D1) Columbus Avenue, between Washington Street and North Point (D2 and D3) Cortland Avenue, between Bonview Street and Folsom Street (D9) Diamond Street, between Chenery Street and Bosworth Street (D8) Divisadero Street, between Pine Street and O'Farrell Street (D2 and D5) Divisadero Street, between Golden Gate Avenue and Haight Street (D5) Geary Street, between Mason Street and Market Street (D3) Geneva Avenue, between Gloria Court and Paris Street (D11) Grant Avenue, between Market Street and Filbert Street (D3) Hayes Street, between Franklin Street and Laguna Street (D5) Irving Street, between 27th Avenue and 15th Avenue (D4 and D5) Irving Street, between 12th Avenue and 6th Avenue (D5) Jefferson Street, between Jones Street and Powell Street (D3) Leland Avenue, between Bayshore Boulevard and Alpha Street (D10) Market Street, between Castro Street and Franklin Street (D5, D6 and D8) Mission Street, between Foote Avenue and Silver Avenue (D11) Mission Street, between Cortland Avenue and 14<sup>th</sup> Street (D9) Noriega Street, between 19<sup>th</sup> Avenue and 27<sup>th</sup> Avenue (D4) Noriega Street, between 30<sup>th</sup> Avenue and 33<sup>rd</sup> Avenue (D4) Post Street, between Mason Street and Market Street (D3) Post Street, between Laguna Street and Fillmore Street (D5) Powell Street, between Bush Street and Ellis Street (D3) Sacramento Street, between Spruce Street and Lyon Street (D2) Stockton Street, between Market Street and Bush Street (D3) Stockton Street, between Sacramento Street and Filbert Street (D3) Taraval Street, between 17<sup>th</sup> Avenue and 26<sup>th</sup> Avenue (D4 and D7) Union Street, between Steiner Street and Van Ness Avenue (D2) West Portal Avenue, between 15<sup>th</sup> Avenue and Ulloa Street (D7)

(All Supervisor Districts)

Second phase of the implementation of AB43 which allowed cities in California to lower speed limits to 20 MPH in designated businesses districts that meet criteria such as at least 50 percent commercial frontage, on-street parking, and four or fewer lanes.

Jeffrey Tom, jeffrey.tom@sfmta.com

Bill Information	California Law Po	ublications	Other Resources	My Subscriptions	My Favorites		
<b>AB-43 Traffic safety.</b> (2021-2022)							
HARE THIS: Date Published: 10/11/2021 02:00 PM					2021 02:00 PM		
		Assembly	Bill No. 43				
		CHAPT	TER 690				
	end Sections 627, 214 22358.7, 22358.8, ar						
[ Appr	oved by Governor		8, 2021. Filed w	ith Secretary of	State		
	LEGIS	LATIVE CO	DUNSEL'S DIG	EST			
AB 43, Friedman. T	raffic safety.						
authorizes state a findings determine and prescribes spe	cablishes various defau nd local authorities to I by an engineering an cified factors that mu I law authorizes local	adjust these d traffic surve st be include	default speed lin y. Existing law de d in the survey,	nits, as specified, b fines an engineering including prevailing	ased upon certain and traffic survey speeds and road		
This bill would auth	orize local authorities to	o consider the	safety of vulnerab	le pedestrian groups	, as specified.		
highway, located i	ablishes a prima facie a any business or resic mit on any such highwa	lence district,	as defined. Exist	ng law authorizes a	local authority to		
or residence distric	blish a prima facie spee t and would authorize t y, as prescribed, includ	the Departme	nt of Transportatio	on (Caltrans) to char	,		
authorizes Caltrans 25 miles per hour,	tablishes a speed limit to declare a speed limi ncluding erecting signs y, other than a state h ified.	t on any such to give notice	highway, as preso thereof. Existing	ribed, of 60, 55, 50, aw also authorizes a	45, 40, 35, 30, or local authority, on		
This bill would add hour, as specified,	tionally authorize Caltra on these highways.	ans and a loca	al authority to decl	are a speed limit of	20 or 15 miles per		
limit on portions of	horizes a local authority highway, as specified, a s of highway meeting	approaching a	school building or	school grounds. Exis	sting law limits this		

This bill would similarly authorize a lowered speed limit on a section of highway contiguous to a business activity district, as defined, and would require that certain violations be subject to a warning citation, for the first 30 days of implementation.

(5) Existing law requires Caltrans, by regulation, to provide for the rounding up or down to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic on a portion of highway as determined by a traffic and engineering survey. Existing law requires the Judicial Council to create and implement an online tool by June 30, 2024, for the adjudication of traffic infractions, among other things.

This bill would authorize a local authority to further reduce the speed limit, as specified, and require that certain violations be subject to a warning citation, for the first 30 days of implementation. The bill would, in some circumstances, authorize the reduction of a speed limit beginning June 30, 2024, or when the Judicial Council has developed an online tool for adjudicating traffic infraction violations, whichever is sooner. The bill would require Caltrans to accordingly revise the California Manual on Uniform Traffic Control Devices, as specified.

(6) Existing law defines a speed trap and prohibits evidence of a driver's speed obtained through a speed trap from being admissible in court in any prosecution against a driver for a speed-related offense. Existing law deems a road where the speed limit is not justified by a traffic and engineering survey conducted within the previous 7 years to be a speed trap, unless the roadway has been evaluated by a registered engineer, as specified, in which case the speed limit remains enforceable for a period of 10 years. Existing law exempts a school zone, as defined, from certain provisions relating to defining a speed trap.

This bill would extend the period that a speed limit justified by a traffic and engineering survey conducted more the 7 years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer, as specified, to 14 years.

This bill would also exempt a senior zone and business activity district, as defined, from those provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 627 of the Vehicle Code is amended to read:

**627.** (a) "Engineering and traffic survey," as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

(b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:

(1) Prevailing speeds as determined by traffic engineering measurements.

(2) Accident records.

(3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Safety of bicyclists and pedestrians, with increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused.

SEC. 2. Section 21400 of the Vehicle Code is amended to read:

**21400.** (a) The Department of Transportation shall, after consultation with local agencies and public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

(b) The Department of Transportation shall, after notice and public hearing, determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by a person engaged in performing work that interferes with or endangers the safe movement of traffic upon that highway.

(c) Only those signs, lights, and devices as are provided for in this section shall be placed upon a highway to warn traffic of work that is being performed on the highway.

(d) Control devices or markings installed upon traffic barriers on or after January 1, 1984, shall conform to the uniform standards and specifications required by this section.

**SEC. 3.** Section 22352 of the Vehicle Code is amended to read:

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

(a) Fifteen miles per hour:

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

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

(3) On any alley.

(b) 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 approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds.

(3) 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.

**SEC. 4.** Section 22354 of the Vehicle Code is amended to read:

**22354.** (a) Whenever the Department of Transportation 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 a state highway where the limit of 65 miles is applicable, the department may 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 speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

SEC. 5. Section 22358 of the Vehicle Code is amended to read:

**22358.** (a) 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.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

**SEC. 6.** Section 22358.6 is added to the Vehicle Code, to read:

**22358.6.** The Department of Transportation shall, in the next scheduled revision, revise and thereafter maintain the California Manual on Uniform Traffic Control Devices to require the Department of Transportation or a local authority to round speed limits to the nearest five miles per hour of the 85th percentile of the free-flowing traffic. However, in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th-percentile speed, the Department of Transportation or a local authority may decide to instead round down the speed limit to the lower five miles per hour increment. A local authority may additionally lower the speed limit as provided in Sections 22358.7 and 22358.8.

SEC. 7. Section 22358.7 is added to the Vehicle Code, to read:

**22358.7.** (a) 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, determine and declare a prima facie speed limit that has been reduced an additional five miles per hour for either of the following reasons:

(1) The portion of highway has been designated as a safety corridor. A local authority shall not deem more than one-fifth of their streets as safety corridors.

(2) The portion of highway is adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians, especially those from vulnerable groups such as children, seniors, persons with disabilities, and the unhoused.

(b) (1) As used in this section, "safety corridor" shall be defined by the Department of Transportation in the next revision of the California Manual on Uniform Traffic Control Devices. In making this determination, the department shall consider highways that have the highest number of serious injuries and fatalities based on collision data that may be derived from, but not limited to, the Statewide Integrated Traffic Records System.

(2) The Department of Transportation shall, in the next revision of the California Manual on Uniform Traffic Control Devices, determine what constitutes land or facilities that generate high concentrations of bicyclists and pedestrians, as used in paragraph (2) of subdivision (a). In making this determination, the department shall consider density, road use type, and bicycle and pedestrian infrastructure present on a section of highway.

(c) A local authority may not lower a speed limit as authorized by this section until June 30, 2024, or until the Judicial Council has developed an online tool for adjudicating infraction violations statewide as specified in Article 7 (commencing with Section 68645) of Chapter 2 of Title 8 of the Government Code, whichever is sooner.

(d) 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.

SEC. 8. Section 22358.8 is added to the Vehicle Code, to read:

**22358.8.** (a) 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.

(b) This 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.

(c) 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.

**SEC. 9.** Section 22358.9 is added to the Vehicle Code, to read:

**22358.9.** (a) (1) Notwithstanding any other law, a local authority may, by ordinance, determine and declare a 25 or 20 miles per hour prima facie speed limit on a highway contiguous to a business activity district when posted with a sign that indicates a speed limit of 25 or 20 miles per hour.

(2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:

(A) A maximum of four traffic lanes.

(B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 25 miles per hour speed limit.

(C) A maximum posted 25 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 20 miles per hour speed limit.

(b) As used in this section, a "business activity district" is that portion of a highway and the property contiguous thereto that includes central or neighborhood downtowns, urban villages, or zoning designations that prioritize commercial land uses at the downtown or neighborhood scale and meets at least three of the following requirements in paragraphs (1) to (4), inclusive:

(1) No less than 50 percent of the contiguous property fronting the highway consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the highway.

(2) Parking, including parallel, diagonal, or perpendicular spaces located alongside the highway.

(3) Traffic control signals or stop signs regulating traffic flow on the highway, located at intervals of no more than 600 feet.

(4) Marked crosswalks not controlled by a traffic control device.

(c) A local authority shall not declare a prima facie speed limit under this section on a portion of a highway where the local authority has already lowered the speed limit as permitted under Sections 22358.7 and 22358.8.

(d) 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.

SEC. 10. 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, or business activity district.

(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.

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

(2) For purposes of this section, "school zone" means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. "School zone" also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard "SCHOOL" warning sign.

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

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

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

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

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

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

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

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

(2) A "speed trap" is either of the following:

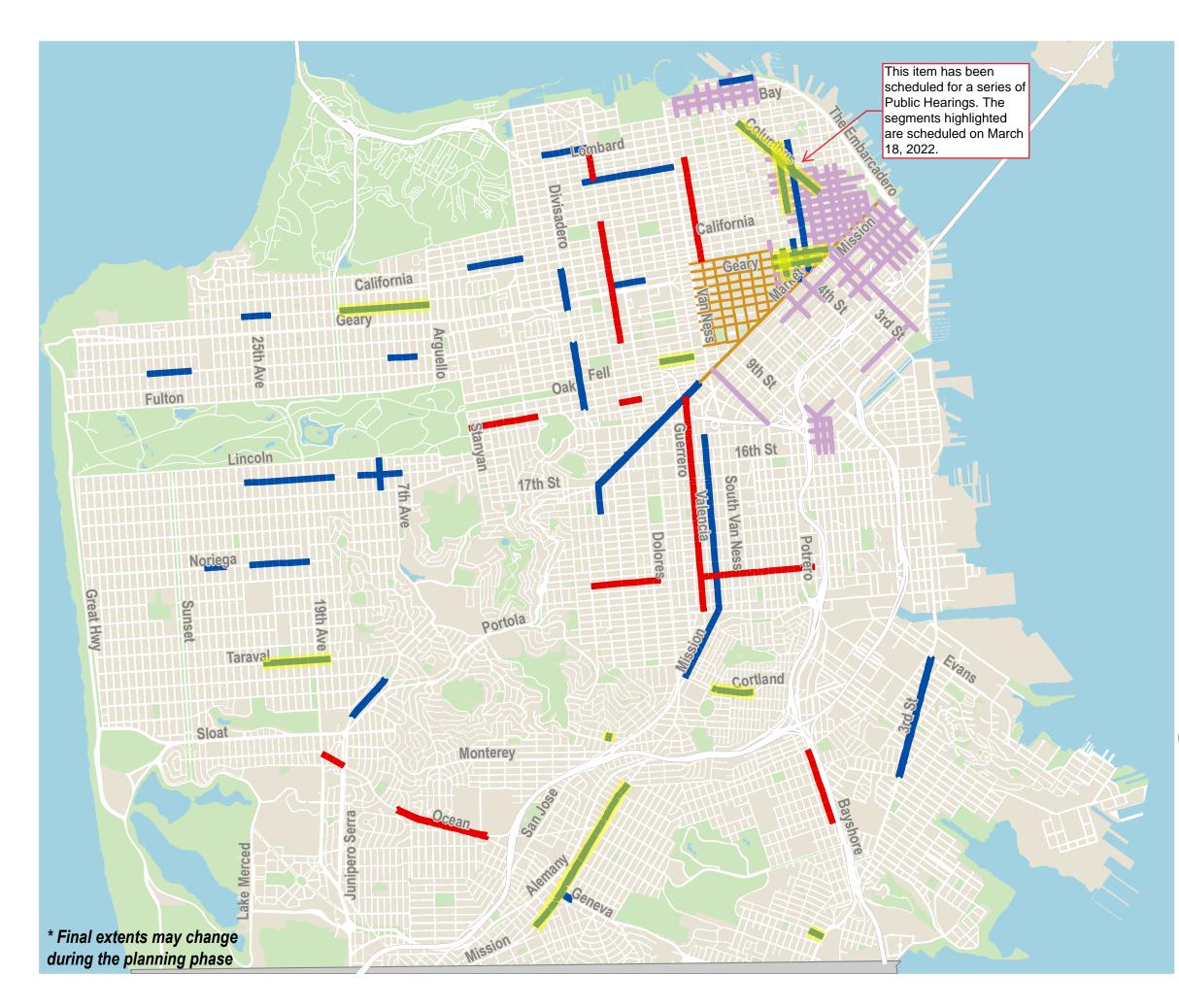
(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(B) (i) A particular section of a highway or state 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 one of the following time periods, 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:

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

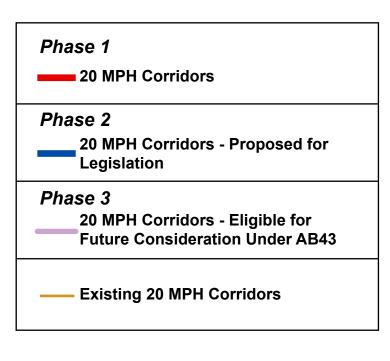
(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited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

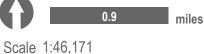
(ii) This subparagraph does not apply to a local street, road, or school zone, senior zone, or business activity district.



## Proposed and Potential Business Activity District Streets

February 2022





By downloading this map, you are agreeing to the following disclaimer: "The City and County of San Francisco ("City") provides the following data as a public record and no rights of any kind are granted to any person by the City's provision of this data. The City and County of San Francisco ("City") makes no representation regarding and does not guarantee or otherwise warrant the accuracy or completeness of this data. Anyone who uses this data for any purpose whatsoever does so entirely at their own risk. The City shall not be liable or otherwise responsible for any loss, harm, claim or action of any kind from any person arising from the use of this data. By accessing this data, the person accessing it acknowledges that she or he has read and does so under the condition that she or he agrees to the contents and terms of this disclaimer."

