

**CHAPTER 1**  
**RADAR/LIDAR SPEED ENFORCEMENT POLICY**  
**REVISED JUNE 2025**  
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## CHAPTER 1

### RADAR/LIDAR SPEED ENFORCEMENT POLICY

1. USE OF ENFORCEMENT RADAR/LIDAR. Radar/lidar shall be used for speed enforcement only under conditions specifically permitted in this manual. Radar/lidar shall not be used to confirm speed estimations for enforcement purposes where the use of radar/lidar is not otherwise permitted.
  
2. LIDAR. Prior to using lidar for enforcement purposes, the operator must be certified in the use of radar and have successfully completed an additional lidar training course approved and certified by the Commission on Peace Officer Standards and Training (POST).
  
3. FREEWAY ENFORCEMENT. Radar/lidar are approved for use in speed enforcement on all freeways statewide.
  
4. AUTOMATED SPEED ENFORCEMENT PROHIBITED. Pursuant to Section 21455.6 of the California Vehicle Code (CVC), the use of photo radar for speed enforcement purposes is prohibited. The Department will not deploy nor enter into agreements to use speed detection devices where a photographic or video image is used as evidence and a notice to appear is not delivered to the driver at the time of the violation.
  
5. DEPARTMENTAL CONTROL. The Department shall retain full control over the use and deployment of any radar/lidar equipment, and the enforcement policy to be followed while utilizing radar/lidar.
  
6. DIVISION RADAR/LIDAR COORDINATOR. All field Divisions shall have a Division radar/lidar coordinator who has received specialized training provided by Research and Planning Section (RPS) or by an RPS authorized instructor.
  
7. AREA RADAR/LIDAR COORDINATOR. All Areas shall have an Area radar/lidar coordinator who has received specialized radar/lidar coordinator training provided by their respective Division radar/lidar coordinator.

8. OPERATOR TRAINING. Radar/lidar operators shall be trained by Department radar instructors and currently certified before using radar or lidar for enforcement purposes. (Refer to Chapter 8 of this manual.)

9. PROGRAM AUDITS. Divisions will be responsible for biennial auditing of radar/lidar speed enforcement programs. Audits may be conducted more frequently if deficiencies are perceived in Area radar/lidar programs. (Refer to Chapter 7 of this manual.)

10. LEGAL REQUIREMENTS.

a. General. There are legal criteria for radar/lidar deployment required by the CVC. Section 40802 CVC identifies speed zones where up-to-date Engineering and Traffic Surveys (ETS) are required for radar/lidar speed enforcement. Refer to Chapter 2, Annex A, of this manual, for additional cautions involving ETS.

b. Engineering and Traffic Surveys. Engineering and Traffic Surveys are required for most prima facie speed limits, unless the roadway meets the definition of a local street or road. Exceptions include school zones, senior zones, and business activity districts which are established pursuant to statute and listed and defined in Section 40802 CVC as:

(1) School Zone. The area of road contiguous to a school building or the grounds thereof 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. School Zone also includes the area approaching or passing any school grounds 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.

(2) Senior Zone. The 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 CVC.

(3) Business Activity District. A section of highway determined and declared to have a 25 or 20 miles per hour prima facie speed limit contiguous to a business activity district when posted with a sign that indicates a speed limit of 25 or 20 miles per hour.

c. Local Streets and Roads. Streets and roads do not require an ETS if:

(1) They are defined as local streets or roads by the latest functional usage and federal-aid system maps submitted to the Federal Highway Administration.

(2) The street or road is not shown on the map, primarily provides access to abutting residential property, and meets the following three conditions:

(a) The roadway width is not more than 40 feet.

(b) The roadway is not more than one-half mile uninterrupted length, including interruptions from traffic control devices as defined in Section 445 CVC.

(c) The roadway is not more than one traffic lane in each direction.

d. Expired Surveys. The ETS must be within five years of the radar/lidar speed violation date on target roadways. However, seven- and fourteen-year exceptions have been added to Section 40802 CVC.

(1) The seven-year exception is provided if, at the time of the alleged violation, the prosecution proves the following criteria are met:

(a) The officer issuing the citation has successfully completed a POST-approved radar operator course of not less than 24 hours.

(b) When lidar or any other electronic speed measuring device is used, the officer has successfully completed the aforementioned radar course and an additional POST-approved training course of not less than two hours for the specific type of equipment.

(c) The speed of the accused was unsafe for the conditions present at the time of the alleged violation unless the alleged violation was issued for a violation of Sections 22349, 22356, or 22406 CVC.

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

(2) The fourteen-year ETS alternative will apply when all of the criteria listed in paragraph 10.d.(1) are met and the following takes place:

(a) An ETS was conducted more than seven years prior to the date of the alleged violation.

(b) A registered engineer evaluated the section of highway and determined 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 volumes.

(3) If a current/valid ETS is not available, radar/lidar enforcement of basic speed law (Section 22350 CVC) violations on the roadway shall be discontinued. This does not preclude enforcement if the qualifying conditions of Section 22352 CVC have been met and the enforcement takes place in a school zone or on a local street or road.

NOTE: Officers should provide a verbal warning for the 30 days following a speed limit change, for all violations where a person is driving in excess of ten miles per hour or less of any newly lowered prima facie speed limit posted pursuant to Sections 22358.7, 22358.8, and 22358.9 CVC. Commands are encouraged to work with their local transportation agency representatives to ensure they are notified when speed limits are changed and to ensure they have access to copies of the engineering traffic surveys for the roadways within their command.

## 11. EQUIPMENT AND SPEEDOMETER CALIBRATION.

a. General. The Department's radar/lidar equipment standards meet or exceed those recommended by NHTSA and are among the most stringent in the nation. As several court cases have demonstrated, high standards for radar/lidar equipment are critical to the success and integrity of a radar/lidar speed enforcement program.

b. Laboratory Certification.

(1) Each radar/lidar unit must be tested by an approved testing facility (independent of the manufacturer) prior to use as an enforcement tool. Section 40802(c)(1)(D) CVC requires each radar/lidar unit be calibrated within the three years prior to the alleged violation by "an independent certified laser or radar repair and testing or calibration facility." This testing is a final quality control check to ensure each radar/lidar unit used by the CHP complies with NHTSA specifications. This testing is required of all enforcement and speedometer calibration equipment owned by the Department.

(2) A copy of the laboratory's test certification shall be maintained in the Area's Radar/Lidar History File as described in Chapter 2.

(3) Recertification. Recertification is required after every 30 months of operation. Refer to Annex A of this chapter concerning the recertification procedure.

c. International Association of Chiefs of Police Conforming Product List. Equipment used by the Department must be identified as an approved device on the International Association of Chiefs of Police Conforming Products List.

d. Speedometer Calibration. The speedometers of all enforcement vehicles used for radar/lidar enforcement shall be calibrated in accordance with Highway Patrol Manual 31.1, Fleet Operations Manual, every 90 days or 30,000 miles, whichever occurs first. When radar is the selected method of calibration, patrol vehicle speedometers shall be calibrated by the following methods:

- (1) While in motion, operate the mounted equipment in stationary mode, or
- (2) Transmit stationary-only (handheld) enforcement radar devices.

## 12. SIGNAGE.

a. General. The county (or Caltrans on state-maintained roadways) may be contacted to place appropriate signage to inform the public that speed limits are enforced with radar/lidar (e.g., Caltrans R48, "Speed Enforced by Radar" or the "Radar Enforced" sign, designed for mounting to an existing speed limit sign). Although not required by statute, the purpose of these signs is to improve the effectiveness of the enforcement program by increasing public awareness and deterring violations.

b. Placement. Signs may be installed by the county at locations mutually selected by the county and the CHP Area commander. At the discretion of the Area commander, signs may be posted at the beginning of a radar/lidar enforcement zone and at frequent enough intervals to warn transient traffic entering from major intersecting roadways. Area commanders should also consider strategic placement of additional radar warning signs throughout the county to deter violations and maintain public awareness. The county is responsible for obtaining encroachment permits from Caltrans to place signs on state routes in county programs.

c. Additional Signs. On radar/lidar enforced maximum speed limit roadways with reduced speed zones, the existing speed limit signage should be evaluated to

ensure nonresident motorists receive adequate notice of speed limit changes. Multiple speed limit signs or "Reduced Speed Ahead" signs near the entrance to the reduced speed zones will help dispel possible accusations of a speed trap.

### 13. DEPARTMENTAL PROGRAM RESPONSIBILITIES.

a. General. The Department shall maintain full control over its use and deployment of radar/lidar equipment, and the enforcement policy to be followed while using radar/lidar.

b. Office of Primary Interest. Research and Planning Section is the Office of Primary Interest for departmental radar/lidar programs. Research and Planning Section shall serve as the Department's information resource regarding the development and implementation of local radar/lidar programs. Inquiries from departmental personnel regarding departmental radar/lidar policies, equipment distribution, program development, and technical questions regarding the theory of radar/lidar speed measurement or the operation of specific radar/lidar equipment should first be directed to the Area or Division radar/lidar coordinator. If the Area or Division radar/lidar coordinators are unable to satisfactorily answer a question, RPS should be contacted.

NOTE: Public inquiries specific to Area radar/lidar programs should first be directed to the Area commander, Area radar/lidar coordinator, or public information officer of the Area involved. If further information is necessary, questions may be referred to RPS. It is most beneficial for Area personnel to attempt researching questions from the public and not merely refer them to RPS.

c. California Highway Patrol Academy. The Academy or an Academy authorized instructor is responsible for the training of all departmental radar/lidar operators. The Academy is also responsible for issuing all operator training certificates and maintaining records on all radar and lidar operator certificates.

d. Field Division Chiefs. Division Chiefs are responsible for:

(1) Monitoring radar/lidar programs within their Divisions. As part of this monitoring, field Division Chiefs shall ensure Area radar/lidar programs are audited according to the provisions of this manual (within 24 months, unless needed sooner), to ensure that Areas are managing their radar/lidar programs in a manner consistent with law and departmental procedures contained in Chapter 2.

(2) Monitoring Division radar/lidar programs and equipment (e.g., lidar, Special Traffic Education Radar trailers).

e. Area Commanders. Area commanders are responsible for:

(1) Responding to initial inquiries about radar/lidar deployment from interested counties, individuals, or community groups. Area commanders should carefully explain the limitations and appropriate applications of radar/lidar to the local county representatives. Area commanders should also explain that radar/lidar programs are periodically reviewed by the Division commander, and that all departmental prerequisites must be satisfied before radar/lidar enforcement may be initiated or expanded.

(2) Designating a trained Area radar/lidar coordinator and providing that coordinator sufficient time to adequately perform the duties of the position.

(3) Ensuring the radar/lidar program is managed pursuant to all statutory and departmental requirements.

(4) Maintaining liaison with the county for resolving issues which prevent deployment of traffic-radar/lidar by policy or statute. Situations may arise (e.g., speed traps, poorly prepared ETS, or no ETS) which prevent deployment by the Department without action or correction by county government.

(5) Ensuring county road departments have fulfilled their program responsibilities.

(6) Providing necessary training and resource materials to ensure officers can identify roadways which require an ETS.

14. COUNTY RESPONSIBILITIES. The county will normally provide the primary funding for an ETS on county roadways required by Section 40802 CVC, and the signage on county roads to advise that speed limits are enforced through the use of radar/lidar.

15. GENERAL LAW ENFORCEMENT ASSISTANCE. Area offices providing traffic law enforcement services to incorporated jurisdictions where the Department is providing general law enforcement assistance shall deploy radar/lidar only when the following conditions have been met:

a. Each Area shall ensure compliance with all legal requirements (e.g., operator training, surveys).

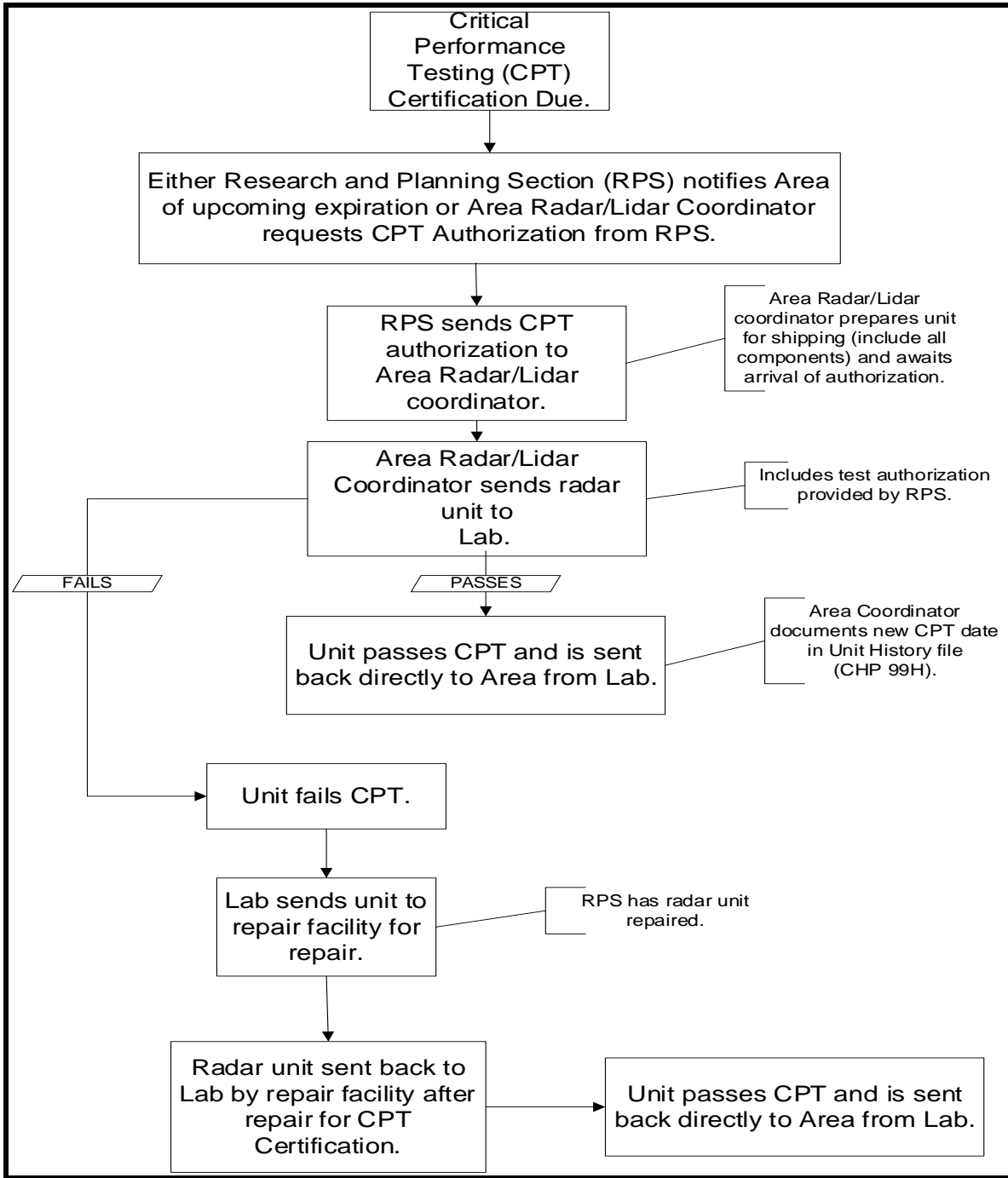
b. Any roadway where the speed zone is perceived to be improper for conditions shall be reviewed using the procedures contained in Chapter 2, and the questions

resolved with the local traffic engineers. Research and Planning Section can assist with these evaluations.

16. FEDERAL COMMUNICATIONS COMMISSION LICENSING. On January 3, 1983, the Federal Communication Commission (FCC) regulations (40 Code of Federal Regulations, Part 90) were amended to eliminate the requirement for law enforcement to obtain separate licenses for the operation of traffic-radar. The Department is no longer required to file an application with the FCC each time an additional radar unit is purchased for our use, and there is no need to modify the Department's existing license. The authority to operate radar is now part of the Department's authority to operate police radios under FCC license KA4993. If needed, contact RPS to obtain a copy of the FCC license.

# ANNEX A

## EQUIPMENT CERTIFICATION



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