

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Director of Public Works/City Engineer via City Manager

SUBJECT: Speed Zones – Ordinance 584 – 2nd Reading

DATE: April 21, 2014

City Council Goals:

To promote transportation opportunities that maximize safety, reliability, enhance circulation and create options thereby reducing reliance on the use of the automobile. (#5)

Purpose:

To update the speed zones chapter of the municipal code to reflect the current state regulations under which we are required to operate; this action is consistent with the community's value of safety.

Recommendation:

Consider adoption of Ordinance No. 584, waiving second reading, amending Section 10.36.010 of the Municipal Code Chapter concerning "Increase of Speed Limit on Certain Streets."

Background:

This ordinance was introduced at the regular City Council meeting held on April 7, 2014. At that meeting Council asked that the title of the referenced section be changed to "**Setting** of Speed Limit on Certain Streets." No other changes to the ordinance were requested.

Fiscal Impact:

None as a result of changes proposed herein.

Measure of Success

The passage of an ordinance that allows for the posting of enforceable speed limits, and the removal of the potential for any conflicting sources of the legal speeds within the city.

Attachments:

Ordinance No. 584

April 7, 2014 Council meeting staff report



Director of Public Works/City Engineer



City Manager

ORDINANCE NO. 584

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING CHAPTER 10.36 OF THE MUNICIPAL CODE
PERTAINING TO SPEED ZONES**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 10.36.010 in Chapter 10.36 of the Municipal Code is amended to read as follows:

§10.36.010 – Setting of speed limit on certain streets.

Pursuant to California Vehicle Code Section 22357, the City of Brisbane has determined to modify standard prima facie speed limits on certain streets other than state highways, on the basis of a traffic and engineering study, to facilitate the reasonable and safe orderly movement of vehicle traffic. The Director of Public Works is authorized to post and establish signs giving notice of speed limits, as authorized by California Vehicle Code Section 22357, and as determined by an Engineering and Traffic Survey completed pursuant to the then current requirements of the California Vehicle Code, the Federal Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD), and the California MUTCD.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

W. Clarke Conway, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:

David Kahn, City Attorney

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Director of Public Works/City Engineer via City Manager

SUBJECT: Speed Zones – Ordinance 584 – 1st Reading

DATE: April 7, 2014

City Council Goals:

To promote transportation opportunities that maximize safety, reliability, enhance circulation and create options thereby reducing reliance on the use of the automobile. (#5)

Purpose:

To update the speed zones chapter of the municipal code to reflect the current state regulations under which we are required to operate; this action is consistent with the community's value of safety.

Recommendation:

Introduce Ordinance No. 584, waiving first reading, amending Section 10.36.010 of the Municipal Code Chapter concerning "Increase of Speed Limit on Certain Streets."

Background:

The California Vehicle Code (CVC) specifies speed limits in residential areas, at railway grade crossings, and on roads adjacent to schools and senior centers. In general terms, the speed limits on all other roadways are required to be established by the results of an Engineering and Traffic Survey (E&TS) performed per the requirements of CVC §627.

If speed limits are posted without having been established per an E&TS, enforcement of those speed limits using radar is defined as a speed trap by CVC §40802.

There is no requirement in the CVC for speed limits established per an E&TS to be published in a city's municipal code. In practice, once an E&TS has been completed, a copy of the document is provided to the Police Department (who provides a copy to the local courts), and a copy is made available to the public at the Public Works Counter.

Discussion:

The primary changes proposed by this ordinance are the city asserting that it will continue to post and establish speed limits on the basis of an E&TS, and eliminating the previous practice of codifying any changed speed limits in the Brisbane Municipal Code.

The alternative to the recommended action is to not introduce the proposed ordinance. This alternative creates the possibility of conflicting sources for “legal” speed limits, and potentially impacts the ability of the Police Department to enforce speed limits. As an example, the most recent E&TS reveals a safe speed of 40 MPH on the western end of Valley Drive. The current municipal code shows the speed limit on this section of Valley as 35. City staff are aware of this conflict, and if directed could implement the changes necessary to correct this discrepancy; however, the discrepancy between the E&TS and the municipal code would be in effect for several months, and might be enough for a magistrate to overturn any speeding tickets issued during that time.

Perhaps more importantly, the presentation of an E&TS to the City Council during a public meeting gives the unfortunate impression that the Council, either independently or based on public input, has leeway in changing the speed limits determined by the survey. Unfortunately, this is not the case. If the Council did vote to post speed limits other than those determined by the E&TS, the radar enforcement of those limits would be classified as a speed trap.

The legal requirements for posting speed limits per the results of an E&TS does not remove the Council’s ability to impact speed limits within the city. If the Council determines that any speed limit on any section of roadway is too high, they always have the discretion to direct staff to install traffic control and traffic calming devices, or to redesign the roadway section/geometry. Once those modifications are installed, an isolated E&TS can be performed on that section of roadway, and the posting of the resultant speed limit would meet the requirements of state law.

Fiscal Impact:

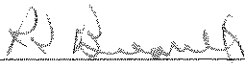
None as a result of changes proposed herein.

Measure of Success

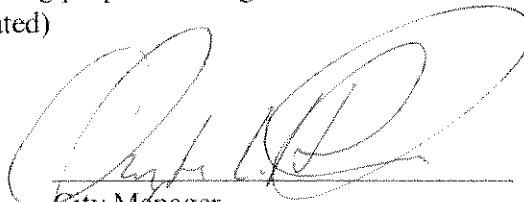
The passage of an ordinance that allows for the posting of enforceable speed limits, and the removal of the potential for any conflicting sources of the legal speeds within the city.

Attachments:

Ordinance No. 584
“Redline” Version BMC Section 10.36.010 showing proposed changes
Select California Vehicle Code Sections (annotated)



Director of Public Works/City Engineer



City Manager

ORDINANCE NO. 584

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING CHAPTER 10.36 OF THE MUNICIPAL CODE
PERTAINING TO SPEED ZONES**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 10.36.010 in Chapter 10.36 of the Municipal Code is amended to read as follows:

§10.36.010 – Increase of speed limit on certain streets.

Pursuant to California Vehicle Code Section 22357, the City of Brisbane has determined to modify standard prima facie speed limits on certain streets other than state highways, on the basis of a traffic and engineering study, to facilitate the reasonable and safe orderly movement of vehicle traffic. The Director of Public Works is authorized to post and establish signs giving notice of speed limits, as authorized by California Vehicle Code Section 22357, and as determined by an Engineering and Traffic Survey completed pursuant to the then current requirements of the California Vehicle Code, the Federal Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD), and the California MUTCD.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

W. Clarke Conway, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:

David Kahn, City Attorney

10.36.010 - Increase of speed limit on certain streets.

Pursuant to California Vehicle Code Sections 22357, the City of Brisbane has determined to modify standard prima facie speed limits on certain streets other than state highways, on the basis of a traffic and engineering study, to facilitate the reasonable and safe orderly movement of vehicle traffic. The Director of Public Works is authorized to post and establish signs giving notice of speed limits, as authorized by California Vehicle Code Section 22357, and as determined by an Engineering and Traffic Survey completed pursuant to the then current requirements of the California Vehicle Code, the Federal Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD), and the California MUTCD.

~~It is determined upon the basis of an engineering and traffic survey that a speed greater than twenty-five (25) miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon the following streets, and it is declared that the prima facie speed limit shall be as designated in this section when signs are erected giving notice thereof:~~

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
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Bayshore Boulevard:

From northern city limit to southern city limit	45 miles per hour
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Beatty Avenue:

From Tunnel Avenue to Alana Way	25 miles per hour
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Guadalupe Canyon Parkway:

From Bayshore Boulevard to Mission Blue Drive	45 miles per hour
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From Mission Blue Drive to western city limit	50 miles per hour
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Lagoon Road:

From Tunnel Avenue to Sierra Point Parkway	35 miles per hour
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North Hill Drive:

~~From Guadalupe Canyon Parkway to Monarch Drive~~ 35 miles per hour

~~From Monarch to Valley Drive~~ 25 miles per hour

~~Park Lane:~~

~~From Valley Drive to Valley Drive~~ 25 miles per hour

~~From Quarry Road to West Hill Place~~ 30 miles per hour

~~Tunnel Avenue:~~

~~From northern city limit to Lagoon Road~~ 35 miles per hour

~~From Lagoon Road to Bayshore Boulevard~~ 25 miles per hour

~~Valley Drive:~~

~~From West Hill Drive to South Hill Drive~~ 35 miles per hour

~~From South Hill Drive to Bayshore Boulevard~~ 40 miles per hour

~~West Hill Drive:~~

~~From Valley Drive to West Hill Place~~ 30 miles per hour

~~(Ord. 490 § 1, 2005; Ord. 427 § 2, 1998; Ord. 391 § 2, 1993; Ord. 38 § 17(part), 1962).~~

Select California Vehicle Code Sections

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).

22349. (a) Except as provided in Section 22356, no person may drive a vehicle upon a highway at a speed greater than 65 miles per hour.

(b) Notwithstanding any other provision of law, no person may drive a vehicle upon a two-lane, undivided highway at a speed greater than 55 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation or appropriate local agency upon the basis of an engineering and traffic survey. For purposes of this subdivision, the following apply:

(1) A two-lane, undivided highway is a highway with not more than one through lane of travel in each direction.

(2) Passing lanes may not be considered when determining the number of through lanes.

(c) It is the intent of the Legislature that there be reasonable signing on affected two-lane, undivided highways described in subdivision (b) in continuing the 55 miles-per-hour speed limit, including placing signs at county boundaries to the extent possible, and at other appropriate locations.

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 flagman 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 other than a state highway, in any business or residence district unless a different speed is determined by local authority 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 Pedestrian Safety Account pursuant to Section 894.7 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.

22357. (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. This section does not apply to any 25-mile-per-hour prima facie limit which is applicable

when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

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

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 subparagraph (A) of paragraph (2) of subdivision (a) 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, or school zone.

(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. When a street or road does not appear on the "California Road System Maps," it may 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. (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 Traffic Highway 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 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 subparagraph (A) of paragraph (2) of subdivision (a) 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, 10 years.

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