



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: James R. Helmer
Robert L. Davis

**SUBJECT: TRAFFIC ENFORCEMENT OF
PRIVATE ROADS WITHIN THE
SILVER CREEK COUNTRY CLUB**

DATE: 02-25-04

Approved

Date

Council District: 8

RECOMMENDATION

Adopt a resolution providing for enforcement of California Vehicle Code traffic regulations on the private roads within the Silver Creek Country Club for a one-year trial period and authorizing the Police Chief to approve continuation of the enforcement beyond the one-year trial period.

BACKGROUND

In October 2001, the City received an initial request from the Silver Creek Country Club (SCCC) that the San Jose Police Department (SJPD) enforce traffic regulations on the private roads within their subdivision. Generally, the City is not authorized to apply the provisions of the California Vehicle Code (CVC) on private roads. However, CVC Section 21107.7 does allow the application of the Code on private roads if the City Council can make the following statutory findings:

1. That these privately owned and maintained roads are not generally held open for public use for purpose of vehicular travel, and
2. By reason of their proximity to or connection with public streets and roads, the interests of residents residing along the roads and by the motoring public will best be served by the application of the provisions of the CVC to those roads.

In addition, the CVC also requires that a petition be filed by a majority of the residents, or by the Board of Directors, within the private complex requesting the enforcement.

On September 26, 2000, the City Council approved a similar resolution providing enforcement by SJPD for speeding and stop sign violations on private roads within five mobile home parks in San Jose. This enforcement effort is continuing on a periodic basis.

ANALYSIS

In order for SJPD to enforce speeding violations within the SCCC, an engineering and traffic survey was required to establish appropriate speed limits on all streets within the country club. The CVC requires the posted speed limits on streets that are subject to radar enforcement to be justified by surveys conducted every five (5), seven (7) or ten (10) years, depending upon changes in traffic characteristics, land use, or density of development.

The Department of Transportation (DOT) provided recommendations to the SCCC on what would be required for the engineering and traffic survey. These recommendations were used by the SCCC Board of Directors to retain consultant services to conduct the engineering and traffic survey for the private roads in their complex.

In July 2003, the SCCC submitted the completed engineering and traffic survey to the City for review. DOT has reviewed the report and concurs with the recommended speed limits for streets within the SCCC. Where necessary, the SCCC has already modified the posted speed limit signs within the complex.

Although the engineering and traffic survey was completed, the SCCC had not yet conducted outreach with the homeowners to verify that the majority desired the enforcement of traffic laws. This outreach was conducted in September 2003, through a survey issued by the SCCC Board of Directors to all homeowners. A total of 675 homeowners responded with approximately 69% in favor of the enforcement. Based upon the survey results, the Board of Directors voted to request the City of San Jose to enforce traffic laws. The Board of Directors subsequently sent a letter to DOT in October 2003 formalizing this request.

In December 2003, DOT staff met with the SCCC Board of Directors to discuss the engineering and traffic survey and to review the remaining steps necessary before enforcement could occur within the complex. Although DOT staff concurred with the recommended speed limits, the consultant study included recommendations for placement of other traffic control devices, such as stop signs, that were not appropriate. Agreement was reached with the Board of Directors as to which devices contained within the study were appropriate for installation.

At this meeting, it was also agreed that the enforcement would occur for a one-year trial period. Towards the end of the trial period, the SCCC Board of Directors will obtain input from the residents within the country club to determine if ongoing enforcement efforts are desired. Any future costs for necessary engineering and traffic surveys shall be borne by the SCCC. SJPD will also evaluate whether the enforcement activities are effective and whether or not they have the resources to continue providing service to this complex. As the decision to continue providing enforcement services is primarily one that will depend upon available resources, it is recommended that the Police Chief be delegated the authority to make this decision on behalf of the City.

PUBLIC OUTREACH

In October 2001, the SCCC Board of Directors held a meeting attended by Councilmember Cortese, SJPD and DOT staff, and the homeowners within the country club. At the meeting, city staff explained the process and requirements for enforcement of speeding and stop sign violations by the SJPD. In early March 2004, the SCCC Board of Directors will send a letter to all property owners within the country club that a recommendation to provide enforcement services would be brought to the City Council at the March 16 meeting.

COORDINATION

The proposed resolution has been coordinated with Planning, Building and Code Enforcement, and the City Attorney's Office.

COST IMPLICATIONS

The costs associated with periodic enforcement of the private roads in the Silver Creek Country Club will be absorbed within the existing resources of the Police Department.

CEQA

Exempt: PP04-02-044

JAMES R. HELMER
Director of Transportation

ROBERT L. DAVIS
Police Chief