



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Paul Krutko  
Chief Development Officer

**SUBJECT:** TRAFFIC CONTROL PROGRAM  
FOR OUTDOOR SPECIAL EVENTS

**DATE:** June 7, 2010

Approved

Date

6/8/10

## REASON FOR ADDENDUM

Adding this item to the June 15<sup>th</sup> Agenda will ensure this ordinance change, previously directed by Council, is implemented in a timely manner for the 2010 summer special events season, so it can have the intended effect of strengthening the financial viability of outdoor special events.

## RECOMMENDATION

Approval of an ordinance amending Section 11.12.050 of Chapter 11.12 of Title 11 of the San José Municipal Code to authorize the City Manager to temporarily or permanently appoint staff to perform traffic control in accordance with the requirements of California Vehicle Code Section 21100(e), as it may be amended.

## OUTCOME

The outcome of this action is a new traffic control program for outdoor special events that will enable Parking Traffic and Control Officers to perform traffic control responsibilities at outdoor special events. This program is intended to complement the work of police officers. An outcome of this program is to control City service costs associated with outdoor special events and as a result potentially reduce the amount of charged to individual events.

## BACKGROUND

On April 13, 2010, the City Council voted unanimously to direct the City Manager and City Attorney to draft an ordinance to amend San José Municipal Code (SJMC) Section 11.12.050 to

June 7, 2010

**Subject: Traffic Control Program for Outdoor Special Events**

Page 2

allow the City Manager to appoint Parking and Traffic Control Officers (PTCO) staff to provide traffic control for outdoor special events in accordance with State law. California Vehicle Code Section 21000(e) authorizes a local agency to temporarily or permanently appoint a person(s) to perform traffic control if the chief of police of that jurisdiction reviews and approves the training program for assigned person to perform the duty. Staff is recommending approval of an ordinance to amend Section 11.12.050 of the SJMC to authorize the City Manager to temporarily or permanently appoint a person(s) to perform traffic control who has received the required training approved by the Chief of Police of San José in accordance with State law.

## **ANALYSIS**

### ***Municipal Code***

Section 11.12.050 of the SJMC currently authorizes the following individuals to perform traffic control in the City: (i) an officer of the Police Department; (ii) an officer of the Fire Department as part of a response to a fire or other emergency; (iii) a person deputized by the Chief of Police to direct traffic; (iv) a person who the Chief of Police temporarily or permanently appoints to perform traffic control in accordance with the requirements of Subdivision (e) of California Vehicle Code Section 21100, as it may be amended; (v) trained or certified flagger as part of construction or maintenance work; or (vi) any other person authorized by law to direct traffic.

Section 11.12.050 of the SJMC was recently amended in June 2009 to allow the use of trained or certified flaggers in meeting the requirements of State law of providing traffic control for construction activities. The 2009 revision was specific to construction site locations. The proposed amendment will allow a similar model to be applied to provide traffic control for outdoor events.

### ***Training***

The City's Chief of Police will review the current training program and make any necessary modification to the existing training program the Chief of Police reasonably determines will provide sufficient training for persons assigned to perform traffic control for special events. The current training program consists of approximately 24 hours of in-house traffic control training that include both classroom and practical training on topics relating to the following: 1) Purpose and Authority; 2) Safety; 3) Traffic Control Techniques; 4) Traffic Plans and Scenarios; and 5) Communication. The proposed Event Traffic Control Training Program will build on the existing Certified Flagger Program and will be administered by Senior PTCOs once approved by the Chief of Police.

### ***Implementation***

PTCOs will likely be deployed to provide event traffic control at eight to ten events of varying types, layouts, locations and activities between September and the end of 2010. For each event, a committee consisting of representatives from the Police Department, Department of

Transportation, Office of Cultural Affairs, and City Manager's Office will determine the most appropriate locations in which PD and PTCO staff will be deployed and where enhanced traffic control equipment will be placed to reduced the overall cost to manage the vehicular and pedestrian traffic. DOT staff will develop Traffic Control Plans for each location which will emphasize enhanced use and reliance of traffic control equipment and signage to direct pedestrian and vehicular traffic. DOT Special Events Team staff will be on-site to make any immediate field changes to the Traffic Control Plan as traffic conditions warrant.

### **EVALUATION AND FOLLOW-UP**

The committee will determine after each event if the level of staffing and/or equipment effectively managed the pedestrian and vehicular traffic at each location. An assessment will be conducted by the committee to determine areas of refinement and improvement with the intent to implement the improvements with the next event allowing for the most inclusive assessment of the program. The program will provide staff the opportunity to determine how primary and secondary traffic areas should be maintained and opportunities to consider the utilization of equipment only at some street locations and areas. The ultimate goal is to create a traffic management plan that will utilize the appropriate level of PD and PTCO staffing and traffic control equipment to effectively manage special events with minimal required costs. Staff will provide a status report on the to the Transportation & Economic Committee by the end of 2010.

### **POLICY ALTERNATIVES**

Modification of the Municipal Code is necessary to respond to prior Council direction.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

HONORABLE MAYOR AND CITY COUNCIL

June 7, 2010

**Subject: Traffic Control Program for Outdoor Special Events**

Page 4

OCA convened staff in the PD; Fire Department, DOT; and Parks, Recreation and Neighborhood Services; City Manager's Office; City Attorney's Office; and the Budget Office to identify ways to: 1) control costs to Event Organizers and 2) increase revenue generation opportunities during events. Multiple work sessions were held with the major event producers to identify and address the issues that are most problematic and the staffing costs related to street closures was identified as one of the major costs associated with event production in the City of San Jose.

This item was discussed at the April 13, 2010 meeting of the City Council and at the December 14, 2009 and March 22, 2010 meetings of the Community and Economic Development Committee. It was also discussed at the September 9 and November 12, 2009 meetings of the Arts Commission. This memorandum will be posted online for the June 22, 2010 Council meeting.

### **COORDINATION**

This memo has been coordinated with the City Manager's Office, DOT, PD and OCA.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with the Economic Development Strategy's vision of San Jose as a unique creative and cultural center of Silicon Valley and as the world's most livable big city, with diverse and distinctive qualities of life.

### **COST SUMMARY/IMPLICATIONS**

Budget implications for the utilization of PTCOs during outdoor special events will enable Event Producers to realize cost savings related to required personnel for street closures. DOT employs staff to manage the current PTCO program for the City and the integration of this program, with the current management staffing levels, will have nominal impact to the City Budget.

### **CEQA**

Not a Project, File No. PP10-068 (b), General Procedure & Policy Making.

/S/  
PAUL KRUTKO  
Chief Development Officer

For questions please contact Tammy Turnipseed, Events Director, at 277-5144 X22.