RULES COMMITTEE: 01-09-08
ITEM: C1a

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE

FROM: Robert L. Davis
James R. Helmer
Betsy Shotwell

SUBJECT: **NEIGHBORHOOD SPEED AND TRAFFIC ENFORCEMENT**

DATE: December 5, 2007

Approved Deanna Santana Date 12/6/07

RECOMMENDATION

Accept the staff memorandum updating the City Council as to the status of implementing the Mayor's June Budget Message with regards to establishing a three motor officer team in the Traffic Enforcement Unit (TEU) to conduct neighborhood speed enforcement as a City initiative to reduce vehicle speeds and other moving violations to further implement traffic calming.

OUTCOME

With the establishment of dedicated motor officers, the City will have an opportunity to evaluate the effectiveness of the enhanced enforcement efforts on neighborhood streets.

BACKGROUND

This memorandum is in response to two requests that were made this year with regards to reporting back to Council on this matter. On May 9, the Rules and Open Government Committee was informed of the status of activities related to the use of photo radar for speed enforcement and approved the recommendation that staff return in the fall while reviewing possible legislative priorities. Then, following the Mayor and City Council's June Budget actions, the former City Manager recommended that an update be brought to the Rules and Open Government Committee that includes the status of the establishment of a three motor officer team in the TEU.

- **Elimination of NASCOP enforcement program**

The Neighborhood Automated Speed Compliance Program (NASCOP) was an integral part of the City's Traffic Calming Program for almost 10 years. The program was effective in

reducing the level of speeding in many residential neighborhoods and school areas, especially vehicles speeding excessively over the posted speed limit.

On March 6, 2007, the City Council directed staff to discontinue the use of NASCOP. It also directed staff to look at possible modifications to the California Vehicle Code (CVC) and to investigate operating NASCOP as a warning program at that time.

- **The Mayor's June Budget Message and the establishment of San Jose Police Department's (SJPD) 3 officer team to focus on neighborhoods**

During the City's FY 07-08 Budget Study sessions in May, Vice Mayor Cortese, and Councilmembers Constant and Pyle issued Budget Document (BD) #37 which recommended that the Police Department add three motor officers to "fill the void of enforcement the community will experience as a result of losing NASCOP." The BD was incorporated into the Mayor's June Budget message whereby the BD recommendation was re-stated and in addition, the Mayor recommended that the City Manager also be directed to evaluate and compare the effectiveness of the NASCOP program and the dedicated motorcycle traffic enforcement unit, to determine which program is more cost effective to the City.

On September 18, 2007, the City Council approved a recommendation by the Rules and Open Government Committee and Mayor Reed to initiate a series of Residential Traffic Calming Community Meetings in the fall to be chaired by Councilmember Oliverio with a report to the Transportation and Environment (T&E) Committee in December 2007. Following acceptance of the report by the City Council, the Traffic Calming policy team will return to the T&E Committee in March 2008 with a comprehensive report regarding input received at the meetings and recommended changes to the policy.

- **Prior Council direction regarding seeking legislation to expressly authorize photo radar for speed enforcement**

On March 6, when the City Council directed staff to discontinue the NASCOP, they also directed staff to look at possible modifications to the CVC and to investigate operating NASCOP as a warning program during that time.

The City's Legislative Representative continued discussions in Sacramento to explore the introduction of the bill, authorship, and defining strategy and options available to clarify the CVC so that photo radar enforcement of speed limits in residential and school zones was expressly authorized in the CVC. Such discussions included meetings with legislators, the California Highway Patrol Commissioner's staff, and Legislative Committee Consultants. We faced many challenges and obstacles including the fact that the deadline for the introduction of bills had passed and the Legislative Rules Committee waivers were not being granted to allow for the late introduction of bills and that the Committee schedule for hearing bills was cut short.

ANALYSIS

The Department of Transportation (DOT) submitted a Manager's Budget Addendum to the City Council in May 2007 providing information about a NASCOP warning program. This program was not funded in FY 2007-08. In addition, due to the economic environment facing the General Fund, the NASCOP enforcement program was completely eliminated in the FY 2007-2008 Operating Budget.

In response to the issue of the Police Department establishing a three (3) officer team to conduct neighborhood enforcement, the TEU has developed a plan to utilize these resources. The TEU would work with the DOT to establish the areas most in need of enforcement within each of the city's four (4) police divisions. The team would conduct enforcement operations in these locations on a full-time, rotating basis – similar to the way the TEU conducts enforcement at the highest crash locations. The team would also be responsible for handling the majority of the Unit's traffic enforcement requests – projected to be more than 900 this fiscal year – most of which call for neighborhood enforcement.

The Police Department believes that it is important, and appropriate, to point-out what the increase in resources actually represents. In 2004, one (1) entire team (one sergeant and six officers) were cut from the TEU. Additionally, the TEU is currently carrying one (1) motor and one (1) radar officer vacancy. Although the addition of three (3) enforcement officers would produce positive results on the speed issues in the neighborhoods, it is important to point out that the TEU will still be staffed with six (6) fewer enforcement officers (which includes the sergeant's position that was also eliminated) than it was in 2004.

- **The Mayor and City Council's Budgetary Direction and the exploration of alternatives for reducing speeding on neighborhood streets**

1. The Police Department will continue to carry out the Mayor and City Council's direction to provide motor officers enforcement with SJPD:

An expanded, full-time, neighborhood enforcement program with three (3) additional officers should be in place and fully operational by January of 2009. In addition, the Mayor's June budget message directs that the two (2) programs (motor officers and NASCOP) be compared and evaluated to determine which program is more cost effective to the City. Because of the time spent to hire and train new officers, it is estimated that the cost /benefit study would not be completed until February of 2010. The FY 06-07 budget for the NASCOP program was $420,857. The ongoing budget for the three (3) motor officers is $400,482.

Starting in December of 2007, the TEU will begin the first phase of its increased effort in certain neighborhoods on a limited basis. In January 2009, with additional staffing, the TEU will be able to redeploy officers to create a full-time, neighborhood enforcement program. The three (3) positions that will be used for this re-deployment will be subtracted from the fifteen (15) positions that were part of the Mayor's increase to PD staffing. A redeployment

of these three (3) positions any sooner than January 2009 would further deplete an already understaffed patrol force. Once the PD receives the additional fifteen (15) officers, a plan will be implemented to move three (3) positions to the TEU to implement a full-time, neighborhood enforcement program. In the meantime, the TEU does not have a sufficient number of personnel to commit one (1) team to full-time, neighborhood enforcement operations, while still addressing the highest crash locations, and the hundreds of traffic enforcement requests that it receives each quarter.

2. That the Police Department and Department of Transportation, working with the City Manager's Office and the City Attorney's Office, identify and analyze other options that could be considered to achieve traffic calming in neighborhoods.

As an example, recently signed into law, AB 321 (Nava) allows local governments to establish a prima facie speed limit of 15 mph in school zones. Current law established 25 mph as the prima facie speed limit. When determining the need to lower the prima facie speed limit, the bill specifies that the local agency shall take into consideration the provisions of CVC Section 627, which covers requirements for conducting Engineering and Traffic Surveys to establish posted speed limits. City staff will be reviewing AB 321 to determine how it should be implemented in San José.

In addition, following the Fall Traffic Calming Community meetings, the Traffic Calming policy team will return to the T&E Committee in March 2008 with a comprehensive report regarding input received at the meetings and recommended changes to the policy.

PUBLIC OUTREACH

- ☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater.
  (Required: Website Posting)
- ☐ **Criteria 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)**
- ☐ **Criteria 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)**

This document will be posted on the City's website for the December 12 Rules and Open Government Committee where Council and the public have the opportunity to comment.

COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City's Legislative Representative in Sacramento.

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