



Memorandum

TO: TRANSPORTATION AND ENVIRONMENT COMMITTEE

FROM: James R. Helmer, DOT
Betsy Shotwell, IGR

SUBJECT: UPDATE ON VARIOUS TRAFFIC SAFETY ITEMS

DATE: 05-21-08

Approved

Date

5/22/08

Council District: City-wide

RECOMMENDATION

The Transportation and Environment Committee (T&E) accept this report providing updates on the feasibility of increasing fines for traffic violations, developing partnerships with school districts on traffic calming near schools, and implementation of Assembly Bill 321.

BACKGROUND

On March 18, 2007 City Council accepted a status report on the Residential Traffic Calming Community Meetings previously accepted by the T&E Committee at its March 3rd meeting. The report recommended that staff develop an updated traffic calming policy, evaluate the feasibility of a red light running camera pilot program, and return to the T&E Committee on the following items:

1. Research the viability of increasing fines for traffic violations.
2. Investigate partnerships with school districts as a way of using bond monies for radar signs and other traffic calming devices near schools.
3. Implement Assembly Bill 321 which allows municipalities to lower speed limits to 15 mph in qualifying school zones after analysis by the City Attorney's Office is completed.

ANALYSIS

Increasing Fines for Traffic Violations

The establishment of traffic fines for moving violations is governed by the State of California and managed at the County level. The fine structure for moving violations is typically the same for residential neighborhood streets as on major arterials. Generally, the determination of the fine

amount is a factor of how fast a motorist is traveling over the posted speed limit, whether the violation is a first time or repetitive offense, and other factors, such as whether the violation occurred in a double fine construction zone.

The current fine structure for traffic violations throughout the State of California is complex with various add-ons, surcharges and penalty assessments. For example, in Santa Clara County, a speeding violation with a \$100 base fine, increases to \$365 after all of the State and County penalties and surcharges are added. The City receives 87% of the base fine, after a 2% deduction for County administrative fees. In terms of the total \$365 citation amount for a \$100 base fine traffic citation, the City receives approximately 23% (\$85.26).

Any changes to the fine structure for moving violations would require legislative action. Introducing any legislation to alter the fine structure may be difficult to achieve given the passage of Assembly Bill 367 in 2007. This new law requires the State Judicial Council to establish a task force on both criminal and traffic court related fines and penalties. A goal of the task force is to develop recommendations to simplify California's criminal and traffic fine penalty assessment, collection and distribution system, and address issues such as priority of payments, cost recovery practices, and the expansion of comprehensive collection programs. The task force is to report back to the Judicial Council before June 2010.

The Office of Intergovernmental Affairs (IGR) has been in contact with the Judicial Council's staff as to the Task Force's schedule, workplan and opportunities for public input during the course of its activities while they develop their report to the Judicial Council in 2010. By statute, the Task Force cannot meet until July of 2009. Each entity involved in the subject matter will have two appointees on the Task Force, including the League of California Cities. It is anticipated that the call for representation will be made in March of 2009. Prior to that time, IGR will work with the League's leadership to convey the City's concerns. Then after the Task Force is created, the group's workplan, etc. will be established; and IGR staff will monitor the task force activities.

Partnerships with School Districts

The Schools/City Collaborative brings together San Jose's 19 school superintendents, the Mayor of San José, Councilmember Chirco, and the City Administration to discuss issues of mutual interest. The Collaborative includes a School Safety subcommittee to focus on safety and transportation issues in and around schools. Developing partnerships with schools on the implementation of traffic calming has been discussed at a prior Collaborative meeting with a majority of the school district superintendents favorably supportive of the concept. The Department of Transportation (DOT) has already been contacted by one school district to solicit information about various types of traffic calming. The Schools/City Collaborative is in the formative stages of developing its 2008-09 Workplan, and the City Administration will include this as an initiative to explore further.

Implementation of Assembly Bill 321

Assembly Bill 321, which became State law on January 1, 2008 modified the California Vehicle Code (CVC) to authorize a city or county to establish a prima facie speed limit of 15 mph in school zones, on two-lane roads that are currently posted with speed limits of 30 mph or less. When determining the need to lower the prima facie speed limit, the provisions of CVC 627, which covers

requirements for conducting Engineering and Traffic Surveys to establish posted speed limits, are to be taken into consideration. Effective January 1, 2008, the provisions of Assembly Bill 321 became State law.

The California Traffic Control Devices Committee (CTCDC) has agendaized the implementation of this new State law for its meeting on May 29. DOT has submitted a letter to the CTCDC for discussion purposes at the meeting, seeking clarification on various elements of the new law. The CTCDC is a committee that advises Caltrans on various statewide traffic issues. DOT will report out on the CTCDC's action at the T&E Committee in June.

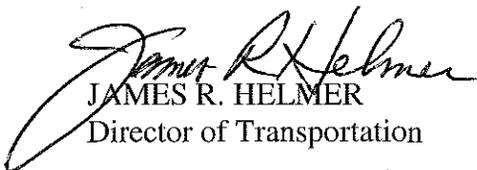
PUBLIC OUTREACH/INTEREST

- 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)**

This memorandum will be posted on the City's website for the June 2, 2008 T&E Committee agenda.

COORDINATION

This memorandum has been coordinated with the Police Department and the City Attorney's Office.


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Director of Transportation


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