

**ORDINANCE NO. 28598**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ  
REPEALING SECTION 11.12.040 OF CHAPTER 11.12 OF  
TITLE 12 OF THE SAN JOSÉ MUNICIPAL CODE AND  
AMENDING SECTION 11.12.050 OF CHAPTER 11.12 OF  
TITLE 12 TO CLARIFY THE PERSONS AUTHORIZED TO  
DIRECT TRAFFIC**

**WHEREAS**, this Ordinance has been determined not to be a project for purposes of the California Environmental Quality Act of 1970, as amended;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Section 11.12.040 of Chapter 11.12 of Title 12 of the San José Municipal Code is hereby repealed.

SECTION 2. Section 11.12.050 of Chapter 11.12 of Title 12 of the San José Municipal Code is amended to read as follows:

**11.12.050 Persons Authorized to Direct Traffic**

No person other than one of the following persons is authorized to direct traffic by voice, hand or signal:

- A. An officer of the Police Department.
- B. An officer of the Fire Department as part of a response to a fire or other emergency.
- C. A person deputized by the Chief of Police to direct traffic.

- D. 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.
  
- E. A person trained or certified as a flagger in accordance with the requirements of Section 1599 of Title 8 of the California Code of Regulations, as it may be amended, if one of the following conditions exists:
  - 1. The City authorized the use of such flagger in the construction contract, encroachment permit or other document pursuant to which construction or maintenance work is occurring; or
  
  - 2. The person is a City employee performing construction or maintenance work.
  
- F. Any other person authorized by law to direct traffic.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

---

CHUCK REED  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk