August 6, 2013

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Ordinance establishing the speed limit on a portion of Nicasio Valley Road, Nicasio

Dear Board Members:

RECOMMENDATION: Read ordinance by title only and schedule a merit hearing for September 10, 2013 at 10:30 AM.

SUMMARY: The procedure to set speed limits is specified in the California Vehicle Code. State regulations on setting speed limits changed in 2010. The ability for a local jurisdiction to deviate from setting a speed limit based on the prevailing speed (85% of drivers surveyed) is more stringent based upon these new regulations.

The California Vehicle Code (Section 40802) describes the criteria to establish radar speed enforcement of speed limits so as to not create a speed trap. Radar evidence cannot be admitted in court as speeding ticket evidence when it has been obtained by use of a speed trap. The code section also requires that new Engineering and Traffic Surveys (E&TS) be conducted periodically; otherwise radar enforcement is not valid. The existing E&TS for Nicasio Valley Road has expired and now requires a new E&TS in order for law enforcement to continue to use radar enforcement. As it now stands, without a valid E&TS, prosecution of speeding tickets using radar data on Nicasio Valley Road is not possible under State law as such prosecution will be viewed as speed entrapment.

We have conducted an Engineering and Traffic Survey (E&TS) pursuant to California Vehicle Code Section 627 and determined - using State required procedures - that it is necessary to adjust the speed limits on Nicasio Valley Road as shown in the table below.

<table>
<thead>
<tr>
<th>Begin Segment Milepost</th>
<th>End Segment Milepost</th>
<th>Existing Speed Limit</th>
<th>Proposed Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00 (Pt. Reyes-Petaluma Road)</td>
<td>2.28 (County Corp. Yard- Nicasio)</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>2.28 (County Corp. Yard- Nicasio)</td>
<td>3.10 (Old Rancheria Rd./Nicasio Square)</td>
<td>35 (school zone)</td>
<td>40</td>
</tr>
<tr>
<td>3.10 (Old Rancheria Rd./Nicasio Square)</td>
<td>3.41 - Nicasio Creek Road</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>3.41 Nicasio Creek Road</td>
<td>3.88 Nicasio Creek Bridge (Lucas Valley Road)</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>3.88 Nicasio Creek Bridge (Lucas Valley Road)</td>
<td>7.64 - Sir Francis Drake Blvd.</td>
<td>45</td>
<td>45</td>
</tr>
</tbody>
</table>
The speed limits recommended in the table are the lowest that can be posted and still be legally enforceable. The attached ordinance meets the criteria for radar enforcement as established in section 40802 of the California Vehicle Code. In the absence of a valid E&T&S, the prima facie speed limit of 55 mph could be considered applicable. A prima facie speed limit of 25 mph when children are present will remain in effect by Nicasio School. Ordinance 2203 and portions of Traffic Resolutions, particularly No. 1. Section aa., No. 3. Section I., and No. 5. Section e. that previously set speed limits along Nicasio Valley Road are also included to be repealed in the attached Ordinance.

FISCAL IMPACT: This action will result in the installation and ongoing maintenance of signs and markings. Existing funds are budgeted and available in Road Fund 20100, Fund Center 4100061000, and Commitment Item #5220500. There is no impact to the General Fund.

REVIEWED BY:                      [ ] Department of Finance [ X ] N/A
                                           [ ] County Counsel  [ X ] N/A
                                           [ ] Human Resources [ X ] N/A

Respectfully submitted,

Bob Goralka
Senior Civil Engineer, P.E., T.E.

c: Undersheriff Mike Ridgeway
   Sheriff Rich Johnson, Marin County Sheriff's Office
   Officer Nate Campbell, Marin CHP Radar Coordinator, California Highway Patrol