



# DEPARTMENT OF PUBLIC WORKS

People serving people.

August 20, 2013

Robert Beaumont

DIRECTOR

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**SUBJECT:** An ordinance establishing speed limits on portions of Seminary Drive, Mill Valley.

Dear Board Members:

**RECOMMENDATION:** 1) Conduct the merit hearing; and 2) adopt the ordinance.

**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 enforcement of speed limits so as not to create a speed trap. Radar evidence cannot be admitted in a court as speeding ticket evidence when that evidence 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 Seminary Drive 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 Seminary Drive 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 the California Vehicle Code Section 627 and determined - using appropriate State required procedures - that it is necessary to adjust the speed limits on Seminary Drive based on the survey results as shown in the table below. 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&TS, the prima facie speed limit of 55 mph could be considered applicable.

Begin Segment Milepost	End Segment Milepost	Existing Posted Speed Limit	Proposed Speed Limit
0.0 (Ricardo Rd.)	0.60 (Gilbert Dr.)	25	30
0.60 (Gilbert Dr.)	1.37 (Chapel Dr.)	35	35

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During public review of the proposed speed limits, several residents expressed concerns regarding the proposed 5 mph increase between Ricardo Road and Gilbert Drive. Several people noted concerns regarding increased speeds adjacent to two parks located alongside Seminary Drive. Per Section 22357 of the California Vehicle Code, a local authority may also set a prima facie speed limit of 25 mph on any street adjacent to a children's playground in a public park during times when children are expected to use the facilities. Two public playgrounds, one with a tot lot and another with a soccer field, are located on Seminary Drive between Ricardo Road and Gilbert Drive. It is recommended that the prima facie speed limit on Seminary Drive between Ricardo Road and Gilbert Drive be established at 30 mph, and 25 mph when children are present. A first reading of the ordinance was conducted by your Board on July 30, 2013.

**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.

<b>REVIEWED BY:</b>	<input type="checkbox"/>	Department of Finance	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	County Counsel	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,



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

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

