



DEPARTMENT OF PUBLIC WORKS

People serving people.

Robert Beaumont
DIRECTOR

September 10, 2013

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

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 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.

- Accounting
- Airport
- Building Maintenance
- Capital Projects
- Certified Unified Program Agency (CUPA)
- Communications Maintenance
- County Garage
- Disability Access
- Engineering & Survey
- Flood Control & Water Resources
- Land Development
- Purchasing
- Real Estate
- Reprographic Services
- Road Maintenance
- Stormwater Program
- Transportation & Traffic Operations
- Waste Management

Begin Segment Milepost	End Segment Milepost	Existing Speed Limit	Proposed Speed Limit
0.00 (Pt. Reyes-Petaluma Road)	2.28 (County Corp. Yard- Nicasio)	55	55
2.28 (County Corp. Yard- Nicasio)	3.10 (Old Rancheria Rd./Nicasio Square)	35 (school zone)	40
3.10 (Old Rancheria Rd./Nicasio Square)	3.41 – Nicasio Creek Road	25	30
3.41 Nicasio Creek Road	3.88 Nicasio Creek Bridge (Lucas Valley Road)	35	40
3.88 Nicasio Creek Bridge (Lucas Valley Road)	7.64 – Sir Francis Drake Blvd.	45	45

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. 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. A first reading of the ordinance was conducted by your Board on August 6, 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.

REVIEWED BY:	<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
Deputy Rich Johnson, Marin County Sheriff's Office
Officer Nate Campbell, Marin CHP Radar Coordinator, California Highway Patrol

