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Staff Report

Item # 4

To: Lemoore City Council
From: Kim Morrell, Chief of Police
Date: April 9, 2008
Subject: Traffic Survey

DISCUSSION:

Under State Law, every five years the City must perform speed surveys of the traffic on any street where the City wishes to use radar enforcement of speed limits. The speed limits on those streets must be set based upon the results of the speed survey, giving consideration to the recorded speed of the traffic and a number of other factors.

Included are the following attachments: 1) Current Municipal Code. 2) Ordinance No. 2008-04. 3) The Quad Knopf Traffic Survey which includes thirty-four (34) speed surveys were completed in accordance with Chapter 8-Regulations of the State of California Department of Transportation Traffic Manual.

A speed trap is defined in the California Vehicle Code, Section 40802, as a particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance. If the prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects.

If a speed survey is not completed in accordance with Chapter 8-Regulations of the State of California Department of Transportation Traffic Manual, then it is considered a speed trap. Section 40803(a) of the California Vehicle Code says, that no evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person in any prosecution under this code upon a charge involving the speed of a vehicle when the evidence is based upon or obtained from or by the maintenance or use of a speed trap.

The speed limits that I am recommending to council, are only recommended after giving due consideration to the 85th percentile, 10 MPH pace, average speed, accident records, and site-specific conditions (i.e. heavy business, heavy residential, etc.); and can not be lowered any further without falling into the definition of a speed trap.

IMPACT ON BUDGET:

There will be no impact on the existing budget.

RECOMMENDATION:

That the City Council, by motion, waive the first reading of the Ordinance 2008-04 and pass to a second reading.