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professional, who if notified of a vacancy, would be interested to apply and be appointed as a Planning Commissioner. In addition to the minimum requirements of the Maddy Act, advertising in local media would assist in recruiting people to fill these positions.

The use of a cell phone during meetings appears to be the norm rather than the exception and has been observed to be an accepted practice. In the case of one commissioner that arrives late, there is never a reason or apology given for being late. This overall attitude, coupled with a clear disinterest in the business at hand, is unprofessional.

Whenever a meeting is cancelled or delayed, citizens are deprived of the opportunity for input on decisions before the Commission. When Commissioners are late, the public who attend have to adjust their schedules which could include a lost day of work or cause other financial expenditures such as paying for consultants, attorneys or other professionals.

RECOMMENDATIONS

1. Adopt and implement a policy of attendance review that provides consequences. Example: after a Commissioner has been late and/or missed a given number of meetings replace that Commissioner.
2. Prohibit the use of cellular phones, pagers or any other communication device during meetings, by the commissioners.
3. Adhere to the meeting schedule and agenda.
4. Consider adopting term limits.

5. Advertise for qualified applicants to fill vacant positions in the local media.
6. Place a direct link to the “Local Appointments List” on the BOS web page.
7. If the BOS cannot fill a vacancy after a minimum of 20 days, place/publish a vacancy notice in the following:
 - a. local newspapers,
 - b. Tulare County website,
 - c. city halls and council chambers,
 - d. libraries,
 - e. Post Offices in rural areas,
 - f. other designated places throughout the County.

REQUIRED RESPONSES

Tulare County Planning Commissioner
Chairman, Nancy Pitigliano

Tulare County Board of Supervisor
District One, Allen Ishida

Tulare County Board of Supervisor
District Two, Pete Vander Poel

Tulare County Board of Supervisor
District Three, Phillip Cox

Tulare County Board of Supervisor
District Four, J. Steven Worthley

Tulare County Board of Supervisor
District Five, Mike Ennis

SPEED TRAPS IN TULARE COUNTY

BACKGROUND

Speed zones in Tulare County are established in Part III, Chapter 1, Article 1, of the Tulare County Ordinance.¹ The California Vehicle Code (CVC) requires an Engineering and Traffic Survey to be conducted at least every five years to ensure that speed zones are in compliance with the policies adopted by the California Department of Transportation. A “Speed Trap” is defined under California Vehicle Code ² which states in part; “a particular section of highway with a *prima facie* speed limit established under CVC Sections, 22357, 22358, or 22358.3. [and] If that *prima facie* speed limit is not justified by 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.”

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint about “speed traps” within 15 Tulare County communities. The complaint alleged that the Traffic Division of the Resource Management Agency (RMA) failed to comply with the provisions of the law.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Researched relevant documents, surveys and reports.
3. Visited Engineering and Traffic Survey sites.
4. Developed a comparative 2008 and 2009 survey chart³.

FINDINGS

1. The California Vehicle Code⁴ governs speed limits in California. Tulare County Board of Supervisors (BOS) agenda of July 7, 2009 states, “The CVC also

provides the means for speed limits to be established by local authorities on the basis of an engineering and traffic study. Consistent with this CVC provision, Tulare County, by Board action, has established speed limits on designated streets and highway segments. If the results of a new engineering and traffic study do not support an existing speed limit, a speed limit adjustment that is consistent with the study is recommended. CVC Section 627 of the CVC requires the consideration of all the following for the posting of speed limit: 1) prevailing speeds as determined by traffic engineering measurements; 2) accident reports; and 3) highway, traffic and roadside conditions not readily apparent to the driver. In addition to these factors, local authorities may consider residential density, pedestrian and bicycle safety as well.”

2. The California Vehicle Code provides the means for speed limits to be established by local authorities on the basis of engineering and traffic surveys.

¹See end of this report for County Ordinance Code Part III, Chapter 1, Article 1

²California Vehicle Code section 40802(a)(2), in the Tulare County Library or the California web site <http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm>

³See chart at end of this report.

⁴California Vehicle Code sections 22348 through 22413, in the Tulare County Library or the California web site <http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm>

3. In 2008, engineering and traffic surveys were completed in 18 communities and 30 locations which supported 25 changes in speed limits. The RMA failed to submit a resolution, based on these surveys, to the BOS therefore no action was or could be taken.
4. In 2009, engineering and traffic surveys were conducted covering the same traffic areas as those conducted in 2008, this time identifying two changes in the 30 locations.
5. The 2009 survey in the Plainview area was conducted from May 5, 2009 through June 5, 2009 and supported a speed limit change which was approved on July 21, 2009. From survey to ordinance adoption, the speed limit change took less than two months. This was the only change made based on either the 2008 or 2009 engineering and traffic surveys.
6. Numerous requests in the form of letters, visits and phone calls by the Grand Jury for the “most recent” engineering and traffic surveys were not honored by the Traffic Division of the RMA. Only outdated information was provided initially.

CONCLUSIONS

This investigation was hindered by the lack of cooperation on the part of the Traffic Division of the RMA. The comparative chart completed by the Grand Jury revealed that the 2008 engineering and traffic surveys reflected a need for a change in speed limits that were never submitted for an ordinance amendment to the BOS. RMA’s failure to submit resolution amendments to the BOS, based on engineering and traffic surveys completed in 2008, have created “speed traps” through out the County.

There is an appearance of preferential treatment concerning the Plainview speed limit change. It was the only change made of the two recommended changes in the 2009 survey and the only one of 25 recommended changes in the 2008 survey.

RECOMMENDATIONS

1. RMA, submit ordinance amendments to the BOS *immediately upon completion* of engineering and traffic surveys that support changes in speed limits.
2. BOS update speed zone ordinances as required by law.
3. When information is requested, RMA reply with *accurate* information in a timely manner with the *requested* information.
4. Do not grant preferential treatment; adopt all pending speed limit resolution amendments at the same time. Ensure all needed speed limit changes are given equal priority with no “special interests”.
5. Conduct an independent audit of the engineering and traffic surveys completed in 2008 and 2009 to determine why the surveys were repeated in consecutive years with different results.

REQUIRED RESPONSES

Tulare County Resource Management Agency, Traffic Division Manager
 Tulare County Resource Management Agency Director
 Tulare County Board of Supervisors
 Tulare County Administrative Officer