

ORDINANCE NO. 9145 (NEW SERIES)
AN ORDINANCE AMENDING SECTION 72.76.
OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC
REGULATIONS IN THE COUNTY OF SAN DIEGO

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. FINDINGS. Pursuant to Vehicle Code Section 21101, subdivision (f) the Board may adopt rules and regulations prohibiting entry to, or exit from, or both, from any street by means of islands, curbs, traffic barriers or other Roadway Design Feature to implement the circulation element of a general plan. In past years the Board of Supervisors approved the placement of barriers on County Highways pursuant to Streets and Highways Code Section 942.5. The Superior Court has held that the Board's discretion under Streets and Highways Code Section 942.5 is constrained by the provisions of subdivision (f) of Vehicle Code Section 21101 and that the Board must adopt rules and regulations governing not only the placement of new Roadway Design Features but also existing barriers. The Board finds that whether an existing barrier should remain or be removed should be determined on a case-by-case basis after review and recommendation by the Planning Commission. This ordinance is adopted to comply with the Court's order and to provide the needed rules and regulations.

Section 2. Section 72.76 of the San Diego County Code is amended to read as follows:

Section 72.76. USE OF ROADWAY DESIGN FEATURES TO PROHIBIT ENTRY TO, OR EXIT FROM A COUNTY HIGHWAY. Roadway Design Features such as islands, curbs, and permanent or intermittent traffic barriers may be used to prohibit entry to, or exit from, or both from any County Highway in such a manner as to help implement or to be consistent with the circulation element of the County General Plan.

(a) Roadway Design Features, as set forth above, that would prohibit existing through traffic on a County Highway may be allowed on a local County Highway when determined by the Board to protect public health and safety, however such features shall be prohibited on circulation element roads.

(b) Any request for a Roadway Design Feature that would prohibit existing through traffic either permanently, intermittently or in one direction on a local County Highway shall be approved by the Board. If the request for the Roadway Design Feature is not:

- (1) part of a Board approved roadway improvement plan,
- (2) an intermittent barrier or
- (3) a barrier prohibiting through traffic in one direction,

a one-foot strip of roadway right-of-way perpendicular to the centerline of the road shall be vacated to the abutting property owners. The requestor, at their cost, shall apply for the vacation and this vacation shall follow the Road Opening or Closure (Vacation)

procedure as presently administered by the Department of Planning and Land Use. An intermittent barrier may be used during a specified period to prohibit through traffic on a local County Highway. A permanent barrier may be used to prohibit through traffic in one or both direction on a local County Highway.

(c) (1) Any barrier that has been previously approved by the Board pursuant to Section 942.5 of the Streets and Highways Code may remain in place upon a determination by the Board pursuant to subdivision (f) of Vehicle Code Section 21101 that the barrier is needed to protect public health and safety.

(2) Prior to action by the Board, the Planning Commission upon request of the Road Commissioner, shall make a recommendation to the Board as to whether an existing barrier should remain or be removed.

(3) The Road Commissioner shall file a request with the Planning Commission for its recommendation for each existing barrier.

(4) 10 days public notice of hearing by first class mail shall be given of any meeting of the Planning Commission or the Board with regard to an existing barrier to: (1) the local planning group or sponsor group, (2) any person who requests mailed notice in writing at least 30 days before the meeting date. Failure to receive notice, however, shall not invalidate any recommendation of the Planning Commission or determination of the Board.

(d) This section constitutes rules and regulation for the use of Roadway Design Features on County Highways as authorized under Section 21101 of the California Vehicle Code.

PASSED, APPROVED AND ADOPTED this 12th day of April, 2000.