

RESOLUTION NO. 5603

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA RESTRICTING PEDESTRIAN AND OTHER USES ON DESIGNATED PORTIONS OF CERTAIN COUNTY EXPRESSWAYS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, acting in accordance with California Vehicle Code Section 21960 [designation of freeways by local authorities], as follows:

SECTION 1: County Expressways Within City Limits - Use Restrictions.

A. With respect to each of the portions of Lawrence Expressway and San Tomas Expressway designated in this resolution, (the expressway portions located within the City limits and under the traffic control jurisdiction of the City of Santa Clara and which are designed primarily for traffic movement, providing no right or easement of access, or providing access only at intersecting streets, to or abutting properties), the City Council of the City of Santa Clara hereby orders that there shall be no use of any of such portions by any pedestrian (including, but not limited to skates, skateboards, etc), thereon, and it is declared unlawful for any person to so do.

B. No person, other than peace officers, firefighters, or emergency services personnel acting in the performance of their duties, shall walk or run upon any County expressway which is posted in accordance with Subsection D. of this Section 1.

C. No person shall drive any livestock upon any County expressway.

D. When pedestrians are prohibited on any County expressway pursuant to this Section, signs shall be posted providing notice of such prohibitions as required by California Vehicle Code Section 21960.

E. Nothing in this Section is intended to prohibit any pedestrian from crossing the expressways while traveling on any street, highway, or other public way where such pedestrians are otherwise permitted and furthermore, along the expressways, walking in a designated walkway facility to and from a bus stop.

SECTION 2: Designated portions of Lawrence Expressway.

With respect to Lawrence Expressway, the following, exclusive of traffic intersections of public streets with Lawrence Expressway, are designated portions of Lawrence Expressway within the City limits of the City of Santa Clara to which all rights of access have been acquired and on which the prohibitions and restrictions of use set forth in this resolution apply:

- (1) The westerly half of Lawrence Expressway between De Soto Avenue and Pruneridge Avenue.
- (2) The westerly half of Lawrence Expressway between Benton Street and El Camino Real.
- (3) The westerly half of Lawrence Expressway between Poinciana Drive and Buckley Street.

- (4) The easterly half of Lawrence Expressway between Stevens Creek Boulevard and Lehigh Drive.
- (5) The easterly half of Lawrence Expressway between Lochinvar Avenue and Granada Avenue.
- (6) The easterly half of Lawrence Expressway between El Camino Real and Cabrillo Avenue.

SECTION 3: Designated portions of San Tomas Expressway.

With respect to San Tomas Expressway, the following, exclusive of traffic intersections of public streets with San Tomas Expressway, are designated portions of San Tomas Expressway within the City limits of the City of Santa Clara to which all rights of access have been acquired and on which the prohibitions and restrictions of use set forth in this resolution apply:

- (1) The westerly half of San Tomas Expressway between Stevens Creek Boulevard and Walsh Avenue.
- (2) The easterly half of San Tomas Expressway between Stevens Creek Boulevard and Pruneridge Avenue.
- (3) The easterly half of San Tomas Expressway between Forbes Avenue and Walsh Avenue.

SECTION 4: Exceptions to application of resolution.

The prohibitions and restrictions imposed by this resolution do not preclude any or all of the following which is excepted therefrom:

- (1) Any activity of a peace officer in the performance of his or her duty,

- (2) Any construction or maintenance activity engaged in by personnel so authorized to be so engaged by the County of Santa Clara, the City of Santa Clara, or any public utility,
- (3) Any pedestrian walking in any marked crosswalk or marked pedestrian facility,
- (4) Any person while engaged in temporarily attending or protecting a disabled vehicle on any herein designated portion of an expressway, or
- (5) The driver or any passenger of a disabled vehicle stopped on any herein designated portion of an expressway while walking to the nearest exit, in either direction, on that side of the expressway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

SECTION 5: Signs.

The City Manager, or his/her authorized designee, is authorized and directed to cause to be erected appropriate signs upon the herein designated portions of expressways and the approaches thereto which signs shall give notice of the prohibitory regulations of this resolution.

SECTION 6: Resolution No. 5467 - repealed.

That Resolution No. 5467 of the City of Santa Clara is hereby repealed at such date that the prohibitory regulations in this resolution shall be effective and operative in accordance with Vehicle Code Section 21960(b).

SECTION 7: Savings Clause.

Any repeal provided for in Section 6 of this resolution shall not affect any offense or act committed or done or any penalty or forfeiture incurred before the effective date of that repeal; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of that repeal.

SECTION 8: Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this resolution are severable, and if any phrase, clause, sentence, paragraph, or section of this resolution shall be declared unconstitutional or otherwise invalid by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this resolution hereby adopted.

SECTION 9: Effective Date.

This resolution shall take effect and be in force upon its adoption, and each prohibitory regulation therein shall be effective and operative upon erection of required sign or signs giving notice of such regulation or the adoption of this resolution whichever occurs later.

SECTION 10: Penalties.

Any person violating the provisions of this Resolution shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00).

* * * *

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 4th day of June, 1991 by the following votes:

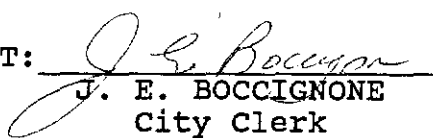
AYES: COUNCILORS: Jeffries, Lasher, Nadler and Mayor Souza

NOES: COUNCILORS: DeLozier, Deto and Von Raesfeld

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


J. E. BOCCIGNONE
City Clerk
City of Santa Clara

Bicycle2.res