



## Agenda Report

20-247

Agenda Date: 4/7/2020

### REPORT TO COUNCIL

#### **SUBJECT**

Action on the Introduction of an Ordinance Adding a New Chapter 10.06 to Title 10 of the City Code ("Vehicles and Traffic") Related to Illegal Street Racing and Sideshows [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

#### **BACKGROUND**

On April 9, 2019, Council directed the City Manager to return to Council with information and analysis regarding the resources need to curtail the recent activity related to illegal street racing and sideshows and what is needed to make the Ordinance, passed in 2004, operative. In the interim, the Police Department was directed to focus on the prevention of illegal activity within their resources and the Council authorized the City Manager to provide the resources to address the issue.

On April 25, 2019, the City Manager's Office issued a Statement of Qualifications process for a consultant to conduct data gathering and analysis on street racing and sideshows. Matrix Consulting Group was selected to conduct the study, and the City entered into an agreement with Matrix Consulting Group on June 21, 2019.

The main purpose of the study was to better understand illegal street racing and sideshow activity specific to Santa Clara, to identify current laws as it relates to this activity, to review how other cities in the Bay Area are addressing similar issues in their communities, and to identify short-term and long-term strategies to discourage this illegal activity in Santa Clara.

On February 25, 2020, Matrix Consulting Group presented the Council with a report, Illegal Street Racing and Sideshow Activity Study, dated February 7, 2020, with nine recommendations (Attachment 1). Staff supported six of the recommendations, including the introduction of an Ordinance Amending Title 10 of the City Code ("Vehicles and Traffic") Related to Illegal Street Racing and Sideshows.

The balance of the staff and Council approved recommendations can be implemented with existing resources and/or have minimal cost impact and do not require further Council action at this time.

#### **DISCUSSION**

The proposed Ordinance adds Chapter 10.06 ("Spectators Prohibited at Illegal Speed Contests and Reckless Driving Exhibitions") to Title 10 the City Code ("Vehicles and Traffic") Related to Illegal Street Racing and Sideshows. It is intended to discourage the act of organizing and participating in illegal speed contests or reckless driving exhibitions, as a participant or spectator, in an effort to protect the health, safety and welfare of the City.

State law provides the police department with a method to criminally enforce against an individual

caught operating a vehicle in a street race or sideshow. However, it is often very difficult for the police department to apprehend the specific individuals who were racing, as they will quickly flee the area when the police approach. Therefore, an enforcement method that many other cities in California have used is to broaden the scope of enforcement efforts to include those planning the race or sideshow event and those who attend the race/sideshow to spectate. Those collateral activities are aiding and abetting the racing and reckless driving.

It is expected that the ability to include spectators in enforcement efforts will help curb the criminal activity. The proposed ordinance is aimed at a very specific, limited population and will give proper notice to the public as to what activities are lawful and what activities are unlawful. The proposed ordinance also allows the responding officers to evaluate the totality of circumstances when determining whether an individual should be cited for being a spectator at an illegal race or sideshow. The officers can take into account the nature of, and circumstances surrounding, the incident and the nature of an individual's participation in, or spectating at, an incident including such factors as the time of day, description of the scene, number of people and/or vehicles present, location of the individual charged relative to the involved vehicles, and actions taken by the individual charged (including photography or videography, reporting to authorities, etc.).

### **ENVIRONMENTAL REVIEW**

The adoption of an ordinance of general policy or procedure/purchase of supplies does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational policy making or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time and expense.

### **COORDINATION**

This report was coordinated with City of Santa Clara's Traffic Engineering Division, City Attorney's Office, City Manager's Office and Community Development.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

Approve the Introduction of an Ordinance Amending Chapter 10 of the City Code ("Vehicles and Traffic").

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Report February 25, 2020 City Council Meeting
2. Proposed Ordinance Adding Ch 10.06 to SCCC Title 10