

ENFORCING TRAFFIC CODES IN A MOBILEHOME PARK.

West's Ann.Cal.Vehicle Code § 21107.9

WEST'S ANNOTATED CALIFORNIA CODES

VEHICLE CODE

DIVISION 11. RULES OF THE ROAD

CHAPTER 1. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

ARTICLE 3. LOCAL REGULATIONS

§ 21107.9. Private roads within mobilehome parks

(a) Any city or county, or city and county, may, by ordinance or resolution, find and declare that there are privately owned and maintained roads within a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or within a manufactured housing community, as defined in Section 18801 of the Health and Safety Code, within the city or county, or city and county, that are generally not held open for use by the public for vehicular travel.

Upon enactment of the ordinance or resolution, the provisions of this code shall apply to the privately owned and maintained roads within a mobilehome park or manufactured housing community if appropriate signs are erected at the entrance or entrances to the mobilehome park or manufactured housing community of the size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the roads within the park or community are subject to the provisions of this code. The city or county, or city and county, may impose reasonable conditions and may authorize the owners of the mobilehome park or manufactured housing community to erect traffic signs, markings, or devices which conform to the uniform standards and specifications adopted by the Department of Transportation.

(b) No ordinance or resolution shall be enacted unless there is first filed with the city or county a petition requested by the owner or owners of any privately owned and maintained roads within a mobilehome park or manufactured housing community, who are responsible for maintaining the roads.

(c) No ordinance or resolution shall be enacted without a public hearing thereon and 10 days' prior written notice to all owners of the roads within a mobilehome park or manufactured housing community proposed to be subject to the ordinance or resolution. At least seven days prior to the public hearing, the owner or manager of the mobilehome park or manufactured housing community shall post a written notice about the hearing in a conspicuous area in the park or community clubhouse, or if no clubhouse exists, in a conspicuous public place in the park or community.

(d) For purposes of this section, the prima facie speed limit on any road within a mobilehome park or manufactured housing community shall be 15 miles per hour. This section does not preclude a mobilehome park or manufactured housing community from requesting a higher or lower speed limit if an engineering and traffic survey has been conducted within the community supporting that request.

(e) The department is not required to provide patrol or enforce any provision of this code on any privately owned and maintained road within a mobilehome park or manufactured housing community, except those provisions applicable to private property other than by action under this section.

CREDIT(S)

(Added by Stats.2002, c. 284 (S.B.1556), § 1.)

West's Ann. Cal. Vehicle Code § 21107.9, CA VEHICLE § 21107.9

Current through Ch. 7 of 2005 Reg.Sess.

Senate Analysis

SENATE TRANSPORTATION COMMITTEE BILL NO: SB 1556 SENATOR KEVIN MURRAY,
CHAIRMAN
AUTHOR: dunn
VERSION: 4/24/02 Analysis by: Randall Henry
FISCAL:no

SUBJECT: Vehicle ordinances: mobilehome parks. ANALYSIS: Existing law applies the provisions of the Vehicle Code to streets and highways that are publicly maintained and open to the use of the public for purposes of vehicular travel, and to privately owned and maintained roads when requested by the owners and when authorized by an ordinance or resolution of a city or county, or city and county. This bill would: Allow the provisions of the Vehicle Code to be applied to mobilehome parks and manufactured housing communities when requested by the owners and when authorized by an ordinance or resolution of a city or county, or city and county.

COMMENTS:

1. The author indicates that complaints have been expressed about the problem of traffic enforcement in mobilehome parks, particularly the problem of excessive speeding. "There have reportedly been some accidents, property damage and at least one death resulting from this problem."

2. Senate Bill 1556 would extend the provisions of the Vehicle Code to mobilehome parks and manufactured communities under specified circumstances . The California Vehicle Code includes the various legal statutes that regulate the operation of vehicles and the use of the highways of the state. This bill is very similar to an existing provision, Vehicle Code Sec. 21107.7, which

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extends provisions of the Vehicle Code to private roads that are not open for public use.

3. In order for the provisions of this measure to become effective, the following requirements would have to be met: A petition submitted by the owner of the private roads within the mobilehome park to the city or county requesting that provisions of the Vehicle Code apply to these roadways. Approval of this request by ordinance or resolution by the city or county. A public hearing conducted to discuss this request. Erection of signs at the entrances of the mobilehome park notifying motorists that the park is subject to the provisions of the Vehicle Code. Local law enforcement agencies would not be required to enforce provisions of the Vehicle Code, and local government entities could authorize the park owners to erect traffic signs, signals, markings, or other similar devices. The prima facie speed limit on any road within a mobilehome park or manufactured housing community would be 15 miles per hour. A mobilehome park or manufactured housing community, however, would not be precluded from requesting a higher or lower speed limit if an engineering and traffic survey has been conducted within the community supporting the request. POSITIONS: (Communicated to the Committee before noon on Wednesday, 5/1/02)

SUPPORT: Western Home Communities Association Golden State
MobilHome Owners League, Inc.

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OPPOSED: None received. 5/2/02

Date of Hearing: June 17, 2002

ASSEMBLY COMMITTEE ON TRANSPORTATION
John Dutra, Chair
SB 1556 (Dunn) - As Amended: April 24, 2002

SENATE VOTE : 38-0

SUBJECT : Vehicle ordinances: mobilehome parks.

SUMMARY : This bill allows specified provisions of the Vehicle Code to be applied to mobilehome parks and manufactured housing communities when requested by the owners and when authorized by an ordinance or resolution of a city or county, or city and county.

Specifically, this bill :

- 1)Provides that upon adoption of a local ordinance or resolution, speed limit provisions of the vehicle code shall apply to the privately owned and maintained roads within a mobile home or manufactured home park, if appropriate signs are erected at the park entrances.
- 2)Authorizes local jurisdiction to impose reasonable conditions and authorizes park owners to erect traffic signs, signals, markings, or devices that comply with Department of Transportation Standards.
- 3)Requires the park owner to submit a petition to the city or county requesting that provisions of the Vehicle Code apply to these roadways.
- 4)Requires public properly noticed hearing on the matter.
- 5)Establishes that the prima facie speed limit on any roadway within a mobile home or manufactured home park would be 15 miles per hour.
- 6)Establishes that such parks are not precluded from requesting a higher or lower speed limit if a traffic and engineering survey is performed within the community supporting that request.
- 7)Establishes that the California Highway Patrol is not subject to these provisions.

EXISTING LAW applies the provisions of the Vehicle Code to streets and highways that are publicly maintained and open to the use of the public for purposes of vehicular travel, and to privately owned and maintained roads when requested by the owners and when authorized by an ordinance or resolution of a city or county, or city and county.

FISCAL EFFECT : Unknown

COMMENTS : This bill enables local governments to enter into agreements with mobilehome park owners for the enforcement of speed limits and other traffic violations on mobilehome park roads, subject to notice, hearing and passage of a resolution or ordinance by the local legislative body and agreement of the property owners affected. A mobilehome park may request a higher or lower speed limit if an engineering and traffic survey supports that request. Signs notifying the public of the authority of local law enforcement to enforce traffic laws in the park would be required to be posted at park entrances, and the local agency could require the park to post other traffic signs, devices or markings. The bill does not mandate that local governments or parks enter into these agreements.

According to the author, this bill comes about as a result of complaints received by park owners and local jurisdictions regarding the lack of traffic enforcement in mobilehome parks, particularly as it relates to speeding. The issue seems to be most prevalent in larger parks with roads that interconnect to public streets. Most parks have narrow streets, and sidewalks are non-existent. Senior citizens and children often use the park streets to access recreational or laundry and service facilities. Park owners have a difficult time enforcing stop sign and speed limit requirements on outsiders or visitors, over whom they have little control. Other remedies, such as security gates and speed bumps, don't always work for all parks where there are issues of emergency access, or people with walkers or in wheel chairs. And private security guards do not have authority to cite speeders for traffic violations.

Under the current law, the City of San Jose entered into an agreement 2 years ago with five park owners to provide periodic traffic enforcement in those mobilehome parks. However, in order to establish speed limits for the parks, traffic surveys had to be performed in each park. On a one-time basis, five

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park owners, the city and a local homeowner group shared the

cost of the surveys. The speed limit for the 5 parks in question was eventually pegged at 15 mph.

By establishing a state presumed 15 mph limit for all parks entering into such agreements, this bill tries to avoid the traffic survey cost issue, which serves as a disincentive to both local governments and parks to enter into these agreements.

REGISTERED SUPPORT / OPPOSITION :

Support

Western Manufactured Home Communities Association (WMA)
(sponsor)
California Mobilehome Resource and Action Association (CMRAA)
Golden State Manufactured Home Owners League (GMSOL)
San Bernardino County Sheriff's Department

Opposition

None received

Analysis Prepared by : Joseph Furtado / TRANS. / (916) 319-2093