

**CITY OF BLAINE**  
**REQUEST FOR COUNCIL ACTION**  
**MEETING DATE: December 18, 2006**

**SUBJECT: Speeding Enforcement Agreement w/ Semiahmoo Resort Association**  
**SUBMITTING DEPT: Public Safety**

**PREPARED BY: Michael Haslip, Public Safety Director**

**AGENDA LOCATION:** Comments / Communications , Consent ,  
Public Meeting (Hearing) , Unfinished Business , Council Action Item ,  
Committee Reports

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**ATTACHMENTS:**

- 1) **SEMAIHMOO RESORT ASSOCIATION AND CITY OF BLAINE AGREEMENT FOR CITY AUTHORITY TO ENFORCE SPEEDING VIOLATIONS**
- 2) **RCW: 46.61.419 Private roads — Speed enforcement.**
- 3) **2003State House Bill 1379**

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**ANALYSIS / SUMMARY:** A change in Washington State Law in 2003 codified RCW 46.61.419 and provided authority to Cities to enforce speed laws on private roadways within gated residential areas at the request of the residents' association, once certain criteria are met. The Semiahmoo Resort Association has requested that the Blaine Police Department provide speed law enforcement under this law, and the Association reports it has met the criteria in RCW 46.61.419. The Blaine Police Department already provides patrol for enforcement of criminal laws and public protection within the gated neighborhoods at Semiahmoo, and is prepared to add speed traffic enforcement to the services it provides there, to an extent and in a manner consistent with the services delivered to other neighborhoods across the City. A robust review and exchange of ideas between the legal advisors of the Resort Association and the City has resulted in the crafting of an agreement which appears to meet the needs of all the stakeholders. This request for council action provides Council a copy of the proposed agreement.

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**RECOMMENDATION:** Staff recommends that the Council authorize the City Manager and the Police Chief to complete this agreement, and authorize the Police Department to enforce speeding laws on private streets and roadways owned and maintained by the Semiahmoo Resort Association, and to sign the necessary documents to perfect the agreement, and to Waive 2<sup>nd</sup> Reading.

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**FISCAL ANALYSIS:**

Cost for speed traffic enforcement is subsumed within the overall current expense budget of the City. The police department already provides general patrols for public safety and crime reduction within the gated community. Adding speed traffic enforcement activities will involve officers having to spend additional time meeting with affected homeowners, watching for violations and contacting violators. As the time available for patrol is fixed by authorized staffing, the affect will be upon other services rather than upon budgets. To the extent possible, the police department will balance Semiahmoo speeding enforcement with the other services already provided these neighborhoods. Adding police speed enforcement patrols above the amount supported by current staffing levels would fiscally impact police operations and administration. If citations are issued, the municipal court, and the finance department are affected as well. It is estimated that traffic citations written within the gated community will not appreciably (less than 1%) affect a change in the City's overall citation total of about 1,300 per year, and hence should not have a deleterious impact on the proposed operating budget.

Actual total costs for this speed enforcement effort will also be dependent upon possible legal challenges. Private roadway speed enforcement in Washington by public authority is a new concept, and extra costs may be incurred initially from attorney fees in prosecution. The City's legal advisors have addressed some of the issues and costs of civil litigation arising from enforcement within the agreement, but ultimately these costs cannot be strictly identified or controlled.

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**REVIEWED BY:**

City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk \_\_\_\_\_

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**COUNCIL ACTION:**      Approved ,      Denied ,      Tabled / Deferred ,

Assigned to: \_\_\_\_\_

**DATE OF NEXT COUNCIL ACTION:** \_\_\_\_\_

**RCW 46.61.419**

**Private roads — Speed enforcement.**

State, local, or county law enforcement personnel may enforce speeding violations under RCW [46.61.400](#) on private roads within a community organized under chapter [64.38](#) RCW if:

(1) A majority of the homeowner's association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;

(2) A written agreement regarding the speeding enforcement is signed by the homeowner's association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;

(3) The homeowner's association has provided written notice to all of the homeowners describing the new authority to issue speeding infractions; and

(4) Signs have been posted declaring the speed limit at all vehicle entrances to the community.

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1379**

Chapter 193, Laws of 2003

58th Legislature  
2003 Regular Session

TRAFFIC CONTROL--PRIVATE ROADS

EFFECTIVE DATE: 7/27/03

Passed by the House April 21, 2003  
Yeas 89 Nays 8

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 16, 2003  
Yeas 45 Nays 4

BRAD OWEN

**President of the Senate**

Approved May 9, 2003.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1379** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

**Chief Clerk**

FILED

May 9, 2003 - 4:09 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1379

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AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Ericksen, Bush and Anderson

Read first time 01/24/2003. Referred to Committee on Transportation.

1            AN ACT Relating to agreements with cities, towns, and counties for  
2 traffic control on private roads by local law enforcement personnel;  
3 and adding a new section to chapter 46.61 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.61 RCW  
6 to read as follows:

7            State, local, or county law enforcement personnel may enforce  
8 speeding violations under RCW 46.61.400 on private roads within a  
9 community organized under chapter 64.38 RCW if:

10            (1) A majority of the homeowner's association's board of directors  
11 votes to authorize the issuance of speeding infractions on its private  
12 roads, and declares a speed limit not lower than twenty miles per hour;

13            (2) A written agreement regarding the speeding enforcement is  
14 signed by the homeowner's association president and the chief law  
15 enforcement official of the city or county within whose jurisdiction  
16 the private road is located;

17            (3) The homeowner's association has provided written notice to all  
18 of the homeowners describing the new authority to issue speeding  
19 infractions; and

1           (4) Signs have been posted declaring the speed limit at all vehicle  
2 entrances to the community.

Passed by the House April 21, 2003.

Passed by the Senate April 16, 2003.

Approved by the Governor May 9, 2003.

Filed in Office of Secretary of State May 9, 2003.