

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	X

DATE: APRIL 11, 2005

TO: CITY MANAGER/CITY COUNCIL

FROM: BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES

SUBJECT: INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE DANA POINT MUNICIPAL CODE CODIFYING SPEED LIMITS

RECOMMENDED ACTION:

That the City Council introduce and hold First Reading by title only, of an Ordinance of the City of Dana Point (Action Document A) as follows:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE

BACKGROUND:

Section 40802 of the California Vehicle Code (Code) requires local agencies to complete an engineering and traffic (E&T) survey every five years to establish speed limits upon roadways under an agency's control. The last E&T survey that was completed by the City of Dana Point was in June 2000. Therefore, the City's engineering staff identified the need to complete a new E&T survey before June 2005.

Section 22352, 22354, 22357 and 22358 of the Code provides guidance on the establishment of speed limits. A key determination as to how the Code sections are used to determine speed limits, or recommendations thereof, is the definition of a local street. A local street as defined by the Code is a street or road that primarily provides access to abutting residential property and meets the following three conditions:

- (A) Roadway width of not more than 40 feet.
- (B) Not more than one-half of a mile of uninterrupted length. Interruptions may include intersections and/or official traffic control devices such as stop signs and traffic signals.
- (C) Not more than one traffic lane in each direction.

Where a street is classified as a local street, prima facie speed limits, generally of 25 mph, apply per Section 22352 of the Code. Speed limits for streets that are not classified as local streets need to be established per a current E&T Survey as defined by Section 40802 of the Code and as prepared by the local agency. The E&T survey needs to be prepared by a licensed traffic engineer.

An E&T survey, based on the requirements outlined in the Code, was prepared by Linscott, Law & Greenspan, Engineers. This E&T Survey is attached as Supporting Document B. The current speed limits are found in Chapter 12.16.010 of the Municipal Code attached as Supporting Document C. Applicable sections of the Code are also included herein as Supporting Document D. Failure to update the ordinance pursuant to the E&T Survey will hamper speed limit enforcement efforts as speeders may claim the speed limits are inappropriate.

DISCUSSION:

In order to incorporate the results of the E&T Survey as the basis for speed limits in Dana Point, the next step would be to amend the City's current ordinance to modify speed limits as developed in this process.

The majority of the speed limits are recommended to remain the same, 37 of 41 segments studied. Speed limits on four streets, however, are recommended to be modified 5 mph downward or upward per the E&T Survey and the criteria established in the Code. Table 1 highlights recommended changes to speed limits by street:

Street Name	Limits	Current Speed Limit (mph)	Recommended Speed Limit (mph)
Pacific Coast Highway	Street of the Copper Lantern to Doheny Park Road	35/40	35
Dana Point Harbor Drive	Street of the Golden Lantern to Cove Road	30	25
Del Prado Avenue	Street of the Golden Lantern to Street of the Copper Lantern	30	35
Coast Highway	Palisades Drive to Camino Capistrano	45	50

Other than those streets listed in Table 1, all other speed limits on the streets studied are recommended to remain unchanged. Table 8-1 of the Engineering and Traffic Survey (Supporting Document B) lists all the street sections studied and the recommended speed limits.

Staff recommends that the Council consider approving the recommended action to amend the existing ordinance establishing speed limits citywide.

NOTIFICATION/FOLLOW-UP:

Upon its introduction, the proposed Ordinance will return to the Council at its next regular meeting for adoption.

FISCAL IMPACT:

None

ALTERNATIVE ACTIONS:

The Council proposed ordinance will not be introduced.

STRATEGIC PLAN:

Achieve total excellence in municipal services and City administration/planning with excellent customer service and cost-effectiveness.

ACTION DOCUMENTS:

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A. Proposed [Ordinance](#) 4

SUPPORTING DOCUMENTS:

B. Engineering and Traffic [Survey](#) (Year 2005) 8
(Hard Copy provided)

C. Current [Municipal](#) Code Section 12.16.010..... 9

D. Applicable Sections of the California [Vehicle](#) Code 11

ACTION DOCUMENT A: ORDINANCE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF DANA POINT, CALIFORNIA AMENDING SECTION 12.16.010
OF THE CITY OF DANA POINT MUNICIPAL CODE CODIFYING SPEED
LIMITS IN THE CITY OF DANA POINT**

WHEREAS, the City of Dana Point ("City") has adopted speed limits citywide in Chapter 12.16.010 of the Dana Point Municipal Code;

WHEREAS, California Vehicle Code Section 40802 requires that an engineering and traffic survey is completed every five years to verify speed limits.

WHEREAS, this ordinance is based upon the Engineering and Traffic Survey dated April 1, 2005 prepared by Linscott Law and Greenspan and reviewed by City staff.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.16.010 of the Dana Point Municipal Code "Speed Limits" is hereby amended to read as follows:

Sections:**12.16.010 Speed Limits**

The City Council establishes the following speed limits on the following streets within the City of Dana Point:

a. Twenty-five (25) miles per hour.

- (1) Acapulco Drive between Caracas Street and Street of the Golden Lantern.
- (2) Camino Capistrano between Via Sacramento and Camino De Estrella.
- (3) Camino Capistrano between Camino De Estrella and Camino Mira Costa.
- (4) Dana Point Harbor Drive between Street of the Golden Lantern and Cove Road.
- (5) La Cresta Drive between Selva Road and Easterly Cul-de-sac.
- (6) La Cresta Drive between Westerly Cul-de-sac and Street of the Golden Lantern.
- (7) La Cresta Drive between Street of the Golden Lantern and Calle La Primavera.

b. Thirty (30) miles per hour.

- (1) Camino Capistrano between Via Canon and Via Sacramento.
- (2) Camino Capistrano between Camino Mira Costa and Del Gado Road.
- (3) Dana Point Harbor Drive between Pacific Coast Highway and Street of the Golden Lantern.
- (4) Doheny Park Road between Northerly City Limit and Coast Highway.
- (5) Street of the Golden Lantern between La Cresta Drive and Del Prado Avenue.
- (6) Street of the Golden Lantern between Del Prado Avenue and Dana Point Harbor Drive.

c. Thirty-five (35) miles per hour.

- (1) Camino Capistrano between Doheny Park Road and Via Canon.
- (2) Camino De Estrella between Camino Capistrano and Easterly City Limit.
- (3) Crown Valley Parkway between Pacific Coast Highway and Sea Island Drive.
- (4) Del Obispo Street between Stonehill Drive and Blue Fin Drive.
- (5) Del Prado Avenue between Street of the Blue Lantern and Street of the Golden Lantern.
- (6) Del Prado Avenue between Street of the Golden Lantern and Street of the Copper Lantern.
- (7) Pacific Coast Highway between Street of the Blue Lantern and Street of the Golden Lantern.
- (8) Pacific Coast Highway between Street of the Golden Lantern and Street of the Copper Lantern.
- (9) Pacific Coast Highway between Street of the Copper Lantern and Doheny Park Road.
- (10) Selva Road between Southerly City Limit and Pacific Coast Highway.
- (11) Selva Road between Pacific Coast Highway and Chula Vista Avenue.
- (12) Selva Road between Chula Vista Avenue and Street of the Golden Lantern.
- (13) Selva Road between Street of the Golden Lantern and Stonehill Drive.

d. Forty (40) miles per hour.

- (1) Del Obispo Street between Pacific Coast Highway and Stonehill Drive.
- (2) Street of the Golden Lantern between Camino Del Avion and Josiah Drive.
- (3) Street of the Golden Lantern between Josiah Drive and Acapulco Drive.
- (4) Street of the Golden Lantern between Acapulco Drive and La Cresta Drive.

- (5) Niguel Road between Pacific Coast Highway and Stonehill Drive.
- (6) Niguel Road between Stonehill Drive and Camino Del Avion.
- (7) Stonehill Drive between Niguel Road and Street of the Golden Lantern.
- (8) Stonehill Drive between Street of the Golden Lantern and Del Obispo Street.
- (9) Stonehill Drive between Del Obispo Street and Easterly City Limit.

e. Forty-five (45) miles per hour.

- (1) Coast Highway between Doheny Park Road and Palisades Drive.
- (2) Crown Valley Parkway between Sea Island Drive and Camino Del Avion.

f. Fifty (50) miles per hour.

- (1) Coast Highway between Palisades Drive and Camino Capistrano.
- (2) Pacific Coast Highway between Northerly City Limit and Crown Valley.
- (3) Pacific Coast Highway between Crown Valley Parkway and Niguel Road.
- (4) Pacific Coast Highway between Niguel Road and Street of the Blue Lantern.

SECTION 2. All streets not included as part of this ordinance in Section 1, shall be assigned speed limits as outlined in the California Vehicle Code.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The Interim City Clerk of the City of Dana Point shall certify to the passage and adoption of this ordinance and shall cause the same to be posted and published in a manner required by law.

PASSED, APPROVED, AND ADOPTED this 11th day of April, 2005.

WAYNE RAYFIELD, MAYOR

ATTEST:

SHARIE APADOCA, INTERIM CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Sharie Apadoca, Interim City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ introduced at a regular meeting of the City Council held this 11th day of April, 2005, and passed and adopted at a regular meeting held _____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

SHARIE APADOCA, INTERIM CITY CLERK

Supporting Document B: Engineering and Traffic Survey (Year 2005)

Hard Copy Provided

Supporting Document C: Current Municipal Code Section 12.16.010**12.16.010 Speed limits.**

The City Council establishes the following speed limits on the following streets within the City of Dana Point:

(a) Twenty-five (25) miles per hour.

- (1) Acapulco Drive between Caracas Street and Street of the Golden Lantern.
- (2) Camino Capistrano between Via Sacramento and Camino Mira Costa.
- (3) Calle La Primavera between Selva Road and Old Bridge Road.
- (4) Dana Woods Drive between Street of the Golden Lantern and Danapoplar.
- (5) Josiah Drive between Leah Drive and Street of the Golden Lantern.
- (6) La Cresta Drive between Street of the Blue Lantern and Calle La Primavera.
- (7) Mar Y Sol between Camino Del Avion and Danapoplar.
- (8) Street of the Green Lantern between Pacific Coast Highway and Cove Road.

(b) Thirty (30) miles per hour.

- (1) Camino Capistrano between Via Canon and Via Sacramento.
- (2) Camino Capistrano between Camino Mira Costa and Del Gado Road.
- (3) Dana Point Harbor Drive between Ensenada Place and Pacific Coast Highway.
- (4) Del Prado Avenue between Street of the Golden Lantern and Street of the Copper Lantern.
- (5) Doheny Park Road between the north City limits and Pacific Coast Highway.
- (6) Street of the Golden Lantern between La Cresta Drive and Dana Point Harbor Drive.

(c) Thirty-five (35) miles per hour.

- (1) Camino Capistrano between Doheny Park Road and Via Canon.
- (2) Camino De Estrella between Camino Capistrano and the east City limits.
- (3) Crown Valley Parkway between Sea Island Drive and Pacific Coast Highway.
- (4) Del Obispo Street between Blue Fin Drive and Stonehill Drive.
- (5) Del Prado Avenue between Street of the Blue Lantern and Street of the Golden Lantern.
- (6) Pacific Coast Highway between Street of the Blue Lantern and Doheny Park Road.
- (7) Selva Road between Stonehill Drive and south end of road.

(d) Forty (40) miles per hour.

- (1) Del Obispo Street between Stonehill Drive and Pacific Coast Highway.
- (2) Street of the Golden Lantern between Camino Del Avion and La Cresta Drive.
- (3) Niguel Road between Camino Del Avion and Pacific Coast Highway.
- (4) Stonehill Drive between Niguel Road and the east City limits.

(e) Forty-five (45) miles per hour.

- (1) Crown Valley Parkway between Camino Del Avion and Sea Island Drive.
- (2) Pacific Coast Highway between Doheny Park Road and Camino Capistrano.

(f) Fifty (50) miles per hour.

- (1) Pacific Coast Highway between the north City limits and Street of the Blue Lantern.
(Added by Ord. 03-08, 4/23/03)

Supporting Document D: Applicable Sections of the California Vehicle Code

CALIFORNIA CODES

VEHICLE CODE

SECTION 445

CALIFORNIA CODES

VEHICLE CODE

SECTION 22348-22366 (Applicable Sections Only)

22348. (a) Notwithstanding subdivision (b) of Section 22351, a person shall not drive a **vehicle** upon a highway with a **speed** limit established pursuant to Section 22349 or 22356 at a **speed** greater than that **speed** limit.

22350. No person shall drive a **vehicle** upon a highway at a **speed** greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a **speed** which endangers the safety of persons or property.

22351. (a) The **speed** of any **vehicle** upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this **code** is lawful unless clearly proved to be in violation of the basic **speed** law.

(b) The **speed** of any **vehicle** upon a highway in excess of the prima facie **speed** limits in Section 22352 or established as authorized in this **code** is prima facie unlawful unless the defendant establishes by competent evidence that the **speed** in excess of said limits did not constitute a violation of the basic **speed** law at the time, place and under the conditions then existing.

22352. (a) The prima facie limits are as follows and shall be applicable unless changed as authorized in this **code** and, if so changed, only when signs have been erected giving notice thereof:

(1) Fifteen miles per hour:

(A) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along the railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(B) When traversing any intersection of highways if during the last 100 feet of the driver's approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an

intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(C) On any alley.

(2) Twenty-five miles per hour:

(A) On any highway other than a state highway, in any business or residence district unless a different **speed** is determined by local authority under procedures set forth in this **code**.

(B) When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds.

(C) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard "SENIOR" warning sign. A local authority is not required to erect any sign pursuant to this paragraph until donations from private sources covering those costs are received and the local agency makes a determination that the proposed signing should be implemented. A local authority may, however, utilize any other funds available to it to pay for the erection of those signs.

(b) This section shall become operative on March 1, 2001.

22357. (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a **speed** greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie **speed** limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum **speed** limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum **speed** limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey.

This section does not apply to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

22357.1. Notwithstanding Section 22357, a local authority may, by ordinance or resolution, set a prima facie **speed** limit of 25 miles per hour on any street, other than a state highway, adjacent to any children's playground in a public park but only during particular hours or days when children are expected to use the facilities. The 25 mile per hour **speed** limit shall be effective when signs giving notice of the **speed** limit are posted.

22358. (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie **speed** limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

22358.3. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie **speed** limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie **speed** limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

22358.4. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie **speed** limit of 25 miles per hour established by paragraph (2) or (3) of subdivision (b) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie **speed** limit of 20 or 15 miles per hour, whichever is justified as the appropriate **speed** limit by such survey. The ordinance or resolution shall not be effective until appropriate signs giving notice of the **speed** limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.

22358.5. It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward **speed** zoning, as the basic rule of section 22350 is sufficient regulation as to such conditions.

22359. With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under Sections 22357 and 22358 shall be effective as to any such portion until all authorities having jurisdiction of the portions of the street concerned have approved the same. This section shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

22360. (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of a highway other than a state highway for a distance of not exceeding 2,000 feet in length between districts, either business or residence, the local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 65 miles per hour, but not less than 25 miles per hour, which declared prima facie **speed** limit shall be effective when appropriate signs giving notice thereof are erected upon the street or highway.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

CALIFORNIA CODES

VEHICLE CODE

SECTION 40801-40802

40801. No peace officer or other person shall use a speed **trap** in arresting, or participating or assisting in the arrest of, any person for any alleged violation of this **code** nor shall any speed **trap** be used in securing evidence as to the speed of any **vehicle** for the purpose of an arrest or prosecution under this **code**.

40802. (a) A "speed **trap**" is either of the following:

(1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a **vehicle** may be calculated by securing the time it takes the **vehicle** to travel the known distance.

(2) A particular section of a highway with a prima facie speed limit that is provided by this **code** or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school zone.

(b) (1) For purposes of this section, a local street or road is defined by the latest functional usage and federal-aid system maps submitted to the federal Highway Administration, except that when these maps have not been submitted, or when the street or road is not shown on the maps, a "local street or road" means a street or road that primarily provides access to abutting residential property and meets the following three conditions:

(A) Roadway width of not more than 40 feet.

(B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.

(C) Not more than one traffic lane in each direction.

(2) For purposes of this section "school zone" means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. "School zone"

also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard "SCHOOL" warning sign.

(c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

(A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.

(B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

(ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A "speed **trap**" is either of the following:

(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a **vehicle** may be calculated by securing the time it takes the **vehicle** to travel the known distance.

(B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this **code** or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school zone.