

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN

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**A RESOLUTION IN SUPPORT OF AB 43, A BILL TO ALLOW MUNICIPALITIES MORE FLEXIBILITY ON SETTING SPEED LIMITS AND REQUIRE FACTORS SUCH AS PEDESTRIAN, BICYCLE, AND CHILD SAFETY TO BE CONSIDERED WHEN SETTING SPEED LIMITS**

**WHEREAS**, in the City of Oakland there have been numerous accidents due to speeding, causing fatalities, serious injuries and property damage; and

**WHEREAS**, according to the National Transportation Safety Board, speeding accounts for nearly a third of all traffic fatalities; and

**WHEREAS**, the faster a vehicle goes, the chances of survival in a car crash decreases tremendously, especially for vulnerable road users such as pedestrians, bicyclists, seniors and children; and

**WHEREAS**, reducing speed limits has been shown to reduce both injuries and fatalities on the road; and

**WHEREAS**, the National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials and California Transportation Agency (CalSTA) have all concluded we need to reform the way speed limits are set; and

**WHEREAS**, under current rules, California cities have very limited say in the speed limit on their streets and have to base it on how fast people currently drive, regardless of whether most of them are speeding or not. It's known as the "85th percentile rule" because planners must set the speed limit at whatever speed 85% of drivers are going; and

**WHEREAS**, AB 43 was introduced by Assembly Members Friedman, Ting, Chiu, and Quirk on December 7, 2020; and

**WHEREAS**, AB 43 requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits; and

**WHEREAS**, AB 43 permits cities to lower speed limits beyond the 85th percentile on streets with high injuries and fatalities, and ensures they will never again have to raise a speed limit on any road if there have been no design changes; and

**WHEREAS**, AB 43 implements policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 43 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law, and be it

**FURTHER RESOLVED:** That the Oakland City Council requests that the City Administrator transmit a copy of this Resolution to our local state legislative representatives and to the lobbyist for the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California