



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Fred Kelley,  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Assembly Bill 43 Implementation Plan  
and Ordinance related to Business  
Activity District Speed Limit Lowering

**DATE:** September 28, 2022

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City Administrator Approval

Date: Oct 13, 2022

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## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 10.20 (Speed Limits) To Establish 20 Mile Per Hour (MPH) and 25 MPH Speed Limits In Business Activity Districts As Defined in Assembly Bill 43**

## **EXECUTIVE SUMMARY**

The City of Oakland (City) Safe Oakland Streets (SOS) initiative - a Citywide initiative launched in March 2021- is focused on strategies that work together to create a safer transportation system, save lives, reduce severe injuries, and deliver equitable outcomes. Managing speeds is a key approach to achieving SOS goals, and staff from the City Administrator's Office, the Oakland Department of Transportation (OakDOT), the Oakland Police Department (OPD), and the Department of Race and Equity have been working together with City Councilmembers, the Mayor, community leaders and partner cities to advocate for State legislation that allows for more flexibility in speed limit setting.

Assembly Bill 43, Friedman: Traffic Safety (AB 43) was signed into law in late 2021 by California's Governor. Under AB 43, local governments may, by ordinance, set a prima facie speed limit of 20 mph or 25 mph on streets contiguous to a "business activity district" (a new designation authorized by AB 43).

This report summarizes the legislative criteria for the implementation of Business Activity Districts (BADs), OakDOT's citywide analysis to identify eligible BADs, and OakDOT's prioritization approach and timeline for implementation. There is also an accompanying ordinance amending Oakland Municipal Code Chapter 10.20 (Speed Limits) to establish 20 mile per hour (MPH) and 25 MPH speed limits in BADs as defined in AB 43.

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## **BACKGROUND / LEGISLATIVE HISTORY**

This report presents a progress update on OakDOT's work to begin to implement BADs as defined in AB 43. Specifically, local governments may, by ordinance, set a prima facie speed limit of 20 mph or 25 mph on streets contiguous to a "business activity district" (a new designation authorized by AB 43, Vehicle Code Section 22358.9) in locations that meet specific criteria set for in the legislation and defined later in this report.

This work is in support of the SOS initiative - a Citywide initiative launched in March 2021 and focused on strategies that work together to create a safer transportation system, save lives, reduce severe injuries, and deliver equitable outcomes. Staff from OakDOT, OPD, Department of Race and Equity and the CAO have been working on implementing a number of SOS strategies to improve safety and save lives; a [comprehensive Safe Oakland Streets Annual Update](#) report was presented to City Council's Public Works Committee on June 28, 2022. Speed limit lowering in Business Activity Districts is advancing *SOS Policy Strategy 3.4: CAO, DOT, and OPD to advocate for State policy for local speed limit reductions to improve safety and save lives.*

In 2021, following a coordinated advocacy effort among City of Oakland staff, City Councilmembers, the Mayor, community leaders, and partner cities from across the state, AB 43 was signed into law. A comprehensive [informational report](#) on *Local Transportation Safety Planning Relating To The Implementation Of AB 43 Dealing With Speed Limits* was presented to the Oakland City Council Public Works Committee on January 25, 2022. This report includes detailed information on local speed limit setting in California, the strong relationship between increasing vehicle speeds and increased risk of severe injury and death, and the effectiveness evidence regarding speed limit lowering and traffic safety, citing findings from the California State Transportation Agency's Zero Traffic Fatalities Task Force Report.<sup>1</sup> The Task Force recommended, amongst other things, reconsidering the traditional 85th percentile methodology to set speeds, which has been in practice for more than 80 years. This is the focus of AB 43.

California law doesn't allow cities the autonomy needed to change street speed limits; and cities are mandated to conduct a traffic and engineering survey to determine a street's speed limit via the 85<sup>th</sup> percentile method. This method is based on the premise that the speed limit should be set at the speed which the majority (85%) of drivers travel under, as measured by an engineering and traffic survey, rather than a speed that is safe for all road users. This method is counter to safely setting speeds that would reduce the risk of severe injury or death in a crash – in fact, it is known to increase speed limits over time. Throughout the years, many cities have seen a continued escalation in speed limits because of the necessity to conduct an engineering and traffic survey. Every five to seven years, traffic engineers are forced to continually raise speed limits based on "speed creep." The National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials, and the California Transportation Agency (CalSTA) have all concluded we need to reform the way speed limits are set in order to prioritize the safety of people on our streets.

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<sup>1</sup> Zero Traffic Fatalities Task Force Report, January 2020: <https://calsta.ca.gov/-/media/calsta-media/documents/calsta-report-of-findings-ab-2363-zero-traffic-fatalities-task-force-a11y.pdf>

As jurisdictions work to slow speeds to save lives, the traditional 85<sup>th</sup> percentile approach is in direct conflict with work needed to lower speed limits to protect the more vulnerable travelers. In Oakland, a 2018 crash analysis found that dangerous speeding is the top cause of traffic deaths on our streets, and unfortunately, we know that this traffic safety is also an equity issue: Black Oaklanders and seniors are two to three times more likely to be victims of a severe or fatal traffic crashes than the average Oaklander. While OakDOT is rapidly working to install safety projects to calm speeds on our highest injury streets, we need multiple tools in order to slow vehicle speeds and address this complex and pervasive safety and equity issue.

AB 43 strikes a balance between allowing greater local flexibility and ensuring that speed adjustments are completed incrementally. For the most part, the bill doesn't remove the 85<sup>th</sup> percentile approach to speed limit setting in California, rather it adds several very specific strategies to help enhance safety while continuing the 85<sup>th</sup> percentile approach. These strategies [are summarized in the January 2022 Informational Report](#).

Under AB 43, local governments may, by ordinance, set a prima facie speed limit of 20 mph or 25 mph on streets contiguous to BADs (Vehicle Code Section 22358.9).

## **ANALYSIS AND POLICY ALTERNATIVES**

The AB 43 strategy that is the focus of this report is **Creating Slow BADs**. This report summarizes the legislative criteria for the implementation of BADs, OakDOT's citywide analysis to identify eligible segments, and OakDOT's prioritization approach and timeline for implementation.

### **AB 43 establishes the following criteria for BAD speed limit implementation:**

1. These streets must have four or fewer traffic lanes, and the speed limit immediately before and after the business activity district must not be more than 5 mph higher. A BAD is defined as that portion of a street and the adjoining property contiguous thereto that includes central or neighborhood downtowns, urban villages, or zoning designations that prioritize commercial land uses at the downtown or neighborhood scale and meets at least three of the following four requirements, inclusive:
  - a. No less than 50 percent of the adjoining property fronting the highway consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the highway.
  - b. Parking spaces located alongside the highway (including parallel, diagonal, or perpendicular spaces).
  - c. Traffic signals or stop signs located at least every 600 feet.
  - d. Marked crosswalks not controlled by a traffic control device.
2. A local authority may not declare a prima facie speed limit under this section on a portion of a street where the local authority has already lowered the speed limit as permitted under Vehicle Code Sections 22358.7 and 22358.8.
3. A local authority may issue only warning citations for violations of exceeding the speed limit by 10 mph or less for the first 30 days that a lower speed limit is in effect as authorized by this section of this bill.

Utilizing the criteria specified above under section 1, above, OakDOT staff conducted a comprehensive, citywide spatial analysis to identify segments eligible for speed limit lowering as BADs. Based on the analysis, the locations summarized in **Attachment A** and mapped in **Attachment B** were identified as eligible corridors for establishing BADs with lower speed limits.

Fifty-seven (57) corridors totaling 26.5 miles in Oakland were identified through this detailed analysis. The corridors are listed in the order of their prioritization for implementation, based on a) whether the corridor is on Oakland's Multimodal High Injury Network (HIN) and, b) the OakDOT Priority Equity Neighborhood tier (Highest, High, Medium, Low, Lowest) of the area where the corridor is located.<sup>2</sup> This approach is prioritizing implementation of BADs on the HIN and in the Highest Priority Equity Areas. **Attachment A** indicates the eligible BAD that is in State right-of-way on San Pablo Avenue, therefore requiring Caltrans approval and coordination for implementation. It also indicates the eligible BADs where AC Transit has indicated potential concern with respect to speed limit changes having impacts on transit operations. Most estimated are impacts <1 minute per trip within the identified BAD segment and coordination with AC Transit as a part of implementation is underway. Finally, as indicated in **Attachment A**, International Blvd. is also under consideration as an eligible BAD between 1st Ave and 107th Ave pending further speed analysis and coordination with AC Transit. It is not included in the current ordinance and will need to be brought to Council for approval at a future date.

Pending acceptance of this report and the associated ordinance by the City Council, OakDOT aims to implement the speed limit signage for 10 BADs by Summer 2023. Implementation will begin starting at the top of the list in Attachment A, which prioritizes implementation of BADs on the HIN and in the Highest Priority Equity Areas first. OakDOT further aims to implement signage implemented in all identified BADs as feasible by the end of 2025 and will be requesting the funding in the 2023-25 City Budget to complete this work. Communications on BAD implementation will be coordinated with Council Offices and associated Neighborhood Councils.

Adoption of this ordinance advances Oakland's citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government.

## **FISCAL IMPACT**

Funding for the implementation of 10 BADs in 2022/2023 was secured in the Fiscal Year (FY) 22-23 midcycle budget. This funding covers implementation costs including: the creation, engineering and installation costs for speed limit signs, in addition to other speed limit signage planned to compliment the roll out of AB 43 (15 MPH school speed limit signage and gateway speed limit signage) at a total cost of \$447,598.

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<sup>2</sup> More information on OakDOT's High Injury Network and Priority Equity Neighborhoods available in the OakDOT Geographic Equity Toolbox at:  
<https://oakgis.maps.arcgis.com/apps/MapSeries/index.html?appid=fd47784582294d7b87cfb3ee1b047ea8>.

### **PUBLIC OUTREACH / INTEREST**

The SOS interdepartmental team has presented on our Safe Oakland Streets efforts, including AB 43, to the City's Bicyclist and Pedestrian Advisory Commission, Mayor's Commission on Aging, Mayor's Commission on Persons with Disabilities, and various Neighborhood Council meetings. Additional targeted outreach will be conducted through Council Offices and Neighborhood Councils as BADs are implemented.

### **COORDINATION**

Through the SOS initiative, OakDOT has coordinated closely with the CAO, OPD and the Department with Race and Equity. In addition, staff worked closely with the Mayor's Office and City Council to advocate for the passage of AB 43. This coordination will continue to be critical in support of outreach, education and enforcement efforts as AB 43 BADs are implemented.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Slower vehicle speeds and associated reductions in severe and fatal crashes would have potential economic benefits for the City and its residents as slower speed reduce injury severity and therefore the direct and indirect economic costs of severe and fatal crashes on residents and the community.

***Environmental:*** Strategies to lower speed limits, slow vehicle speeds and improve traffic safety help encourage more people to choose to travel by walking, bicycling, scootering, and similar more environmentally friendly modes.

***Race & Equity:*** Through an equity impact assessment completed for Safe Oakland Streets, City staff found that AB 43 helps to advance equity. Lowering speed limits has independent utility in slowing down traffic, which results in lives saved. Ninety-five percent (95%) of HIN corridors are located in medium- to high-priority equity neighborhoods, meaning speed-related crashes concentrate in communities with the highest concentrations of Black, Indigenous and People of Color (BIPOC) Oaklanders. Combined with engineering, slower speed limits granted through AB 43 can help prevent crashes in the first place, reduce injury severity, and address the inequities in who is killed and severely injured in traffic crashes on our streets.

**ACTION REQUESTED OF THE CITY COUNCIL**

**Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 10.20 (Speed Limits) To Establish 20 Mile Per Hour (MPH) and 25 MPH Speed Limits In Business Activity Districts As Defined in Assembly Bill 43**

For questions regarding this report, please contact Megan Wier, Safe Streets Division Manager, at [mwier@oaklandca.gov](mailto:mwier@oaklandca.gov).

Respectfully submitted,

*Fred Kelley*

Fred Kelley (Oct 12, 2022 19:06 PDT)

FRED KELLEY  
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Attachments (2):

Attachment A. Eligible Business Activity Districts Prioritized Based on High Injury Network and Geographic Equity – Existing and Proposed Speed Limits

Attachment B. Map of Eligible Business Activity Districts