

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 23 PM 5:15

Date: April 30, 2009

CITY OF OAKLAND BILL ANALYSIS



Bill Number: Assembly Bill 766

Bill Author: Assistant Majority Leader, Paul Krekorian

DEPARTMENT INFORMATION

Contact: Michael Johnson

Department: Council President Jane Brunner and Councilmember Jean Quan

Telephone: x4742

FAX #

E-mail:

RECOMMENDED POSITION: SUPPORT

Summary of the Bill

This bill amends current law on how speed limits are set on local roads. Current law requires that speed studies be conducted every seven years and that the posted speed limit must be adjusted to reflect prevailing traffic speeds. For example, if the speed survey on a street posted at 25 m/p/h shows that the prevailing speed is 40 m/p/h, then the posted speed limit must be adjusted upwards accordingly.

AB 766 gives local authorities discretion to maintain current posted speed limits despite higher prevailing speeds, if the local authority makes a finding, after a public hearing, that a higher speed limit is not appropriate. Some of the factors that can be considered include the orderly movement of traffic on the street and the promotion of a safe environment for the neighborhood or pedestrians.

Positive Factors for Oakland

This bill would give Oakland discretion to maintain, rather than adjust upwards, current posted speed limits. Neighbors and local leaders will have more say in determining appropriate local speed limits.

Negative Factors for Oakland

The enforceability of posted local speed limits, when they do not depend on quantitative data, will have to be determined by the court system.

Item: _____
Rules & Legislation Comte.
Date xx, 2006

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or** **None** (do not review with City Council, position not required)

Known support:

City of Glendale
City of Los Angeles
The Honorable Mayor Ronald V. Dellums

Known Opposition:

American Automobile Association (AAA)

Attach bill text and state/federal legislative committee analysis, if available.

Item: _____
Rules & Legislation Comte.
Date xx, 2006

ASSEMBLY BILL

No. 766

Introduced by Assembly Member Krekorian

February 26, 2009

An act to add Section 22358.2 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 766, as introduced, Krekorian. Vehicles: speed limits.

Existing law permits a local authority to decrease or increase a prima facie speed limit on any street, other than a state highway, based on an engineering and traffic survey, and for enforcement purposes requires that survey to be redone after a certain number of years.

This bill would allow a local authority retain a prima facie speed limit on any street, other than a state highway, if the local authority makes a finding, after a public hearing, that a higher speed limit is not the most appropriate for the orderly movement of traffic upon the street and does not promote a safe environment for the neighborhood or pedestrians.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22358.2 is added to the Vehicle Code,
2 to read:
3 22358.2. (a) Notwithstanding Section, 40802, a local authority
4 may retain a prima facie speed limit that is provided by this code
5 or by local ordinance under subparagraph (A) of paragraph (2) of
6 subdivision (a) of Section 22352, or established under Section

1 22354, 22357, 22358, or 22358.3 on any street other than a state
2 highway, if the local authority makes a finding, after a public
3 hearing, that a higher speed limit is not the most appropriate for
4 the orderly movement of traffic upon the street and does not
5 promote a safe environment for the neighborhood or pedestrians.

6 (b) If a local authority makes a finding pursuant to subdivision
7 (a), the prima facie speed limit does not have to be rejustified by
8 an engineering and traffic survey as provided in Section 40802.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

DRAFT

City Attorney

2009 APR 23 PM 5:07 RESOLUTION NO. _____ C.M.S.

Introduced by Council President Brunner and Councilmember Quan

Resolution In Support Of Assembly Bill 766 (Krekorian) Which Would Provide Local Governments With A Means Of Limiting Increases In Speed Limits On Local Streets

WHEREAS, ensuring pedestrian and cyclist safety is a priority of the City Council; and

WHEREAS, current law requires that speed studies be conducted every seven years and that the posted speed limit must be adjusted to reflect prevailing traffic speeds; and

WHEREAS, for the safety and livability of our neighborhoods, the City may wish to prevent speed limits from increasing

WHEREAS, the City should be able to exercise control over its own streets; and

WHEREAS, AB 766 gives local authorities discretion to maintain current posted speed limits despite higher prevailing speeds, if the local authority makes a finding, after a public hearing, that a higher speed limit is not appropriate; and

WHEREAS: AB 766 will give neighbors and local leaders more say in determining appropriate local speed limits now, therefore be it

RESOLVED: that the City of Oakland declares its support for AB 766 (Krekorian); and be it

FURTHER RESOLVED: that the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE , KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California