



# AGENDA REPORT

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

**FROM:** Ryan Russo, Department of  
Transportation  
Director

**SUBJECT:** Informational Report on AB 43  
Planning and Implementation

**DATE:** December 27, 2021

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City Administrator Approval

Date: Jan 13, 2022

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## **RECOMMENDATION**

**Staff Recommends That The City Council Receive A Report From The Oakland Department Of Transportation (OakDOT) On Local Transportation Safety Planning Relating To The Implementation Of AB 43 Dealing With Speed Limits.**

## **EXECUTIVE SUMMARY**

This report is provided by the Oakland Department of Transportation (OakDOT) to inform City Council on efforts underway and forthcoming to implement Assembly Bill (AB) 43 (Friedman): Traffic Safety, which allows California cities to make a number of changes to how speed limits are set.

The report provides an overview of the changes made by AB 43, when they take effect, and how the City is planning for implementation. The report also discusses the importance of speed management and additional strategies staff are working on implementing to address dangerous speeding in Oakland.

The report discusses these strategies in the context of Safe Oakland Streets (SOS): a Citywide initiative launched in March 2021 with goals to prevent severe and fatal traffic crashes, eliminate existing injury inequities, and take a careful approach to implementation to prevent or mitigate any new adverse equity impacts from arising as a result of the City's efforts.<sup>1</sup>

## **BACKGROUND / LEGISLATIVE HISTORY**

AB 43 (Friedman): Traffic Safety, was signed into law by California's Governor in 2021 allowing the City more opportunities to manage speed through a variety of strategies. City of Oakland staff are actively planning for the implementation of AB 43.

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<sup>1</sup> For more information, please visit [www.oaklandca.gov/SOS](http://www.oaklandca.gov/SOS)

This legislation is important because traffic safety is a critical issue in Oakland. Every week, two Oaklanders are killed or severely injured in traffic crashes on city streets. These crashes are also highly concentrated – with 60% of severe and fatal crashes occurring on just 6% of Oakland city streets, identified as Oakland’s high injury network. These crashes disproportionately harm people in Black, Indigenous, and people of color (BIPOC) communities, people with disabilities, seniors, and low-income communities. Crashes are a leading cause of death among Oakland youth. All traffic deaths are preventable. SOS is a Citywide initiative that is taking a new approach to preventing severe and fatal crashes. The City’s approach focuses on strategies that work together to create a safer transportation system to save lives and deliver equitable outcomes. Staff are working across departments and government agencies and building partnerships with communities most affected by these life-and-death issues.

Managing speeds is a key approach to achieving SOS goals, and staff from the City Administrator’s Office (CAO), OakDOT, Oakland Police Department (OPD), and the Department of Race and Equity (DRE) 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.

This report further presents a progress update on “*Policy Strategy 3.4: CAO, DOT, and OPD to advocate for State policy for local speed limit reductions to improve safety and save lives.*” 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 on October 8, 2021 by California’s Governor.

### ***Background on Local Speed Limit Setting in California***

As vehicle speeds increase, chances of survival in a car collision decreases tremendously – especially for vulnerable road users such as pedestrians, bicyclists, seniors and children. Traffic crashes kill nearly 3,600 people and severely injure 13,000 people each year in California. 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.

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 Officials, and the California Transportation Agency (CalSTA) have all concluded that there is a need to reform the way speed limits are set in order to prioritize the safety of people traveling along public streets.

### ***Speed Kills***

Speeding contributes to approximately one-third of all vehicular fatalities nationwide. 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, 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.

Speed limit reductions save lives and improve traffic safety. There is a wealth of research that supports this conclusion, as described in **Attachment A**. 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.

## **ANALYSIS AND POLICY ALTERNATIVES**

Overall, AB 43 results in a number of changes to the way speed limits are set in California. Most of these changes became effective January 1, 2022, while other require administrative actions that are currently being developed.

1. **Extending Speed Surveys:** Extends the length of a speed survey from a maximum of 10 years to a maximum of 14 years, if a traffic engineer evaluates the respective section of the street and determines that no significant changes in roadway or traffic conditions have occurred. *[Amendments to Vehicle Code Section 40802]*
2. **Resisting Speed Creep:** Local governments may resist “speed creep” – often caused inadvertently by the state’s 85<sup>th</sup> percentile law – if after completing an engineering and traffic survey and finding that the newly-calculated speed limit is still more than is reasonable or safe, the local authority may, by ordinance, retain the current speed limit; or restore the immediately prior, lower speed limit if that speed limit was established with an engineering and traffic survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established the prior speed limit. *[New Vehicle Code Section 22358.8]*
  - a. A local authority shall 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 the bill.
3. **Identifying Safety Corridors & Allowing for 5 mph Speed Limit Reductions:** Local governments may lower speed limits by 5 miles per hour (mph) below the traffic survey's results on streets identified as “safety corridors” or near places where pedestrians and bicyclists congregate, especially those from vulnerable groups. A local authority may not lower a speed limit as authorized by this section of the bill until June 30, 2024, or until California’s courts implement a new online tool for adjudicating infraction violations statewide, whichever is sooner. Additionally, Caltrans, in the next revision of the California Manual of Uniform Traffic Control Devices (CAMUTCD) shall define “safety corridor” and what constitutes places that generate high concentrations of bicyclists and pedestrians. *[New Vehicle Code Section 22358.7]*

- a. When local authorities are first authorized to lower speed limits under these provisions of the bill, 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.
4. **Creating Slow Business Activity District Zones:** 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). *[New Vehicle Code Section 22358.9]*
  - a. 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 “business activity district” is defined as that portion of a street and the 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:
    - i. No less than 50 percent of the contiguous property fronting the highway consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the highway.
    - ii. Parking spaces located alongside the highway (including parallel, diagonal, or perpendicular spaces).
    - iii. Traffic signals or stop signs located at least every 600 feet.
    - iv. Marked crosswalks not controlled by a traffic control device.
  - b. 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 the safety corridors provision (#3 above), and the resisting speed creep provision (#2 above).
  - c. 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.
5. **Increasing Authority to Lower Speed Limits by 5 mph:** Directs Caltrans, when it next revises the CAMUTCD, and notwithstanding the fact that statute continues to direct Caltrans to maintain the CAMUTCD to require Caltrans or a local authority to round speed limits to the nearest 5 mph of the 85<sup>th</sup> percentile of the free-flowing traffic, to revise the CAMUTCD to also include direction that in cases in which the speed limit needs to be rounded up to the nearest 5 mph increment of the 85<sup>th</sup> percentile speed, Caltrans or a local authority may decide to instead round down the speed limit to the lower 5 mph increment. *[New Vehicle Code Section 22358.6] {NOTE: This provision was relocated from Vehicle Code Section 21400, with some modification to permit use of AB 43’s new Vehicle Code Sections 22358.7 and 22358.8.}*
6. **Expanding Factors for Existing 5 mph Speed Limit Reduction:** When conducting an engineering and traffic survey, amongst the other factors that may be considered, local authorities may use an expanded definition of what used to be termed “pedestrian and bicyclist safety.” This is one of the factors used to allow local jurisdictions to reduce the speed limit by 5 mph from the 85<sup>th</sup> Percentile Speed. Now, the factor that may be considered is defined as: “Safety of bicyclists and pedestrians, with increased

consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused.”

*[Amendment to Vehicle Code Section 627]*

7. **Expressly Allowing 15 & 20 MPH Speed Limits:** Clarifies that speed limits of 20 mph or 15 mph are allowed if determined on the basis of an engineering and traffic survey and any allowable reductions. *[Amendment to Vehicle Code Section 22358]*
8. **Allowing for Standard Speed Enforcement in Senior Zones & Business Activity Districts:** Law enforcement may use radar, laser, or other electronic devices that measure speed to enforce speed limits in senior zones or business activity districts without the justification of a traffic survey. *[Amendments to Vehicle Code Section 40802]*

As an outcome of these changes, staff anticipate that AB 43 will advance equity. Lowering speed limits has independent utility in slowing down traffic, which results in lives saved. Ninety-five percent (95%) of high injury corridors are located in medium- to high-priority equity neighborhoods, meaning speed-related crashes concentrate in communities with the highest concentrations of BIPOC Oaklanders and low-income residents. Combined with other SOS strategies, slower speed limits granted through AB 43 can help prevent crashes or reduce their severity and address the inequities in who is killed and severely injured in traffic crashes on city streets.

### ***OakDOT Actions***

With the passage of AB 43, staff’s attention is turning to implementation. This section discusses OakDOT’s plans to implement AB 43 as well as complementary speed management strategies.

- A. **Slowing Speeds in Commercial Zones:** As discussed in #4 above, OakDOT will be implementing 20 or 25 mph Business Activity Districts as allowable by AB 43. In addition to the implementation criteria stated in the law and described above, streets will be prioritized based on safety (crash history) and equity. OakDOT will implement the first slow commercial zone by June 30, 2022 and is finalizing corridor selection by the end of January. Using the same criteria, OakDOT will install 4 additional 20 mph commercial zones by year end - and identify up to 5 additional installations for completion in 2023.
- B. **Activating the City’s New Authority to Resist Rising Speed Limits and Improve Enforcement of Speeds:** Coinciding with #1 and #2 above, there are currently 117 streets that require speed surveys in Oakland. Of those, 108 (92%) are expired, and 9 (8%) are currently active. As a result of AB 43, however, 60 of the expired speed surveys can be extended, which would result in 59% of all streets having an active speed survey. OakDOT anticipates working on these extensions in the first half of 2022 and then hiring a consultant to update the remaining 41% of expired surveys.

Speed surveys are a requirement in determining the 85<sup>th</sup> percentile for speed limit setting, which is still required by state law. The City would also apply any new authority to lower speed limits and resist speed creep as appropriate and applicable.

In addition, speed surveys are required for the use of electronic devices (radar, lidar, etc.) to enforce the speed limit. Safe Oakland Streets will provide a more detailed

overview of interdepartmental efforts related to traffic safety and enforcement at the annual report to City Council in Spring 2022.

- C. **Expanding Existing Ability to Lower Speed Limits by 5 mph:** To implement allowances to lower the speed limit as described in #5 and #6 above, the CAMUTCD must be updated accordingly. OakDOT is closely monitoring this work to ensure that the intent of the bill is ultimately implemented in the CAMUTCD.
- D. **Slowing Speeds on High Injury Streets:** As discussed in #3 above, AB 43 allows cities to lower speeds by 5 mph on high injury streets, also known as “safety corridors.” This portion of the law won’t go into effect until June 30, 2024, or until California’s courts implement a new online tool for adjudicating infraction violations statewide, whichever is sooner. The City of Oakland is preparing for implementation by actively participating in statewide efforts to develop standard guidance for the establishment of “high injury networks,” referred to as “safety corridors” in this legislation. The City is also updating its high injury network, first established in 2018, with more recent data in conformance with this new draft guidance.
- E. **Complementary Speed Limit Actions:** As discussed above managing speeds is a critical component of the City’s SOS initiative. In addition, SOS acknowledges that multiple strategies are needed to prevent severe and fatal crashes. Additional speed management strategies beyond those authorized in AB 43 that will be taken in 2022 include:
- **Gateway Speed Limit Signs:** The City of Oakland plans to implement speed limit signage to alert drivers of the default 25 mph speed limit in Oakland at key entry points to the City in 2022.
  - **School Zone Speed Limit Lowering:** As a result of AB 321 (Nava): prima facie speed limits: schools, signed into law in 2007, California cities have the ability to reduce speed limits around schools to 15 mph on streets that meet the criteria outlined in the law. The City of Oakland is prioritizing schools for implementation based on safety and equity factors and will start implementation in 2022 with the aim of completing 20 schools by the end of the year.
  - **Automated Speed Enforcement:** The City of Oakland supported AB 550 (Chiu): Speed Safety System Pilot Program in 2021, a bill that would have allowed Oakland and four other California cities to pilot automated speed enforcement, a highly effective tool at preventing traffic death and serious injury, in California. The bill also had substantial mitigations for equity and privacy impacts. Staff are continuing to engage with partner cities across the state to support a legislative effort in 2022.

### ***Additional Considerations***

In order to ensure that the City of Oakland is maximizing the new opportunities generated by AB 43, staff in relevant departments and divisions would be trained on the opportunities to implement new speed setting measures, and consider ways in which their work may complement these changes (for instance, traffic signal timing associated with new capital projects can be synchronized with new and/or target speeds on high injury networks).

OakDOT will also be making a mid-cycle budget request to ensure that the resources are adequate to implement these significant changes and additions to speed limit signage in 2022-2023. Specifically, resources are necessary for the City's Sign Shop and Sign Maintenance team, traffic engineering team, and other internal teams to implement changes in coordination with other priority projects.

Finally, the SOS team will strive to include an evaluation component to measure efficacy, and public engagement and awareness campaigns to raise awareness of the speed limit changes.

### **FISCAL IMPACT**

This item is for informational purposes only and direct fiscal impacts and/or costs have not yet been identified.

### **PUBLIC OUTREACH / INTEREST**

The SOS interdepartmental team has presented on the safe 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.

### **COORDINATION**

Through the SOS initiative, OakDOT has coordinated closely with the City Administrator's Office, Oakland Police Department and the Department with Race & Equity. In addition, staff worked closely with the Mayor's Office and City Council to advocate for the passage of AB 43.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** AB 43 will result in some cost savings for the City, such as reducing the need to conduct engineering and traffic surveys as frequently on major streets or in Senior Zones in order to enforce the speed limit with radar or lidar enforcement equipment. Reductions in severe and fatal crashes would also have economic benefits for the City and its residents.

**Environmental:** Strategies to lower speed limits 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 the SOS initiative, City staff found that AB 43 helps to advance equity. OakDOT knows that lowering speed limits has independent utility in slowing down traffic, which results in lives saved. Ninety-five percent (95%) of high injury corridors are located in medium- to high-priority equity neighborhoods, meaning speed-related crashes concentrate in communities with the highest concentrations of 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 city streets.

**ACTION REQUESTED OF THE CITY COUNCIL**

Receive a Report From The Oakland Department Of Transportation (OakDOT) On Local Transportation Safety Planning Relating To The Implementation Of AB 43 Dealing With Speed Limits.

For questions regarding this report, please contact Nicole Ferrara, Policy & Intergovernmental Affairs Advisor, at 510-238-4720.

Respectfully submitted,



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Attachment A: Speed Limit Reductions Save Lives & Improve Traffic Safety



