



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** July 2, 2024  
**TO:** Paul Buddenhagen, City Manager  
**FROM:** Mohamed Alaoui, Public Works Director  
**SUBJECT:** **An Ordinance Of The City Council Of The City Of Emeryville Amending Section 4-9.39(f) (“Speed Limits”) In Chapter 9 (“Vehicular Traffic And Parking”) Of Title 4 Of The Emeryville Municipal Code**

**CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)**

### RECOMMENDATION

Staff recommends that the City Council adopt the attached Ordinance amending Section 4-9.39(f) (“Speed Limits”) in Chapter 9 (“Vehicular Traffic And Parking”) of Title 4 of the Emeryville Municipal Code to designate speed limits for nine street segments on second reading.

### BACKGROUND

Engineering and Traffic Surveys (E&TS) are regularly conducted once every five (5) years by governing municipalities to ensure set speed limits do not constitute unlawful speed traps pursuant to Section 40802(a) of the California Vehicle Code (CVC). E&TS may be extended to every seven (7) years if criteria are met, or every ten (10) years if a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred as specified in Section 40802(c) of the CVC.

The CVC authorizes cities to increase or decrease the prima facie speed limits by ordinance to appropriate limits as determined by an E&TS. Posted speed limits not defined in the CVC or established by ordinance are not valid. The CVC requires that speed surveys must be performed with the use of radar or other electronic devices at locations where speed limits are to be enforced with the use of radar. The current survey must be completed within five years as specified in Section 40802(a); seven years as specified in Section 40802(c), or fourteen years as specified in Section 40802(c), of the date of the preceding survey.

Speed zones are primarily established to protect the public from the unreasonable behavior of reckless, unreliable, or otherwise dangerous drivers. Speed limits are generally established at or near the 85th percentile speed, which is defined as the speed at or below which 85 percent of traffic is moving. Speed limits established on this basis conform to the consensus of those who drive on the roadways as to what speed is reasonable and safe and are not dependent on the judgment of one or a few individuals. The E&TS, as defined in Section 627 of the CVC, must consider the prevailing speeds,

collision records, pedestrian and bicycle activity, and roadway traffic and roadside conditions not readily apparent to the driver.

### ***Assembly Bill 43 – New Speed Limit Regulations***

In 2021, California passed Assembly Bill 43 (AB 43), which introduced significant changes to how speed limits are set. This bill gives local authorities more flexibility in setting speed limits below the 85th percentile in areas with high pedestrian and bicycle traffic, schools, senior centers, parks, and other areas where vulnerable road users are present. Specifically, AB 43 permits local authorities to lower speed limits by up to 5 mph below the 85th percentile without needing to justify this reduction with additional engineering analysis, provided certain conditions are met. This legislative change aims to enhance safety for all road users by considering factors beyond just vehicle speed in determining speed limits. Some of the regulations in AB 43 went into effect immediately, such as the fourteen-year survey extension requirement in Section 40802(c), but other regulations, such as the 5-mph reduction, go into effect after July 1, 2024.

## **DISCUSSION**

In 2023, the Public Works Department authorized the traffic engineering consulting firm Iteris, Inc. to conduct an E&TS to establish and enforce speed limits for selected streets within the City of Emeryville. The procedures for the E&TS are outlined in the California MUTCD and incorporate the new provisions under AB 43.

The E&TS was completed in early 2024, and the recommendations in the report are intended to establish prima facie speed limits. Prima facie limits advise motorists of the reasonable speed for a specific section of roadway given the prevailing conditions. The summary of the E&TS was presented to the Transportation Committee on March 27, 2024, and again on June 10, 2024, and includes the latest AB 43 guidelines that go into effect on July 1, 2024. Proposed changes in speed limits for street segments were recommended based on new traffic patterns, increased pedestrian and bicycle activity, and other relevant factors considered under the latest AB 43 guidelines.

As a result, the following streets were recommended for the newly allowed 15 mph limit:

- Horton Street
- 53rd Street

And the following streets were recommended for the newly allowed 20 mph limit:

- Christie Avenue
- Park Avenue

In addition, Hollis Street from Powell Street to 67<sup>th</sup> Street was reduced from 30 mph to a 25-mph speed limit.

The remaining corridors surveyed will maintain their existing speed limits. No corridors were proposed for raising the speed limit.

### ***Summary of Recommendations for 2024 Surveyed Segments***

1. Hollis Street (67th Street to Powell Street)
  - Existing Speed Limit: 30 mph
  - **Recommended Speed Limit: 25 mph**
    - Justification: High pedestrian traffic, presence of a health care facility and park, consistent with the 85th percentile speed and safety considerations for vulnerable road users.
2. Horton Street (62nd Street to 40th Street)
  - Existing Speed Limit: 25 mph
  - Original Recommended Speed Limit: 20 mph
    - **AB 43 Reduction to 15 mph**
    - Justification: High Ped/Bike traffic within 1320 ft throughout the corridor. Hence, this corridor is eligible for 5-mph speed reduction per CVC Section 22358.7.
3. Christie Avenue (65<sup>th</sup> Street to Powell Street)
  - Existing Speed Limit: 25 mph
  - **Recommended Speed Limit: 20 mph**
    - Justification: High pedestrian traffic, presence of a park, consistent with the 85th percentile speed and safety considerations for vulnerable road users.
4. Powell Street (I-80 Frontage Road to Vallejo Street)
  - Existing Speed Limit: 30 mph
  - Maintain Current Speed Limit: 30 mph
    - Justification: Does not qualify for an additional 5-mph speed reduction per CVC Section 22358.7(a)(2). May qualify under CVC Section 22358.7(a)(1) - "Safety Corridor", upon further analysis in future ET&S or Local Roadway Safety Plan.
5. 65<sup>th</sup> Street (La Coste Street to Vallejo Street)
  - Existing Speed Limit: 25 mph
  - Maintain Current Speed Limit: 25 mph
    - **AB 43 Reduction to 20 mph for section Hollis Street to Vallejo Street, but keep 25 mph for section Hollis Street to La Coste Street**
    - Justification: High Ped/Bike Generators within 1320 ft throughout the corridor. Hence, this corridor is eligible for 5-mph speed reduction per CVC Section 22358.7. Segments west of Hollis will not be reduced due to signal timing changes needed at Quiet Zone crossing at 65<sup>th</sup> Street.
6. La Coste Street (65<sup>th</sup> Street to 64<sup>th</sup> Street)
  - Existing Speed Limit: 25 mph
  - Maintain Current Speed Limit: 25 mph
    - Justification: This corridor does not qualify for speed reductions under CVC Sections 22358.7 & 22358.9. However, this street is planned to be turned into a park as shown in Capital Improvement Program Project No. URG-03.
7. 53<sup>rd</sup> Street (Horton Street to San Pablo Avenue)

- Existing Speed Limit: 25 mph
  - Original Recommended Speed Limit: 20 mph
    - **AB 43 Reduction to 15 mph**
    - Justification: High Ped/Bike Generators within 1320 ft throughout the corridor, especially ECDC (1- to 5-year-olds) mid-segment and ECCL (TK to 8<sup>th</sup> grade) at the east end. Hence, this corridor is eligible for 5-mph speed reduction per CVC Section 22358.7.
8. Park Avenue (San Pablo Avenue to Halleck Avenue)
- Existing Speed Limit: 25 mph
  - Original Recommended Speed Limit: 25 mph
    - **AB 43 Reduction to 20 mph**
    - Justification: High Ped/Bike Generators within 1320 ft throughout the corridor. Hence, this corridor is eligible for 5-mph speed reduction per CVC Section 22358.7.
9. Frontage Road (Powell Street to Point Emery Lane)
- Existing Speed Limit: 25 mph
  - Maintain Current Speed Limit: 25 mph
    - Justification: This corridor does not qualify for speed reductions. Per CVC Section 22358.6 (b), the existing speed limit of 25 mph should remain.

### ***Summary of Recommendations from 2016 Surveyed Segments***

1. Hollis Street (Powell Street to Yerba Buena Avenue)
  - Existing Speed Limit: 30 mph
  - Maintain Current Speed Limit: 30 mph
    - Justification: Despite new developments and COVID-19 adjustments, no significant changes in traffic conditions warrant maintaining the current speed limit.
2. Powell Street (3306 Powell Street to I-80 Frontage Road)
  - Existing Speed Limit: 30 mph
  - Maintain Current Speed Limit: 30 mph
    - Justification: No significant developments affecting traffic; thus, maintaining the current speed limit is recommended.
3. 40th Street (East abutment of 40th Street Bridge to San Pablo Avenue)
  - Existing Speed Limit: 30 mph
  - Maintain Current Speed Limit: 30 mph
    - Justification: No significant developments affecting traffic; thus, maintaining the current speed limit is recommended.
4. Shellmound Street (67th Street to Christie Avenue)
  - Existing Speed Limit: 25 mph
  - Maintain Current Speed Limit: 25 mph
    - Justification: Consistent with the 85th percentile speed and 10 mph pace speed, maintaining the current limit is recommended.
5. Shellmound Street (Christie Avenue to East Abutment of 40th Street Bridge)
  - Existing Speed Limit: 30 mph
  - Maintain Current Speed Limit: 30 mph

- Justification: No major projects affecting traffic volumes and/or roadway modifications since the last 2016 E&TS
6. Christie Avenue (Powell Street to Shellmound Street)
- Existing Speed Limit: 25 mph
  - Maintain Current Speed Limit: 25 mph
  - Justification: No major projects affecting traffic volumes and/or roadway modifications since the last 2016 E&TS

A summary of the data analysis, along with recommended speed limits, can be found in Exhibit A – Speed Survey Recommendations. The full report in its entirety can be found in Exhibit B - City of Emeryville Engineering and Traffic Survey (Dated 6/7/2024).

The City Council's adoption of this ordinance will enable the Emeryville Police Department to continue to perform radar enforcement on all the street segments studied until the expiration dates specified within Exhibit B. Additionally, the adoption of the ordinance after second reading is expected to occur after July 1, 2024 when the AB 43 regulations go into effect.

### **FISCAL IMPACT**

There will be minor cost increases to the 2024 Sustainable Streetscapes Paving Project in order to implement the signage changes to update old speed limit signs for the new speed limit signs citywide. The expected costs for this work are estimated to be under \$5,000, for which the 2024 Sustainable Streetscapes Paving Project has adequate budget to complete.

### **STAFF COMMUNICATION WITH THE PUBLIC**

City Staff has presented and discussed the Engineering and Traffic Survey with:

1. Bicycle and Pedestrian Advisory Committee on March 4, 2024
2. Transportation Committee on March 27, 2024

### **CONFLICT OF INTEREST**

None

### **CONCLUSION**

Staff recommends that the City Council approve on second reading the attached Ordinance.

**PREPARED BY:** Mohamed Alaoui, Public Works Director

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Paul Buddenhagen, City Manager

**ATTACHMENTS**

- June 18<sup>th</sup> Staff Report First Reading
- Ordinance
  - Exhibit A – Speed Survey Recommendations
  - Exhibit B – City of Emeryville Engineering and Traffic Survey (Dated 6/7/2024)