



CONSENT CALENDAR
December 15, 2020

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín, Councilmembers Droste, Robinson, and Taplin
 Subject: Adopt a Resolution Advocating for More Effective Methods of Traffic Enforcement

RECOMMENDATION

Adopt a Resolution supporting the California State Legislature to enact legislation that would give municipalities greater flexibility to enforce speeding and vehicle code enforcement laws and send copies of the resolution to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks

BACKGROUND

According to Berkeleyside analysis, from January 2019 through November 2019 there were 230 people injured due to traffic collisions in Berkeley including three fatalities.¹ Notably, in January 2020 School Board President Judy Appel and her wife were severely injured by a driver who failed to yield. This analysis found that in crashes where the driver was at fault, unsafe speed was one of the biggest issues. Currently, the tools available under state law to enforce speeding laws and safe traffic behavior are inadequate to meet the City's ambitious goals in the implementation of Vision Zero, BerkDOT, and the broader effort to reimagine public safety.

The California Legislature needs to enact legislation that allows municipalities like Berkeley the flexibility in enforcement approaches to meet the new paradigm embodied by Vision Zero, and the efforts to reimagine public safety. These strategies and solutions to eliminate severe and fatal traffic injuries as well as the racial disparities in stops, searches and arrests that arise from unequitable enforcement require changes in State law in California. Currently, it is not legal to use Automated Speed Enforcement (ASE), a safety technique that is used in 142 communities across the United States, that is a proven tool to counter excessive speeding.² Similarly, vehicle code enforcement generally guides traffic enforcement. Achieving our goal of safely transitioning enforcement of traffic law to civilianized employees in BerkDOT would be more easily met with a change in State Law.

In the interests of safety, equity and fiscal sustainability, alternative speed enforcement tools are needed in Berkeley. The inflexibility of California State Law should not be a barrier to Berkeley achieving its goal of safe streets and equitable public safety. The City Council should call on the

¹ <https://www.berkeleyside.com/2020/01/28/berkeleyside-interactive-maps-cyclist-and-pedestrian-injury-crashes-in-2019>

² https://www.sfmta.com/sites/default/files/reports-and-documents/2017/12/1._ab_342_fact_sheet_dec_2017_0.pdf

state legislature to enact legislation that would give municipalities greater flexibility to enforce traffic laws.

ENVIRONMENTAL SUSTAINABILITY

No Environmental Impact.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

URGING THE STATE LEGISLATURE TO ESTABLISH MORE EFFECTIVE METHODS
OF TRAFFIC ENFORCEMENT

WHEREAS, in January 2019 School Board President Judy Appel and her wife were hit by a car causing debilitating injuries;³ and

WHEREAS, in the City of Berkeley there have been numerous accidents due to speeding, failure to yield at traffic signs and traffic lights, causing numerous fatalities, including but not limited to serious injuries and property damage; and

WHEREAS, according to analysis in Berkeleyside, from January 2019 through November 2019 there were 230 people injured due to traffic collisions in Berkeley, including three fatalities;⁴ and

Whereas, in the 2018, the U. S. Department of Transportation, National Highway Traffic Safety Administration reported, 8,596 (16.7%) of Driver and motorcycle operators involved in fatal crashes, due to “driving too fast for conditions or in excess of posted speed limits or racing; and

WHEREAS, Berkeley’s road safety is deteriorating as too many motorists exceed limits on residential streets, the use automated enforcement using traffic cameras and civilian personnel traffic enforcement can decrease these negative impacts, fatalities and improve traffic and roadway safety; and

WHEREAS, in March 2020 the Berkeley City Council adopted the Vision Zero Action Plan, data-driven strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all;⁵ and

WHEREAS, as a part of Vision Zero we are re-engineering our streets, and focusing traffic enforcement efforts on the most deadly traffic violations with the goal of eliminating all severe and fatal traffic injuries in Berkeley; and

WHEREAS, in July 2020 the City of Berkeley made a historic commitment to reimagine public safety, create a Department of Transportation (BerkDOT) and to use civilian personnel to enforce traffic violations; and

WHEREAS, the City of Berkeley is 17.7 square miles, and the Berkeley Police Department’s Traffic Bureau and Patrol Officers do not have sufficient people power to provide effective speed enforcement in a way that would prevent deaths and injuries while creating greater safety in Berkeley streets; and

3 <https://www.berkeleyside.com/2019/01/05/school-board-president-and-wife-in-critical-condition-after-berkeley-crash>

4 <https://www.berkeleyside.com/2020/01/28/berkeleyside-interactive-maps-cyclist-and-pedestrian-injury-crashes-in-2019>

5 <https://www.cityofberkeley.info/visionzero.aspx>

WHEREAS, When speed enforcement is performed by police officers it is a well documented fact that implicit and explicit racial bias can play a detrimental role in making traffic stops inherently unjust; and

WHEREAS, The Center for Policing Equity (CPE) found that Black drivers are 6.5 times as likely as white drivers to be stopped by Berkeley police officers and four times as likely to be searched; an

WHEREAS, Automated Speed Enforcement, a safety technique that has been proven in other cities across the United States and abroad to reduce excessive speeding and severe and fatal injury traffic collisions, is not legal in California; and

WHEREAS, the Insurance Institute for Highway Safety reports traffic cameras are in place in 23 states;

WHEREAS, Alternative Traffic Enforcement, such as civilian personnel enforcement, or automated cameras would create more efficient and equitable enforcement of speeding and vehicle code violations; and

WHEREAS, the City of Oakland passed a resolution advocating for the State Legislature to enact similar legislation;

NOW THEREFORE, BE IT RESOLVED by The City Council of The City of Berkeley That the City Council requests that the California Legislature enact legislation that would give municipalities the flexibility to adopt more effective methods for speeding enforcement; and

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley directs that this issue be added to our State Legislative lobbying agenda, and that our state lobbyist is directed to work on the matter.