

CONSENT CALENDAR

January 21, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-sponsor)

Subject: Budget Referral: Curb Marking and Preventative Infrastructure Upgrades at High-Risk Intersections in Accordance with the New California Daylighting Law, AB 413

RECOMMENDATION

Refer \$1,250,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds for curb marking and preventative infrastructure upgrades in accordance with the new California Daylighting Law, AB 413.

CURRENT SITUATION AND ITS EFFECTS

In 2023, California's legislature passed Assembly Bill 413, a state-mandated local program that prohibits stopping, standing, or parking a vehicle within 20 feet of any marked or unmarked crosswalk or 15 feet of an intersection with a curb extension. The new law applies to all relevant intersections regardless of whether they have been marked red by the City. The part of the law allowing citations to be issued even in the absence of paint or signage will go into effect on January 1, 2025. Ultimately, numerous parking spots that were previously legal will become illegal under the new law. While the state's Daylighting legislation aims to empower municipalities to enforce traffic violations, many local governments lack the necessary capital and resources to identify and mark newly illegal parking spots effectively so that drivers are aware of the parking restrictions. Our City's Public Works Department anticipates there are around 1,700 curbs that require painting or other forms of identification.

Daylighting is a simple and effective traffic safety approach and Councilmember Lunaparra's office fully supports the efforts to enhance visibility at pedestrian intersections to increase traffic safety, bolstering the City's critical Vision Zero goals. This budget referral has two primary objectives: first, to ensure that the Public Works department has the necessary funding and staffing to paint curbs to designate no-parking zones; and second, to proactively implement preventative infrastructure that both physically prevents parking in these areas and encourages placemaking and

multimodal mobility in Berkeley. In fact, subsection 3 of AB 413 specifically states, “Notwithstanding paragraph (1), a local authority may permit parking for bicycles or motorized scooters within 20 feet of a crosswalk”,¹ supporting creative approaches to preventative infrastructure while maximizing effective street space.

There is public concern that issuing citations for parking in unmarked, newly designated illegal spots due to limited staff capacity, may lead to confusion and public resentment without adequate notification. Further, not only will the ticketing be unwelcome among drivers who are not aware of the law, the illegal parking of vehicles in these newly restricted spaces will fail to achieve the desired safety benefit of daylighting. There is a critical need to support public education efforts regarding the new law and it is unrealistic to expect residents to be aware of the change without adequate public investment in curb painting and signage to communicate the new restrictions. This budget referral aims to ensure the Public Works department, in collaboration with contracted entities, has the necessary resources to complete the work identifying and marking newly illegal parking spaces, educating the public, and designing and constructing preventative infrastructure in order to maximize safety and placemaking benefits. These three approaches align with what other municipalities are doing to address the state mandate and support the larger goal of increasing safety for pedestrians and cyclists and encouraging multimodal transportation across our city.

BACKGROUND

According to The National Highway Safety Administration, there were 42,514 traffic fatalities in the United States in 2022. 23.2% of those fatalities occurred at intersections.² Informed by the data from high volume traffic-related fatalities at intersections and the recommendation from the National Association of City Transportation Officials, the California legislature passed the California daylighting law, prohibiting parking within 20 feet of crosswalks, increasing visibility at high-risk intersections areas across the state. The summary of the assembly floor analysis indicates that 43 other states have mandated minimum parking distances from crosswalks (most of which are also set to 20 feet), and California is only one of a handful without such restrictions. This new law brings our state up to standard with a nationally recognized best practice in traffic safety.

The City of Berkeley prioritizes street safety, enshrined in the Vision Zero Action Plan, an initiative committed to eliminating traffic-related fatalities and severe injuries by 2028.³ The state daylighting law directly facilitates Berkeley’s ongoing commitment to

¹ California Legislature. 2023. *Assembly Bill 413: An Act to Amend Section 22500 of the Vehicle Code, Relating to [Topic]*. California Legislature. Accessed December 23, 2024. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB413.

² U.S. Department of Transportation. *Crash Data Analysis*. Accessed December 20, 2024. <https://cdan.dot.gov/query>.

³ <https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan>

traffic safety and supports the work the Council, staff, and the public have enabled through policy and ballot measures. By supporting staff in completing essential curb marking and infrastructure development, we can also ensure the public better understands the ultimate goal of daylighting, which is safety. Proactively identifying curbs where parking has become illegal will mitigate the potential risk of public frustration and ultimately clarify the acute need for additional street safety measures. Placing physical infrastructure into the street to physically prevent vehicles from parking in these newly illegal spots will further reinforce this public understanding, will reduce mistakes made by drivers, and will assist our community in achieving the desired safety benefits of daylighting by ensuring vehicles cannot park in these zones.

FISCAL IMPACTS OF RECOMMENDATION

According to the Public Works Department, citation revenue is expected to become available in 2026. It is essential that this revenue be allocated toward effective street safety measures, aligning with both the objectives of state law and our City's local priorities. Since the revenue will not be available until 2026 and it is administratively infeasible to allocate citation revenue to specific funds, the fiscal impact will not directly rely on citation funds. Instead, the necessary infrastructure improvements will be funded through the general fund, proactively addressing the needs associated with this state-mandated local initiative.

The Berkeley Police Department has identified intersections based on collision data and high pedestrian volumes to receive priority treatment. The following table illustrates the breakdown of treatment cost based on the Public Works Department projections for painting the 918 priority intersections and constructing preventative infrastructure for five high-need daylighting zones.

1. Painting Treatment

Description	Cost
Painting 918 priority intersections	\$550,000
Additional costs for contingency and soft costs	\$165,000
Suggested total to account for outreach and education	\$45,000
Total	\$800,000

2. Preventative Infrastructure Upgrades

Estimated Cost per Intersection	Amount
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Construction Cost (three 8' x 20' Hatched No Parking Area with 36" Flexpost Delineators, one 18' x 20' Bicycle Corral)	\$71,000
Soft Costs/Contingency (30%)	\$21,000
Total Cost per Intersection	\$92,000
Total Cost for Five Intersections (depending on location and impact on existing infrastructure)	\$450,000

The total projected cost amounts to \$1,250,000 to complete these high-priority and time-sensitive projects associated with the state mandate.

ENVIRONMENTAL SUSTAINABILITY

Investing in street safety infrastructure encourages multimodal mobility across our city, limiting reliance on cars and reducing greenhouse gas emissions. Transportation — particularly the use of limited occupancy, gas-powered vehicles — is the leading source of greenhouse gas emissions in Berkeley.

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Sara Cerami, Chief of Staff



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Subject: Budget Referral: Curb Marking and Preventative Infrastructure Upgrades
At High-Risk Intersections in Accordance with the New California
Daylighting Law, AB 413

RECOMMENDATION

Refer xx to the January 2025 Annual Appropriations Ordinance #2 process to provide the City of Berkeley Public Works Department with necessary funds for curb marking and preventative infrastructure upgrades in accordance with the new California Daylighting Law, AB 413.

CURRENT SITUATION AND ITS EFFECTS

In 2023, California's legislature passed Assembly Bill 413, a state-mandated local program that prohibits stopping, standing, or parking a vehicle within 20 feet of any marked or unmarked crosswalk or 15 feet of an intersection with a curb extension. The new law applies to all relevant intersections regardless of whether they have been marked red by the City. The part of the law allowing citations to be issued even in the absence of paint or signage will go into effect on January 1, 2025. Ultimately, numerous parking spots that were previously legal will become illegal under the new law. While the state's Daylighting legislation aims to empower municipalities to enforce traffic violations, many local governments lack the necessary capital and resources to identify and mark newly illegal parking spots effectively so that drivers are aware of the parking restrictions. Our City's Public Works Department anticipates there are around 17,000 curbs that require painting or other forms of identification.

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FISCAL IMPACTS OF RECOMMENDATION

Citation revenue is expected to reach approximately xx. It is essential that this revenue be allocated toward effective street safety measures, aligning with both the objectives of state law and our City's local priorities. Since the revenue will not be available until 2026 and it is administratively infeasible to allocate citation revenue to specific funds, the fiscal impact will not directly rely on citation funds. Instead, the necessary infrastructure improvements will be funded through the general fund, proactively addressing the needs associated with this state-mandated local initiative.

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