



**TO:** ALBANY TRANSPORTATION COMMISSION

**FROM:** JUSTIN FRIED, TRANSPORTATION & SUSTAINABILITY MANAGER

**SUBJECT:** AB 413 AND INTERSECTION RED CURB POLICY

**AGENDA DATE:** JANUARY 25, 2024

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### **STAFF RECOMMENDATION**

That the Commission provide comments to staff.

### **BACKGROUND**

The City of Albany first established Guidelines for Restricting Street Parking Near Intersections in September 2017 with the approval of Resolution 2017-73. These guidelines aim to improve pedestrian visibility and safety by restricting street parking near intersections. The guidelines approved by Resolution 2017-73 include 15-20 feet of red curb on the approach side of the intersection and 3-10 feet on the departure side. This guidance was developed to reflect the greater visibility issue at the approach side of the intersection (where the curb ramp is closer to the approaching vehicle) and to strike a balance between safety and access. On June 5, 2023, City Council adopted Resolution 2023-43, revising the process for installation of red curb markings near intersections to speed up implementation while leaving the remainder of the guidelines in place.

On October 10, 2023, the Governor approved AB 413, which made changes to the California Vehicle Code with regards to parking near intersections. The amendment prohibits stopping, standing, or parking a vehicle within 20 feet of

the vehicle approach side of any unmarked or marked crosswalk (or 15 feet where a curb extension is present). Prior to January 1, 2025, jurisdictions may only issue a warning, and shall not issue a citation, for a violation unless the violation occurs in an area marked using paint or a sign.

## **DISCUSSION**

Essentially the state law sets the approach side restrictions at the high end of the range within the city policy of 15-20 feet where curb extensions are not present and does not affect the departure side guidelines. While red curb markings are no longer required on the approach side under the new law, installation of the curb markings can be expected to improve compliance and intersection safety.

The law does allow a local authority to establish a different distance. To do so, it must meet two requirements: 1) establish the different distance by ordinance that includes a finding that the different distance is justified by established traffic safety standards, and 2) mark the different distance at the intersection using paint or a sign.

During the revision to the intersection red curb policy in 2023, staff found outside guidance on restricting parking at intersections to generally fall in the 20-25 feet range (National Association of City Transportation Officials Urban Street Design Guide – Intersection Design Elements; California Manual on Uniform Traffic Control Devices – Parking Space Markings). This does not support the findings required for an ordinance to set 15-20 feet for the approach side under the new law.

To align intersection red curb implementation with the change to state law, staff will begin installing 20 feet of red curb on the approach side and keep the 3-10 feet range on the departure side (and increase the length if the remaining curb space is not sufficient for a vehicle to park).

## **ATTACHMENTS**

1 – CA Assembly Bill 413 Text

2 - Resolution 2023-43 Policy for Restricting Street Parking Near Intersections

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## AB-413 Vehicles: stopping, standing, and parking. (2023-2024)

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Date Published: 10/12/2023 02:00 PM

### Assembly Bill No. 413

#### CHAPTER 652

An act to amend Section 22500 of the Vehicle Code, relating to vehicles.

[ Approved by Governor October 10, 2023. Filed with Secretary of State  
October 10, 2023. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 413, Lee. Vehicles: stopping, standing, and parking.

Existing law prohibits the stopping, standing, or parking of a vehicle in certain places and under certain conditions, including within an intersection, on a sidewalk or crosswalk, or in front of a fire station. Existing law additionally authorizes local jurisdictions to, by ordinance, restrict parking in certain areas, at certain times, and for certain reasons, and to establish metered parking.

This bill would prohibit the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk or 15 feet of any crosswalk where a curb extension is present, as specified. The bill would, prior to January 1, 2025, authorize jurisdictions to only issue a warning for a violation, and would prohibit them from issuing a citation for a violation, unless the violation occurs in an area marked using paint or a sign.

By restricting parking in certain areas, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 22500 of the Vehicle Code is amended to read:

**22500.** A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (a) Within an intersection, except adjacent to curbs as may be permitted by local ordinance.
- (b) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of a city pursuant to an ordinance.
- (c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to an ordinance.
- (d) Within 15 feet of the driveway entrance to a fire station. This subdivision does not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.
- (e) (1) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to an ordinance.  
  
(2) In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.
- (f) On a portion of a sidewalk, or with the body of the vehicle extending over a portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5. Lights, mirrors, or devices that are required to be mounted upon a vehicle under this code may extend from the body of the vehicle over the sidewalk to a distance of not more than 10 inches.
- (g) Alongside or opposite a street or highway excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (h) On the roadway side of a vehicle stopped, parked, or standing at the curb or edge of a highway, except for a schoolbus when stopped to load or unload pupils in a business or residence district where the speed limit is 25 miles per hour or less.
- (i) Except as provided under Section 22500.5, alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.
- (j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.
- (k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that buses engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to an ordinance, and except that local authorities pursuant to an ordinance or the Department of Transportation pursuant to an order, within their respective jurisdictions, may permit parking on bridges having sidewalks and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities, by ordinance or resolution, may permit parking on these bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the Department of Transportation. Parking shall not be permitted unless there are signs in place, as may be necessary, to indicate the provisions of local ordinances or the order of the Department of Transportation.
- (l) In front of or upon that portion of a curb that has been cut down, lowered, or constructed to provide wheelchair accessibility to the sidewalk.
- (m) In a portion of a highway that has been designated for the exclusive use of public transit buses.
- (n) (1) (A) Within 20 feet of the vehicle approach side of any marked or unmarked crosswalk or within 15 feet of any crosswalk where a curb extension is present.  
  
(B) Notwithstanding subparagraph (A), a local authority may establish a different distance if both of the following requirements are met:
  - (i) A local authority establishes the different distance by ordinance that includes a finding that the different distance is justified by established traffic safety standards.
  - (ii) A local authority has marked the different distance at the intersection using paint or a sign.

(2) Notwithstanding paragraph (1), a local authority may permit commercial vehicle loading or unloading within 20 feet of the vehicle approach side of any marked or unmarked crosswalk or within 15 feet of any crosswalk where a curb extension is present if both of the following requirements are met:

(A) A local authority authorizes the commercial vehicle loading and unloading by ordinance and identifies the crosswalk or crosswalks in the ordinance.

(B) A local authority has marked the commercial loading and unloading areas with paint or signage.

(3) Notwithstanding paragraph (1), a local authority may permit parking for bicycles or motorized scooters within 20 feet of a crosswalk.

(4) Prior to January 1, 2025, jurisdictions may only issue a warning, and shall not issue a citation, for a violation unless the violation occurs in an area marked using paint or a sign.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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**RESOLUTION NO. 2023-43**

**A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING  
POLICY FOR RESTRICTING STREET PARKING NEAR INTERSECTIONS**

**WHEREAS**, creating no parking areas close to intersections helps to better allow motorists to see pedestrians preparing to cross the street, thereby helping to improve pedestrian safety; and

**WHEREAS**, the City’s Active Transportation Plan, adopted by the City Council in 2012, includes the task of creating parking restricted areas to improve pedestrian safety; and

**WHEREAS**, the City Council adopted Resolution 2017-73 establishing guidelines for restricting street parking near intersections in September of 2017, outlining requirements, prioritization criteria, and public engagement for implementing parking restrictions near intersections; and

**WHEREAS**, the process established in 2017 has limited the speed at which the city can implement the guidelines and deliver the pedestrian safety improvements; and

**WHEREAS**, the Policy for Restricting Street Parking Near Intersections maintains the prior policy’s requirements, changing only the process by which the City will administer implementing parking restrictions near intersections; and

**WHEREAS**, at its meeting on May 25, 2023, the Transportation Commission considered and recommended the proposed process changes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby approves the Policy for Restricting Street Parking Near Intersections as attached hereto as Exhibit A to this Resolution.

  
AARON TIEDEMANN, MAYOR

# *City of Albany*

## POLICY FOR RESTRICTING STREET PARKING NEAR INTERSECTIONS



1000 San Pablo Avenue  
Albany, CA 94706  
510.528.5710

[www.albanyca.org](http://www.albanyca.org)  
[cityhall@albanyca.org](mailto:cityhall@albanyca.org)

**Adopted by  
Resolution No.  
2023-XX  
June XX, 2023**

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## **SECTION 1: PURPOSE**

The purpose of this policy is to provide guidelines for prioritizing pedestrian safety from improved visibility over vehicle parking at intersections.

## **SECTION 2: BACKGROUND**

One of the principles of roadway design is that on-street parking should be positioned far enough away from intersections to allow for good visibility. Pedestrians preparing to cross the street should have an unobstructed view of approaching vehicles and approaching motorists should be able to readily see pedestrians approaching a curb ramp.

The Albany Municipal Code section 9-10 authorizes the City Engineer to place curb markings and restrict parking at hazardous areas. This policy details the City's approach to provide safe and visible roadway crossings through application of restrictions to street parking near intersections.

## **SECTION 3: STANDARDS**

Restriction of street parking near unsignalized intersections shall be applied as follows:

1. On the approach side of a standard perpendicular intersection between local and/or collector streets or paths, on-street parking shall be prohibited within 20 feet from the marked crosswalk, curb ramp, or edge of sidewalk path of travel. This distance may be reduced by up to 5 feet if staff determines that this would permit an additional parking space, and it may be extended beyond 20 feet to the nearest curb cut in situations where the remaining curb length is insufficient for parking a motor vehicle.
2. On the departure side of a standard perpendicular intersection between local and/or collector streets or paths, on-street parking shall be prohibited within 10 feet from the marked crosswalk, curb ramp, or edge of sidewalk path of travel. This distance may be reduced by up to 7 feet if staff determines that this would permit an additional parking space, and it may be extended beyond 10 feet to the nearest curb cut in situations where the remaining curb length is insufficient for parking a motor vehicle.
3. For intersections with a unique angle of approach, topography, or other unique safety consideration, the City Engineer shall prepare a technical analysis to determine where parking restrictions would significantly improve pedestrian visibility.

## **SECTION 4: PUBLIC NOTIFICATION**

As a general practice, notification to owners and occupants of properties within 150 feet walking distance should be sent in writing at least 10 days before changes in curbside designations restricting parking.



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2023-43

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of June, 2023, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Miki and Mayor

Tiedemann

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 6th  
day of June, 2023.

Anne Hsu  
CITY CLERK