



TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS POLICY COMMITTEE
Thursday March 21, 2024
10:00 a.m.- 2:00 p.m

Marriott Burbank Airport Hotel
2500 N. Hollywood Way, Burbank

General Briefing
10:00 a.m.

Upon adjournment, individual policy committee meetings will begin.

I. Welcome and Opening Remarks

*Speakers: Chair Colleen Wallace, Council Member, Banning
Vice-Chair Fred Jung, Mayor Pro Tem Fullerton*

II. Public Comment

III. Department of Transportation: IIJA Federal Grant Update

Speaker: Ryan Greenway, Caltrans, Assistant Federal Liaison *Informational*

IV. Department of Transportation: Road Usage Charge

Speaker: Lauren Prehoda, Caltrans, Road Charge Program Manager *Informational*

V. Legislative Agenda (Attachment A) *Action*

Speaker: Damon Conklin, Lobbyist, League of California Cities

[AB 2290 \(Friedman\)](#): Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.

[SB 1216 \(Blakespear\)](#): Transportation projects: Class III bikeways: prohibition.

[AB 2427 \(McCarty\)](#): Electric vehicle charging stations: permitting: curbside charging.

V. Legislative Update – Overview of current legislative, regulatory and budgetary developments *Informational*

*Speakers: Damon Conklin, Legislative Representative, Cal Cities
Waleed Hojeij, Legislative Affairs and Policy Analyst, Cal Cities*

VI. Closing Remarks and Adjourn

*Speakers: Chair Colleen Wallace, Council Member, Banning
Vice-Chair Fred Jung, Mayor, Pro Tem Fullerton*

Next Meeting: Thursday, June 20 (virtual): 9:30 a.m. - 12:30 p.m.

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or

2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.



Transportation, Communications, and Public Works Policy Committee Legislative Agenda

Staff: Damon Conklin, Legislative Representative
Waleed Hojeij, Policy Analyst

1. [AB 2290](#) (Friedman): Transportation: Class III Bikeways: Bicycle Facilities: Bikeway Quick-Build Project Pilot Program.

Bill Summary:

The measure restricts the allocation of funds from the Active Transportation Program for projects creating Class III bikeways by permitting funds only for residential streets with a speed limit of 20 mph or less. Additionally, the bill establishes the Bikeway Quick-Build Project Pilot Program within the Department of Transportation to expedite bikeway development on state highways through quick-build projects, with guidelines and a mandate for one project in each district by January 1, 2027.

Bill Description:

The measure proposes an amendment to the Active Transportation Program by restricting the allocation of funds for projects creating Class III bikeways unless the project is situated on a residential street with a posted speed limit of 20 miles per hour or less.

The measure also introduces modifications to the Road Maintenance and Rehabilitation Program. It eliminates the factor of considering the quality of nearby alternative facilities when determining the benefit, cost-effectiveness, and practicality of incorporating complete streets elements into projects funded by the program. Additionally, the measure mandates the inclusion of bicycle facilities identified in adopted bicycle plans or active transportation plans in projects funded by the program.

The measure establishes the Bikeway Quick-Build Project Pilot Program within the Department of Transportation's maintenance program. This program is designed to expedite the development and implementation of bikeways on the state highway system. The department is required to develop guidelines for implementing these quick-build projects. By January 1, 2027, the department is mandated to identify and implement one bikeway quick-build project in each district.

Background:

Over the past few years, there has been a significant push, especially in California, to improve cycling infrastructure. The aim has been to encourage more sustainable and active modes of transportation, reduce traffic congestion, and promote a healthier lifestyle.

Electric bikes (e-bikes) are commonly categorized into different classes based on their functionalities and the extent of assistance provided by the electric motor. These classifications serve as a framework for regulations and standards governing their use. There are three main classes of e-bikes:

Class 1 E-Bikes: Pedal-Assist Only

Class 1 e-bikes feature a motor that assists the rider exclusively when pedaling. The motor ceases its assistance once the bike reaches a speed of 20 miles per hour. Control is contingent upon the rider's pedal input.

Class 2 E-Bikes: Throttle-Assist

Class 2 e-bikes are equipped with a motor that can be utilized solely to propel the bicycle, typically controlled by a throttle mechanism. Similar to Class 1, the motor assistance is limited to speeds up to 20 miles per hour. Riders have the option to use the motor without pedaling.

Class 3 E-Bikes: Pedal-Assist with Higher Speed Limit

Class 3 e-bikes come with a motor that provides assistance when the rider is pedaling. However, the motor assistance continues until the bike reaches a speed of 28 miles per hour. Like Class 1, riders must pedal to activate the motor.

Active Transportation Program:

The Active Transportation Program (ATP) was established in 2013 through Senate Bill 99 and Assembly Bill 101 with the aim of promoting active modes of transportation, such as walking and biking, within California. Initially funded at around \$123 million annually from state and federal sources, the program sought to consolidate various transportation initiatives under a unified framework.

The ATP's objectives include increasing the prevalence of walking and biking trips, enhancing safety and accessibility for non-motorized users, aligning with regional goals for greenhouse gas reduction, and fostering public health. In 2017, Senate Bill 1 allocated an additional \$100 million annually from the Road Maintenance and Rehabilitation Account to the ATP.

Since its inception, the ATP has funded over 800 active transportation projects across urban and rural areas, with a focus on initiatives like Safe Routes to Schools. More than 85% of ATP funds have been directed towards projects benefitting disadvantaged communities, reflecting a commitment to equity.

Fiscal Impact:

The major fiscal impact will be regarding the Active Transportation Program, where Assembly Bill 2290 imposes restrictions on funds allocated to projects involving Class III bikeways. Cities relying on these funds for bikeway development may encounter reduced financial support, affecting their ability to address local mobility, access, and safety needs for nonmotorized users. Moreover, the bill alters project eligibility guidelines, by permitting funds only for residential streets with a speed limit of 20 mph or less. This which could limit cities' options for utilizing state funds for bikeway initiatives. The

resulting financial restraints may prompt municipalities to reassess their budgets, potentially delaying or altering planned bikeway improvements.

Cal Cities 2022 Strategic Priorities:

Summary of Existing Policy and Guiding Principles (Transportation, Communication, and Public Works, 2022):

- Cal Cities supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities do not negatively affect transportation funding. Cal Cities opposes any mandatory set-asides or prioritization for bicycle and pedestrian access on the state or local system using state or local maintenance and/or rehabilitation funding.
- Cal Cities supports efforts that **promote safety and** reassert local authority **when** to **regulating** emerging transportation technologies, such as e-scooters and e-bicycles and opposes efforts to limit this authority and the city's access to meaningful data from companies operating within their jurisdiction.

Comments:

Cities across California are diverse, with varying transportation needs and challenges. While recognizing the need for safety enhancements, it's crucial to consider the unique characteristics of individual communities. A one-size-fits-all approach may inadvertently limit local flexibility in addressing specific circumstances.

While acknowledging the importance of enhancing cycling infrastructure to promote active transportation, it's essential to recognize the investments already made by local jurisdictions in capital improvements aimed at achieving their Climate Action Plans (CAP). By restricting the allocation of funds for Class III bikeways to residential streets with a speed limit of 20 mph or less, AB 2290 may inadvertently undermine these costly capital improvements. This limitation could impact cities' efforts to fulfill their CAP goals by potentially delaying or altering planned bikeway enhancements on other road types crucial for facilitating sustainable transportation modes.

Local governments are closest to their communities and often collaborate with residents and stakeholders to tailor solutions that align with local priorities. It is essential to ensure that legislative measures foster collaboration between state agencies and local governments, promoting shared decision-making in the development and improvement of transportation infrastructure.

Support-Opposition:

None

Staff Recommendation:

Staff recommends the committee discuss AB 2290 and make a recommendation to the Board.

Committee Recommendation:

Board Action:



Transportation, Communications, and Public Works Policy Committee Legislative Agenda

Staff: Damon Conklin, Legislative Representative
Waleed Hojeij, Policy Analyst

1. [SB 1216](#) (Blakespear): Transportation Projects: Class III Bikeways: Prohibition.

Bill Summary:

This measure would restrict the installation and restriping of Class III bikeways on highways with posted speed limits exceeding 30 miles per hour. The measure also prohibits the allocation of funds from the Active Transportation Program to projects creating Class III bikeways after January 1, 2025. Additionally, the bill restricts the California Transportation Commission's guidelines from including the development of Class III bikeways and connecting bikeways to Class III bikeways as a criterion for improving connectivity and mobility for nonmotorized users.

Bill Description:

On and after January 1, 2025, agencies responsible for bikeways or highways with bicycle travel may not install or restripe Class III bikeways on highways with a posted speed limit greater than 30 miles per hour.

Changes to Active Transportation Program Funding:

- Funds for the Active Transportation Program (ATP) will be allocated differently.
- On and after January 1, 2025, funds appropriated for the ATP shall not be allocated to a project that creates a Class III bikeway.
- The bill alters the distribution of funds among metropolitan planning organizations, small urban and rural regions, and projects awarded by the commission on a statewide basis.

Guideline Changes for Active Transportation Program:

- The California Transportation Commission will develop guidelines and project selection criteria for the ATP.
 - Forty percent of the funds will be allocated to metropolitan planning organizations (MPOs) in urban areas with populations greater than 200,000.
 - Ten percent of the funds will be allocated to small urban and rural regions with populations of 200,000 or less.
 - Fifty percent of the funds will be allocated to projects competitively awarded by the commission on a statewide basis.
- On and after January 1, 2025, the guidelines regarding project eligibility shall not include the development of Class III bikeways.
- Similarly, the guidelines for project selection shall not include the connection of a bikeway to a Class III bikeway as increasing and improving connectivity and mobility of nonmotorized users.

Other Provisions:

The bill emphasizes considerations like geographic equity, safety, benefits to disadvantaged communities, and cost-effectiveness in project selection criteria.

Background:

Over the past few years, there has been a significant push, especially in California, to improve cycling infrastructure. The aim has been to encourage more sustainable and active modes of transportation, reduce traffic congestion, and promote a healthier lifestyle.

Electric bikes (e-bikes) are commonly categorized into different classes based on their functionalities and the extent of assistance provided by the electric motor. These classifications serve as a framework for regulations and standards governing their use. There are three main classes of e-bikes:

Class 1 E-Bikes: Pedal-Assist Only

Class 1 e-bikes feature a motor that assists the rider exclusively when pedaling. The motor ceases its assistance once the bike reaches a speed of 20 miles per hour. Control is contingent upon the rider's pedal input.

Class 2 E-Bikes: Throttle-Assist

Class 2 e-bikes are equipped with a motor that can be utilized solely to propel the bicycle, typically controlled by a throttle mechanism. Similar to Class 1, the motor assistance is limited to speeds up to 20 miles per hour. Riders have the option to use the motor without pedaling.

Class 3 E-Bikes: Pedal-Assist with Higher Speed Limit

Class 3 e-bikes come with a motor that provides assistance when the rider is pedaling. However, the motor assistance continues until the bike reaches a speed of 28 miles per hour. Like Class 1, riders must pedal to activate the motor.

As cycling infrastructure has expanded, safety concerns have emerged, particularly on roadways with higher speed limits. The interaction between cyclists, pedestrians, and fast-moving vehicular traffic poses challenges and risks, prompting a reevaluation of bikeway installations on roads with speed limits exceeding 30 miles per hour.

Active Transportation Program:

The Active Transportation Program (ATP) was established in 2013 through [SB 99](#) (Chapter 359) and [AB 101](#) (Chapter 354) with the aim of promoting active modes of transportation, such as walking and biking, within California. Initially funded at around \$123 million annually from state and federal sources, the program sought to consolidate various transportation initiatives under a unified framework.

The ATP's objectives include increasing the prevalence of walking and biking trips, enhancing safety and accessibility for non-motorized users, aligning with regional goals for greenhouse gas reduction, and fostering public health. In 2017, Senate Bill 1 allocated an additional \$100 million annually from the Road Maintenance and Rehabilitation Account to the ATP.

Since its inception, the ATP has funded over 800 active transportation projects across urban and rural areas, with a focus on initiatives like Safe Routes to Schools. More than 85% of ATP funds have been directed towards projects benefitting disadvantaged communities, reflecting a commitment to equity.

Fiscal Impact:

The major fiscal impact will be regarding the Active Transportation Program, where SB 1216 imposes restrictions on funds allocated to projects involving Class III bikeways. Cities relying on these funds for bikeway development may encounter reduced financial support, affecting their ability to address local mobility, access, and safety needs for nonmotorized users. Moreover, the bill alters project eligibility guidelines, excluding Class III bikeways, which could limit cities' options for utilizing state funds for bikeway initiatives. The resulting financial restraints may prompt municipalities to reassess their budgets, potentially delaying or altering planned bikeway improvements.

Cal Cities 2022 Strategic Priorities:

Summary of Existing Policy and Guiding Principles (Transportation, Communication, and Public Works, 2022):

- Cal Cities supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities do not negatively affect transportation funding. Cal Cities opposes any mandatory set-asides or prioritization for bicycle and pedestrian access on the state or local system using state or local maintenance and/or rehabilitation funding.
- Cal Cities supports efforts that **promote safety and** reassert local authority **when to regulating** emerging transportation technologies, such as e-scooters and e-bicycles and opposes efforts to limit this authority and the city's access to meaningful data from companies operating within their jurisdiction.

Comments:

Cities across California are diverse, with varying transportation needs and challenges. While recognizing the need for safety enhancements, it's crucial to consider the unique characteristics of individual communities. A one-size-fits-all approach may inadvertently limit local flexibility in addressing specific circumstances.

The legislative efforts outlined in SB 1216 may undermine existing costly capital improvements aimed at enhancing active transportation to meet a local jurisdiction's Climate Action Plan (CAP) goals. By restricting the allocation of funds for Class III bikeways and altering project eligibility guidelines, the bill could impede progress toward achieving sustainability objectives and reducing greenhouse gas emissions. Furthermore, the proposed restrictions may limit local governments' ability to implement solutions that effectively address the mobility and safety needs of their communities. This could harm efforts to promote alternative modes of transportation and alleviate traffic congestion.

Local governments are closest to their communities and often collaborate with residents and stakeholders to tailor solutions that align with local priorities. It is essential to ensure that legislative measures foster collaboration between state agencies and

local governments, promoting shared decision-making in the development and improvement of transportation infrastructure.

Support-Opposition:

None

Staff Recommendation:

Staff recommends the committee discuss SB 1216 and make a recommendation to the Board.

Committee Recommendation:

Board Action:



Transportation, Communications and Public Works Policy Committee Legislative Agenda

Staff: Damon Conklin, Legislative Representative
Waleed Hojeij, Policy Analyst

1. [AB 2427 \(McCarty\) Electric Vehicle Charging Stations: Permitting: Curbside Charging.](#) (As Introduced February 13, 2024)

Bill Summary:

The bill requires the California Energy Commission (CEC) to assess the potential benefits of curbside charging for those who have the least access and the Governor's Office of Business and Economic Development (GO-Biz) to develop permitting tools and best practices so that local governments can more seamlessly help realize these benefits. Also, this bill requires local governments to consider these tools when developing permitting requirements and criteria to assist developers in siting and deploying curbside charging.

Bill Description:

Specifically, this measure would:

- Require the Energy Commission to assess curbside charging needs by income level, population density, multifamily housing density, renter density, and geographical area to support equitable overnight charging access and the state's 2035 electric vehicle adoption goal. The bill would require the commission, as part of the assessment, to identify barriers and solutions to support the installation of curbside charging stations.
- Require local agencies to, among other things, develop a model permitting checklist that includes all applicable requirements to permit the installation of electric vehicle charging stations in the public right-of-way. As part of that process, this bill would require local agencies to consider the [Electric Vehicle Charging Station Permitting Guidebook](#) from the [Governor's Office of Business and Economic Development](#).
- Require local agencies with populations of 250,000 or more to comply with these provisions by January 1, 2027, and local agencies with populations of fewer than 250,000 residents to comply with these provisions by January 1, 2029.
- By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

Background:

In 2020, Governor Newsom issued [executive order N-79-20](#), requiring 100% new passenger vehicle sales to be zero-emission by 2035. To support this goal, the CEC determined the state will need 2.1 million chargers by then, of which approximately 380,000 are needed for multi-family housing residents alone.

Home charging is considered to be the most convenient, cost-effective charging solution¹ to advance electric vehicle (EV) adoption. And yet, the CEC found that no more than 33% of multi-family housing residents have access to home charging² and that lower income residents, and residents who identify as Black, African American, Hispanic, or Latino, in particular, have the lowest access to home charging.³

There are many barriers to installing home chargers at multi-family housing developments, such as a lack of access to power, costly electrical system upgrades, a lack of access to dedicated parking, and a lack of incentive for building owners or property managers to install chargers, among other things.

Chargers installed in the public right-of-way (ROW), also known as curbside chargers, are one alternative solution to increase residents' access to more cost-effective and convenient charging. However, given the unique challenges of development in the ROW, curbside charging is less common compared to other charging solutions. Best practices to accelerate the deployment of curbside charging are still evolving, and local permitting processes applicable to curbside charging are not yet widespread. To normalize curbside charging and realize its benefits, the state must create a framework for adoption and partner with local governments.

For years, the state has analyzed gaps in EV charging infrastructure as required by [AB 2127](#) (Chapter 365, Statutes of 2018) and [SB 1000](#) (Chapter 368, Statutes of 2018). The state has also developed tools to ease local governments' burden permitting charging stations, such as GO-Biz's EV Charging Permitting Guidebook.

While the state has required local governments to develop permitting processes for EV chargers since 2016, these processes have historically not included curbside chargers. The state must build on this work by explicitly including curbside charging into these assessments and tools to make it easier for local agencies to deploy them and increase communities' overall access.

Similar Legislation:

Existing law, via [AB 1236](#) (Chapter 598, 2015), requires all cities to adopt an ordinance by September 30, 2017, creating an expedited, streamlined permitting process for EV charging stations. Also, municipalities must adopt a checklist for applicants that satisfy the information required to be deemed complete, and therefore eligible for expedited review. [AB 970](#) (Chapter 710, 2021) established timeframes in which local agencies must approve permits for electric vehicle charging stations. Cal Cities opposed both measures.

Cal Cities 2022 Strategic Priorities:

"Cal Cities supports efforts to expand the Caltrans Business Logo Program including the accurate deployment of Electric Vehicle Charging Station ("EVCS") EV charging signage.

¹ California Energy Commission. Zero Emission Vehicle Infrastructure Plan. December 2022. Page 33.

² Alexander, Matt. Home Charging Access in California. California Energy Commission. January 2022. Page 18.

³ Alexander, Matt. Home Charging Access in California. California Energy Commission. January 2022. Page 34.

Cal Cities opposes policies that undermine local decision making in the permitting process of refueling zero emission vehicles, including EVCS in the public right of way.

Governance, Transparency, and labor Relations:

“Laws alone cannot foresee or prevent all actions that might diminish the public's trust in governmental institutions. Transparency laws impose the minimum standards of conduct; to preserve public trust, public officials should aspire to conduct that exceeds minimum standards.

“State revisions to laws governing local agency transparency and ethics should address material and documented inadequacies in those laws and have a reasonable relationship to resolving those problems.”

Public Safety:

“Cal Cities supports the promotion of transparency to the public, and as technology permits, encourages local agencies to pursue the development and use of real-time drone tracking systems to ensure residents can look up the details of drones operating in a given area.”

Mission/Vision Statements:

“In conducting the business of government with transparency, openness, respect, and civility.”

Staff Comments:

Under the bill, local agencies would be required to develop permitting requirements for curbside EV chargers and publish those requirements on a publicly accessible website, if the local agencies has an internet website. This action is intended to make permitting easier and more predictable to install by EVCS applicants. This permitting process may be entirely or, in part, based on guidance developed by Go-Biz as mentioned above. Conversely, under the bill, a local agency may elect to post on their website that their jurisdiction does not permit curbside EVCS in the public right of way.

AB 2427 imposes more new requirements on local governments without providing additional state funding.

AB 2427 requires full disclosure and transparency of permitting requirements and associated fees for public review.

REGISTERED SUPPORT / OPPOSITION:

Support

FLO EV (co-sponsor)

itselectric (co-sponsor)

Electric Vehicle Charging Association

Opposition

None

Staff Recommendation:

Staff recommends the committee discuss AB 2427 and make a recommendation to the Board.

Committee Recommendation:

Board Action: