



LEAGUE OF
CALIFORNIA
CITIES



CAJPA
California Association of
Joint Powers Authorities



American Planning Association
California Chapter

Creating Great Communities



April 20, 2022

The Honorable Lena Gonzalez
Chair, Senate Transportation Committee
State Capitol, Room 405
Sacramento, CA 95814

**RE: Senate Bill 932 (Portantino): General plans: circulation element
As Amended on March 23, 2022 – OPPOSE UNLESS AMENDED
Set for hearing in Senate Transportation Committee – April 26, 2022**

Dear Senator Gonzalez:

The California State Association of Counties (CSAC), the League of California Cities (Cal Cities), the California Association of Joint Powers Authorities (CAJPA), the Urban Counties of California (UCC), the California Chapter of the American Planning Association (APA California), and the Rural County Representatives of California (RCRC) have regrettably taken an oppose unless amended position on Senate Bill 932. SB 932 would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impose costly, unfunded mandates for physical changes to local transportation infrastructure; and expose local governments to significant legal liability.

Local agencies support active transportation projects and have been leading the charge to improve local streets and roads, while also retrofitting them to improve safety for all roadway users. According to the California Transportation Commission, during just the first two and a half fiscal years since SB 1 (Beall, 2017) funds became available, cities and counties reported spending \$1.5 billion to complete over 3,100 projects, with another 1,300 plus projects in progress. In addition to repairing 10,000 miles of local roads, local governments also installed or improved 4,700 Americans with Disabilities Act curb ramps and over 1,223 miles of bicycle lanes. These vital multi-modal projects were delivered through maintenance funding from the Road Maintenance and Rehabilitation Account. These statistics do not include additional local government pedestrian and bicycle safety projects or complete streets projects funded with dedicated federal Highway Safety Improvement Program funds or Active Transportation Program grants; nor do they include any regionally funded projects from the Surface Transportation Block Grant Program, or projects funded with Highway User Tax Account funds or local funds.

We recognize that despite this significant progress at the local level, there remains a significant funding gap for projects needed to make local streets and roads safer for all users. Unfortunately, SB 932 creates significant new legal liability for local jurisdictions that fail to meet the bill's arbitrary implementation timeframes. The new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending against litigation is one fewer dollar available for improving our local streets and roads. Section 65302(b)(2)(B)(iii) must be removed from the bill for our groups to remove opposition to SB 932.

In addition to the private right of action issue discussed above, SB 932 also fails to consider local funding constraints, instead taking a top-down approach that dictates both the type of improvements required as well as the timing for implementing such improvements. California's 2020 Statewide Local Streets and Roads Needs Assessment ("Needs Assessment") identified a significant funding gap for simply *maintaining* existing local streets and roads (\$37.6 billion in unfunded needs over the next decade), and existing essential safety and traffic components such as curb ramps, sidewalks, storm drains, streetlights, and signals (\$22.1 billion in unfunded needs over the next decade). The time horizons in SB 932 do not account for these existing funding gaps, much less the additional capital costs of improvements the bill requires. For example, Stanislaus County and its cities project a \$234 million cost for build-out of the Stanislaus County Association of Governments Non-Motorized Transportation Plan, which, given its use of class-II and -III bicycle facilities in some areas, would likely not meet the criteria imposed by SB 932.

The specific improvements required by SB 932 are much costlier than solutions local agencies may have already planned and may not be warranted in every context where SB 932 would apply. For instance, the Needs Assessment identified an incredibly wide range of costs for complete streets improvements, ranging from as low as \$18/square yard for simple treatments, like painted class-II bike lanes, to as high as \$726/square yard for a complete streets project that widened sidewalks, added curb ramps and bike lanes, and improved medians. The same trend is apparent in regional plans for non-motorized transportation, with the class-I and -IV bicycle facilities mandated by SB 932 costing approximately 2.5 times more than class-II bike lanes.

Local agencies face significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements across their jurisdictions. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in specific contexts (rural vs. urban and various types of streets and roads) and any timelines for implementation must be developed in consideration of realistically available financial resources. We note that despite significant pressure from the Legislature on local agencies to reduce, eliminate, or defer development impact fees, those fees are one of the few sources of revenue that local agencies could quickly increase to implement the provisions of this bill, although with the significant tradeoff of immediately increasing housing development costs.

Our organizations appreciate the author's openness to addressing most of the aforementioned issues. We remain willing to work with the author and your committee on amendments that refocus the bill on incorporating a safe systems approach in the circulation element with an increased focus on implementation but have taken an "oppose unless amended" position based on our significant concerns with the bill in print. If you need additional information about our position on SB 932, please contact Chris Lee (CSAC) at clee@counties.org, Kiana Valentine (UCC) at kiana@politicogroup.com, Lauren de Valencia y Sanchez (APA California) at lauren@stefangeorge.com, Jason Rhine (Cal Cities) at jrhine@cacities.org, Faith Lane Borges (CAJPA) at FBorges@caladvocates.com, or Tracy Rhine (RCRC) at trhine@rcrcnet.org.

Sincerely,



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Faith Lane Borges
CAJPA

cc: The Honorable Anthony Portantino, Member, California State Senate
Honorable Members, Senate Transportation Committee
Katie Bonin, Consultant, Senate Transportation Committee
Ted Morley, Consultant, Senate Republican Caucus