

Date of Hearing: April 8, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2290 (Friedman) – As Amended April 1, 2024

SUBJECT: Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program

SUMMARY: Prohibits the use of Active Transportation Program (ATP) funding for certain projects, requires, where feasible, bike facilities included in certain plans be built, and establishes the “Bikeway Quick-Build Project Pilot Program” within the California Department of Transportation (Caltrans). Specifically, **this bill:**

- 1) Establishes the Bikeway Quick-Build Project Pilot Program within Caltrans’ maintenance program, and requires Caltrans to develop guidance for implementing bikeway quick-build projects to identify and implement one project in each Caltrans district by December 31, 2027.
 - a) Defines a “quick-build project” as an interim capital infrastructure project that requires minor construction activities but is built with durable, low- to moderate-cost materials, and lasts from one to five years.
- 2) Requires, where feasible, a bicycle facility identified for a street in a bicycle plan or an active transportation plan that is adopted by a city, a county, or Caltrans to be included in a project funded by the Road Maintenance and Rehabilitation Program (RMRP).
 - a) Requires the city, the county, or Caltrans to document and publish the justification if it does not construct a planned bicycle facility, or builds a facility that deviates from the adopted bicycle or active transportation plan.
- 3) Restricts ATP from allocating funding to a Class III bikeway unless the project is on a residential street with a posted speed limit of 20 miles per hour or less, or the project will implement improvements to reduce the design speed limit to 20 miles per hour or less.

EXISTING LAW:

- 1) Requires Caltrans to improve and maintain the state highways, including all traversable highways which have been adopted or designated as state highways by the Transportation Commission (CTC). (Streets and Highways Code (SHC) Section 91)
- 2) Defines “bikeway” as all facilities that provide and promote bicycle travel. Defines the classification of bikeways as follows:
 - a) “Class I bikeways,” provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.
 - b) “Class II bikeways,” provide a restricted right-of-way designated for the exclusive or semiexclusive use of bicycles with through travel by motor vehicles or pedestrians

prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted.

- c) “Class III bikeways,” provide a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.
 - d) “Class IV bikeways,” promote active transportation and provide a right-of-way designated exclusively for bicycle travel adjacent to a roadway and which are separated from vehicular traffic. (SHC Section 890.4)
- 3) Establishes the RMRP to address deferred maintenance on the state highway system and the local street and road system. (SHC Section 2030)
 - 4) Establishes the Active Transportation Program. (SHC Section 2381)
 - 5) Requires cities and counties to include complete streets provisions in updating the general plan circulation element. (Government Code Section 65302)

FISCAL EFFECT: Unknown

COMMENTS: As the state and regions continue to work toward the goal of reducing greenhouse gas (GHG) emissions by 40% by 2030, as well as cutting other forms of air pollution, increasing the mode shift from single occupant car trips to other forms of transportation, such as bicycling, is critical. Caltrans is committed to climate action and advancing social equity in the transportation sector set forth by the California State Transportation Agency’s (CalSTA) Climate Action Plan for Transportation Infrastructure (CAPTI), which aligns with the California Transportation Plan (CTP) 2050, and meets the state’s climate change mandates, targets, and policies set forth by Executive Orders N-19-19 and N-79-20.

Caltrans’ draft System Investment Strategy (CSIS), released in March 2024, includes guidance on project prioritization based on program fit, and CAPTI alignment. Ultimately, the CSIS guides how Caltrans nominates the most competitive projects for a specific funding program, while also advancing state goals.

In 2021, Caltrans released the Director’s Policy on Complete Streets (DP-37), which directs all transportation projects funded or overseen by Caltrans to provide comfortable, convenient, and connected “complete streets” facilities for people walking, biking, and taking transit or passenger rail, unless an exception is documented and approved. The Caltrans Complete Streets Action Plan (CSAP) 2022-23, is an effort to identify key high-priority efforts needed to implement DP-37 over the next two years, and includes actions on quick-build projects, separated bikeways, and safety expectations.

Traffic fatalities, particularly for our most vulnerable road users biking and walking, are significantly increasing year-over-year and rose to 4,477 in 2021, the most recent year of data according to Caltrans 2024 Highway Safety Improvement Program Implementation Plan.

Multi-modal projects are instrumental in successful implementation of CAPTI. This bill seeks to increase the number of safe bikeways across the state by implementing; quick-build projects, active transportation plans, and separated bikeways.

Quick-build projects. According to Caltrans guidance, quick-build projects are interim capital improvement projects that further the goals of the ATP. These projects require minor construction and are built with durable, low to moderate cost materials, and last from one year to five years. A quick-build project is intended to immediately address safety needs. It allows a community to benefit quickly from improvements made, and at the same time give the community the opportunity to test the project improvements before they are permanently constructed. Unlike traditional capital projects, quick-build projects can be adjusted; they can be changed based on community input and further technical analysis over time.

Examples of quick-build project types include; barrier elements (raised lane separator, delineator post, self-watering planters, barricades, etc.), surface treatments (street bond pavement coating, asphalt paint, epoxy gravel, city bench, etc.), street furniture, and signs.

This bill establishes the “Bikeway Quick-Build Project Pilot Program” within Caltrans’ maintenance program, to expedite development and implementation of bikeways on the state highway system. It would require Caltrans to develop guidance on the program, and identify and implement one bikeway quick-build project in each Caltrans district.

Active Transportation Plans. SB 1 (Beall), Chapter 5, Statutes of 2017 created the RMRP to maintain state and local roads. Eligible projects include: road maintenance and rehabilitation, safety projects, railroad grade separations, complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects, and traffic control devices.

The RMRP requires Caltrans and the cities and counties, to the extent beneficial, cost effective, practicable in the context of facility type, and quality of nearby alternative facilities, to incorporate complete street elements into projects.

In 2017, Caltrans published the state-wide bicycles and pedestrian plan, *Toward and Active California*, that identifies locations with bicycle and pedestrian needs in each Caltrans’ district. The plan seeks to make it safer, more comfortable, and more convenient to walk and bike. Every Caltrans district has since published district-level plans to identifying bicycle and pedestrian asset needs and priority projects on, across, or parallel to the State Highway System (SHS).

Over 80 local jurisdictions have adopted pedestrian, bicycle, or combined pedestrian/bicycle master plans in order to increase safety and investments in bicycle and pedestrian infrastructure.

This bill strikes “quality of nearby alternative facilities” from the RMRP, and requires, “where feasible”, a project included in a local or state bicycle or active transportation plan to be included in a project funded by the program. If a bicycle facility included in a plan is not constructed, or deviates from the adopted plan, this bill requires the locality or Caltrans to document and publish the justification for the deviation.

Separated bikeways. The Legislature created ATP in 2013 to increase active modes of transportation, such as walking and biking. The goals of the ATP include, but are not limited to, increasing the proportion of trips accomplished by walking and biking, increasing the safety and mobility of non-motorized users, advancing efforts of regional agencies to achieve greenhouse gas reduction goals, enhancing public health, and providing a broad spectrum of projects to benefit many types of users including disadvantaged communities.

The 2024 ATP guidelines require the CTC to consider state goals and provisions set forth in the CAPTI. Eligible projects include; infrastructure and non-infrastructure projects that further the goals of ATP, development of a community-wide bicycle, pedestrian, safe routes to school, or active transportation plan, and quick-build projects.

Class III bikeways are eligible for funding under ATP. A Class III bikeway is indicated by bike route signs and shared roadway markings along the route, also known as “sharrows”. These bikeways do not provide a dedicated lane for bicycling, and as a result do not necessarily provide adequate safety measures for bicycles except on low-speed and low-volume streets.

This bill prevents the ATP from funding Class III bikeways, unless the project is on a street with a design speed limit of 20 mph or less, or the project will implement improvements to reduce the design speed limit to 20 miles per hour or less. Local governments would still be able to fund sharrows using local dollars.

According to the author, “AB 2290 improves the safety and quality of bikeways and ensures state and local agencies are taking advantage of road repaving projects to build bikeways that already have community support demonstrated in their planning documents when using state transportation funds.

Despite significant investment for more than 15 years in planning for safe and accessible bike lanes, implementation of facilities proposed in these plans has been much too slow at every level of government. Community support for these facilities is overwhelming despite piecemeal efforts by state and local agencies. Given rising traffic fatalities for people walking and biking, we need to ensure that opportunities are not missed to implement bikeways on pavement repair and rehab projects and that state Active Transportation Program funds are invested in bikeways that are safe for users of all ages and abilities. Caltrans should demonstrate leadership in implementing bikeways quickly on pavement maintenance projects.”

In support, the Planning and Conservation League writes, “AB 2290 represents a significant opportunity to advance California’s goals of greenhouse gas reduction, public health, and equity. To fulfill our climate commitments, we must make active transportation modes a legitimate option for Californians. That means making our streets safer for bicycles and pedestrians, building out our bike network quickly, and closing bad loopholes that stand in the way of our future.”

Related legislation. SB 1216 (Blakespear) of 2024 prohibits the use of ATP funds for Class III bikeways, starting in January 1, 2025.

SB 127 (Wiener) of 2019 would have changed state policies for the management of the state highway system, including requiring Caltrans to incorporate new pedestrian and bicycle facilities into projects in specified areas.

SB 1 (Beall), Chapter 5, Statutes of 2017 increased several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues and makes adjustments for inflation every year; directed the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities.

SB 99 (Senate Committee on Budget and Fiscal Review), Chapter 359, Statutes of 2013 created the “Active Transportation Program” which distributes funding for human-powered transportation projects and programs.

AB 1358 (Leno), Chapter 657, Statutes of 2008 created the Complete Streets Act of 2008, which required the Office of Planning and Research to amend its “General Plan Guidelines” for the circulation element to specify how local officials can accommodate safe and convenient travel and for cities and counties to modify their circulation elements to plan for a balanced multi-modal transportation network that meets the needs of all users of streets, roads, and highways.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Bicycle Coalition
Planning and Conservation League

Opposition

None on file

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