

Date of Hearing: July 1, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 689 (Blakespear) – As Amended June 3, 2024

SENATE VOTE: 31-8

SUBJECT: Local coastal program: bicycle lane: amendment

SUMMARY: Provides that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, dedicated transit lane, or a pedestrian walkway shall not require a traffic study for the processing of either a coastal development permit (CDP) or an amendment to a local coastal plan (LCP). Specifically, **this bill:**

- 1) Provides that, an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, a dedicated transit lane, or a pedestrian walkway shall not require a traffic study for the processing of either a CDP or an amendment to a LCP.
- 2) Requires, if a proposal to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, dedicated transit lane, or a pedestrian walkway within the developed portion of an existing road right-of-way requires an amendment to a LCP, the amendment to be processed pursuant to the requirements of the Coastal Act, if the executive director determines that, on balance, the project will provide additional public access benefits without significantly reducing existing public access opportunities.

EXISTING LAW:

- 1) Declares that it is a basic goal of the state to maximize public access to and along the coast and to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. (Public Resources Code (PRC) PRC 30001.5)
- 2) Requires any person wishing to perform or undertake any development in the coastal zone, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a CDP. (PRC 30600)
- 3) Requires each local government lying, in whole or in part, within the coastal zone to prepare a LCP for that portion of the coastal zone within its jurisdiction. (PRC 30500)
- 4) Defines “development” to mean, among other things, the placement or erection of any solid material or structure on land or in water. “Structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC 30106)
- 5) Requires all new development to, among other things, minimize energy consumption and vehicle miles traveled (VMT). (PRC 30253)

- 6) Provides for LCPs to be amended by the local government and that the amendment does not take effect until certified by the Coastal Commission (Commission). Authorizes the executive director of the Commission to determine that a proposed LCP amendment is *de minimis* if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with specified policies of the Coastal Act, and meets the specified criteria. (PRC 30514)

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will have negligible state costs pursuant to Senate Rule 28.8.

COMMENTS: The Coastal Act requires new development in the Coastal Zone to minimize energy consumption and vehicle miles traveled (VMT) and provides that the location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service; providing non-automobile circulation within the development; and, assuring that the recreational needs of new residents be balanced with the provision of onsite recreational facilities to serve the new development, among other things.

To manage development in the Coastal Zone, coastal local governments are required to develop LCPs that can carry out policies of the Coastal Act at the local level. LCPs are land use planning documents that lay out a framework for development and coastal resource protection within a city or county's Coastal Zone area. Local jurisdictions submit LCPs to the Commission for certification. About 73% of local jurisdictions in the coastal zone have approved LCPs. In the remaining jurisdictions that do not have an approved LCP, CDPs are issued by the Commission directly.

Streamlined review. When a local government proposes amendments to its LCP, it must submit the amendments to the Commission to approve. Current law provides the Commission 90 working days to certify or refuse the proposed amendments. The Commission's regulations establish procedures for reviewing and designating proposed amendments to an LCP as being minor in nature or as requiring rapid and expeditious action. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action are exempt from the statutory 90-day timeframe and take effect on the 10th working day after the Commission's designation.

Further, the executive director of the Commission may determine that a proposed LCP amendment is *de minimis* if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources and meets specified criteria.

Traffic studies. A traffic study is carried out by a traffic engineer that collects and analyzes data regarding traffic patterns. The traffic engineer will create a report with the study's findings, which entities such as the government, developers, and communities use to better understand foot and vehicle traffic. One purpose of traffic studies is to figure out the possible impacts of a development or other changes to the area on local traffic. The traffic engineer will study local traffic patterns and make educated predictions on how these patterns will be affected by whatever changes are being proposed. Another purpose of traffic studies is to study an area that has major traffic issues to gain a better understanding of the root of the problem, then propose

solutions that will help alleviate the burden on the area's traffic. Factors that influence a traffic study can include intersections, time of year, and access to various forms of transportation.

The cost of a traffic study can be \$3,500 per intersection, paid for by a developer or local government.

Biking, walking, and transit. Active transportation is the use of non-vehicular modes of transportation, such as bicycling and walking. Providing greater access to safe modes of active transit improves local air quality, gives greater opportunities for physical activity, enhance public health benefits, and provides a broad spectrum of opportunities for greater transit options.

California has taken steps to encourage the development of active transportation infrastructure as part of maintaining and improving the highway system. All California cities and counties are required to include complete streets policies as part of any substantial revision to the circulation element of their general plans; the complete streets policy requires that roadways are planned, designed, and operated for the safety of all people, including people biking and walking. Each Caltrans District is in the process of completing a districtwide bicycle and pedestrian plan in order to address active transportation needs throughout the state.

This bill seeks to eliminate barriers to building active transportation infrastructure in a coastal zone by eliminating the requirement for a traffic study in a CDP or LCP.

Valuing active transportation on the coast. The Coastal Act does not specifically require a traffic study to be conducted, though the Commission has asked for traffic studies from time to time depending on the nature of the project. Traditionally, the role of traffic studies has been to evaluate the potential impacts of a proposed development on public access to the coast.

While not all bicycle lane projects in the coastal zone currently require a CDP or an LCP amendment, some local governments have faced delays in building active transportation infrastructure in areas covered by LCPs. For example, as reported by KPBS, on West Point Loma Boulevard in San Diego, there is a stretch of road where cyclists must share a lane with vehicles. San Diego developed plans to redesign the road that would have reduced the number of lanes and used the new space to establish a separated bike lane with street parking acting as a barrier to protect cyclists from traffic. However, the local LCP designates the Boulevard as a four-lane road, so implementing the design would have required amending the LCP, which would have delayed and increased costs of the redesign.

Relieving local governments from having to prepare a traffic study for bicycle lane projects encourages local governments to consider public access to the coast and do so in partnership with the Commission when designing such projects.

According to the author, "SB 689 will help ensure that bike lane projects are not unnecessarily delayed. The climate crisis we find ourselves in demands a comprehensive approach that eliminates bureaucratic hurdles and facilitates transportation projects to meet the State's climate goals."

In support, the California Coastal Commission writes, “Projects that make communities more sustainable are a key strategy for mitigating the impacts of climate change on California’s coast. This strategy is strongly aligned with the policies of the Coastal Act and with the Coastal Commission’s vision for the coastal zone. SB 689 would leverage this alignment by using the Coastal Act to affirmatively promote bicycle lanes, transit lanes, and pedestrian walkways; and in doing so, would provide a blueprint for how other forms of sustainable development could similarly be promoted through the Coastal Act.”

In opposition, Livable California writes, “Traffic studies are often required for local jurisdictions and the coastal commission to make informed decisions. Local jurisdictions and the commission are best positioned to determine if a traffic study is necessary. The state should not take away this flexibility or this tool for proper decision making. SB 689 takes this tool away and should be rejected.”

Previous legislation. SB 922 (Wiener), Chapter 987, Statutes of 2022 expands California Environmental Quality Act (CEQA) exemptions for specified transit, bicycle, and pedestrian projects, and extends these exemptions from 2023 to 2030.

SB 932 (Portantino), Chapter 710, Statutes of 2022 requires the circulation element of a general plan to include specified contents related to bicycle plans, pedestrian plans, and traffic calming plan, and to implement those plans.

Double referral. This bill passed out of the Assembly Natural Resources Committee 10-0.

REGISTERED SUPPORT / OPPOSITION:

Support

California Coastal Commission
City and County of San Francisco
City of Carlsbad
City of Encinitas
City of Long Beach
City of Oceanside
City of San Diego
San Francisco Municipal Transportation Agency
Streets for All

Opposition

Livable California

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