

Date of Hearing: July 5, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 538 (Portantino) – As Amended April 18, 2023

**SENATE VOTE:** 32-5

**SUBJECT:** Department of Transportation: Chief Advisor on Bicycling and Active Transportation

**SUMMARY:** Requires the director of the California Department of Transportation (Caltrans) to appoint a Chief Advisor on Bicycling and Active Transportation (Chief Advisor) to serve as the primary advisor on all issues related to bicycle transportation, safety, and infrastructure. Specifically, **this bill:**

- 1) Requires the Chief Advisor to:
  - a) Serve as a point of contact for stakeholders and the public to provide concerns and suggestions related to bicycle transportation, safety, and infrastructure;
  - b) Serve as a point of contact for local officials on issues related to bicycle transportation, safety, and infrastructure to ensure that cycling avenues are up to date and follow correct regulations;
  - c) Coordinate with the director, deputy directors, and assistant directors within the department on issues including, but not limited to, legislative affairs, public affairs, sustainability, and active transportation; and,
  - d) Have the primary goal of lowering bicycle and pedestrian deaths and increasing public access through proper infrastructure development, better allocation of resources, and promotion of active transportation.

**EXISTING LAW:**

- 1) Requires the California Department of Transportation (Caltrans) to produce, and update every five years, the California Transportation Plan (CTP), a long-range transportation planning document intended to integrate state and regional transportation planning while considering specified pertinent subject areas. (Government Code (GOV) Section 65070, et seq.)
- 2) Requires the concept of “complete streets” to be incorporated into the Caltrans Highway Design Manual. (GOV 14033)
- 3) Requires, to the extent beneficial, cost effective, and practicable, Caltrans, cities and counties receiving funds under the Road Maintenance and Rehabilitation Program to incorporate complete street elements into projects, including, but not limited to, elements that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities. (Streets and Highways Code (SHC) 2030)

- 4) Establishes the Active Transportation Program within Caltrans for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. (SHC 2380, et seq.)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** Bicycling and active transportation is on the rise. Over the last few years, both public and legislative interest in the active transportation movement has been on the rise. Approved in February of 2021, the latest update of the California Transportation Plan, CTP 2050, states that in the months following the outbreak of COVID-19, more Americans embraced active travel. California cities that typically have low bicycle ridership, such as Riverside and Oxnard, experienced a 90% to 125% increase in bicycle miles traveled. Stockton, Bakersfield, Fresno, Sacramento, and San Diego also experienced increases of more than 50%. Recreational biking and walking have also increased.

However, with active transportation on the rise, the state must ensure bicyclists and pedestrians are safe on and around the roadways. The California Office of Traffic Safety (OTS) reports that in 2020 there were 986 pedestrians killed by vehicles statewide, down from 1,011 fatalities in 2019, but still higher than previous years.

*A multimodal Caltrans.* Caltrans currently has a robust system for considering and responding to the policy need to further safe active transportation use in the state. Caltrans houses an Active Transportation and Complete Streets office dedicated to leading active transportation planning and policy. This office has developed the statewide Bicycle and Pedestrian Plan, the active transportation component to California's 2040 Transportation Plan. Each Caltrans district developed its own Active Transportation Plan to align local plans with the state-level plan.

Beyond planning and policy-making, Caltrans also has a Bicycle Facilities Unit whose goal is to coordinate all aspects of the Caltrans bicycle program. According to their website, "the BFU staff strives to fully integrate bicycles into all aspects of the California transportation system. To do this, the BFU promotes safe, well-designed bicycle facilities and the funding, regulations, and education that make such facilities possible." This unit also has a bicycle and pedestrian coordinator for each Caltrans district.

In order to gather the most up-to-date technical and local knowledge, Caltrans has two dedicated advisory committees. The Active Transportation Program Technical Advice Committee meets four times every year to support Caltrans and the California Transportation Commission to manage and deliver on the goals of the Active Transportation Program. The California Walk and Bike Technical Advisory Committee meets every other month and provides guidance to Caltrans on bicycle issues. They also review and comment on any proposed adoption or experimentation approval related to bicycle issues prior to consideration by the California Traffic Control Devices Committee.

Caltrans also has a Deputy Director of Sustainability, who reports to the Director and is tasked with overseeing the development, implementation, and integration of sustainability principles and practices into all Caltrans activities. Caltrans' Sustainability Office's website lists among their goals "Championing Walking, Biking, and Transit." As part of that work, the Office

provides technical input and strategic direction on policies and guidance related to walking, biking, and transit and facilitates information sharing on complete streets topics across Caltrans.

*A dedicated response.* Currently, there is a concern within the cycling community that there is a disconnect between the well-intentioned work done by Caltrans and the end results after it has been engineered. The sponsors of this bill contend that even though Caltrans has many staff dedicated to promoting safe active transportation and bicycling, it continues to miss the mark. In particular, the sponsors note that there are areas where Caltrans has developed new “sharrows” - lanes meant to be shared by cyclists and drivers - creating risky conditions for cyclists. They hope that by creating a position that can coordinate all of these disparate bicycle and active transportation components in the department, decisions like these will not be made in the future.

The vast majority of people who walk and bike in California are low-income workers of color who are usually walking, biking, or taking the bus to get to shift work. These same communities of color then face a disproportionate rate of traffic violence. Caltrans not putting in the requisite and safe bike and pedestrian infrastructure is an inherent equity issue that impacts communities of color. This bill seeks to can tackle this disparity by building safe infrastructure for all users.

*Existing authority.* Caltrans has commented that this bill falls within their existing authority, and can be utilized by an existing position within the planning unit

*According to the author,* “With the implementation of the Chief Advisor on Cycling and Active Transportation, Caltrans can have a greater impact on bicycle accommodations and can better integrate bicycles into the network of transportation. The goal of SB 538 is to have a position that reports directly to the Director of Caltrans and works with all different groups within the cycling community to have proper representation on issues facing this group.”

*In support,* Streets for All writes, “By appointing a Chief Advisor on Bicycling and Active Transportation, there would be a position that can have a voice at the table to improve bike safety across the state and leverage the needs of bicyclists who do not have a representative in the California Department of Transportation. We also hope that this position can be instilled with the proper authority, purview, and staff to make choices that emphasize the ultimate safety of vulnerable road users over other concerns.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Active San Gabriel Valley  
California Bicycle Coalition  
California YIMBY  
Climate Resolve  
Culver City Democratic Club  
Happy City Coalition  
Marin County Bicycle Coalition  
Move Santa Barbara County  
Norwalk Unides  
San Diego County Bicycle Coalition  
Santa Ana Active Streets

Southern California Association of Governments  
Streets for All  
Transform

**Opposition**

None on file

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