

Senate Bill No. 1216

Passed the Senate August 29, 2024

Secretary of the Senate

Passed the Assembly August 28, 2024

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2024, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 2382 and 2384 of, and to add Section 891.9 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1216, Blakespear. Transportation projects: Class III bikeways: prohibition.

(1) Existing law establishes 4 classifications of bikeways and defines a “Class III bikeway” as a bikeway that provides a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.

This bill would define “sharrow” as the pavement marking used to inform road users that bicyclists might occupy the travel lane. The bill would prohibit, on and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted from installing a new sharrow on a highway that has a posted speed limit greater than 30 miles per hour, except as specified.

(2) Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, with specified available funds to be allocated to eligible projects by the California Transportation Commission and regional transportation agencies through the adoption of a program of projects. Existing law requires the commission to develop guidelines regarding, among other topics, project eligibility and project selection for the program of projects, as provided.

This bill would prohibit, on and after January 1, 2026, the commission from adding a project that creates a Class III bikeway or a sharrow to the program of projects, except as specified. The bill would require the commission to make conforming changes to its guidelines regarding project eligibility and project selection for the program of projects, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 891.9 is added to the Streets and Highways Code, to read:

891.9. (a) On and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted shall not install a new sharrow on a highway that has a posted speed limit greater than 30 miles per hour, except at or near an intersection for the purpose of connecting a Class I, Class II, or Class IV bikeway through the intersection.

(b) For purposes of this section, “sharrow” means the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8.

SEC. 2. Section 2382 of the Streets and Highways Code is amended to read:

2382. (a) The California Transportation Commission shall develop guidelines and project selection criteria for the Active Transportation Program in consultation with the Active Transportation Program Workgroup, which shall be formed for purposes of providing guidance on matters including, but not limited to, development of and subsequent revisions to program guidelines, schedules and procedures, project selection criteria, performance measures, and program evaluation. The workgroup shall include, but not be limited to, representatives of government agencies and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

(b) The guidelines shall be the complete and full statement of the policies and criteria that the commission intends to use in selecting projects to be included in the program. The guidelines shall address subjects that include, but are not limited to, project eligibility, application timelines, application rating and ranking criteria, project monitoring, reporting, and transparency, and project performance measurement.

(c) The guidelines shall include a process to ensure that no less than 25 percent of overall program funds benefit disadvantaged communities during each program cycle. The guidelines shall establish a program definition for disadvantaged communities that may include, but need not be limited to, the definition in Section 39711 of the Health and Safety Code and the definition of

low-income schools in paragraph (7) of subdivision (b) of former Section 2333.5, as that section read on January 1, 2013. A project eligible under this subdivision shall clearly demonstrate a benefit to a disadvantaged community or be directly located in a disadvantaged community.

(d) The guidelines shall allow streamlining of project delivery by authorizing an implementing agency to seek commission approval of a letter of no prejudice that will allow the agency to expend its own funds for a project programmed in a future year of the adopted program of projects, in advance of allocation of funds to the project by the commission, and to be reimbursed at a later time for eligible expenditures.

(e) The California Transportation Commission shall adopt the guidelines and selection criteria for, and define the types of projects eligible to be funded through, the program following at least two public hearings. Projects funded in this program shall be limited to active transportation projects. The guidelines shall ensure that eligible projects meet one or more of the goals set forth in Section 2380 and may give increased weight to projects meeting multiple goals.

(f) In developing the guidelines with regard to project eligibility, the commission shall include, but need not be limited to, the following project types:

(1) Development of new bikeways and walkways, or improvements to existing bikeways and walkways, that improve mobility, access, or safety for nonmotorized users. On and after January 1, 2026, the guidelines with regard to project eligibility shall not include the development of Class III bikeways, as described in Section 890.4, or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless any of the following apply:

(A) The Class III bikeway or marking is on a highway with a design speed limit of 25 miles per hour or less.

(B) The project will implement improvements to reduce the design speed limit to 25 miles per hour or less.

(C) The project applicant demonstrates that the use of the Class III bikeway or marking is appropriate for the local community context and advances a lower stress environment or a low-stress network.

(2) Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings.

(3) Bicycle-carrying facilities on public transit, including rail and ferries.

(4) Installation of traffic control devices to improve the safety of pedestrians and bicyclists.

(5) Elimination of hazardous conditions on existing bikeways and walkways.

(6) Maintenance of bikeways and walkways.

(7) Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to nonmotorized corridors, and conversion of abandoned railroad corridors to trails.

(8) Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.

(9) Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and schoolbus stops.

(10) Educational programs to increase biking and walking, and other noninfrastructure investments that demonstrate effectiveness in increasing active transportation.

(g) In developing the guidelines with regard to project selection, the commission shall include, but need not be limited to, the following criteria:

(1) Demonstrated needs of the applicant.

(2) Potential for reducing pedestrian and bicyclist injuries and fatalities.

(3) Potential for encouraging increased walking and bicycling, especially among students.

(4) Identification of safety hazards for pedestrians and bicyclists.

(5) Identification of walking and bicycling routes to and from schools, transit facilities, and community centers.

(6) Identification of the local public participation process that culminated in the project proposal, which may include noticed public meetings and consultation with local stakeholders.

(7) Benefit to disadvantaged communities. In developing guidelines relative to this paragraph, the commission shall consider, but need not be limited to, the definition of disadvantaged communities as applied pursuant to subdivision (c).

(8) Cost-effectiveness, defined as maximizing the impact of the funds provided.

(9) The adoption by a city or county applicant of a bicycle transportation plan, pursuant to Section 891.2, a pedestrian plan, a safe routes to school plan, or an overall active transportation plan.

(10) Use of the California Conservation Corps or a qualified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141.

(11) Other factors, such as potential for reducing congestion, improving air quality, reducing greenhouse gas emissions, and increasing and improving connectivity and mobility of nonmotorized users. On and after January 1, 2026, increasing or improving connectivity of nonmotorized users shall not include the addition of a bikeway connecting to a Class III bikeway, as described in Section 890.4, or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless the bikeway or marking is on a highway with a design speed limit of 25 miles per hour or less or the project will implement improvements to reduce the design speed limit to 25 miles per hour or less.

(h) For the use of federal Transportation Alternative Program funds, or other federal funds, commission guidelines shall meet all applicable federal requirements.

(i) For the use of federal Highway Safety Improvement Program funds for active transportation projects specific to reducing fatalities and serious injuries, the criteria for the selection of projects shall be based on a data-driven process that is aligned with the state's Strategic Highway Safety Plan.

(j) The guidelines may include incentives intended to maximize the potential for attracting funds other than program funds for eligible projects.

(k) In reviewing and selecting projects funded by federal funds in the Recreational Trails Program, the commission shall collaborate with the Department of Parks and Recreation to evaluate proposed projects, and to ensure federal requirements are met.

(l) To ensure that regional agencies charged with allocating funds to projects pursuant to paragraph (1) of subdivision (a) of Section 2381 have sufficient discretion to develop regional guidelines, the commission may adopt separate guidelines for the state and for the regional agencies relative to subdivision (g).

SEC. 3. Section 2384 of the Streets and Highways Code is amended to read:

2384. (a) The commission shall adopt a program of projects to receive allocations under this chapter. The guidelines for an initial two-year program of projects shall be adopted within six months of the enactment of the act enacting this section. The commission shall adopt each program by no later than July 1 of each odd-numbered year, but may alternatively elect to adopt a program annually. Each subsequent program shall cover a period of four fiscal years, beginning July 1 of the year of adoption, and shall be a statement of intent by the commission for the allocation or expenditure of funds during those four fiscal years. The commission shall form a multidisciplinary advisory group to assist it in evaluating project applications.

(b) On and after January 1, 2026, the program of projects shall not add a project that creates a Class III bikeway, as described in Section 890.4, or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless any of the following apply:

(1) The Class III bikeway or marking is on a highway with a design speed limit of 25 miles per hour or less.

(2) The project will implement improvements to reduce the design speed limit to 25 miles per hour or less.

(3) The project applicant demonstrates that the use of the Class III bikeway or marking is appropriate for the local community context and advances a lower stress environment or a low-stress network.

Approved _____, 2024

Governor