



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 12
Regular Calendar
MCOG Meeting
5/6/2024

TITLE: Proposed Opposition to AB 2290 (Friedman),
SB 960 (Wiener), and SB 1216 (Blakespear) and
Support of AB 817 (Pacheco)

DATE PREPARED: 04/30/24
MEETING DATE: 05/06/24

SUBMITTED BY: Nephele Barrett, Executive Director

BACKGROUND:

There are several proposed bills in the state legislature of particular interest to MCOG. Three proposed bills currently present the possibility of impacting transportation in rural areas—AB 2290 (Friedman), SB 960 (Wiener), and SB 1216 (Blakespear). A fourth bill, AB 817 (Pacheco) would benefit MCOG by allowing flexibility for teleconferencing in advisory committee meetings.

AB 2290 and SB 1216 both limit the ability to use Class III bikeways (sharrows). Sharrows are used to alert drivers of the possible presence of bicyclists on facilities without separated bikeways. Although these types of bike facilities are not appropriate in all situations, they are appropriate in some settings and often the only option in developed areas to fill gaps in a bikeway network. AB 2290 would prohibit allocation of Active Transportation Program (ATP) funds for any project that creates a Class III bikeway on a road with a design speed over 20 miles per hour. An ATP application that is solely for a Class III bikeway will not be competitive anyway, however, it is possible that a competitive project could be proposed that includes short segments of Class III as links between more substantial facilities. Those projects would no longer be eligible for the program. The bill also would require projects funded with Road Maintenance and Rehabilitation Program funding, including maintenance and safety projects, to incorporate bicycle facilities in the project if the facility has been identified in an adopted plan or document and publish justification if the facility is not included. Quality of nearby alternative facilities (such as parallel Class I facilities) would no longer be an allowed factor when making the determination. This would severely impact local agencies' ability to deliver basic projects with existing, limited funding. In addition, AB 2290 would require Caltrans Districts to implement quick-build projects, which need repair or replacement every few years, without considering the cost of that replacement. SB 1216 is slightly less restrictive. It prohibits Class III bikeways on highways with posted speed limits greater than 30 mph and prohibits ATP funding for projects that include Class III bikeways on facilities with design speeds greater than 25 mph. Both of these bills would limit local agencies flexibility and ability to secure funding in order to deliver context-appropriate, multimodal projects. Staff recommends opposition to these bills.

SB 960 creates requirements for Caltrans to include targets and performance measures for bicycle, pedestrian, and priority transit facilities in State Highway System Management Plan and their asset management plans, which guide project inclusion in the State Highway Operations and Protection Program (SHOPP). It also requires that all projects funded or overseen by Caltrans include complete streets facilities, except where facilities are closed to use by those modes or inclusion of a facility would result in “an unavoidable, substantial safety risk for pedestrians or bicyclists.” Although at first glance, this seems like it would be a positive requirement, the repercussions could negatively affect delivery of SHOPP projects and overall funding to our rural area. In general, creating additional targets without additional funding means less funding for existing activities and less flexibility for delivering projects. Over the last few years, Caltrans has increased inclusion of bicycle and pedestrian improvements in the SHOPP without this statutory requirement. Our region

has benefitted from these funds. However, by requiring these improvements in all projects, it could prevent important operational, safety and maintenance projects in our region from moving forward where other constraints, such as Coastal Commission restrictions, physical constraints, or existing development, as well as added costs, make it very difficult to include complete streets components. In addition, creating targets for “priority transit” facilities could lead to less funding in rural areas that are unlikely to have priority transit facilities (such as bus only lanes). Staff recommends opposition of this bill.

AB 817 (Pacheco) proposes to allow members of local advisory bodies to participate via teleconferences without posting of their location. This would provide greater flexibility to MCOG’s standing committees including the Technical Advisory Committee, Executive Committee, and Transit Productivity Committee. Currently members of these groups can only participate via teleconference from a publicly available, noticed location. This would allow them to participate from a non-noticed location. Public participation options would not change. As proposed, the provisions of the bill would end January 1, 2026. A permanent change would be preferable, but this is a step in the right direction. Staff recommends support of this bill.

Following Board action, staff will prepare letters of opposition or support, citing the reasons given in this staff report as well as any additional concerns identified in the Board meeting.

ACTION REQUIRED: Oppose AB 2290 (Friedman), SB 1216 (Wiener), and SB 960 (Blakespear); support AB 817 (Pacheco); and authorize staff to send letters of opposition or support.

ALTERNATIVES: The Board may choose to take no action or approve a different position on these bills.

RECOMMENDATION: Oppose AB 2290 (Friedman), SB 1216 (Wiener), and SB 960 (Blakespear); support AB 817 (Pacheco); and authorize staff to send letters of opposition or support.