

Senate Bill No. 960

CHAPTER 630

An act to amend Sections 14526.4 and 14526.6 of, and to add Section 14526.8 to, the Government Code, and to amend Sections 164.6 and 671.5 of, and to add Section 149.20 to, the Streets and Highways Code, relating to transportation.

[Approved by Governor September 27, 2024. Filed with
Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 960, Wiener. Transportation: planning: complete streets facilities: transit priority facilities.

(1) Existing law requires the Department of Transportation to improve and maintain the state's highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state, including the state highway operation and protection program (SHOPP). Existing law requires the department, in consultation with the California Transportation Commission, to prepare a robust asset management plan to guide selection of projects for the SHOPP. Existing law requires the commission, in connection with the plan, to adopt targets and performance measures reflecting state transportation goals and objectives. Existing law requires the department to develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the SHOPP.

This bill would require the targets and performance measures adopted by the commission to include targets and performance measures reflecting state transportation goals and objectives for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit priority facilities on the state highway system. The bill would require the department's plain language performance report to include a description of complete streets facilities, including pedestrian, bicycle, and transit priority facilities on each project, as specified. The bill would require the department to commit to specific 4-year targets to incorporate complete streets facilities, including pedestrian and bicycle facilities, into projects funded by the SHOPP, as specified.

(2) Existing law creates transit districts in designated areas throughout the state and authorizes the use of various vehicles for the purpose of public and private transit. Existing law authorizes transit buses and other transit vehicles to operate on state highways.

This bill would require the Director of Transportation to adopt a transit policy to guide the implementation of transit priority facilities and transit

stops on the state highway system, as specified. The bill would require the department to adopt, on or before July 1, 2027, guidance that defines transit performance measures and identifies the department's responsibilities in supporting transit vehicles on the state highway system, as specified.

(3) Existing law requires the department to prepare a State Highway System Management Plan (SHSMP), which includes a 10-year state highway system rehabilitation plan for the rehabilitation or reconstruction by the SHOPP of all state highways and bridges, as provided. Existing law requires the SHSMP to include specific quantifiable accomplishments, goals, objectives, costs, and performance measures consistent with the asset management plan described above. Existing law requires the SHSMP to be updated every 2 years.

This bill would expressly require the SHSMP to also include specific quantifiable accomplishments, goals, objectives, costs, and performance measures for complete streets facilities and transit priority facilities, as specified.

(4) Existing law authorizes the department to issue encroachment permits and requires the department to either approve or deny an application from an applicant for an encroachment permit within 60 days of receiving a completed application, as provided.

This bill would require the department, on or before January 1, 2027, to develop and adopt a project intake, evaluation, and encroachment permit review process for complete streets facilities that are sponsored by a local jurisdiction or a transit agency. The bill would require the department to produce a report regarding project applications submitted through this process, as specified. The bill would require the department to designate an encroachment permit manager in each district to ensure that applications for complete streets facilities are reviewed in accordance with the process, as specified.

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

SECTION 1. The Legislature finds and declares the following:

(a) California's laws and policies underscore the importance of reducing car dependence and instead increasing walking, bicycling, and transit use in order to create more sustainable, healthy, and affordable communities. However, this mode shift is not yet consistently expressed across and aligned across state policies, programs, and agencies.

(b) Increasing vehicle miles traveled and infrastructure throughput improvements exclusively for cars and freight continue to impede California's efforts to curb vehicle emissions and pollution and to achieve state climate and environmental goals.

(c) People who are walking or bicycling are killed or seriously injured in California at much higher rates than car drivers or passengers based on their percentage of trips and relative miles traveled, and these disproportionate rates are increasing each year.

(d) Underserved communities, including low-income communities and communities of color, lack safe streets, bicycle lanes, and sidewalks. In many cases, underserved communities also lack access to private vehicles, are dependent on shared rides or public transit, or simply lack any reliable transportation options. As a result, these communities experience higher rates of traffic fatalities and serious injuries and chronic diseases related to air pollution and the lack of safe physical activity.

(e) The Department of Transportation adopted Director's Policy 37 (DP-37) in 2021 to establish the department's "organizational priority to encourage and maximize walking, biking, transit, and passenger rail as a strategy to not only meet state climate, health, equity, and environmental goals but also to foster socially and economically vibrant, thriving, and resilient communities. To achieve this vision, [the department] will maximize the use of design flexibility to provide context-sensitive solutions and networks for travelers of all ages and abilities."

(f) Despite policy commitments by the department since 2008 to implement safe and multimodal street designs, progress toward implementation has been slow. The 2024 draft state highway operation and protection program (SHOPP) reveals that significant progress must still be made toward achieving the policy set forth in DP-37 and delivering facilities that are comfortable, convenient, and connected for users of all ages and abilities. According to the 2024 draft SHOPP, only 21 percent of SHOPP projects include meaningful complete streets facilities, such as bikeways, sidewalks, and crosswalks, and the investment levels fall short of being on track to reach the department's 10-year investment projections. At the same time, deaths and serious injuries from vehicles in California reached an over 30-year high in 2022, which is the most recent year with finalized data.

(g) Transit is a key part of a complete street. As the owner and operator of the state highway system, the department should play a pivotal role in improving public transit by advancing transit priority corridors to speed up transit vehicles stuck in traffic and make transit more convenient and attractive for current and future transit users.

(h) Making buses faster and more reliable addresses inequities embedded in the current transit system. When transit is given priority on California's roadways, buses are even more well-suited to deliver many more people to destinations in a less stressful, less polluting, and less costly manner than private vehicles.

(i) Transit priority has many proven benefits. When transit moves quickly, predictably, and reliably, it results in shorter travel times, more competitive service that attracts new riders, and more reliable travel times allowing for seamless transfers, lower operating costs, and more revenue for transit agencies. It also improves safety by reducing bus-automobile conflicts and creates faster response times for emergency vehicles.

(j) The department should play a leadership role in advancing transit priority as part of its commitment to making roads work for people who walk, bike, or use transit. This includes making changes to the state highway network to support fast and reliable transit travel.

(k) In 2023, the department drafted and began stakeholder engagement on a transit priority policy but it has not yet published or adopted a publicly available version of this policy.

SEC. 2. Section 14526.4 of the Government Code is amended to read:

14526.4. (a) The department, in consultation with the commission, shall prepare a robust asset management plan to guide selection of projects for the state highway operation and protection program required by Section 14526.5. The asset management plan shall be consistent with any applicable state and federal requirements.

(b) The department shall include complete streets assets in the asset management plan, including pedestrian, bicycle, and transit priority facilities on the state highway system that are not required under the federal Americans with Disabilities Act of 1990 (Public Law 101-336).

(c) In connection with the asset management plan, the commission shall do both of the following:

(1) Adopt targets and performance measures reflecting state transportation goals and objectives, including for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit priority facilities on the state highway system.

(2) Review and approve the asset management plan.

(d) As used in this section, “asset management plan” means a document assessing the health and condition of the state highway system with which the department is able to determine the most effective way to apply the state’s limited resources.

SEC. 3. Section 14526.6 of the Government Code is amended to read:

14526.6. (a) The department shall report to the commission quarterly, for projects that complete construction in the previous quarter, on the information outlined in subdivision (b) for all major state highway operation and protection program projects, as defined by the commission pursuant to subdivision (f) of Section 167 of the Streets and Highways Code.

(b) The department shall report to the commission on the approved capital and support budgets compared to expenditures at contract construction acceptance for all projects included in subdivision (a).

(c) The department shall develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the state highway operation and protection program. The plain language performance report shall include a description of complete streets facilities, including pedestrian, bicycle, and transit priority facilities, on each project, including the number, extent, cost, and type of the facilities.

SEC. 4. Section 14526.8 is added to the Government Code, to read:

14526.8. (a) (1) Consistent with proportional progress toward the 10-year targets of the relevant State Highway System Management Plan, the department shall commit to specific 4-year targets to incorporate complete streets facilities, including pedestrian and bicycle facilities that are not otherwise required under the federal Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), into projects funded by the state highway

operation and protection program, including on entrances and exits that interact with local streets.

(2) Beginning with the 2028 state highway operation and protection program, the department shall, to the extent feasible and appropriate, in locations with current or future transit priority needs, provide and improve transit priority facilities on the state highway system in a manner consistent with the department's most recent guidance, transit plans, and the State Highway System Management Plan.

(b) (1) For projects funded by the state highway operation and protection program with complete streets facilities, the department shall consult with, and document consultation with, public agencies and representatives from local bicycle, pedestrian, and transit advisory committees, community-based organizations, or other local stakeholders impacted by the project. In consultation with stakeholders, the department shall develop guidance to implement this subdivision.

(2) A project with complete streets facilities in an underserved community shall include specific outreach targeted to the most underserved areas. The department shall establish a definition for "underserved community," to be used for purposes of this section, and that definition may include both of the following:

(A) Equity priority communities based on the departments's transportation equity index or a similar or successor tool established by the department.

(B) Disadvantaged communities, as defined by a region following a stakeholder engagement process that is part of a regular four-year cycle adoption of a regional transportation plan by a metropolitan planning organization or a regional transportation planning agency.

(c) If the department decides to not include complete streets facilities in a manner consistent with the department's guidance on any project in the state highway operation and protection program, the justification for that decision shall be documented with final approval by the director or an executive with authority delegated by the director, and posted to the department's public internet website. If the director delegates approval authority described in this subdivision to an executive at the district level, the department shall develop guidance for those approvals, in consultation with stakeholders.

SEC. 5. Section 149.20 is added to the Streets and Highways Code, to read:

149.20. (a) On or before January 1, 2026, the director shall adopt a transit policy to guide the implementation of transit priority facilities and transit stops on the state highway system.

(b) The policy described in subdivision (a) shall be developed in consultation with relevant stakeholders, including, but not limited to, transit operators, local governments, regional transportation planning agencies, and transit advocacy organizations.

(c) On or before January 1, 2027, the department shall adopt guidance that does both of the following:

(1) Defines transit performance measures.

(2) Identifies specific responsibilities for the department's programs, divisions, districts, and offices in supporting the reliable, predictable, and fast movement of transit vehicles on the state highway system.

(d) On or before July 1, 2028, the department shall adopt design guidance for transit priority facilities.

SEC. 6. Section 164.6 of the Streets and Highways Code is amended to read:

164.6. (a) (1) The department shall prepare a State Highway System Management Plan. The plan shall include a 10-year state highway system rehabilitation plan for the rehabilitation or reconstruction, or the combination thereof, by the State Highway Operation and Protection Program, of all state highways and bridges owned by the state. The plan shall identify all rehabilitation needs for the 10-year period beginning on July 1, 1998, and ending on June 30, 2008, and shall include a schedule of improvements to complete all needed rehabilitation during the life of the plan not later than June 30, 2008. The plan shall be updated every two years beginning in 2000.

(2) The State Highway System Management Plan shall also include a five-year maintenance plan that addresses the maintenance needs of the state highway system. The maintenance plan shall be updated every two years, concurrent with the rehabilitation plan described in paragraph (1). The maintenance plan shall include only maintenance activities that, if the activities are not performed, could result in increased State Highway Operation and Protection Program costs in the future. The maintenance plan shall identify any existing backlog in those maintenance activities and shall recommend a strategy, specific activities, and an associated funding level to reduce or prevent any backlog during the plan five-year period.

(b) (1) The State Highway System Management Plan shall include specific quantifiable accomplishments, goals, objectives, costs, and performance measures, including for complete streets facilities, including pedestrian and bicycle facilities, consistent with the asset management plan required by Section 14526.4 of the Government Code. The plan shall contain strategies to control costs and improve efficiency of the State Highway Operation and Protection Program.

(2) In 2027, as feasible, and continuing thereafter, the State Highway System Management Plan shall include specific quantifiable accomplishments, goals, objectives, costs, and performance measures for transit priority facilities, consistent with the asset management plan required by Section 14526.4 of the Government Code and the department's transit policy and associated guidance.

(c) The State Highway System Management Plan for rehabilitation and maintenance shall attempt to balance resources between State Highway Operation and Protection Program activities and maintenance activities in order to achieve identified goals at the lowest possible long-term total cost. If the maintenance plan recommends increases in maintenance spending, it shall identify projected future State Highway Operation and Protection Program costs that would be avoided by increasing maintenance spending. The department's maintenance division shall identify highway maintenance

projects and associated costs that allow it to achieve the requirements of this subdivision.

(d) The draft State Highway System Management Plan shall be submitted to the commission for review and comments not later than February 15 of each odd-numbered year, and the final plan shall be transmitted by the department to the Governor and the Legislature not later than June 1 of each odd-numbered year. The department shall make the draft of its proposed plan available to regional transportation agencies for review and comment, and shall include and respond to the comments in the final plan.

(e) The State Highway System Management Plan shall be the basis for the department's budget request and for the adoption of fund estimates pursuant to Section 163.

SEC. 7. Section 671.5 of the Streets and Highways Code is amended to read:

671.5. (a) The department shall either approve or deny an application from an applicant for an encroachment permit within 60 days of receiving a completed application, as determined by the department. An application for an encroachment permit is complete when all other statutory requirements, including the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), have been complied with. The department's failure to notify the applicant within that 60-day period that the permit is denied shall be deemed to constitute approval of the permit. Thereafter, upon notifying the department, the applicant may act in accordance with its permit application, as if the permit had been approved.

(b) All of the following shall apply to the department's review of an application for an encroachment permit for a broadband facility:

(1) The department shall specify in writing all permit application criteria. It is the intent of the Legislature to ensure a streamlined, predictable, and expeditious process by which the department reviews broadband facility permit applications in order to achieve the rapid deployment of broadband facilities on highways.

(2) Within 30 days after an application for an encroachment permit for a broadband facility is submitted, the department shall notify the applicant in writing whether the permit application is deemed complete. If the department does not notify the applicant within that 30-day period that the application is incomplete, the failure to notify shall be deemed to constitute a finding that the permit application is complete.

(3) If the department deems a permit application incomplete, the department shall do all of the following:

(A) At the time of notifying the applicant that the application is incomplete, furnish to the applicant a detailed explanation why the application is incomplete, with reference to the specific application criteria that the application does not meet.

(B) Identify all supplemental information necessary to complete the application.

(C) In a timely manner and no later than 14 days after a meeting is requested by the applicant, meet with the applicant to discuss any outstanding supplemental information necessary to complete the application. The department shall not be required to participate in more than three individual meetings with the applicant and shall not be required to meet in excess of four hours for each permit application.

(D) Provide the applicant with no less than 30 days to resubmit its application with the supplemental information that the department identified in the notice. The applicant's failure to respond with additional information during that period shall be deemed to constitute a withdrawal of the application.

(4) Within 30 days after receiving supplemental information from an applicant pursuant to paragraph (3), the department shall approve or deny the application.

(c) If the department denies an application for an encroachment permit, the department shall, at the time of notifying the applicant of the denial, furnish to the applicant a detailed explanation of the reason for the denial.

(d) The department shall adopt regulations prescribing procedures for an applicant to appeal to the director for a final determination of the department's denial of an application. The appeal shall be made in writing to the director. There shall be a final written determination by the director within 60 calendar days after receipt of the applicant's written appeal. The adopted regulations shall require the appellant to pay to the department a fee of not more than 50 percent of the estimated administrative cost to the department of conducting the appeal.

(e) This section does not preclude an applicant and the department from mutually agreeing to an extension of any time limit provided by this section.

(f) (1) On or before January 1, 2027, the department shall develop and adopt a process for project intake, project evaluation, and encroachment permit review for complete streets facilities, including pedestrian, bicycle, and transit priority facilities, that are sponsored by a local jurisdiction or a transit agency. The department shall design this process to enable the department to comply with subdivision (a).

(2) The department shall report annually to the commission regarding project applications submitted pursuant to the process adopted pursuant to paragraph (1). The report shall include, but not be limited to, all of the following information:

(A) The number of completed applications submitted.

(B) The number of encroachment permits issued.

(C) The number of days required to process each application.

(3) The department shall post the report described in paragraph (2) on the department's internet website.

(4) The department shall designate an encroachment permit manager in each district to ensure that applications for complete streets facilities are reviewed through the process adopted pursuant to paragraph (1). The

encroachment permit manager shall have expertise in bicycle, pedestrian, and transit priority facilities.

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