

## Good Roads Bill, California

BILL NUMBER: SB 1629 ENROLLED BILL TEXT PASSED THE SENATE AUGUST 30, 2000 PASSED THE ASSEMBLY AUGUST 28, 2000 AMENDED IN ASSEMBLY AUGUST 25, 2000 AMENDED IN ASSEMBLY AUGUST 7, 2000 AMENDED IN ASSEMBLY JUNE 15, 2000 AMENDED IN SENATE MAY 9, 2000 AMENDED IN SENATE MAY 2, 2000 AMENDED IN SENATE APRIL 24, 2000 INTRODUCED BY Senator Sher (Coauthors: Assembly Members Alquist, Bock, Cunneen, Mazzone, and Wildman) FEBRUARY 22, 2000 An act to add Section 894.5 to the Streets and Highways Code, relating to highways. LEGISLATIVE COUNSEL'S DIGEST SB 1629, Sher.

Highways: pedestrian and bicycle access. (1) Existing law requires the Department of Transportation to publish a statewide map illustrating state highway routes available for the use of bicycles, and, where bicycles are prohibited from using a state highway, illustrating alternative routes available to the bicyclist. Existing law requires the department to establish design and safety criteria for bicycle roadways. Existing law authorizes a local authority to establish bikeways, and creates the Bicycle Transportation Account in the State Transportation Fund to provide funds for bicycle transportation. This bill would require bicycle and pedestrian access to be included on all highways and toll bridges constructed, as defined, after a specified date unless the responsible agency determines that there are exceptions after an open and public meeting, as prescribed. The bill would also make legislative findings and declarations. To the extent that this bill would require local entities to construct pedestrian and bicycle paths in conjunction with construction of highways, it would impose a state-mandated local program. These provisions would become operative on January 1, 2002. (2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. The bill would prohibit funds in the State Transportation fund or the Transportation Tax Fund from being used for reimbursement claims arising under the bill.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: SECTION 1. Section 894.5 is added to the Streets and Highways Code, to read: 894.5. (a) The Legislature finds and declares all of the following: (1) The use of highways for purposes of travel and transportation is a common and fundamental right, and that all persons have an equal right to use these thoroughfares for travel by appropriate means, and with due regard to the rights of others. (2) It is the policy of this state to provide an integrated and balanced transportation system for the use of all persons, including the young, the elderly, the disadvantaged, and those with disabilities. (3) Enabling the public to use a variety of travel modes, including walking and bicycling, contributes to the public health, facilitates access to schools, jobs, shopping, recreation, and other daily needs, and creates a sense of local community identity and pride. (4) Making streets and roads more usable by pedestrians and bicyclists reduces traffic congestion on those streets and roads. (5) In order to maximize these benefits, the design of the highways of California should address the needs of nonmotorized, as well as motorized transportation. (b) (1) This section shall be known and may be cited as the Good Roads for the 21st Century Act. (2) This section does not apply to either of the following: (A) A highway or a toll bridge for which the final design has been approved on or before January 1, 2002, by the department or by the appropriate local authority, if the department or local authority begins work or awards a contract for work on or before January 1, 2003. (B) A toll bridge project authorized pursuant to Sections 30913 and 30914, as authorized by those sections in their form as added by Section 2 of Chapter 406 of the Statutes of 1988. (c) Every highway, other than a freeway, constructed by the department or local authority shall include sidewalks, paths,

walkways, or equivalent facilities on both sides of the highway for use by pedestrians. (d) (1) Every highway, other than a freeway, constructed by the department or local authority shall include accommodations for bicycle travel. (2) The accommodation shall be by shared roadway or by bike lane as described in subdivision (b) of Section 890.4. For purposes of this section, a shared roadway includes a shoulder. (3) All facilities constructed to accommodate bicyclists under this section shall conform to the minimum safety design criteria and uniform standards established by the department pursuant to Sections 890.6 and 890.8. (e) Except as provided in subparagraph (B) of paragraph (2) of subdivision (b), every new toll bridge and every toll bridge that is modified to increase the number of vehicle lanes shall provide a sidewalk or path for use by pedestrians, and a shoulder, bike lane, or bike path for use by bicyclists. (f) Subdivisions (c) and (d) and paragraph (2) of subdivision (i) do not apply if the responsible agency determines at a public hearing, that may be a regularly scheduled public hearing, any of the following: (1) Providing the pedestrian or bicycle access is contrary to public safety. (2) An alternative route exists that is equally safe and convenient in terms of travel time and effort, or an alternative route meeting these criteria will be provided as part of the construction project. (3) The cost of the facilities, including acquisition of rights-of-way, would be disproportionate to projected need or use. (4) The cost of the pedestrian or bicycle facility would render the highway project or other critical transportation project financially infeasible. (5) Sparse population or other factors indicate an absence of any need. (6) Significant adverse environmental effects would result from inclusion of the facilities. (7) Physical constraints, such as steep grades, prevent the addition of sufficient width to accommodate pedestrian or bicycle facilities. (8) Providing pedestrian or bicycle facilities would result in an unused segment. (9) Construction of a bikeway is inconsistent with a bicycle plan adopted pursuant to Section 891.2. (g) An agency that does not hold regularly scheduled public hearings may establish a procedure for notifying interested parties of its proposed determinations under subdivision (f), and for conducting public meetings on those determinations upon request. (h) A determination made by a responsible agency under subdivision (f) involves the exercise of discretion and is a legislative act. The responsible agency's determination shall be presumed valid and shall be set aside only if the decision was arbitrary and capricious, and entirely lacking in substantial evidentiary support, based on the evidence presented to the agency at the time of its determination. (i) (1) For the purposes of this section, "construction" does not include any of the following provided that the number of vehicle lanes is not increased, except in the vicinity of toll booths: (A) Resurfacing. (B) Restoration. (C) Rehabilitation. (D) Maintenance. (E) Reconstruction or replacement, except where the number of vehicle lanes or capacity is increased. (F) Toll bridge deck replacement. (G) Toll bridge seismic retrofit. (H) Installation of, or improvements to, any of the following: (i) Planting. (ii) Illumination. (iii) Traffic control devices. (iv) Toll booths or restriping in the vicinity of toll booths. (I) Other incidental alterations. (2) Any work described in paragraph (1) performed on a highway or toll bridge by the department or local authority shall not result in a decrease to the existing level of pedestrian and bicycle access and safety features along and across the highway or toll bridge. (j) This section shall become operative on January 1, 2002. SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. In no event may funds in the State Transportation Fund or the Transportation Tax Fund be used to make reimbursements for claims arising under this act.

**BILL NUMBER: SB 1629 INTRODUCED BILL TEXT INTRODUCED BY Senator Sher FEBRUARY 22, 2000** An act to add Section 894.5 to the Streets and Highways Code, relating to highways. **LEGISLATIVE COUNSEL'S DIGEST SB 1629**, as introduced, Sher. Highways: pedestrian and bicycle access. (1) Existing law requires the Department of Transportation to publish a statewide map illustrating state highway routes available for the use of bicycles, and, where bicycles are prohibited from using a state highway, illustrating alternative routes available to the bicyclist. Existing law requires the

department to establish design and safety criteria for bicycle roadways. Existing law authorizes a local authority to establish bikeways, and creates the Bicycle Transportation Account in the State Transportation Fund to provide funds for bicycle transportation. This bill would require bicycle and pedestrian access on all highways constructed after a specified date unless exceptions are found by the responsible agency after a public hearing, as prescribed. The bill would also make legislative findings and declarations. To the extent that this bill would require local entities to construct pedestrian and bicycle paths in conjunction with construction of highways, it would impose a state-mandated local program. (2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes. THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: SECTION 1. Section 894.5 is added to the Streets and Highways Code, to read: 894.5. (a) The Legislature finds and declares all of the following: (1) The use of highways for purposes of travel and transportation is a common and fundamental right, and that all persons have an equal right to use these thoroughfares for travel by appropriate means, and with due regard to the rights of others. (2) It is the policy of this state to provide an integrated and balanced transportation system for the use of all persons, including the young, the elderly, the disadvantaged, and those with disabilities. (3) Enabling the public to use a variety of travel modes, including walking and bicycling, contributes to the public health, facilitates access to schools, jobs, shopping, recreation, and other daily needs, and creates a sense of local community identity and pride. (4) In order to maximize these benefits, the design of the highways of California should address the needs of nonmotorized, as well as motorized transportation. (b) Every highway, other than a freeway, constructed by the department or local authority, on or after January 1, 2002, shall include sidewalks, paths, walkways, or equivalent facilities on both sides of the highway for use by pedestrians. (c) Every highway constructed by the department or local authority commencing on or after January 1, 2002, shall include accommodation for bicycle travel. (d) (1) Except as provided in paragraph (2), the accommodation shall be by shared roadway or by bike lane as described in subdivision (b) of Section 890.4. For purposes of this section, a shared roadway includes a shoulder. (2) On a highway that is a freeway, the accommodation shall be by shoulder or bike path, as described in subdivision (a) of Section 890.4. (e) All facilities constructed to accommodate bicyclists under this section shall conform to the minimum safety design criteria and uniform standards established by the department pursuant to Sections 890.6 and 890.8. (f) Any maintenance to a highway by the department or any local authority performed on or after January 1, 2002, shall, at a minimum, maintain the existing level of pedestrian and bicycle access and safety features along and across the highway. (g) Every toll bridge shall provide a sidewalk or path for use by pedestrians, and a shoulder, bike lane, or bike path for use by bicyclists. (h) Subdivisions (b) to (f), inclusive, do not apply if the particular agency finds, after conducting a public hearing, either of the following: (1) Providing the pedestrian or bicycle access is contrary to public safety. (2) An alternative route exists that is equally safe and convenient in terms of travel time and effort, or an alternative route meeting these criteria will be provided as part of the construction project. SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

BILL NUMBER: SB 1629 VETOED DATE: 09/28/2000 SEP 28 2000 To Members of the California State Senate: I am returning Senate Bill 1629 without my signature. This bill would require any new

highway or toll bridge and any highway or toll bridge modified to increase the number of vehicle lanes to include sidewalks, pathways, or other equivalent facilities for pedestrians on both sides of the road and bike lanes or adequate shoulders for bicyclists. The bill would exclude freeways, certain previously planned toll bridge work in the San Francisco Bay Area, and all maintenance, rehabilitation, replacement, and seismic retrofit work provided that this work does not increase the number of vehicle lanes. The bill also provides a number of criteria under which a project may be exempted from the requirements of the bill. I believe that improving conditions for pedestrians and bicyclists on California streets and highways is an important priority. Toward that end, I have signed three measures to improve pedestrian and bicycle access and safety: SB 1772 by Senator Brulte, will substantially increase funding to the Bicycle Transportation Account in the State Transportation Fund; AB 2522 by Assemblymember Shelley, will create a new Pedestrian Safety Account to increase funding for pedestrian safety improvements projects; and AB 2140 by Assemblymember Keeley, will encourage transportation planning agencies to prepare alternative planning scenarios, including encouraging public transit usage, walking, and bicycling. Caltrans' design standards for the State Highway System already require that the needs of pedestrians and bicyclists be considered in the design and development of projects. Furthermore, every regional transportation agency in the state is required to adopt a comprehensive Regional Transportation Plan (RTP) which must include a bicycle and pedestrian component. In this regard, SB 1629 would do little more than codify existing practice. However, by imposing a mandate upon local governments, the bill would impose a substantial new burden upon these entities in the form of increased design and construction costs. Local governments could, in turn, seek reimbursement for these state-mandated costs of at least \$25 million from the General Fund. No provisions for these monies were made in the budget. If successful, these claims would substantially impact the General Fund, drawing resources away from other equally important purposes. For this reason, I am returning the bill unsigned. Sincerely, GRAY DAVIS