
SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2023 - 2024 Regular

Bill No:	SB 258	Hearing Date:	3/28/2023
Author:	Roth		
Version:	3/15/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Jacob O'Connor		

SUBJECT: General aviation airports: funding needs assessment

DIGEST: This bill requires the California Transportation Commission to prepare a funding needs assessment for the state's general aviation airports and submit the assessment to the Legislature on or before January 1, 2026.

ANALYSIS:

Existing law:

- 1) Creates the California Transportation Commission (CTC), with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to various transportation funding programs. (Government Code (GOV) §14520-14534).
- 2) Requires the Division of Aeronautics (Division) in the Department of Transportation (Caltrans) to prepare a California Aviation Systems Plan (CASP) that includes elements relating to: (Public Utilities Code §21701 – 21707)
 - a) Air transportation issues including aviation safety, airport noise and ground access, transportation systems management, airport financing, airport land use compatibility planning, and institutional relationships;
 - b) The aviation elements of regional transportation plans and a regional plan alternative containing an evaluation of the impacts of regional activity in relation to the statewide air transportation system. This includes funding proposals by general aviation and air carrier public use airports for consideration by the CTC;

- c) A state plan alternative including an evaluation of the statewide air transportation matters relating to growth and an evaluation of the system to designate an adequate number of general aviation and air carrier public use airports for state funding;
 - d) A comparison of the regional plan alternative with the state plan alternative including consideration of airport noise, air quality, toxic waste cleanup, energy, economics, and passengers served; and
 - e) A 10-year capital improvement plan (CIP) for each airport that has been approved by the applicable transportation planning agency.
- 3) Requires the Division to revise the CIP of the CASP biennially and to revise all other elements every five years.
 - 4) Requires the Division to submit the CASP and all revisions to the CTC for hearing and adoption.
 - 5) Requires that every project submitted for funding from the Aeronautics Account in the State Transportation Fund to be consistent with the CASP.

This bill:

- 1) Requires the CTC to prepare a funding needs assessment for the state's general aviation airports and submit the assessment to the Legislature on or before January 1, 2026.
- 2) Requires the funding needs assessment to be informed by the CASP and the most recent version of the CIP and include, but not be limited to:
 - a) A forecast of the expected revenues, including federal, state, and local, to pay for the costs identified in the assessment;
 - b) A description of funding needs related to safety, maintenance, improvement to address future air traffic, public safety operations, wildfire protection and prevention activities, the impacts of climate change, maintenance, improvements to address future air traffic, mitigation of community impacts from airport activities, and the deployment of new fuel and aircraft technology; and

- c) Recommendations to address any shortfall in revenue identified.
- 3) Directs the CTC to consult with relevant stakeholders to develop the assessment, including Caltrans, the Federal Aviation Administration (FAA), the airport industry, users of general aviation airports, and appropriate local and regional governments.

COMMENTS:

- 1) *Purpose of bill.* According to the author, “In California, general aviation airports are a critical transportation resource, not only for business and personal travel, but also to support response to disasters and emergencies such as wildfires, among other uses. SB 258 will allow California to prepare a comprehensive inventory of specific projects to help guide state investments, enable access to federal funds that would otherwise be forfeited, and help provide solutions for how to address unmet needs.”
- 2) *General aviation airports.* General aviation airports are airports that do not have scheduled service or have scheduled service with less than 2,500 passenger boardings each year. There are thousands of general aviation airports across the country and according to the 2020 CASP there are 241 in California. According to the FAA, general aviation airports are essential for statewide emergency preparedness and response such as transporting critically injured patients, aerial firefighting, law enforcement, and disaster relief. General aviation airports provide access to remote communities and contribute to commercial applications such as agricultural spraying, aerial surveying, and private travel. According to the 2020 CASP, California’s general aviation airports are estimated to support \$33 billion in economic output and more than 148,000 jobs.
- 3) *Funding support for general aviation airports.* The federal Airport Improvement Program (AIP), administered by the FAA, provides grants to public agencies for the planning and development of public-use airports. Grants under the AIP are distributed to airports in two ways: entitlement grants and discretionary grants. Entitlement grants are apportioned to airports by formula. General aviation airports receive an entitlement of \$150,000 annually. The FAA awards discretionary grants on a competitive basis for individual projects based on capacity enhancement and their importance to the national air transportation system. In general the federal grants cover 90 percent of eligible

costs for small primary, reliever, and general airports. Eligible projects include capital improvements related to safety, capacity, security, and environment. Operational and maintenance costs are generally not eligible for AIP assistance. To supplement AIP, Caltrans administers a state AIP Matching Grant Program which provides a state matching grant equal to 5 percent of the overall project costs, leaving the airport to provide the remaining 5 percent. This program is funded at \$2.5 million per year through FY 2024-25 from excess funds available from the Local Airport Loan Account.

- 4) *The California Aviation System Plan (CASP)*. The Division of Aviation develops the CASP in order to describe the capabilities of the state's aviation system, assess its needs, and contribute to the state's transportation goals. The Division is required to update the CASP every five years, which was most recently performed in 2020. The CASP contains several components including an inventory of the state's aviation assets, an evaluation and recommendations for the Division's policy goals, and the capital improvement plan, a 10-year list of all capital and planning projects submitted to Caltrans. One element in the 2010 CASP was a General Aviation System Needs Assessment (GASNA) which was last updated in 2013. This GASNA identified upgrades needed by individual airports to meet minimum standards for their classification and their costs. It did not focus on forecasting for growth or considering new technologies.
- 5) *Soaring costs, crashing revenues, with poor visibility*. In their 2022 Annual Report to the Legislature, the CTC flagged serious issues in the funding program supporting California's general aviation airports. During the COVID-19 pandemic a \$22 million loan was made from the Local Airport Loan Account, which funds the AIP, to supplement the General Fund. This loan has not yet been repaid while several general aviation projects have gone unfunded, including maintenance projects in Del Norte, Humboldt, and Kern counties and expansion and safety projects in Mono County.

Funding for the AIP Matching Grants used to be provided from excise tax revenues, but according to the CTC, these revenues are no longer sufficient to support these programs. The aviation gasoline excise tax of \$0.18 a gallon was last adjusted in 1994. The jet fuel excise tax was set at \$0.02 in 1969. Revenues from these taxes have fallen from approximately \$7.5 million to \$6 million annually since FY 2009-2010.

Because of the instability in and diminishing of the revenue funding the AIP Matching Program, along with increasing costs for projects due to inflation, the program has been unable to effectively take advantage of federal funds to

support California's general aviation airports. According to the CTC, California's general aviation airports have lost on average \$4 million per year in federal funding over the last 10 years because the AIP has been unable to provide sufficient local matching funds. Over the last 10 years, Caltrans was only able to fund 70% of eligible state AIP requests.

- 6) *Funding needs assessments to chart a flight plan.* The primary goal of the CASP is to develop policy goals and inventory assets and project requests. It is not meant to prioritize or rank projects based on need, or to develop a cohesive statewide funding strategy. The last time a needs assessment focused on the general aviation system was made was over a decade ago as part of the CASP and its scope was narrower. The needs assessment proposed by this bill will provide the CTC and the Legislature important information on how much proposed future general aviation projects cost, how many projects will go unfunded based on current revenues and costs, and what options are available to address that shortfall and to ensure matching federal funds are not lost.
- 7) *Do we need a separate report?* While the CASP may not currently try to encompass the information requested in this bill, it is the state's primary document for planning aviation needs. If this is meant to be a single report it may make sense for it to stand alone and be managed by the CTC. But if the author intends for this needs assessment to become a recurring part of California's aviation infrastructure planning, they may wish to consider amending the bill to modify the CASP to include a GASNA, so that it can benefit from the existing process involved with producing the CASP.

RELATED LEGISLATION:

SB 1121 (Gonzalez, Chapter 508, Statutes of 2022) – Required the CTC to prepare a financial needs assessment for the state and local ground transportation system for the next 10 years by January 1, 2025 and every five years thereafter.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown.

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

Aircraft Owners and Pilots Association
Association of California Airports

California Airports Council
California Transportation Commission
Riverside Municipal Airport
Tom Wathen Center At Flabob Airport

OPPOSITION:

None received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No:	SCR 16	Hearing Date:	3/28/2023
Author:	Roth		
Version:	3/14/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Deputy Isaiah A. Cordero Memorial Highway

DIGEST: This resolution designates the portion of State Route 60, from Valley Way in the city of Jurupa Valley to Pyrite Street in the city of Jurupa Valley, in the county of Riverside, as the “Deputy Isaiah A. Cordero Memorial Highway.”

ANALYSIS:

Existing law:

- 1) Assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

Committee Policy:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.

- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution:

- 1) Recounts the life and career of Deputy Isaiah A. Cordero.
- 2) Designates the portion of State Route 60, from Valley Way in the city of Jurupa Valley to Pyrite Street in the city of Jurupa Valley, in the county of Riverside, as the “Deputy Isaiah A. Cordero Memorial Highway.”
- 3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

COMMENTS:

- 1) *Purpose of the resolution.* The purpose of the resolution is to acknowledge and commemorate the life and service of Deputy Isaiah A. Cordero.
- 2) *Background.* Deputy Isaiah A. Cordero was born on May 13, 1990 and graduated from Cajon High School in San Bernardino, where he played football. After graduation, Cordero’s goal was to become a Deputy Sheriff and eventually a Motorcycle Enforcement Deputy. Cordero started his career with the Riverside County Sherriff’s Department as a Correctional Deputy. After working in various locations, he was made a Deputy Sheriff in 2017. In 2020, Cordero was transferred to the Jurupa Valley Sherriff’s Station where he successfully completed a field training program and was assigned to patrol communities, including Jurupa Valley, Eastvale, and Norco. In 2022, he successfully completed motorcycle training and began patrolling the streets as a Motorcycle Enforcement Deputy, as he had always wanted. On December 29, 2022, at the age of 32, Cordero was shot in the city of Jurupa Valley while pulling over an individual for a traffic violation. Deputy Cordero is survived by his parents and over 300 extended family members.

Writing in support, Riverside County Sherriff Chad Bianco states, “Deputy Cordero left behind over 300 grieving family members, left his 4,000 brothers and sisters in tan and green devastated, and left our community in shock.

“This particular stretch of State Highway 60 runs directly behind the Jurupa Valley Sheriff’s Station, the most recent station Deputy Cordero was assigned to, and serves to memorialize his unselfish dedication to that community. It also serves to show his family and community that the state will forever be indebted to his service and his name will never be forgotten.”

3) *Consistent with committee policy.* This resolution is consistent with committee policy.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown.

POSITIONS: (Communicated to the committee before noon on Wednesday, Wednesday, March 22, 2023.)

SUPPORT:

California State Sheriffs' Association
Los Angeles County Sheriff's Department
Riverside County Sheriff's Office
Riverside Sheriffs' Association
San Bernardino County Sheriff's Department

OPPOSITION:

None received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No:	SB 295	Hearing Date:	3/28/2023
Author:	Dodd		
Version:	3/15/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Jacob O'Connor		

SUBJECT: Vehicles: regulations on public property

DIGEST: This bill authorizes public agencies to restrict the use of scooters, pocket bicycles, skates, and electrical personal transportation devices, other personal transportation devices, low speed vehicles, utility terrain vehicles, and special construction equipment on public property under jurisdiction of that agency.

ANALYSIS:

Existing law:

- 1) Prohibits the driving, stopping, and parking of any vehicle upon the grounds and facilities of many public facilities including public educational institutions, state or county parks, rapid transit districts, property under the control of the legislative body of a municipality, hospitals, and grounds served by the California Highway Patrol. (Vehicle Code (VEH) §21113)
- 2) Allows the driving, stopping, and parking of vehicles upon the grounds and facilities of public facilities with permission and subject to any regulation imposed by the appropriate authority for those grounds.
- 3) Authorizes public agencies, including the University of California and California State University, to adopt rules or regulations to restrict, or specify the conditions of use for bicycles, motorized bicycles, electric bicycles, skateboards, electrically motorized boards, and rollers skates on public property under the jurisdiction of that agency.
- 4) Defines “electric personal assistive mobility device” as a self-balancing, non-tandem, two-wheeled device with specified dimensions, designed to transport only one person, with an electric propulsion system averaging less than 1

horsepower with a maximum speed of no more than 12.5 miles per hour (mph) on a level paved surface. (VEH §313)

- 5) Defines “low speed vehicles” as a four-wheeled vehicle weighing less than 3,000 pounds that can attain a speed of 20-25 mph on a level paved surface, excluding golf carts. (VEH §385.5)
- 6) Defines “utility terrain vehicles” as a motor vehicle required to display an identification plate that is designed for operation off-highway with four tires, a steering wheel, and two side-by-side seats. (VEH §531)
- 7) Defines “special construction equipment” as a vehicle used primarily off the highways for construction purposes which only occasionally or incidentally moves over highways. (VEH §565)

This bill:

- 1) Defines, for the purpose of this legislation, “personal transportation device” as a nonvehicle device operated by a person for the purpose of transportation. “Personal transportation device” does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- 2) Expands the authority for public universities and other public agencies to adopt rules or regulations to restrict or specify the conditions of use for transportation modes to include:
 - a) Scooters and motorized scooters;
 - b) Pocket bicycles;
 - c) Inline skates and roller skates;
 - d) Electrical personal assistive mobility devices;
 - e) Other personal transportation devices;
 - f) Low speed vehicles;
 - g) Utility terrain vehicles;
 - h) Golf carts; and
 - i) Special construction equipment.

COMMENTS:

- 1) *Purpose of bill.* According to the author “University campuses are very crowded spaces. The use of multiple types of quiet electric transportation devices often at considerable speeds pose a serious safety risk to students and other pedestrians on campus. The inability to regulate and respond to emerging

transportation technologies not only hinders efforts to ensure the safety of pedestrians and motorists alike, it also limits the ability of these campuses to transition to more environmentally friendly transportation options. SB 295 will increase safety at public universities by ensuring smaller, more environmentally-friendly modes of transportation, including utility terrain vehicles (UTVs) and electric personal assistive mobility devices (EPAMDs), are used and stored safely on campus property. Absent this legislative authority, university campuses' efforts to affordably right-size and "green" their fleets will be hampered."

- 2) *Two birds, one bill.* This bill, while only modifying one section of code, has two distinct aims. Firstly, the bill grants public universities and colleges the authority to regulate and restrict the use of novel modes of transportation in order to improve pedestrian safety. Secondly, the bill grants public universities and colleges the authority to allow non-highway compliant vehicles used in maintaining the campus grounds to drive on roads that pass through campuses.
- 3) *Pedestrian safety at schools.* University and college campuses are a unique environment in which to promote safe pedestrian travel. Students and staff often live on or adjacent to campus, creating heavy pedestrian density that exhibits sharp spikes based on class schedules. Campuses also have a uniquely diverse transportation environment mixing large and small automobiles with delivery and construction equipment, pedestrians of different abilities, bikes, scooters, and other emerging transportation devices. This creates hotspots on campus where pedestrian crashes and injuries are particularly high. Universities have conducted studies in order to identify design and policy choices to promote pedestrian safety. To that end, the Legislature has granted public agencies, including public universities and colleges, the authority to specify conditions of use for many modes of transportation, including bikes, e-bikes, skateboards, and electronic boards.

Unfortunately, these efforts can be disrupted by the introduction of new technologies. For example, in recent years electronic scooters have become a popular mode of transportation on several campuses, due to their speed, price, convenience, and lack of emissions. However electric scooters come with several safety concerns. There is no requirement for users to wear a properly fitted bike helmet, despite the ability for electric scooters to reach speeds of up to 15 mph. Electric scooters, like other electric transportation methods, operate relatively quietly making it more difficult for nearby pedestrians to be aware of these speedy devices. Electric scooters also can be parked or abandoned at locations that block pedestrian access. Universities have negotiated agreements

with scooter companies to address some of these issues, but lack the authority to regulate personal scooters or other new devices.

- 4) *Stop tow-ing the line.* As part of universities' and colleges' attempts to reduce their greenhouse gas emissions, several have invested in replacing various vehicles in their fleet with smaller electric vehicles. Utility terrain vehicles, golf carts, construction equipment, and other low-speed vehicles all may be components of campus fleets to aide in grounds keeping, construction, and other activities. Because these vehicles are not permitted on streets, universities and colleges must use large towing vehicles in order to move them across a campus to where they might be needed. This is generally inefficient and more polluting than if the vehicles were allowed to travel on roads within the campus. This bill will allow for these vehicles, following whatever safety policies are established by the school, to be directly driven to where they are needed within campus grounds. This mirrors the authority universities and colleges already have to regulate the use of other vehicles on their grounds. In the past, the Legislature has taken similar, narrower actions, such as AB 2073 (Holden, Chapter 2073, Statutes of 2016) which exempted the city of La Verne from constructing separated golf cart lanes when authorizing golf cart use on streets adjacent to or surrounded by the campus of a university or retirement community.
- 5) *Why include public agencies besides universities and colleges?* While the intent of this bill is to help universities and colleges, it also expands the authority of all public agencies to restrict and allow these modes of transportation on property they have jurisdiction over. This might create confusing patchworks of rules for people operating new transportation devices as they pass through different jurisdictions during a trip. While this authority may be necessary with the unique concerns universities and colleges have, it is unclear why other public agencies might need to have this authority, particularly the authority to specify conditions of use for otherwise road-illegal vehicles. Absent evidence from other public agencies on why they would need this authority, the author may wish to consider amending the bill to only affect public universities and colleges and not any public agency.

RELATED LEGISLATION:

None

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

California Teamsters Public Affairs Council
University of California

OPPOSITION:

None received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No:	SB 374	Hearing Date:	3/28/2023
Author:	Ashby		
Version:	3/13/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Jacob O'Connor		

SUBJECT: Vehicles: specialized license plates

DIGEST: This bill would increase the fee for a renewal of a California firefighter specialized license plate from \$35 to \$40.

ANALYSIS:

Existing law:

- 1) Authorizes a person who is a firefighter, retired firefighter, or a surviving family member of a firefighter or retired firefighter to apply to the Department of Motor Vehicles (DMV) for a license plate with the words “California Firefighter” on it upon their showing of satisfactory proof that they are employed, or retired in good standing, as an officer, an employee, or a member of a public fire department or fire service. (Vehicle Code §5101.2)
- 2) Allows the surviving spouse of the original firefighter applicant to retain the special license plates upon the death of the applicant and in the absence of a surviving spouse, allows a member of the deceased firefighter’s family to retain one of the special license plates as a family heirloom that is invalid for vehicle registration purposes.
- 3) Requires an additional fee of \$50 for the initial issuance of the special license plates, \$35 for the renewal or replacement of the special license plates, and \$15 for the transfer of the special license plates.
- 4) Requires the revenues of the additional fees to be deposited in the California Firefighters’ Memorial Fund, after DMV’s costs have been deducted.
- 5) Requires funds in the Firefighter’s Memorial Fund to be allocated to the California Fire Foundation for the purpose of: (Revenue and Taxation Code §18802)

- a) Maintenance and repair of the California Firefighters' Memorial on the grounds of the State Capitol;
- b) Ceremonies to honor the memory of fallen firefighters and to assist surviving loved ones; and
- c) An informational guide detailing survivor benefits to assist the spouses and children of fallen firefighters.

This bill increases the special fee for the renewal or replacement of a California firefighter license plate from \$35 to \$40.

COMMENTS:

- 1) *Purpose of bill.* According to the author, "SB 374 increases the revenue available to the California Fire Foundation by increasing firefighter specialty license plate fees, ensuring that California can adequately honor our fallen firefighters."
- 2) *California firefighter license plates.* Created by AB 941 (Nolan), Chapter 1304, Statutes of 1994, the "California Firefighter" license plate was designed by the California Professional Firefighters using an image from the 1991 box office hit *Backdraft*. The program allows only active and retired firefighters to purchase these plates for display on their automobiles, trucks, trailers and motorcycles. The fees for purchasing one of these plates are deposited in the California Firefighter's Memorial Fund which are then allocated to the California Fire Foundation, a nonprofit 501(c) (3) tax-exempt organization. According to the DMV, as of November 2022 there were 17,909 firefighter plates registered, so this bill will raise approximately an additional \$90,000 a year for the Foundation. The Foundation uses its resources to fund memorial ceremonies honoring fallen firefighters, educational scholarships for surviving children of fallen firefighters, local community fire safety preparedness projects, firefighter community outreach events, and supplemental fire victim assistance programs. The funds from the Firefighter Memorial Fund can only be used to pay for the maintenance and repair of the California Firefighters' Memorial, ceremonies to honor the memories of fallen firefighters, and an informational guide detailing survivor benefits to support the spouses and families of fallen firefighters. In 2022, the expenditures from the account were used to support venue costs, supplemental staff, performers, and other event

costs associated with memorial services.

- 3) *The California Firefighters’ Memorial.* The California Firefighters’ Memorial is located on the State Capitol grounds and includes two bronze statues and a limestone wall. Etched in the Memorial’s walls are the names of almost 1,400 firefighters who lost their lives in the line of duty or from a job-related illness. Each year since the unveiling of the wall in 2002, the California Firefighters Memorial Ceremony has honored those firefighters with a ceremony featuring a uniformed firefighter procession, personal tributes, and the presentation of a flag to the family of those whose names are newly added to the wall. In 2022, more than 80 names were added to the wall and honored at the ceremony that hosted over 2000 people. The California Fire Foundation plans to use any additional revenues generated by this bill to perform needed renovations to ensure that future names can be added to the memorial.

RELATED LEGISLATION:

SB 608 (Becker) – Would increase the special fees for the issuance and renewal of the “Have a Heart, Be a Star, Help Our Kids” specialized license plates. *This bill is currently in the Senate Transportation Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

California Fire Chiefs Association
California Professional Firefighters
Fire Districts Association of California
League of California Cities

OPPOSITION:

None received

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No:	SB 381	Hearing Date:	3/28/2023
Author:	Min		
Version:	3/14/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Jacob O'Connor		

SUBJECT: Electric bicycles: study

DIGEST: This bill requires the Mineta Transportation Institute at San Jose State University to conduct a study on electric bicycles and the safety of riders and pedestrians by January 1, 2026.

ANALYSIS:

Existing law:

- 1) Defines an electric bicycle as a bicycle with fully operable pedals and an electric motor of less than 750 watts. Creates three classifications of electric bicycles (e-bikes) based on the ability for motors to achieve high speeds and replace pedaling. (Vehicle Code §312.5)
- 2) Requires riders of e-bikes to follow the same rules of the road as standard bicycles.

This bill:

- 1) Requires the Mineta Transportation Institute at San Jose State University, in consultation with relevant stakeholders, to conduct a study on electric bicycles to inform of efforts to improve the safety of all users of the transportation system and submit a report to the Legislature by January 1, 2026. The study shall examine, identify, and analyze information and data on:
 - a) Injuries, crashes, emergency room visits, and deaths related to bicycles and e-bikes;
 - b) Factors and circumstances that are correlated with the crashes of bicycles and e-bikes;

- c) Best practices for policy to promote safe use of e-bikes;
- d) Laws in other state vehicle codes pertaining to e-bikes;
- e) The safety impacts from e-bike components and accessories such as headlights, speedometers, brakes, tires, bells, and reflectors;
- f) The safety performance of e-bike batteries;
- g) The manufacturing of e-bikes including the market, manufacture information, sales patterns, and the number of e-bikes on California roads, including usage by city and the reasons behind the usage;
- h) Policies that other countries with high e-bike ridership use to promote the safe use of e-bikes including cyclist and driver training, street infrastructure policy, and insurance or licensing requirements; and
- i) Recommendations for state policy to support the expanded use of e-bikes that protects the safety of riders and other road users.

COMMENTS:

- 1) *Purpose of bill.* According to the author “E-bikes are convenient and play an important role in helping to reduce carbon emissions. But the rise in the popularity and use of e-bikes also creates new challenges, which requires us to rethink the rules that keep our roads safe. The Mineta Transportation Institute at San Jose State University is a respected authority that can study the new safety challenges posed by e-bicycles, and offer concrete solutions to reduce accidents and emergency room visits. It is imperative that we get this right for e-bike enthusiasts of all ages, and also for the local communities looking to the state for guidance.”
- 2) *Electric bicycles.* Electric bicycles (e-bikes) look like regular bicycles but include an electric motor and battery. E-bikes with pedal assist turn on the motor when the rider pedals. E-bikes with throttles can turn on the motor to propel the bike even when the rider does not pedal. Class one e-bikes are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph. Class two e-bikes also have a maximum speed of 20 mph, but are throttle-assisted. Class three e-bikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph. Due to the increased speeds these bikes make it possible to commute longer distances in a short amount of time.

E-bike usage is becoming increasingly popular. During the COVID-19 pandemic, sales of all bikes increased, likely because biking provided a way to exercise and travel outdoors while maintaining social distancing. E-bikes also benefit from the rising cost of gasoline as the value of replacing a car trip helps mitigate the high price of an e-bike. Whatever the cause, e-bike sales grew 145% from 2019 to 2020, more than double the rate of classic bikes, according to the market research firm NPD Group. Most e-bikes are made overseas and imported. Data from the Light Electric Vehicle Association tracking imports to the United States shows that 880,000 were shipped to the U.S. in 2021. There are not robust datasets tracking sales of e-bikes in the U.S. but if only 75% of those imported e-bikes were sold, that would still outpace U.S. sales of electric vehicles in 2021, as reported by the International Energy Agency.

As part of meeting the state's greenhouse gas reduction goals, the California Air Resources Board set a goal in the 2022 Scoping Plan to reduce vehicle miles traveled (VMT) per capita by 25% below 2019 levels by 2030. As a mode of active transportation, e-bike adoption can help California reach its emission and VMT reduction goals. To that end, the Legislature has acted to create a policy framework for the use and regulations of e-bikes to enable their usage, requiring a person riding an e-bike to follow the same rules of the road as a standard bicyclist and prohibiting the use of class 3 e-bikes without a helmet or on bike trails not next to a road.

- 3) *Electric bicycle safety.* E-bikes are a relatively new technology and while they operate under the same rules as regular bicycles, they have unique use patterns and safety concerns. Because they are able to quickly achieve relatively high speeds with minimal to moderate physical effort, e-bikes may be particularly attractive in replacing car trips. A commonly reported motivation for purchasing an e-bike is to replace car trips (MacArthur, 2018), but only a few studies quantify the car substitution rate, ranging from 11 to 46% (Fitch, 2019). However e-bikes' speed also has safety drawbacks. The U.S. Consumer Product Safety Commission issued a report that found e-bikes accounted for 9 percent of micromobility injuries; and e-bike related injuries rose from 7,700 in 2017 to 27,700 in 2019. According to an analysis of data in the National Electronic Injury Surveillance System, accidents involving e-bikes are more likely to result in serious injuries than traditional pedal-powered bicycles; a collision while operating an e-bike is more likely to result in hospitalization, and those operating e-bikes are three times more likely to hit a pedestrian. The difference in injury patterns involved in e-bike and pedal bike collisions warrants further study to determine if there are policy options that can promote safer operation of e-bikes.

- 4) *The Mineta Transportation Institute (MTI)*. The MTI is a research and training unit at San Jose State University established by Congress in 1991 as part of the Intermodal Surface Transportation Efficiency Act. The Institute is funded through the US Department of Transportation, the US Department of Homeland Security, the California Department of Transportation, and public and private grants. They lead the California State University Transportation Consortium research program which studies congestion relief, trade corridor enhancements, improved transit and rail, pedestrian and cyclist safety projects, and maintenance and rehabilitation for California's road and bridge infrastructure. Under SB 1 (Beall, Chapter 5, Statutes of 2017) \$2 million annually is budgeted to the CSU system to conduct transportation research, training, and workforce development. MTI receives and administers this funding, directing a competitive CSU-wide process to identify specific research projects aligned with SB 1 priorities.

RELATED LEGISLATION:

AB 1946 (Boerner Horvath, Chapter 147, Statutes of 2022) – Required the California Highway Patrol to develop statewide safety and training programs based on evidence-based practices for uses of e-bikes.

AB 1096 (Chiu, Chapter 568, Statutes of 2015) – Established the definitions, classification, and requirements for the operation, sale, and manufacturing of e-bikes.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

California Association of Bicycling Organizations
City of Huntington Beach

OPPOSITION:

None received

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2023 - 2024 Regular

Bill No:	SB 434	Hearing Date:	3/28/2023
Author:	Min		
Version:	3/16/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Transit operators: street harassment survey

DIGEST: This bill requires the top ten public transit operators, upon appropriation of funds by the Legislature for this purpose, to collect and publish survey data, as specified, and conduct outreach activities, as specified, for the purpose of informing their efforts to improve the safety of riders and reduce street harassment on public transit. Requires transit operators, by December 31, 2024, to publish the survey data on their websites and inform the Governor and the Legislature.

ANALYSIS:

Existing law:

- 1) Creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service, and has various provisions applicable to all public transit and transit districts.
- 2) Authorizes a public transportation agency to enact and enforce an ordinance to impose an administrative penalty for a number of activities, such as fare evasion, smoking, and willfully disturbing others by engaging in boisterous or unruly behavior.
- 3) Requires that all persons within the jurisdiction of the state are free and equal, and are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever, no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.
- 4) Requires that no person shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical

disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

- 5) Requires the Mineta Transportation Institute (MTI) at San Jose State University to, on or before December 31, 2023, develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of specified survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit.

This bill:

- 1) Makes findings and declarations regarding the need to increase safety and security on public transit systems, especially for women and girls. Declares that the Legislature affirms that protecting transit riders' safety, providing transit journeys free from street harassment, and ensuring equal access to transportation are public policy priorities.
- 2) Defines "street harassment" as words, gestures, or actions directed at a specific person in a public place, without the consent of that person, because of a characteristic listed or defined as discrimination in the California Government Code, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. Further defines age shall include any chronological age.
- 3) Defines "survey data" as information regarding public transit riders and their experiences using public transit, including, but not limited to, demographic information about riders and information about their experiences with safety, including, but not limited to, street harassment.
- 4) Defines "transit operator" as the 10 transit operators, as defined in state transit law, with the most unlinked passenger trips in 2019 in the state, according to the National Transit Database.
- 5) Requires transit operators, on or before December 31, 2024, to collect and publish survey data, as defined, for the purposes of informing their efforts to improve safety of riders and reduce street harassment on public transit. Transit operators are required to conduct the survey if funds are appropriated by the Legislature and to the extent feasible with the funding the operator receives to implement the bill.

- 6) Requires transit operators to collect, at a minimum, specified data including:
 - a) Demographic information regarding riders, including their race, ethnicity, religion, age, disability, income, primary language, sex, gender, gender identity, gender expression, and sexual orientation; and
 - b) Information regarding a rider's experiences with safety while waiting at public transit stops and riding public transit, including: whether a rider experiences street harassment; the frequency with which a rider experiences street harassment; the type of street harassment experienced by a rider; the actual or perceived characteristics that serve as the basis for street harassment experienced by a rider; where and when a rider experiences street harassment, including on what mode of transit; whether a rider experiencing street harassment is alone or accompanied by others; whether a rider experiencing street harassment reports the incident, and, if so, to whom and the response received; the impact of street harassment on a rider, including whether and how they change their use of transit; and a rider's perceptions of safety while using transit.
- 7) Authorizes transit operators to utilize the sample survey being developed by MTI for these purposes, including adding additional questions.
- 8) Requires transit operators to conduct outreach activities, as specified, with subpopulations of riders, as specified, who are underrepresented in surveys and impacted by street harassment.
- 9) Authorizes transit operators to collect survey data in multiple languages to reach limited English-proficient riders impacted by street harassment. Languages may be determined by existing data on riders or the top non-English languages used by limited English-proficient persons in the community served by the transit operator according to the most recent American Community Survey by the U.S Census Bureau.
- 10) Requires transit operators to publish and make publically available on its internet website all of the survey data collected pursuant to the bill, except any personally identifiable information.
- 11) Requires transit operators to notify the Governor and the Legislature of the publication of the survey data.

- 12) Declares that transit operators that have collected such information and conducted outreach activities in the five years before the effective date of the bill be deemed to have met the requirements of the bill.
- 13) Declares that nothing in the bill shall be construed to create new or additional liability for a transit operator for failing to respond to an incident of street harassment.
- 14) Declares the bill may constitute a reimbursable mandate.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “California’s public transit systems provide a crucial service to local communities. Unfortunately, studies show that many women (trans and cisgender) and other vulnerable communities experience harassment while using transit services. SB 434 will require California’s 10 largest transit districts to gather qualitative and quantitative ridership data regarding street harassment as riders travel, wait at transit stops, and ride transit vehicles in order to begin to address and prevent street harassment of women and other vulnerable communities on public transit systems.”
- 1) *Street Harassment and COVID-19.* Harassment in public spaces is a multifaceted issue that affects many groups of people: women, ethnic minorities, members of the LGBTQ+ community, the elderly, adolescents, and people with disabilities. The vast majority of street harassment involves conduct that is not criminal, such as verbal harassment, and takes place in person and in spaces open and accessible to the public, such as streets and sidewalks, businesses, public transit, and parks. Street harassment includes unwanted sexual and racialized comments and slurs, whistling, leering, and other intimidating actions.

The sponsors of SB 434, Stop AAPI Hate, formed as a coalition “in response to the alarming escalation of xenophobia and bigotry resulting from the COVID-19 pandemic.” According to the coalition, more than 9,000 acts of hate against Asian Americans and Pacific Islanders (AAPIs) have been reported to Stop AAPI Hate since the COVID-19 pandemic began in March 2020. Many more incidents continue to go unreported, making the actual number much higher. California leads all states in the number of hate incidents by a wide margin, with over 3,500 hate incidents or 38.6% of all reports. Hate incidents reported by women make up nearly two-thirds of all reports in the state, and a majority

of these reports is accounts of verbal harassment or name-calling, including sexist slurs, in public.

- 2) *Street harassment and public transit.* Transit riders experiencing harassment on public transit systems has been a concern for transit operators. Increasing transit ridership is paramount to meeting our state's climate goals and permanent mode shift is a priority. One of the concerns of many current and potential transit riders is safety and security on the system, especially women. According to a 2019 California statewide study by UC San Diego Center on Gender Equity and Health, 77% of women experience sexual harassment in public spaces, including 29% on mass transit. Furthermore, women who identify as lesbian or bisexual are more likely to report experiencing sexual harassment than straight women.

As a result of the street harassment experienced while riding public transit, women adjust their behavior or take precautions. For instance, the Los Angeles Metropolitan Transportation Authority (LA Metro), the largest transit operator in the state, found that in response to street harassment, women leave a bus or train mid-trip to avoid harassment, avoid travel in the evening, avoid certain settings such as crowded buses, and avoid walking alone.

A 2009 study from the MTI entitled, *How to Ease Women's Fear of Transportation Environments: Case Studies and Best Practices*, noted that "gender emerges as the most significant factor related to anxiety and fear about victimization in transit environments. Researches have also identified more pronounced levels of fear of public settings among the elderly, certain ethnic groups, and low income people, who typically tend to live in high-crime neighborhoods." The study further finds that, "crime surveys and empirical studies from different parts of the world show that a majority of women are fearful of the potential violence against them when in public spaces."

- 3) *What are transit operators doing?* Many transit operators in the state have been focusing on the issue of harassment and the rider experience, and have conducted extensive outreach to try to identify the breadth of the problem and develop potential solutions. In 2019 LA Metro released a study called "Understanding How Women Travel." LA Metro noted that they conducted the study because women compose over half of all transit ridership in Los Angeles County and their mobility needs, concerns, and preferences have not been critically accounted for in the way our transportation systems are planned.

The women surveyed for the study identified safety concerns as the top barrier to riding transit. 60% of respondents said they felt safe riding LA Metro during

the day, but only 20% said they felt safe at night. The study details how women feel compelled to change their behavior due to safety concerns, “some women reported wearing sneakers on the bus or train in case they unexpectedly need to run from an assailant. They also said they would avoid wearing skirts because they did not want their bare skin to touch the seat and out of fear that men would sexually harass them. Women reported that they hide their jewelry on public transit due to fear that it may be stolen, and many shared stories of seeing people robbed on public transportation.”

Additionally, the women surveyed offered suggestions on what would make them feel safer riding transit. Responses range from physical changes, such as added lighting at stops and security cameras, to increases in staffing of both police and transit security staff. Respondents also noted empathy for the bus operators, who perform many jobs at once, but also expressed frustration that operators may not step in to manage conflict between passengers.

In addition to the study, LA Metro has ongoing stakeholder outreach and involvement in their operations. The LA Metro Women and Girls Governing Council is working to guide implementation of the findings and recommendations included in the report. LA Metro also has a Public Safety Advisory Committee that reviews and gives input on the agency’s reimagining of public safety. Finally, they use customer data, collected multiple times per year through surveys, to assess the quality of service and perception of safety on the system.

In the Bay Area, the Bay Area Rapid Transit District (BART) launched the “Not One More Girl” campaign in April 2021 in partnership with the Alliance for Girls, Betti Ono, Black Girls Brilliance, and The Unity Council’s Latinx Mentorship and Achievement Program. According to BART, “BART’s Communications Department partnered with BART’s Art Program Manager and worked through these organizations to engage local girls and gender expansive youth about their experiences on BART and to develop campaign materials to serve as BART’s first ever sexual harassment prevention campaign.”

Specifically, as part of the campaign, BART and the campaign partners had visual aesthetics and artwork produced as posters, billboards, and other media installed as public art on the facade of select BART stations inside train cars and stations throughout the transit system; led overall strategy discussions to ensure the campaign included structural change and long term plans for policy change; and led efforts to ensure meaningful youth engagement and youth inclusion.

Since the campaign launched, BART has implemented numerous changes reflecting the feedback received, including launching public awareness campaigns, conducting ongoing stakeholder engagement, clarifying outreach surveys to include relevant questions, increasing unarmed safety personnel at stations, and updating the customer code of conduct to include sexual harassment. For example, while BART tracks crime data related to sexual assault and battery, BART did not have a way to track sexual harassment complaints over time. In October 2020, BART added the following question to its ongoing Passenger Environment Survey: Have you experienced gender-based sexual harassment in the last six months at BART? With that question, BART learned that the number of survey respondents who reported experiencing gender-based sexual harassment decreased from 12% in the first quarter of 2021 to 9% percent in the last quarter of 2022.

- 4) *What strategies can help make transit systems safer?* Transit operators are using a variety of strategies to increase safety and security on their systems to bring back and grow ridership. The MTI report points out that while security cameras help ease the concerns that men have with safety and public transit, women feel more comfortable when there is a transit employee or security officer nearby.

Recently, several California transit agencies have hired unarmed transit ambassadors to provide a security role. BART, for example, has hired 10 transit ambassadors and 15 Crisis Intervention Specialists who work in coordination with sworn officers. On March 6, 2023, LA Metro announced the deployment of 300 transit ambassadors to enhance safety and improve riders' experience. According to LA Metro, "Metro Ambassadors help riders navigate the transit system, provide extra eyes and ears and support riders who need assistance. They will welcome riders to Metro, answer their questions, connect them to the resources they need and report issues they see."

Charging fares is another way to increase safety, as it provides a barrier to entry for passengers that may use transit for shelter instead of a means of getting from place to place. With few other places for unhoused individuals to turn, transit settings such as buses, train cars, bus stops, and transit stations, often represent sites of visible homelessness, especially since the pandemic. According to a 2021 survey of transit operators conducted by the University of California Institute of Transportation Studies (UC ITS), homelessness is common on transit with most operators reporting at least 100 unhoused people on their systems daily and some report up to 500 or more people.

Many transit operators have been deploying additional law enforcement, social service and mental health outreach professionals. In 2020, LA Metro launched “Operation Shelter the Unsheltered,” in which police officers and outreach staff at key end-of-line stations ask unsheltered riders to disembark and give them referrals and transport to open shelters. At a recent informational hearing on transit, LA Metro testified they spent over \$20 million cleaning the system and providing support for the unhoused.

Finally, increasing transit frequency and providing real time updates on transit enhances safety because it can reduce the amount of time a person waits for the next bus to come.

- 5) *SB 434 wants more transit operators to understand their riders’ experiences.* Last year, the Legislature began this work by approving SB 1161 (Min, Chapter 318, Statutes of 2022), which requires MTI to develop a standard survey for transit operators to use to gather data related to street harassment. The survey includes specific demographic information and information regarding a riders’ experiences with safety while waiting at transit stops and riding the transit system.

SB 434 takes the next step by requiring the top 10 transit operators in the state, by December 31, 2024, to gather and publish data about riders and their experiences with street harassment on their systems. As part of the survey process, operators would be required to conduct outreach activities with specific subpopulations of riders who are traditionally underrepresented, such as women, non-English speakers, LGBTQ+, and people with disabilities. According to preliminary analysis by the California Transit Association utilizing the National Transit Database, the 10 transit operators would be LA Metro, San Francisco Municipal Transportation Agency (MUNI), BART, San Diego Metropolitan Transit System, Alameda – Contra Costa Transit (AC Transit), Orange County Transportation Authority (OCTA), Long Beach Transit, Santa Clara Valley Transportation Authority (VTA), Sacramento Regional Transit, and the Los Angeles Department of Transportation.

Transit operators would be able to utilize the survey developed by MTI, add additional questions or use their own survey. Additionally, if a transit operator has collected the data or conducted the outreach activities required by the bill in the last 5 years, they are deemed to have met the requirements of the bill. This takes into account the work of systems like LA Metro and BART.

Finally, transit operators would be required to publish on their website all survey data collected, except any personally identifiable data. They must also inform the Governor and the Legislature when the data is published.

Writing in support of the bill, the sponsors, Stop AAPI Hate state, “SB 434 will direct the state’s largest transit operators to measure and center their diverse ridership’s sense of safety, comfort, and dignity as a key priority and metric of success. As transit districts look to increase ridership, efforts to protect rider safety, including the prevention of street harassment on transit, can be a critical tool in rebuilding trust and patronage.”

- 6) *Concerns over costs.* The original version of SB 1161 that was approved by this committee last year, not only required the survey and outreach activities contained in SB 434, but also the development of a plan to tackle the problem. Transit operators expressed concerns over the costs associated with the requirements, with no additional funding provided. Additionally, there are long-term costs to consider to be able to implement the strategies needed to make transit systems safer.

As federal pandemic relief funds are expended, transit operators are facing fiscal emergencies. According to recent testimony by the California Transit Association, statewide transit operators have a \$6 to \$8 billion operations funding shortfall over the next five years.

As the Legislature discusses options for this pending financial crisis, innovative, longer-term changes should also be addressed. Increasing safety and security and improving the overall transit experience is integral to growing and retaining transit ridership. Understanding the unique concerns and needs of the riders of the top transit systems in California will help inform change and innovation.

Although the activities required in the bill would be an eligible use of existing transit operating funds, the author recognizes the current challenges facing transit systems. Therefore, the survey and outreach activities of SB 434 would only be required with funding appropriated by Legislature.

RELATED/PREVIOUS LEGISLATION:

SB 1161 (Min, Chapter 318, Statutes of 2022) – Required the MTI to develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of survey data by transit agencies to inform efforts to improve the safety of riders and reduce street harassment on public transit.

AB 2549 (M. Bonta, 2022) – Would have required the California Department of Public Health to conduct research and a 5-year, statewide, public campaign to raise awareness and understanding of street harassment as a public health problem in the state with the purpose of preventing its occurrence. *This bill was held on suspense by the Assembly Appropriations Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

Unknown.

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

Stop AAPI Hate (Sponsor)

AAPI Equity Alliance

ACLU California Action

African Advocacy Network

Alliance for Girls

Apex Express

API Council of San Francisco

API Forward Movement

Asian American Pacific Islander Coalition of The North Bay

Asian Americans in Action

Asian Law Alliance

Asian Pacific American Dispute Resolution Center (APADRC)

Asian Pacific American Women Lawyers Alliance (APAWLA)

Asian Pacific Community Fund

Asian Youth Center

Aypal: Building API Community Power

CAIR California

California Association of Human Relations Organizations

California Commission on Asian and Pacific Islander American Affairs

Cambodia Town INC.

Center for Asian Americans in Action

Center for Asian Americans United for Self Empowerment (CAUSE)

Center for Leadership, Equity, and Research (CLEAR)

Chinese Culture Center of San Francisco

Chinese for Affirmative Action

Chinese Progressive Association

City & County of San Francisco Office of Sexual Harassment and Assault, Response and Prevention

Community Legal Services in East Palo Alto
Consumers for Auto Reliability and Safety
Contigo Communications
Educating Marissa, LLC
Equal Justice Society
Ethnic Media Services
Food Empowerment Project
Food for People
Heart of Los Angeles (HOLA)
Hmong Innovating Politics
Inland Empire Immigrant Youth Collective
Japantown Task Force, INC. (san Francisco)
Justice in Aging
Korean American Center
Korean American Coalition - Los Angeles
Korean American Federation of Los Angeles
Korean Community Center of The East Bay
Korean Community Services
LA Raza Community Resource Center
Los Angeles County Metropolitan Transportation Authority
Macla/movimiento De Arte Y Cultura Latino Americana
Mixteco Indigena Community Organizing Project
National Pacific Islander Education Network
Nicos Chinese Health Coalition
North East Medical Services (NEMS)
Oakland Lacrosse Club
Oca - Sacramento Chapter
Orange County Asian and Pacific Islander Community Alliance, INC. (OCAPICA)
Pacific Asian Counseling Services
People Organizing to Demand Environmental & Economic Rights
San Francisco Senior and Disability Action
San Francisco Transit Riders
Self-help for The Elderly
Silicon Valley Asian Pacific American Democratic Club
Soma Pilipinas - Sf Filipino Cultural Heritage District
South Asian Network
Southeast Asian Community Center
Southeast Asian Development Center
Streets for All
Thai Community Development Center
The Betti Ono Foundation
The Unity Council

The Women's Building
Tranzito
University of California Student Association
Women's Foundation of California
Wu Yee Children's Services
Youth Against Hate
YWCA Berkeley/Oakland

OPPOSITION:

None received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No:	SB 775	Hearing Date:	3/28/2023
Author:	Padilla		
Version:	2/17/2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Vehicles: electric schoolbuses: signage

DIGEST: This bill authorizes school districts using electric schoolbuses to add signage to the bus identifying it as a clean air electric bus and authorizes the CHP to develop appropriate regulations.

ANALYSIS:

Existing law:

- 1) Requires schoolbuses to have plainly visible signage containing the word “schoolbus” in letters not less than eight inches in height. All other vehicles are prohibited from having this signage.
- 2) Requires schoolbuses to have plainly visible signage on the rear of the bus containing the words “Stop When Red Lights Flash” in letters not less than six inches in height.
- 3) Pursuant to regulation, establishes numerous additional requirements for, and limitations to, paint and signage on schoolbuses. These regulations permit zero-emission schoolbuses to paint their bumpers and rims a different color from non-ZEV schoolbuses.

This bill:

- 1) Authorizes a school district, county office of education, or charter school using an electric schoolbus to place signage on the rear of that bus identifying it as a clean air electric bus.
- 2) Authorizes the Department of the California Highway Patrol (CHP) to issue guidelines governing the size and placement of such signage.

COMMENTS:

- 1) *Author's Statement.* According to the author, "Clear labeling of electric schoolbuses allows communities to see the impact of their hard-earned tax dollars as we replace our aging diesel fleet. Identifying our electric schoolbuses not only gives families the peace of mind that their children are not being exposed to further exhaust fumes, but also highlights our important work as we transition from fossil fuels to a carbon-free future."
- 2) *Strong Regulation.* Schoolbus painting and marking is highly regulated for safety purposes (13 CCR § 1256.5). These regulations limit the type and size of signs which can be displayed. Current regulation allows zero-emission schoolbuses to deviate from the National School Bus Yellow when painting their bumpers and rims but does not allow for any signage. This bill allows electric schoolbuses to add signage indicating that it is a clean air electric bus and authorizes the CHP to develop appropriate regulations. The CHP regulatory process will ensure that such signage will not impair school bus safety.
- 3) *Clean Schoolbuses.* The California Air Resources Board (CARB) requires diesel schoolbuses to be equipped with special filters to catch the small particulate matter emissions. CARB also provides subsidies of up to \$375,000 for electric schoolbuses through the California Hybrid and Zero Emission Truck and Bus Voucher Program (HVIP). The California Energy Commission provides subsidies for diesel school bus replacement through the School Bus Replacement Program. In addition, the US EPA administers a clean school bus rebate program.

RELATED LEGISLATION:

None.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, March 22, 2023.)

SUPPORT:

Coalition for Clean Air
San Diego County Office of Education

OPPOSITION:

None received

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2023 - 2024 Regular

Bill No: SB 695 **Hearing Date:** 3/28/2023
Author: Gonzalez
Version: 2/16/2023
Urgency: No **Fiscal:** Yes
Consultant: Melissa White

SUBJECT: Department of Transportation: state highway system: public data portal

DIGEST: This bill requires the California Department of Transportation (Caltrans) to compile and publish data and information, as specified, about activities on the state highway system for the last ten years, by June 1, 2024, and annually moving forward. Requires Caltrans to also include data and information on planned, pending projects on the state highway system. Requires the California Transportation Commission (CTC) to publish the data and information as part of its annual report to the Legislature.

ANALYSIS:

Existing law:

- 1) Establishes Caltrans and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes.
- 2) Requires Caltrans to improve and maintain state highways.
- 3) Requires the CTC to adopt and submit to the Legislature, by December 15 of each year, an annual report summarizing the CTC's prior-year decisions in allocating transportation capital outlay appropriations, and identifying timely and relevant transportation issues facing the State of California.

This bill:

- 1) Requires the CTC to include the data and information collected pursuant to the bill in its annual report due to the Legislature by December 15, 2024, and every year thereafter.

- 2) Requires Caltrans to prepare and make available on a public data portal, such as the Rebuilding California internet website, no later than June 30, 2024, historical data and information, as specified, about activities on the state highway system on a fiscal year basis from July 1, 2012, to July 1, 2023. Also requires Caltrans, going forward, to make this data and information available on an annual basis by November 1st of each year.
- 3) Requires historical data and information including, but is not limited to, all of the following:
 - a) The number of total lane miles in the state highway system.
 - b) The number of new total lane miles added to the state highway system.
 - c) Of the lane miles added to the state highway system, a breakdown of the number of miles added by type, including, but not limited to, general purpose lanes, auxiliary lanes, high-occupancy vehicle lanes, managed lanes, and interchanges.
 - d) A determination as to the primary purpose and need of each project that added lane miles to the state highway system.
 - e) A quantification of other multimodal elements that were a part of each project that added lane miles to the state highway system.
 - f) A quantification of an increase or decrease in greenhouse gas emissions associated with the lane miles added to the state highway system.
 - g) A quantification of an increase or decrease in vehicle miles traveled on the state highway system associated with the lane miles added to the state highway system.
 - h) A quantification of the mitigation required as part of the projects that resulted in additional lane miles on the state highway system.
 - i) The number of miles of the state highway system that were relinquished.
 - j) The number of miles of the state highway system that were converted from a general purpose lane to a high-occupancy vehicle lane, and a high-occupancy vehicle lane to a managed lane.

- k) The number of homes and businesses that were relocated due to the acquisition of rights-of-way for the new lane miles on the state highway system.
 - l) The number of new bike lane miles added to state highways, broken down by Class 1, Class 2, Class 3, and Class 4.
 - m) The number of new sidewalk miles added to state highways.
 - n) The number of connections made with other locally owned bike and walk facilities.
- 4) Requires Caltrans to also prepare and make available data and information on planned, pending projects on the state highway system, including:
- a) The description of the project, including the location.
 - b) The date the project initiation document was completed.
 - c) The status of the project including the current phase of development, designated as environmental, design, right-of-way, or construction.
 - d) A determination of the primary purpose and need of the project.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “California continues to work to better align our transportation planning and project decisions with our climate and equity goals, while increasing safety and mobility. As our highways become more congested, research has shown we can’t simply build our way out of the problem. At the same time, California must continue to invest in maintaining our surface transportation network to support mobility and the economy. Historically, the buildout of our state’s highways has disproportionately impacted communities of color, separated neighborhoods, and increased exposure to air pollution from cars and trucks, roadway noise, and safety concerns.

“In order to make informed policy and funding decisions about our transportation system, we need more transparency and a better understanding of the projects on our state’s highways. However, a full range of transportation investment data is not currently available to lawmakers, stakeholders, researchers, and communities. SB 695, the State Highway System

Transparency Act, will provide that transparency by requiring Caltrans to collect and make available to the public data detailing lane miles added to the state highway system in the last ten years and to continue to report this data every year going forward. The bill also requires Caltrans to detail what planned projects are in pipeline. Access to this information would help ensure that our transportation and climate goals align and provide transparency on where projects are so we prevent any increased undue emission burdens on communities of color.”

- 2) *California State Highway System.* California has a large network of highways and local streets and roads, consisting of almost 400,000 lane miles of pavement and over 25,000 bridges. The state highway system, owned and managed by Caltrans, is made up of roughly 50,000 lane miles and 13,000 bridges, including both federal and state highways. The state highway system provides mobility to millions of Californians, and serves as a major lifeline for goods movement, shepherding billions of dollars of products throughout the state every year. In fact, the movement of freight generates about one-third of California’s economy. State highways also support our state’s transit systems, provide biking and walking opportunities, and serve as a main thoroughfare in many areas, especially rural parts of the state.
- 3) *We can’t build our way out of congestion.* For many decades the state relied on highway expansion to address both traffic congestion and the increased movement of people and goods on the state highway system. However, research has shown that adding highway capacity does not equate to long-term congestion relief. According to the University of California Institute of Transportation Studies (UC ITS), “studies consistently show that adding capacity to roadways fails to alleviate congestion for long because it actually increases VMT.” Further, “an increase in VMT attributable to increases in roadway capacity where congestion is present is called ‘induced travel.’ The basic economic principles of supply and demand explain this phenomenon: adding capacity decreases travel time, in effect lowering the ‘price’ of driving; and when prices go down, the quantity of driving goes up. Induced travel counteracts the effectiveness of capacity expansion as a strategy for alleviating traffic congestion and offsets in part or in whole reductions in GHG emissions that would result from reduced congestion.”
- 4) *Fix it first.* In 2017, the Legislature passed and Governor Brown signed into law, SB 1 (Beall, Chapter 5, Statutes of 2017), which provides roughly \$5.2 billion annually for highways, local streets and roads, public transit, and bicycle and pedestrian facilities; recognized the need to prioritize maintenance and better utilize the system we have. “Fix it first” was the

guiding principle of SB 1, or focusing the state's transportation spending to maintain a state of good repair of the existing system.

SB 1 included specific performance outcomes for Caltrans to meet for the state highway system by 2027, through investments in the State Highway Operations Protection Program (SHOPP) and maintenance programs, including not less than 98 percent of pavement on the state highway system in good or fair condition; not less than 90 percent level of service achieved for maintenance of potholes, spalls, and cracks; not less than 90 percent of culverts in good or fair condition; not less than 90 percent of the transportation management system units in good condition; and to fix not less than an additional 500 bridges.

SB 1 represented a fundamental shift away from continuing to expand highway capacity to a focus on maintaining and operating the existing system. Even with the funding in SB 1 dedicated to the upkeep of the state highway system, the most recent State Highway System Management Plan estimates the annual funding shortfall for the state highway system is \$5 billion per year.

- 5) *CAPTI continues the evolution.* On September 20, 2019, Governor Newsom issued Executive Order (EO) N-19-19, which called for actions from multiple state agencies to reduce GHG emissions and mitigate the impacts of climate change. The EO detailed the role the transportation sector must play in combating climate change. Specifically, the EO empowered the California State Transportation Agency (CalSTA) to leverage the more than \$5 billion in annual state transportation spending for construction, operations, and maintenance to help reverse the trend of increased fuel consumption and reduce GHG emissions associated with the transportation sector. The EO directed CalSTA to work to align transportation spending with the state's Climate Change Scoping Plan, where feasible; direct investments to strategically support smart growth to increase infill housing production; reduce congestion through strategies that encourage a reduction in driving and invest further in walking, biking, and transit; and ensure that overall transportation costs for low income Californians do not increase as a result of these policies.

To that end, CalSTA adopted the Climate Action Plan for Transportation Infrastructure (CAPTI) in July 2021. The CAPTI is the action plan to implement the EO. Specifically, the CAPTI is "a framework and statement of intent for aligning state transportation infrastructure investments with state climate, health, and social equity goals, built on the foundation of the 'fix-it-first' approach established in SB1."

The CAPTI contains an overall transportation investment framework and specific strategies to implement the plan through state agency actions. CAPTI included a discussion of the state's approach to highway expansion projects, recognizing that one size does not fit all. The CAPTI included this guiding principle of, "promoting projects that do not significantly increase passenger vehicle travel, particularly in congested urbanized settings where other mobility options can be provided and where projects are shown to induce significant auto travel. These projects should generally aim to reduce VMT and not induce significant VMT growth. When addressing congestion, consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations."

- 6) *Lack of data to make informed decisions.* As discussed, as a state, we continue to work to better align our transportation planning and project decisions with our climate and equity goals, while increasing safety and mobility. Trying to balance these concerns requires a better understanding of recent projects on the state highway system and what planned projects are in the pipeline.

Several requests for data similar to what is required in SB 695 have been made to both Caltrans and CalSTA from a wide variety of stakeholders, including Transportation California, the sponsors of SB 695, and a coalition of environmental advocates. Additionally, the Chair of the Assembly Transportation Committee, Assembly Member Laura Friedman, sent a letter to Caltrans in August of 2022 requesting project description information for the state highway system and how the projects fit into regional transportation plans/sustainable communities strategies.

To date, the specific data requested has not been provided, however CalSTA is working to analyze the effects of CAPTI by measuring outcomes of projects funded through state programs. The data will likely be high level, measuring things such as overall VMT change, greenhouse gas emissions, job creation, and equity.

- 7) *SB 695 brings transparency.* SB 695 will provide an initial and ongoing set of data and detailed information on state highways system investments to allow the public to better understand the pattern and types of projects moving through the state development pipeline. This new transparency will provide lawmakers, stakeholders, and the public with critical information needed to make fact-based decisions about state and local transportation policy and funding priorities.

Specifically, SB 695 requires Caltrans, by June 30, 2023, to collect, and make available to the public, historical data on activities on the state highway system for the last ten years, and to report this data every year going forward.

Examples of the data sought include new lane miles added to the system by type; such as general purpose lanes, auxiliary lanes, high-occupancy vehicle lanes, managed lanes, and interchanges; the purpose of individual projects; lane miles converted to special lanes (HOV or HOT); and miles of complete streets.

In addition, to understand the impacts of such projects, the bill requires data on the quantification of increases or decreases of greenhouse gas emissions (GHG) and VMT. The bill also requires Caltrans to report on planned and pending projects on the state highway system, including the projects' purpose and need.

Finally, SB 695 requires the CTC to include the historical data report, and ongoing yearly data, in its Annual Report to the Legislature, which is due every December 15th.

Writing as the sponsor of the bill, Transportation California states, "Balancing multiple vital goals (economy, mobility, climate, safety, equity, environment, etc.) and maximizing benefits from every taxpayer dollar invested requires a better understanding of what projects have been funded, the anticipated and actualized outcomes of those projects.

"SB 695 takes an important step in providing greater transparency and understanding of our SHS. We need better data so we can make informed policy and funding decisions that allows us to provide safe, convenient, efficient, and affordable transit options; support bicycle and pedestrian mobility; and maintain our roads; support goods movement and economic competitiveness; relieve congestion; and to ensure people can get to their jobs and homes safely."

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, Wednesday, March 22, 2023.)

SUPPORT:

Streets for All (Sponsor)

Transportation California (Sponsor)

American Council of Engineering Companies

Associated General Contractors of California
California Alliance for Jobs
California Asphalt Pavement Association
California State Council of Laborers
California Construction and Industrial Materials Association
Engineering & Utility Contractors Association Db a United Contractors
International Union of Operating Engineers
Rebuild Social Partnership
Southern California Contractors Association

OPPOSITION:

None received

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