

**DATE:** October 26, 2022

**TO:** Bicycle/Pedestrian Advisory Committee

**FROM:** Ria Hutabarat Lo, Transportation Manager

**SUBJECT:** **Transportation Policy and Legislative Updates**

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**RECOMMENDATION**

Receive information on transportation-related legislative updates.

**BACKGROUND**

On June 29, 2022, the Bicycle/Pedestrian Advisory Committee (BPAC) received information on the Metropolitan Transportation Commission's (MTC) Complete Streets Policy ([Resolution No. 4493](#)), which was adopted on March 25, 2022.

On August 22, 2022, the BPAC received information and provided feedback on legislative priorities and considered recent legislation. Legislation discussed at this meeting included:

- **Senate Bill (SB) 743** (September 27, 2013), which directed cities to shift from using automobile level of service (LOS) to vehicle miles traveled (VMT) when evaluating the transportation-related environmental impact of development projects.
- **Assembly Bill (AB) 43** (October 8, 2021), which expands the application of posted speed limits lower than the 85th percentile in business and residence districts, school zones, and near senior centers. It also allows cities to reduce the posted speed limit an additional five miles per hour below the 85th percentile along safety corridors and adjacent to areas with high concentrations of bicyclists or pedestrians, especially including vulnerable groups, such as children, seniors, people with disabilities, and people experiencing homelessness.

**ANALYSIS**

The State of California adopted several pieces of transportation legislation during the 2022 legislative session. The City has not yet received legal input on the applicability of these new laws to Mountain View operations and projects; however, a lay summary of the laws is provided below.

**AB 1909—Vehicles: Bicycle Omnibus Bill (Adopted September 16, 2022)**

Effective January 1, 2024, this law clarifies that a bicyclist may proceed across a roadway with a “WALK” or “Walking Person” signal.

In addition, the law requires that drivers must change lanes when passing or overtaking a bicycle in the same lane when practicable and not prohibited by law (effective immediately). The law also prohibits cities from prohibiting the operation of unlicensed bicycles.

Finally, the law prohibits a police officer from stopping a pedestrian to enforce a jaywalking infraction related to a pedestrian signal if there is no immediate danger of a collision with a moving vehicle or human-powered transportation device. The effective date of this section of the bill was tied to the adoption of AB 2147.

**SB 1079—Vehicles: Sound-Activated Enforcement Devices (September 19, 2022)**

This new law requires the California Highway Patrol to evaluate the effectiveness of sound-activated enforcement devices used to identify vehicles with excessive noise. The evaluation must be conducted and presented to the Legislature by January 1, 2025.

**AB 2097—Residential, Commercial, or Other Development Types: Parking Requirements (Adopted September 22, 2022)**

This law prohibits public agencies from imposing any minimum automobile parking requirements on any residential, commercial, or other development project located within one-half mile of a major transit stop.

In this case, a major transit stop includes an existing rail or bus rapid transit station; a ferry terminal served by either a bus or rail transit service; the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; and major transit stops included in the applicable regional transportation plan.

**AB 2264—Pedestrian Crossing Signals (Adopted September 23, 2022)**

This law requires that when State-owned or operated traffic-actuated signals are installed or replaced, they must be installed and maintained to have an accessible pedestrian signal and detector and a leading pedestrian interval of three to seven seconds. The law also requires a leading pedestrian interval to be included when maintenance work is conducted on State-owned or operated traffic-actuated signals that are capable of being implemented with remote installation or in-person programming and that are located in a residential district, business

district, business activity district, safety corridor, school zone, or area with a high concentration of pedestrians and bicyclists.

**[SB 1472—Vehicular Manslaughter: Speeding and Reckless Driving \(aka Ryan’s Law\) \(Adopted September 27, 2022\)](#)**

This law specifies a list of circumstances that may constitute gross negligence for manslaughter. The list includes participation in a sideshow, street racing, or speeding at over 100 miles per hour.

**[SB 932—General Plans: Circulation Element: Bicycle and Pedestrian Plans and Traffic Calming Plans \(Adopted September 28, 2022\)](#)**

This law requires cities to incorporate principles of the Federal Highway Administration’s (FHWA) Safe System approach when revising the Circulation Element of the jurisdiction’s General Plan.

According to the FHWA, the Safe System approach was founded on the principles that death and serious injury are unacceptable, humans make mistakes, and human bodies have limited ability to tolerate crash impacts. Additionally, human mistakes should never lead to death. Instead, road design and management should anticipate human mistakes, encourage safe speeds, and manipulate appropriate crash angles so that when a mistake leads to a crash, the impact on the human body does not result in a fatality or serious injury.

In addition to incorporating the Safe System approach into Circulation Elements, SB 932 requires cities to develop bicycle plans, pedestrian plans, and traffic-calming plans based on the above goals and policies of the Circulation Element. Under the law, municipalities must begin implementing these plans within two years of adoption, regularly review progress toward completion, and aim to complete all actions within 25 years of adoption of the Circulation Element.

**[AB 371—Shared Mobility Insurance \(Adopted September 29, 2022\)](#)**

This law amends insurance requirements for shared mobility providers to ensure that those injured in collisions are compensated. Effective July 1, 2023, the law requires shared mobility service providers to ensure that users operate with third-party liability insurance coverage equivalent to at least \$10,000 for any collision involving injury or death of a pedestrian, plus \$1,000 for any property damage to an assistive technology device for a person with a disability. The law provides exemptions for bicycles propelled exclusively by human power as well as Class 1 or Class 2 electric bikes.

The law also requires shared mobility providers to report information to the Department of Insurance on the total number of users and the percentage who maintain their own coverage.

The Department of Insurance is required to conduct a study of shared mobility device insurance coverage by December 31, 2026.

Finally, the law requires shared mobility providers to affix a sign to each device that allows people to identify the device, service provider name, and contact details for the purpose of reporting illegal or negligent activity. The sign must be displayed with raised characters visible from at least 5' feet as well as Braille.

#### **[AB 2863—Mandatory Building Standards for Bike Parking \(Adopted September 29, 2022\)](#)**

This law notes that access to plentiful bicycle parking options is needed to meet the State's climate goals.

The new law requires the Department of Housing and Community Development to research and develop mandatory building standards for short- and long-term bicycle parking in multi-family residential buildings, hotels, and motels. This work on minimum parking standards is to occur immediately after the update of the California Green Building Standards Code, which is slated for January 1, 2023.

The law also requires the California Building Standards Commission to research and develop revised mandatory bicycle parking standards for nonresidential development. Unlike the current nonresidential bicycle parking standards expressed as a percentage of vehicle parking spaces, the new standards must be expressed independently of defined vehicle parking spaces.

#### **[AB 2147—Pedestrians \(Adopted September 30, 2022\)](#)**

This law prohibits a police officer from stopping a pedestrian to enforce a jaywalking infraction if there is no immediate danger of a collision with a moving vehicle. The law does not relieve a pedestrian from the duty of using due care for their safety, nor does it relieve a driver from the duty of exercising due care for the safety of a pedestrian within the roadway.

The law also requires the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, to evaluate the law's effect on pedestrian safety.

#### **[SB 922—CEQA Exemption for Transit Priority and Active Transportation Plans and Projects \(Adopted September 30, 2022\)](#)**

This law notes that the State must continue to build high-quality transit, bicycle lanes, and pedestrian-friendly infrastructure in order to encourage people to drive less and achieve the State's ambitious environmental goals.

To this end, the new law expands exemptions under the California Environmental Quality Act (CEQA) to include bicycle plans in rural areas as well as pedestrian plans and active transportation plans. The law also extends a sunset on CEQA exemptions for transit prioritization projects, bus rapid transit, and light rail on public rights-of-way to 2030. It also adds a definition for transportation demand management (TDM) programs and amends the definition of transit prioritization projects to reflect current best practice.

In addition to these State laws, the MTC also adopted several new regional policies in 2022.

### **MTC Complete Streets Policy (Adopted March 25, 2022)**

As discussed on June 29, 2022, the MTC has adopted a new Complete Streets Policy. This policy requires the projects receiving MTC funds or endorsement to implement Complete Streets elements recommended in local active transportation and vision zero plans. Furthermore, projects located on the regional Active Transportation Network must incorporate bicycle design principles outlined in the NACTO All Ages and Abilities guidance and pedestrian design principles outlined in the U.S. Access Board's Public Right-of-Way Accessibility Guidelines (PROWAG).

MTC has now finalized the [Regional Active Transportation Network map](#). The regional active transportation network includes a wide buffer around the following corridors in Mountain View:

- El Camino Real;
- Stevens Creek Trail;
- Middlefield Road;
- Charleston Road;
- Shoreline Boulevard; and
- California Street/Caltrain/Evelyn Avenue corridor.

### **MTC Transit-Oriented Communities Policy (Adopted September 28, 2022)**

MTC recently adopted a Transit-Oriented Communities Policy, which includes the following elements:

- Minimum and maximum allowable densities for residential development (50 units/acre minimum and  $\geq 75$  units/acre maximum for Tier 3 stations—see Table 1);

- Minimum and maximum allowable densities for commercial development (2 floor area ratio (FAR) minimum and  $\geq 4$  FAR maximum—see Table 2); and
- Zero minimum and new maximum parking ratios (1/unit or 2.5/1,000 square feet—see Table 7).

~~RHL/BW/6/PWK~~

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cc: TE, APWD—Skinner, APWD—Arango, PWD, PS—Goff