
MEMORANDUM

Public Works Department

DATE: August 22, 2022

TO: Mountain View Bicycle/Pedestrian Advisory Committee
San Jose Bicycle and Pedestrian Advisory Committee

FROM: Priyoti Ahmed, Transportation Planner, City of Mountain View
Ria Hutabarat Lo, Transportation Manager, City of Mountain View
Ryan Smith, Active Transportation Program Manager, City of San José
Wilson Tam, Transportation Planning Manager, City of San José

SUBJECT: **Legislative Priorities**

RECOMMENDATION

Consider and provide feedback on State legislative priorities and processes of the City of Mountain View and the City of San José.

BACKGROUND

Recent Legislation

State Bill 743 (SB 743)

In 2013, the State of California passed Senate Bill 743 (SB 743), which required agencies to change the metrics for assessing transportation-related environmental impacts of new developments under the California Environmental Quality Act (CEQA). SB 743 directed cities to shift from using Automobile Level of Service (LOS) (which measures automobile delay) to Vehicle Miles Traveled (VMT) (which is a proxy for a range of environmental impacts, including greenhouse gas emissions) when assessing transportation impacts. VMT measures the total distance traveled by vehicles associated with a project and allows cities and counties to align CEQA metrics with State goals for sustainable communities and greenhouse gas emission reduction.

The City of San José was an early adopter in aligning with SB 743. On February 27, 2018, the San José City Council approved a [Transportation Analysis Policy](#) to align with SB 743 by establishing thresholds for transportation-related environmental impacts under CEQA, removing LOS and replacing it with VMT. The policy also established a transportation analysis framework that

required projects to perform [Local Transportation Analysis](#) to demonstrate conformance with multi-modal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system. In conjunction with the Transportation Analysis Policy, the City of San José developed a VMT Evaluation Tool that used the City’s travel demand model, as well as research literature and case studies to estimate if projects would generate VMT impacts.

On June 30, 2020, Mountain View City Council adopted a [policy](#) to change the City’s metric for transportation-related environmental impacts under CEQA to VMT in compliance with SB 743. The City’s new VMT metric is consistent with the work of the Santa Clara Valley Transportation Authority (VTA) to establish a web-based VMT evaluation tool by expanding on the City of San José’s Excel-based tool and estimate baseline VMT reference averages for projects in Santa Clara County. In conjunction with this change, the Mountain View City Council supported a shift in transportation analysis outside of CEQA to Multi-Modal Transportation Analysis (MTA). Staff has developed an [MTA Handbook](#) to guide this analysis.

Assembly Bill 43 (AB 43)

On October 8, 2021, Governor Newsom approved Assembly Bill 43 (AB 43) on Traffic Safety. This law amends the California Vehicle Code (CVC) as it relates to how posted speed limits can be set.

Speed Zones

Prior to AB 43, Sections 22352, 22354, and 22358 of the CVC allowed for some posted speed limits lower than the 85th percentile under limited conditions.¹ These conditions include railway crossings, roadways in any business or residence district, school zones, and near senior centers.

AB 43 expands the potential use of 20 or 25 miles per hour speeds for roadways in any business or residence districts.² It also allows for lower posted speed limits on the basis of an engineering or traffic survey,³ and it allows for consideration of vulnerable pedestrian groups (including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused) as part of engineering and traffic surveys.⁴

Safety Corridors

Based on AB 43, the CVC stipulation that local agencies may not “reduce the speed limit any further [than the 85th-percentile speed rounded down] for any reason” has been removed.⁵

¹ 85th percentile is the speed at or below which 85% of vehicles are observed to travel under free-flow conditions.

² Section 3 of AB 43 amending CVC §22352, Section 9 of AB 43 adding CVC §22358.9, and CVC §235, 240, and 515.

³ Sections 4 and 5 of AB 43 amending CVC §22354 and 22358, respectively.

⁴ Section 1 of AB 43 amending CVC §627.

⁵ Section 2 of AB 43 amending CVC §21400.

Instead, after June 30, 2024, AB 43 authorizes local agencies to declare a posted speed limit that has been lowered an additional five miles per hour if:

- The roadway has been designated by the local agency as a safety corridor, with safety corridors to be defined in the forthcoming revision of the California Manual on Uniform Traffic Control Devices (CA-MUTCD) based on consideration of serious injuries and fatalities.
- The roadway is adjacent to any land or facility with high concentrations of bicyclists or pedestrians, especially those from vulnerable groups, such as children, seniors, people with disabilities, or people experiencing homelessness.⁶

AB 43 does not allow the posted speed limit to be lowered more than five miles per hour relative to the current or immediately prior speed limit.⁷

The City of San José Department of Transportation (SJ DOT) staff will share background on the Department's approach to AB 43.

The City of Mountain View is currently developing a Vision Zero Action Plan and Local Road Safety Plan (VZAP/LRSP). Work on the VZAP/LRSP highlights the relationship between lower traffic speed and less severe traffic collisions. For this reason, the VZAP/LRSP will identify intersections and street segments where speed management strategies should be applied, including infrastructure changes accompanied by lower posted speed limits as permitted under the CVC and supported by engineering and traffic surveys.

Legislative Approach and Coordination

SJ DOT staff will provide an overview of the Department's legislative policy efforts and processes. Additionally, SJ DOT staff will share information on the Department's legislative priorities, including traffic safety legislation, electric vehicle policy, and bicycle and pedestrian legislation.

The City of Mountain View's Legislative Advocacy Program is managed by the City Manager's Office (CMO). The Mountain View City Council has an annual practice of adopting a legislative platform that guides the City Council's position on legislative matters with potential to affect the City directly or indirectly. The Legislative Platform also guides work to promote and preserve the City's interests at the regional, State, and Federal levels. During the legislative year, CMO staff coordinates with staff in each City department, a legislative advocate, and regional partners, as appropriate, to monitor and assess State and Federal legislation and administrative or regulatory proposals and take action in alignment with the adopted Legislative Platform to advance and

⁶ Section 7 of AB 43 adding CVC §22358.7

⁷ Sections 8 and 9 of AB 43 adding CVC §22358.8 and 22358.9

protect the City interests, as necessary. Given the increase in legislative issues in recent years, the City of Mountain View executed a contract with a legislative advocacy consultant in November 2021 to support the City in its advocacy efforts.

On February 8, 2022, the Mountain View City Council adopted a 2022 Legislative Platform. The Legislative Platform consists of 11 issue areas with 97 policy statements reflecting the most important priorities and issues for the City (see Attachment 2). Critical themes are highlighted below:

- Housing, Land Use, and Homelessness—Continue to be recognized by the State as a leader in addressing housing needs and advocate for more resources to address ongoing community needs.
- Climate Resiliency and Adaptation—Continue to lead in the region with innovative and solutions-based approaches to greenhouse gas (GHG) reduction and carbon neutrality.
- Transportation and Public Works—Continue to seek opportunities to modernize transportation connectivity and advocate for funding to support the City's needs.

Proposed Legislative Activities Under Review

Senate Bill 1410, California Environmental Quality Act: Transportation Impacts

SB 743 transformed the way transportation-related environmental impacts are evaluated under CEQA and required the Office of Planning and Research (OPR) to develop guidelines for determining the significance of these impacts within transit priority areas. The guidelines were required to promote the reduction of greenhouse gas emissions, development of multi-modal transportation networks, and a diversity of land uses. CEQA authorizes OPR to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas.

Senate Bill 1410 (SB 1410) would require OPR to study the impacts and implementation of the CEQA guidelines and establish a grant program to provide financial assistance to local agencies implementing those guidelines. This bill has been approved by the Senate and is under review by the Assembly Natural Resources Committee.

SJ DOT staff will share background on the Department's approach to SB 1410.

Assembly Bill 2336 Speed Safety Systems Pilot Program

The City of San José is included in Assembly Bill 2336 Speed Safety Systems Pilot Program (AB 2336), which would allow for implementation and evaluation of a five-year pilot program for

automated speed enforcement in the cities of Los Angeles, Oakland, San José, Glendale, and Palm Springs as well as the City and County of San Francisco. This bill has been approved by the Assembly and is currently under review by the Appropriations Committee.

SJ DOT staff will share background on the Department's approach to AB 2336.

DISCUSSION QUESTIONS

Bicycle/Pedestrian Advisory Committee (B/PAC) members are asked to discuss the following questions in relation to this issue:

- Do B/PAC members have suggestions on potential collaboration on legislative efforts across cities?

PA-RH-RS-WT/BW/4/PWK
935-08-22-22M

Attachments: 1. AB-43 Traffic Safety (2021-2022): Today's Law as Amended
2. City of Mountain View 2022 Legislative Platform

cc: CTE—Lopez, APWD—Skinner, APWD—Arango, PWD—Cameron, PS—Goff