

AMENDED IN SENATE JUNE 13, 2024

AMENDED IN ASSEMBLY APRIL 1, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2290

Introduced by Assembly Member Friedman

February 12, 2024

An act to amend Sections 2030 and ~~2381~~ 2384 of, and to add Section 91.3 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2290, as amended, Friedman. Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.

(1) Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, with specified available funds to be allocated to eligible projects by the California Transportation Commission and regional transportation ~~agencies~~. *agencies through the adoption of a program of projects*. Existing law requires the commission to develop guidelines and project selection criteria for the program, as provided. *regarding, among other topics, project eligibility and project selection for the program of projects, as provided.*

Existing law establishes 4 classifications of bikeways and defines a “Class III bikeway” as a bikeway that provides a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.

~~This bill would prohibit the allocation of Active Transportation Program funds for a project that creates a Class III bikeway unless the~~

~~project is on a street with a design speed limit of 20 miles per hour or less or the project will reduce the design speed limit to 20 miles per hour or less.~~

This bill would prohibit, on and after January 1, 2026, the commission from adding a project that creates a Class III bikeway or adds a specific road marking used to inform road users that bicyclists might occupy the travel lane to the program of projects, unless the bikeway or road marking is on a highway with a design speed limit of 25 miles per hour or less or the project will implement improvements to reduce the design speed limit to 25 miles per hour or less.

(2) Existing law creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. Existing law requires funds made available by the program to be used for projects that include, but are not limited to, road maintenance, safety projects, railroad grade separations, traffic control devices, and complete streets components. Existing law requires the department and cities and counties receiving funds under the program to incorporate complete streets elements into projects funded by the program, to the extent beneficial, cost effective, and practicable in the context of facility type, right-of-way, project scope, and quality of nearby alternative facilities.

This bill would delete the factor relating to quality of nearby alternative facilities when the department and cities and counties are considering the benefit, cost effectiveness, and practicality of incorporating complete streets elements into projects funded by the program. The bill would require, where feasible, a bicycle facility that is identified for a street in an adopted bicycle plan or active transportation plan to be included in a project funded by the program that includes that street. If a planned bicycle facility is not constructed or if the bicycle facility that is constructed deviates from the adopted bicycle plan or the adopted active transportation plan, the bill would require the city, the county, or the department, as applicable, to document and publish the justification for the deviation.

(3) Existing law requires the department to improve and maintain the state highways.

This bill would establish the Bikeway Quick-Build Project Pilot Program within the department's maintenance program to expedite development and implementation of bikeways on the state highway system. The bill would require the department to develop guidelines for implementing bikeway quick-build projects. The bill would require

the department, on or before January 1, 2027, to identify and implement one bikeway quick-build project in each district.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 91.3 is added to the Streets and Highways
2 Code, to read:

3 91.3. (a) The Bikeway Quick-Build Project Pilot Program is
4 hereby established, within the department's maintenance program,
5 to expedite development and implementation of bikeways on the
6 state highway system. The department shall develop guidance for
7 implementing bikeway quick-build projects. On or before
8 December 31, 2027, the department shall identify and implement
9 one bikeway quick-build project in each district under the
10 maintenance program.

11 (b) For purposes of this section, a "quick-build project" means
12 an interim capital infrastructure project that requires minor
13 construction activities but is built with durable, low- to
14 moderate-cost materials, and lasts from one to five years, inclusive.

15 SEC. 2. Section 2030 of the Streets and Highways Code is
16 amended to read:

17 2030. (a) The Road Maintenance and Rehabilitation Program
18 is hereby created to address deferred maintenance on the state
19 highway system and the local street and road system. Funds made
20 available by the program shall be prioritized for expenditure on
21 basic road maintenance and road rehabilitation projects, and on
22 critical safety projects.

23 (b) (1) Funds made available by the program shall be used for
24 projects that include, but are not limited to, the following:

25 (A) Road maintenance and rehabilitation.

26 (B) Safety projects.

27 (C) Railroad grade separations.

28 (D) Complete street components, including active transportation
29 purposes, pedestrian and bicycle safety projects, transit facilities,
30 and drainage and stormwater capture projects in conjunction with
31 any other allowable project.

32 (E) Traffic control devices.

1 (2) Funds made available by the program may also be used to
2 satisfy a match requirement in order to obtain state or federal funds
3 for projects authorized by this subdivision.

4 (c) To the extent possible and cost effective, and where feasible,
5 the department and cities and counties receiving funds under the
6 program shall use advanced technologies and material recycling
7 techniques that reduce the cost of maintaining and rehabilitating
8 the streets and highways, and that exhibit reduced levels of
9 greenhouse gas emissions through material choice and construction
10 method.

11 (d) To the extent possible and cost effective, and where feasible,
12 the department and cities and counties receiving funds under the
13 program shall use advanced technologies and communications
14 systems in transportation infrastructure that recognize and
15 accommodate advanced automotive technologies that may include,
16 but are not necessarily limited to, charging or fueling opportunities
17 for zero-emission vehicles, and provision of
18 infrastructure-to-vehicle communications for transitional or full
19 autonomous vehicle systems.

20 (e) To the extent deemed cost effective, and where feasible, in
21 the context of both the project scope and the risk level for the asset
22 due to global climate change, the department and cities and
23 counties receiving funds under the program shall include features
24 in the projects funded by the program to better adapt the asset to
25 withstand the negative effects of climate change and make the
26 asset more resilient to impacts such as fires, floods, and sea level
27 rise.

28 (f) To the extent beneficial, cost effective, and practicable in
29 the context of facility type, right-of-way, and project scope, the
30 department and cities and counties receiving funds under the
31 program shall incorporate complete street elements into projects
32 funded by the program, including, but not limited to, elements that
33 improve the quality of bicycle and pedestrian facilities and that
34 improve safety for all users of transportation facilities. Where
35 feasible, a bicycle facility identified for a street in a bicycle plan
36 or an active transportation plan that is adopted by a city, a county,
37 or the department shall be included in a project funded by the
38 program that includes that street. If a planned bicycle facility is
39 not constructed or if the bicycle facility that is constructed deviates
40 from the adopted bicycle plan or the adopted active transportation

1 plan, the city, the county, or the department, as applicable, shall
2 document and publish the justification for the deviation.

3 (g) For purposes of funds directed to the State Highway
4 Operation and Protection Program, the guidelines and reporting
5 provisions shall be consistent with Section 14526.5 of the
6 Government Code.

7 (h) Guidelines adopted by the commission to facilitate the
8 allocation of funds in the account shall be exempt from the
9 Administrative Procedure Act (Chapter 3.5 (commencing with
10 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
11 Code).

12 ~~SEC. 3. Section 2381 of the Streets and Highways Code is~~
13 ~~amended to read:~~

14 ~~2381. (a) The Active Transportation Program shall be funded~~
15 ~~by state and federal funds from appropriations in the annual Budget~~
16 ~~Act. Funds for the program shall be appropriated to the department,~~
17 ~~for allocation by the commission. The amount to be appropriated~~
18 ~~shall include 100 percent of the federal Transportation Alternative~~
19 ~~Program funds described in Section 133(h) of Title 23 of the United~~
20 ~~States Code, except for any federal funds for recreational trails~~
21 ~~projects described in Section 133(h)(5) of Title 23 of the United~~
22 ~~States Code appropriated to the Department of Parks and~~
23 ~~Recreation; twenty-one million dollars (\$21,000,000) of federal~~
24 ~~Highway Safety Improvement funds or other federal funds; and~~
25 ~~State Highway Account funds. Future funding may be augmented~~
26 ~~if state or federal funds increase, or if other funding sources are~~
27 ~~identified. Funds appropriated for the Active Transportation~~
28 ~~Program shall be distributed as follows:~~

29 ~~(1) Forty percent to metropolitan planning organizations in~~
30 ~~urban areas with populations greater than 200,000, in proportion~~
31 ~~to their relative share of population. Funds allocated under this~~
32 ~~paragraph shall be obligated for eligible projects selected through~~
33 ~~a competitive process by the metropolitan planning organizations~~
34 ~~in consultation with the department and the commission and in~~
35 ~~accordance with guidelines established pursuant to this chapter.~~

36 ~~(2) Ten percent to small urban and rural regions with populations~~
37 ~~of 200,000 or less, with projects competitively awarded by the~~
38 ~~commission to projects in those regions.~~

39 ~~(3) Fifty percent to projects competitively awarded by the~~
40 ~~commission on a statewide basis.~~

~~(b) For the purpose of paragraph (1) of subdivision (a), the following shall apply in the region served by the multicounty designated transportation planning agency described in Section 130004 of the Public Utilities Code:~~

~~(1) The multicounty designated transportation planning agency shall consult with the county transportation commissions created pursuant to Sections 130050, 130050.1, and 132800 of the Public Utilities Code, the commission, and the department in the development of competitive selection criteria to be adopted by the multicounty designated transportation planning agency, which should include consideration of geographic equity, consistent with program objectives.~~

~~(2) The multicounty designated transportation planning agency shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.~~

~~(3) The multicounty designated transportation planning agency shall obtain concurrence from the county transportation commissions, adopt the projects selected in a comprehensive program of projects, and make funds available to selected project recipients.~~

~~(c) Funds appropriated for the Active Transportation Program shall not be allocated to a project that creates a Class III bikeway, as described in Section 890.4, unless the project is on a street with a design speed limit of 20 miles per hour or less or the project will implement improvements to reduce the design speed limit to 20 miles per hour or less.~~

~~(d) The Legislature finds and declares that the program described in this chapter constitutes a highway purpose under Article XIX of the California Constitution and justifies the expenditure of highway funds therefor, and all expenditures of Article XIX funds under this program shall be consistent with Article XIX.~~

SEC. 3. Section 2384 of the Streets and Highways Code is amended to read:

2384. (a) The commission shall adopt a program of projects to receive allocations under this chapter. The guidelines for an initial two-year program of projects shall be adopted within six months of the enactment of the act enacting this section. *September 26, 2013.* The commission shall adopt each program by no later than July 1 of each odd-numbered year, but may alternatively elect

1 to adopt a program annually. Each subsequent program shall cover
2 a period of four fiscal years, beginning July 1 of the year of
3 adoption, and shall be a statement of intent by the commission for
4 the allocation or expenditure of funds during those four fiscal
5 years. The commission shall form a multidisciplinary advisory
6 group to assist it in evaluating project applications.

7 *(b) On and after January 1, 2026, the commission shall not add*
8 *to the program of projects a project that creates a Class III*
9 *bikeway, as described in Section 890.4, or the marking in Figure*
10 *9C-9 of the 2014 California Manual on Uniform Traffic Control*
11 *Devices, Revision 8, unless the bikeway or marking is on a highway*
12 *with a design speed limit of 25 miles per hour or less or the project*
13 *will implement improvements to reduce the design speed limit to*
14 *25 miles per hour or less.*