



AB-2290 Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program. (2023-2024)



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AMENDED IN ASSEMBLY APRIL 01, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 2290

Introduced by Assembly Member Friedman

February 12, 2024

An act to amend Sections 2030 and 2381 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. Existing law requires the commission to develop guidelines and project selection criteria for the program, 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 residential street with a ~~posted design~~ speed limit of 20 miles per hour or ~~less: less or the project will reduce the design speed limit to 20 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~~ *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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

91.3. (a) The Bikeway Quick-Build Project Pilot Program is hereby established, within the department's maintenance program, to expedite

development and implementation of bikeways on the state highway system. The department shall develop guidance for implementing bikeway quick-build projects. On or before December 31, 2027, the department shall identify and implement one bikeway quick-build project in each district under the maintenance program.

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

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

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

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

(A) Road maintenance and rehabilitation.

(B) Safety projects.

(C) Railroad grade separations.

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

(E) Traffic control devices.

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

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

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

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

(f) To the extent beneficial, cost effective, and practicable in the context of facility type, right-of-way, and project scope, the department and cities and counties receiving funds under the program shall incorporate complete street elements into projects funded by the program, including, but not limited to, elements that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities. ~~A~~ *Where feasible, a bicycle facility identified for a street in a bicycle plan or an active transportation plan that is adopted by a city, a county, or the department shall 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 city, the county, or the department, as applicable, shall document and publish the justification for the deviation.*

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

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

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

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

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

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

(3) Fifty percent to projects competitively awarded by the 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 ~~residential~~ street with a ~~posted~~ *design* speed limit of 20 miles per hour or ~~less~~: *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.



SB-1216 Transportation projects: Class III bikeways: prohibition. (2023-2024)

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AMENDED IN SENATE APRIL 16, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 1216

Introduced by Senator Blakespear

February 15, 2024

An act to amend Sections ~~2381 and 2382~~ *2382 and 2384* of, and to add Section 891.9 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1216, as amended, Blakespear. Transportation projects: Class III bikeways: prohibition.

(1) Existing law establishes 4 classifications of bikeways and defines a "Class III bikeway" as a bikeway that ~~provide~~ *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 *define "sharrow" as the pavement marking used to inform road users that bicyclists might occupy the travel lane. The bill would* prohibit, on and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted from installing *or restriping* a Class III bikeway ~~or restriping a Class III bikeway or a sharrow~~ on a highway that has a posted speed limit greater than 30 miles per hour.

(2) 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.~~ Existing law ~~requires the guidelines regarding project eligibility to include, among other guidelines, the development of new bikeways and walkways, or improvements to existing bikeways and walkways, that improve mobility, access, or safety for nonmotorized users.~~ Existing law requires the guidelines regarding project selection to include, among other guidelines, *increasing and improving connectivity and mobility of nonmotorized users.* *regarding, among other topics, project eligibility and project selection for the program of projects, as provided.*

~~This bill would prohibit, on and after January 1, 2025, funds appropriated to the program from being allocated to a project that creates a Class III bikeway. The bill would prohibit, on and after January 1, 2025, the commission's~~

~~guidelines with regard to project eligibility from including the development of Class III bikeways. The bill also would prohibit, on and after January 1, 2025, the commission's guidelines with regard to project selection from including the connection of a bikeway connecting to a Class III bikeway as increasing and improving connectivity and mobility of nonmotorized users.~~

This bill would prohibit, on and after January 1, 2026, the commission from adding a project that creates a Class III bikeway or a sharrow to the program of projects, unless the bikeway or sharrow 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. The bill would require the commission to make conforming changes to its guidelines regarding project eligibility and project selection for the program of projects, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 891.9 is added to the Streets and Highways Code, to read:

891.9. (a) (1) On and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted shall not install *or restripe* a Class III bikeway ~~or restripe a Class III bikeway~~ *or a sharrow* on a highway that has a posted speed limit greater than 30 miles per hour.

(2) For purpose of this subdivision, "sharrow" means the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8.

(b) This section does not prohibit the installation of sign R4-11, as depicted in Figure 9B-2 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, if the sign is not considered part of a Class III bikeway for the purposes of evaluating bicycle or complete streets goals and targets by the department or the installing agency.

~~SEC. 2. Section 2381 of the Streets and Highways Code is amended to read:~~

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

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

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

~~(3) Fifty percent to projects competitively awarded by the 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)On and after January 1, 2025, 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.~~

~~(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. SEC. 2. Section 2382 of the Streets and Highways Code is amended to read:

2382. (a) The California Transportation Commission shall develop guidelines and project selection criteria for the Active Transportation Program in consultation with the Active Transportation Program Workgroup, which shall be formed for purposes of providing guidance on matters including, but not limited to, development of and subsequent revisions to program guidelines, schedules and procedures, project selection criteria, performance measures, and program evaluation. The workgroup shall include, but not be limited to, representatives of government agencies and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

(b) The guidelines shall be the complete and full statement of the policies and criteria that the commission intends to use in selecting projects to be included in the program. The guidelines shall address subjects that include, but are not limited to, project eligibility, application timelines, application rating and ranking criteria, project monitoring, reporting, and transparency, and project performance measurement.

(c) The guidelines shall include a process to ensure that no less than 25 percent of overall program funds benefit disadvantaged communities during each program cycle. The guidelines shall establish a program definition for disadvantaged communities that may include, but need not be limited to, the definition in Section 39711 of the Health and Safety Code and the definition of low-income schools in paragraph (7) of subdivision (b) of former Section 2333.5, as that section read on January 1, 2013. A project eligible under this subdivision shall clearly demonstrate a benefit to a disadvantaged community or be directly located in a disadvantaged community.

(d) The guidelines shall allow streamlining of project delivery by authorizing an implementing agency to seek commission approval of a letter of no prejudice that will allow the agency to expend its own funds for a project programmed in a future year of the adopted program of projects, in advance of allocation of funds to the project by the commission, and to be reimbursed at a later time for eligible expenditures.

(e) The California Transportation Commission shall adopt the guidelines and selection criteria for, and define the types of projects eligible to be funded through, the program following at least two public hearings. Projects funded in this program shall be limited to active transportation projects. The guidelines shall ensure that eligible projects meet one or more of the goals set forth in Section 2380 and may give increased weight to projects meeting multiple goals.

(f) In developing the guidelines with regard to project eligibility, the commission shall include, but need not be limited to, the following project types:

- (1) Development of new bikeways and walkways, or improvements to existing bikeways and walkways, that improve mobility, access, or safety for nonmotorized users. On and after January 1, ~~2025~~, 2026, the guidelines with regard to project eligibility shall not include the development of Class III bikeways, as described in Section ~~890.4~~ 890.4, *or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless the bikeway or 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) Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings.
- (3) Bicycle-carrying facilities on public transit, including rail and ferries.
- (4) Installation of traffic control devices to improve the safety of pedestrians and bicyclists.
- (5) Elimination of hazardous conditions on existing bikeways and walkways.
- (6) Maintenance of bikeways and walkways.

(7) Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to nonmotorized corridors, and conversion of abandoned railroad corridors to trails.

(8) Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.

(9) Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and schoolbus stops.

(10) Educational programs to increase biking and walking, and other noninfrastructure investments that demonstrate effectiveness in increasing active transportation.

(g) In developing the guidelines with regard to project selection, the commission shall include, but need not be limited to, the following criteria:

(1) Demonstrated needs of the applicant.

(2) Potential for reducing pedestrian and bicyclist injuries and fatalities.

(3) Potential for encouraging increased walking and bicycling, especially among students.

(4) Identification of safety hazards for pedestrians and bicyclists.

(5) Identification of walking and bicycling routes to and from schools, transit facilities, and community centers.

(6) Identification of the local public participation process that culminated in the project proposal, which may include noticed public meetings and consultation with local stakeholders.

(7) Benefit to disadvantaged communities. In developing guidelines relative to this paragraph, the commission shall consider, but need not be limited to, the definition of disadvantaged communities as applied pursuant to subdivision (c).

(8) Cost-effectiveness, defined as maximizing the impact of the funds provided.

(9) The adoption by a city or county applicant of a bicycle transportation plan, pursuant to Section 891.2, a pedestrian plan, a safe routes to school plan, or an overall active transportation plan.

(10) Use of the California Conservation Corps or a qualified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141.

(11) Other factors, such as potential for reducing congestion, improving air quality, reducing greenhouse gas emissions, and increasing and improving connectivity and mobility of nonmotorized users. On and after January 1, ~~2025~~, 2026, increasing or improving connectivity of nonmotorized users shall not include the addition of a bikeway connecting to a Class III bikeway, as described in Section ~~890.4~~, 890.4, *or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless the bikeway or 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.*

(h) For the use of federal Transportation Alternative Program funds, or other federal funds, commission guidelines shall meet all applicable federal requirements.

(i) For the use of federal Highway Safety Improvement Program funds for active transportation projects specific to reducing fatalities and serious injuries, the criteria for the selection of projects shall be based on a data-driven process that is aligned with the state's Strategic Highway Safety Plan.

(j) The guidelines may include incentives intended to maximize the potential for attracting funds other than program funds for eligible projects.

(k) In reviewing and selecting projects funded by federal funds in the Recreational Trails Program, the commission shall collaborate with the Department of Parks and Recreation to evaluate proposed projects, and to ensure federal requirements are met.

(l) To ensure that regional agencies charged with allocating funds to projects pursuant to paragraph (1) of subdivision (a) of Section 2381 have sufficient discretion to develop regional guidelines, the commission may adopt separate guidelines for the state and for the regional agencies relative to subdivision (g).

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. The commission shall adopt each program by no later than July 1 of each odd-numbered year, but may alternatively elect to adopt a program annually. Each subsequent program shall cover a period of four fiscal years, beginning July 1 of the year of adoption, and shall be a statement of intent by the commission for the allocation or expenditure of funds during those four fiscal years. The commission shall form a multidisciplinary advisory group to assist it in evaluating project applications.

(b) On and after January 1, 2026, the program of projects shall not add a project that creates a Class III bikeway, as described in Section 890.4, or the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8, unless the bikeway or 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.



SB-960 Transportation: planning: complete streets facilities: transit priority projects. (2023-2024)

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AMENDED IN SENATE APRIL 16, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 960

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Friedman)

~~(Coauthor: Senator~~ *(Coauthors: Senators Blakespear and Menjivar)*
~~(Coauthor: Assembly Member~~ *(Coauthors: Assembly Members Haney and Lee)*

January 23, 2024

An act to amend Sections 14526.4 and 14526.6 of, and to add Section 14526.8 to, the Government Code, and to ~~add Article 3.9 (commencing with Section 159) to Chapter 1 of Division 1 of~~ *amend Sections 164.6 and 671.5 of, and to add Section 149.20 to,* the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 960, as amended, Wiener. Transportation: planning: ~~transit priority projects: multimodal.~~ *complete streets facilities: transit priority projects.*

(1) Existing law requires the Department of Transportation to improve and maintain the state's highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state.

This bill would require all transportation projects funded or overseen by the department to provide ~~comfortable, convenient, and connected complete streets facilities unless an exemption is documented and approved,~~ *complete streets facilities, except* as specified.

(2) Existing law requires the department, in consultation with the California Transportation Commission, to prepare a robust asset management plan to guide selection of projects for the state highway operation and protection program (SHOPP). Existing law requires the commission, in connection with the plan, to adopt targets and performance measures reflecting state transportation goals and objectives. Existing law requires the department to develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the SHOPP.

This bill would ~~require the asset management plan to prioritize the implementation of comfortable, convenient, and connected facilities for pedestrians, bicyclists, and transit users on all projects in the program, where applicable. The bill would repeal the requirement for the commission to adopt~~ *require the* targets and performance measures ~~and instead require the commission to adopt 4-year and 10-year~~ *adopted by the commission to include* objective targets

and performance measures reflecting state transportation goals and objectives, including for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit *priority* facilities on the state highway system. The bill would require the department's plain language performance report to include a description of *complete streets facilities, including* pedestrian, bicycle, and transit *priority* facilities on each project, as specified. ~~The bill would require the department, in consultation with the commission, to update the asset management plan and use it to guide the selection of transit priority projects for the SHOPP, as specified.~~

(3) Existing law creates transit districts in designated areas throughout the state and authorizes the use of various vehicles for the purpose of public and private transit. Existing law authorizes transit buses and other transit vehicles to operate on state highways.

~~This bill would define "transit priority project" as a roadway design, operations, and enforcement action, treatment, or project that helps transit buses and other transit vehicles avoid traffic congestion, reduce signal delays, and move more predictably and reliably, as specified. The bill would require the Director of Transportation to adopt a policy on transit priority projects for state and local highways. The bill would require the department to take certain actions to streamline the approval of transit priority projects, as specified. The bill would require the department to approve, deny, or make a determination on an application for a transit priority project or an encroachment permit for a transit priority project within specified time periods. The bill would prohibit the department from denying or delaying by more than 60 days the implementation of a transit priority project to do a detailed traffic analysis, as specified.~~

~~The bill would require the department to establish 4-year and 10-year targets for the fast and reliable movement of transit vehicles on state highways. The bill would require the targets to be designed to measure progress on specified objectives and to encourage a minimum 20% improvement for each objective for each 4-year cycle. The bill would require the department to incorporate the targets into the State Highway System Management Plan and to account for local plans in identifying transit priority projects, as specified.~~

~~The bill would require the department to establish a process to streamline the approval of pedestrian facilities, traffic calming improvements, bicycle facilities, and transit priority projects at locations where a local highway is above, below, or otherwise intersects with, a conventional state highway, as specified.~~

This bill would require the Director of Transportation to adopt a transit priority policy to guide the implementation of transit priority facilities on the state highway system, as specified. The bill would require the department to adopt, on or before July 1, 2027, design guidance for transit priority facilities.

(4) Existing law requires the department to prepare a State Highway System Management Plan (SHSMP), which includes a 10-year state highway system rehabilitation plan for the rehabilitation or reconstruction by the SHOPP of all state highways and bridges, as provided. Existing law requires the SHSMP to include specific quantifiable accomplishments, goals, objectives, costs, and performance measures consistent with the asset management plan described above. Existing law requires the SHSMP to be updated every 2 years.

This bill would require the SHSMP to also include specific quantifiable accomplishments, goals, objectives, costs, and performance measures for transit priority facilities consistent with the asset management plan and the department's most recent policy.

(5) Existing law authorizes the department to issue encroachment permits and requires the department to either approve or deny an application from an applicant for an encroachment permit within 60 days of receiving a completed application, as provided.

This bill would require the department to develop and adopt a project intake, evaluation, and encroachment permit review process for complete streets facilities that are sponsored by a local jurisdiction or a transit agency. The bill would require the department to produce a report regarding project applications submitted through this process, as specified. The bill would require the department to designate an encroachment permit manager in each district to ensure that applications for complete streets facilities are reviewed in accordance with the process, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) California's laws and policies underscore the importance of reducing car dependence and instead increasing walking, bicycling, and transit use in order to create more sustainable, healthy, and affordable communities. However, this mode shift is not yet consistently expressed across and aligned across state policies, programs, and agencies.

(b) Increasing vehicle miles traveled and infrastructure throughput improvements exclusively for cars and freight continue to impede California's efforts to curb vehicle emissions and pollution and to achieve state climate and

environmental goals.

(c) People who are walking or bicycling are killed or seriously injured in California at much higher rates than car drivers or passengers based on their percentage of trips and relative miles traveled, and these disproportionate rates are increasing each year.

(d) Underserved communities, including low-income communities and communities of color, lack safe streets, bicycle lanes, and sidewalks. In many cases, underserved communities also lack access to private vehicles, are dependent on shared rides or public transit, or simply lack any reliable transportation options. As a result, these communities experience higher rates of traffic fatalities and serious injuries and chronic diseases related to air pollution and the lack of safe physical activity.

(e) The Department of Transportation adopted Director's Policy 37 (DP-37) in 2021 to establish the department's "organizational priority to encourage and maximize walking, biking, transit, and passenger rail as a strategy to not only meet state climate, health, equity, and environmental goals but also to foster socially and economically vibrant, thriving, and resilient communities. To achieve this vision, [the department] will maximize the use of design flexibility to provide context-sensitive solutions and networks for travelers of all ages and abilities."

(f) Despite policy commitments by the department since ~~2008, the 2008 to implement safe and multimodal street designs, progress towards implementation has been slow.~~ The 2024 draft state highway operation and protection program (SHOPP) reveals that significant progress ~~has not been~~ *must still be* made toward achieving the policy set forth in ~~DP-37. DP-37 and delivering facilities that are comfortable, convenient, and connected for users of all ages and abilities.~~ *According to the 2024 draft SHOPP, only 21 percent of SHOPP projects include meaningful complete streets facilities, such as bikeways, sidewalks, and crosswalks, and the investment levels fall short of being on track to reach the department's 10-year investment projections. At the same time, deaths and serious injuries from vehicles have increased and have reached an all-time high.*

(g) *Transit is a key part of a complete street.* As the owner and operator of the state highway system, the department should play a pivotal role in improving ~~bus transit operations by providing~~ *public transit by advancing* transit priority corridors to speed up ~~buses~~ *transit vehicles* stuck in traffic and make transit more convenient and attractive for current and future transit users.

(h) Making buses faster and more reliable ~~can address some of the~~ *addresses* inequities embedded in the current transit system. When transit is given priority on California's roadways, buses are even more well-suited to deliver many more people to destinations in a less stressful, less polluting, and less costly manner than private vehicles.

(i) Transit priority has many proven benefits. When transit moves quickly, predictably, and reliably, it results in shorter travel times, more competitive service that attracts new riders, and more reliable travel times allowing for seamless transfers, lower operating costs, and more revenue for transit agencies. It also improves safety by reducing bus-automobile conflicts and creates faster response times for emergency vehicles.

(j) The department should play a leadership role in advancing transit ~~priority.~~ *priority as part of its commitment to making roads work for people who walk, bike, or use transit.* This includes making changes to the state highway network to support fast and reliable transit travel.

(k) In 2023, the department drafted and began stakeholder engagement on a transit priority policy but it has not yet published or adopted a publicly available version of this policy.

SEC. 2. Section 14526.4 of the Government Code is amended to read:

14526.4. (a) The department, in consultation with the commission, shall prepare a robust asset management plan to guide selection of projects for the state highway operation and protection program required by Section 14526.5. The asset management plan shall be consistent with any applicable state and federal ~~requirements, and shall prioritize the implementation of comfortable, convenient, and connected facilities for pedestrians, bicyclists, and transit users on all projects in the program, where applicable, pursuant to Section 14526.7.~~ *requirements.*

(b) The department shall include complete streets assets in the asset management plan, including pedestrian, bicycle, and transit *priority* facilities on the state highway system that are not required under the federal Americans with Disabilities Act of 1990 (Public Law 101-336).

(c) In connection with the asset management plan, the commission shall do both of the following:

(1) Adopt ~~4-year and 10-year objective~~ targets and performance measures reflecting state transportation goals and objectives, including for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit *priority* facilities on the state highway system.

(2) Review and approve the asset management plan.

~~(d) The department, in consultation with the commission, shall update the asset management plan and use it to guide the selection of transit priority projects, as described in Article 3.9 (commencing with Section 159) of Chapter 1 of Division 1 of the Streets and Highways Code, for the state highway operation and protection program, commencing with the project delivery report that is due on or before November 15, 2026, pursuant to Section 14526.5.~~

~~(e)~~

(d) As used in this section, "asset management plan" means a document assessing the health and condition of the state highway system with which the department is able to determine the most effective way to apply the state's limited resources.

SEC. 3. Section 14526.6 of the Government Code is amended to read:

14526.6. (a) The department shall report to the commission quarterly, for projects ~~which~~ *that* complete construction in the previous quarter, on the information outlined in subdivision (b) for all major state highway operation and protection program projects, as defined by the commission pursuant to subdivision (f) of Section 167 of the Streets and Highways Code.

(b) The department shall report to the commission on the approved capital and support budgets compared to expenditures at contract construction acceptance for all projects included in subdivision (a).

(c) The department shall develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the state highway operation and protection program. The plain language performance report shall include a description of *complete streets facilities, including* pedestrian, bicycle, and transit ~~facilities~~ *priority facilities*, on each project, including the number, extent, and type of the facilities.

SEC. 4. Section 14526.8 is added to the Government Code, to read:

14526.8. (a) Commencing with the 2026 state highway operation and protection program, ~~in locations with current and future pedestrian, bicycle, or transit needs,~~ all transportation projects *on state highways, including on entrances and exits that interact with local streets*, funded or overseen by the ~~department~~ *department*, shall provide ~~comfortable, convenient, and connected~~ complete streets facilities for people walking, biking, and taking transit or passenger ~~rail~~ *unless an exception is documented and approved as provided in subdivisions (b) and (c); rail*, as follows:

(1) ~~Facilities—(A) Except as provided in subparagraphs (B) and (C), facilities~~ for pedestrians and bicyclists shall be provided and improved consistent with the most recent department ~~guidance and shall serve people of all ages and abilities, in consultation with the appropriate city or county.~~ *guidance.*

(B) Subparagraph (A) does not apply to projects on state highways or other facilities that are closed to use by pedestrians, bicyclists, other nonmotorized users, or a person operating a motor-driven cycle, motorized bicycle, motorized scooter, or electronically motorized board, pursuant to Section 21960 of the Vehicle Code.

(C) Subparagraph (B) does not apply if the inclusion of a facility for pedestrians and bicyclists would result in an unavoidable substantial safety risk for pedestrians or bicyclists.

(2) ~~Facilities—(A) Except as provided in subparagraph (B), commencing with the 2028 state highway operation and protection program, transit priority facilities~~ to improve the movement and operations of transit vehicles on the state highway ~~system, and to improve the transit user experience in accessing transit, planning trips, or paying fares,~~

shall ~~system shall, to the extent feasible~~, be provided and improved consistent with the most recent department guidance and in consultation with the appropriate transit agency: *guidance*.

~~(3) Complete streets projects should prioritize underserved communities that have been historically harmed and segmented by the transportation network, and public engagement for these projects shall include specific outreach targeted to the most underserved areas. For purpose of this paragraph, underserved communities include both the following:~~

~~(A) Low-income communities, as defined in Section 39713 of the Health and Safety Code.~~

~~(B) Equity priority communities based on the transportation equity index established by the department.~~

(B) Subparagraph (A) does not require the inclusion of a facility that would result in an unavoidable substantial safety risk for pedestrians or bicyclists.

~~(4)~~

~~(3) (A) Each project development team established by the department for a project in a location with current and future pedestrian, bicycle, or transit needs pursuant to this subdivision shall consult with, and document consultation with, representatives from local bicycle, pedestrian, and transit advisory committees, community-based organizations, residents of underserved communities, and or other local stakeholders impacted by the project regarding the pedestrian, bicycle, and transit facilities proposed for the project.~~

~~(b)(1) Except as provided in paragraph (2), this section shall not apply to projects on state highways or other facilities that are closed, by law, to use by pedestrians, bicyclists, and other nonmotorized users, and that do not include a current or future transit route.~~

~~(2) If a project includes improvements to highway entrances and exits that interact with local highways, the department shall consider bicycle, pedestrian, and transit improvements to the entrance and exit intersections within the project in consultation with the appropriate city, county, or transit agency.~~

(B) A complete streets project in an underserved community shall include specific outreach targeted to the most underserved areas. For purpose of this subparagraph, an underserved community includes both of the following:

(i) Disadvantaged communities, as defined by a region following a stakeholder engagement process that is part of a regular four-year-cycle adoption of a regional transportation plan by a metropolitan planning organization or a regional transportation planning agency.

(ii) Equity priority communities based on the transportation equity index established by the department.

~~(e)~~

~~(b) If the department decides to not include complete streets elements facilities in capital and maintenance projects, projects in the state highway operation and protection program, the justification for that decision shall be documented with final approval by the responsible district director and posted to the department's public internet website. The department may exempt a project from the requirements of this section when supported by data demonstrating a lack of current and future pedestrian, bicycle, or transit needs, following public engagement on the project including the appropriate city, county, or transit agency, and the representatives described in paragraph (4) of subdivision (a).~~

~~SEC. 5. Article 3.9 (commencing with Section 159) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:~~

~~3.9. Transit Priority Projects~~

~~159. For purposes of this article, the following definitions apply:~~

~~(a) "Design exception" means an exception to the design standards specified in the Highway Design Manual, including, but not limited to, an exception to a lane width, signage, or striping requirement.~~

~~(b) "Highway" has the same meaning as provided in Section 360 of the Vehicle Code.~~

~~(c) "Performance measure" means an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all transportation modes and strategies.~~

~~(d) "Rider delay" means transit delay weighted by the number of transit riders experiencing the delay.~~

~~(e) "Transit delay" means the additional time that a transit rider spends on a segment of a state highway relative to the~~

~~time required to travel the same segment during free-flow traffic conditions.~~

~~(f) "Transit priority project" means a roadway design, operations, and enforcement action, treatment, or project that helps transit buses and other transit vehicles avoid traffic congestion, reduce signal delays, and move more predictably and reliably, including all of the following:~~

~~(1) Bus stop or station placements and physical configurations, such as level boarding and bus bulbs, that are designed to maximize boarding, align efficiency, and reduce delays, and sidewalks and crosswalks that are designed to provide safe access to and from transit stops and stations.~~

~~(2) Payment systems that reduce boarding times.~~

~~(3) Turn restrictions and exceptions designed to minimize disruption to transit movements or to give transit vehicles and emergency vehicles special privileges to make otherwise restricted turns.~~

~~(4) Strategic enforcement designed to minimize vehicles blocking transit stops and transit routes.~~

~~(5) Queue jump lanes to help transit vehicles move to the front of traffic waiting at a signal.~~

~~(6) Transit signal priority, retiming, and preemption that adjusts traffic signal timing in real time to minimize transit vehicle delays. This may include, but is not limited to, reducing the length of a red light for a transit vehicle or extending an existing green light for an approaching transit vehicle.~~

~~(7) Dedicated lanes reserved for the exclusive use of transit vehicles and emergency vehicles.~~

~~(g) "Transit travel time reliability" means the amount of variability in the time required to travel a segment of the state highway during a given time of day.~~

~~159.1.(a) The department shall establish 4-year and 10-year targets for the fast and reliable movement of transit vehicles on state highways that also operate on local highways. The targets shall be designed to measure progress on all of the following:~~

~~(1) Improvement in transit travel time reliability.~~

~~(2) Increased average transit travel speed.~~

~~(3) Increased average transit travel speed relative to automobile travel speed.~~

~~(4) Reduced transit delay.~~

~~(5) Reduced rider delay.~~

~~(6) Improved rider throughput.~~

~~(7) Improved accessibility of stops, stations, and boarding facilities.~~

~~(b) The department's targets shall be set to encourage a minimum of 20-percent improvement for each of the measures described in subdivision (a) for each 4-year cycle, relative to existing conditions.~~

~~(c) The department's targets shall be incorporated into the State Highway System Management Plan (SHSMP), commencing with the 2027 SHSMP.~~

~~(d) The department shall take into account local plans in identifying transit priority projects but shall primarily base its transit priority investment priorities and selection criteria on the objective performance measures developed pursuant to this section.~~

~~159.2.(a) On or before January 1, 2026, the director shall adopt a policy on transit priority projects for state and local highways.~~

~~(b) Beginning January 1, 2026, the department shall make a determination on an application for a transit priority project on state highways within 90 business days of receiving the application.~~

~~(c) The department, in consultation with transit operating agencies, shall establish a list of automatic and expedited design exceptions, and a process to streamline the approval of transit priority projects on state highways where transit buses routinely experience significant delays. The streamlining process shall be adopted on or before December 31,~~

~~2025, and shall enable the department to make a determination on a transit priority project within 90 business days of receiving an application.~~

~~(d) On or before December 31, 2025, the department, in consultation with transit operating agencies, shall establish and adopt a process to streamline the approval of changes to occupancy requirements and hours of enforcement on corridors where transit buses operate either in a high-occupancy vehicle lane or a high-occupancy transit lane on a state highway.~~

~~(e) Beginning January 1, 2026, the department shall not deny, nor shall it delay by more than 60 days, the implementation of a transit priority project to do a detailed traffic analysis unless the traffic analysis directly relates to achieving the desired transit performance targets or the traffic analysis relates to a potential safety risk.~~

~~(f) Beginning January 1, 2026, the department shall approve or deny an application for an encroachment permit for a transit priority project within 60 days of receiving the application.~~

~~159.3. The department, in consultation with local jurisdictions, shall establish a process to streamline the approval of pedestrian facilities, traffic calming improvements, bicycle facilities, and transit priority projects at locations where a local highway is above, below, or otherwise intersects with, a conventional state highway. The streamlining process shall be adopted on or before December 31, 2025.~~

SEC. 5. *Section 149.20 is added to the Streets and Highways Code, to read:*

149.20. *(a) On or before January 1, 2026, the director shall adopt a transit priority policy to guide the implementation of transit priority facilities on the state highway system. The policy shall do all of the following:*

(1) Define transit priority facilities, including, but not limited to, roadway design, roadway operations, signals, and other physical improvements that help transit buses and other transit vehicles avoid traffic congestions, reduce delays, and move more predictably and reliably.

(2) Define transit priority performance measures, including, but not limited to, transit delay and transit travel time reliability.

(3) Identify specific responsibilities for the department's programs, divisions, districts, and offices in supporting the reliable, predictable, and fast movement of transit vehicles on the state highway system.

(b) The policy described in subdivision (a) shall be developed in consultation with relevant stakeholders, including, but not limited to, transit operators, local governments, regional transportation planning agencies, and transit advocacy organizations.

(c) On or before July 1, 2027, the department shall adopt design guidance for transit priority facilities.

SEC. 6. *Section 164.6 of the Streets and Highways Code is amended to read:*

164.6. (a) (1) The department shall prepare a State Highway System Management Plan. The plan shall include a 10-year state highway system rehabilitation plan for the rehabilitation or reconstruction, or the combination thereof, by the State Highway Operation and Protection Program, of all state highways and bridges owned by the state. The plan shall identify all rehabilitation needs for the 10-year period beginning on July 1, 1998, and ending on June 30, 2008, and shall include a schedule of improvements to complete all needed rehabilitation during the life of the plan not later than June 30, 2008. The plan shall be updated every two years beginning in 2000.

(2) The State Highway System Management Plan shall also include a five-year maintenance plan that addresses the maintenance needs of the state highway system. The maintenance plan shall be updated every two years, concurrent with the rehabilitation plan described in paragraph (1). The maintenance plan shall include only maintenance activities that, if the activities are not performed, could result in increased State Highway Operation and Protection Program costs in the future. The maintenance plan shall identify any existing backlog in those maintenance activities and shall recommend a strategy, specific activities, and an associated funding level to reduce or prevent any backlog during the plan five-year period.

(b) ~~The~~ *(1) Except as provided in paragraph (2), the State Highway System Management Plan shall include specific quantifiable accomplishments, goals, objectives, costs, and performance* ~~measures~~ *measures, including for complete streets facilities, including pedestrian, bicycle, and transit priority facilities,* consistent with the asset management plan required by Section 14526.4 of the Government Code. The plan shall contain strategies to control costs and improve efficiency of the State Highway Operation and Protection Program.

(2) Beginning with the 2027 State Highway System Management plan, the plan shall include specific quantifiable accomplishments, goals, objectives, costs, and performance measures for transit priority facilities consistent with

the department's most recent policy. The State Highway System Management Plan shall include this information in the 2025 plan, if feasible.

(c) The State Highway System Management Plan for rehabilitation and maintenance shall attempt to balance resources between State Highway Operation and Protection Program activities and maintenance activities in order to achieve identified goals at the lowest possible long-term total cost. If the maintenance plan recommends increases in maintenance spending, it shall identify projected future State Highway Operation and Protection Program costs that would be avoided by increasing maintenance spending. The department's maintenance division shall identify highway maintenance projects and associated costs that allow it to achieve the requirements of this subdivision.

(d) The draft State Highway System Management Plan shall be submitted to the commission for review and comments not later than February 15 of each odd-numbered year, and the final plan shall be transmitted by the department to the Governor and the Legislature not later than June 1 of each odd-numbered year. The department shall make the draft of its proposed plan available to regional transportation agencies for review and comment, and shall include and respond to the comments in the final plan.

(e) The State Highway System Management Plan shall be the basis for the department's budget request and for the adoption of fund estimates pursuant to Section 163.

SEC. 7. *Section 671.5 of the Streets and Highways Code is amended to read:*

671.5. (a) The department shall either approve or deny an application from an applicant for an encroachment permit within 60 days of receiving a completed application, as determined by the department. An application for an encroachment permit is complete when all other statutory requirements, including the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), have been complied with. The department's failure to notify the applicant within that 60-day period that the permit is denied shall be deemed to constitute approval of the permit. Thereafter, upon notifying the department, the applicant may act in accordance with its permit application, as if the permit had been approved.

(b) All of the following shall apply to the department's review of an application for an encroachment permit for a broadband facility:

(1) The department shall specify in writing all permit application criteria. It is the intent of the Legislature to ensure a streamlined, predictable, and expeditious process by which the department reviews broadband facility permit applications in order to achieve the rapid deployment of broadband facilities on highways.

(2) Within 30 days after an application for an encroachment permit for a broadband facility is submitted, the department shall notify the applicant in writing whether the permit application is deemed complete. If the department does not notify the applicant within that 30-day period that the application is incomplete, the failure to notify shall be deemed to constitute a finding that the permit application is complete.

(3) If the department deems a permit application incomplete, the department shall do all of the following:

(A) At the time of notifying the applicant that the application is incomplete, furnish to the applicant a detailed explanation why the application is incomplete, with reference to the specific application criteria that the application does not meet.

(B) Identify all supplemental information necessary to complete the application.

(C) In a timely manner and no later than 14 days after a meeting is requested by the applicant, meet with the applicant to discuss any outstanding supplemental information necessary to complete the application. The department shall not be required to participate in more than three individual meetings with the applicant and shall not be required to meet in excess of four hours for each permit application.

(D) Provide the applicant with no less than 30 days to resubmit its application with the supplemental information that the department identified in the notice. The applicant's failure to respond with additional information during that period shall be deemed to constitute a withdrawal of the application.

(4) Within 30 days after receiving supplemental information from an applicant pursuant to paragraph (3), the department shall approve or deny the application.

(c) If the department denies an application for an encroachment permit, the department shall, at the time of notifying the applicant of the denial, furnish to the applicant a detailed explanation of the reason for the denial.

(d) The department shall adopt regulations prescribing procedures for an applicant to appeal to the director for a final determination of the department's denial of an application. The appeal shall be made in writing to the director. There shall be a final written determination by the director within 60 calendar days after receipt of the applicant's written

appeal. The adopted regulations shall require the appellant to pay to the department a fee of not more than 50 percent of the estimated administrative cost to the department of conducting the appeal.

(e) ~~Nothing in this section precludes~~ *This section does not preclude* an applicant and the department from mutually agreeing to an extension of any time limit provided by this section.

(f) (1) On or before January 1, 2027, the department shall develop and adopt a process for project intake, project evaluation, and encroachment permit review for complete streets facilities, including pedestrian, bicycle, and transit priority facilities, that are sponsored by a local jurisdiction or a transit agency. The department shall design this process to enable the department to comply with subdivision (a).

(2) The department shall report annually to the commission regarding project applications submitted pursuant to the process adopted pursuant to paragraph (1). The report shall include, but not be limited to, all of the following information:

(A) The number of completed applications submitted.

(B) The number of encroachment permits issued.

(C) The number of days required to process each application.

(3) The department shall post the report described in paragraph (2) on the department's internet website.

(4) The department shall designate an encroachment permit manager in each district to ensure that applications for complete streets facilities are reviewed through the process adopted pursuant to paragraph (1). The encroachment permit manager shall have expertise in bicycle, pedestrian, and transit priority facilities.