



Office of the Mayor

14CONSENT CALENDAR

March 8, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmembers Terry Taplin (Co-Sponsor), Ben Bartlett (Co-Sponsor), and Rigel Robinson (Co-Sponsor)

Subject: Support of SB 922

RECOMMENDATION

Adopt a Resolution in support of SB 922 (Wiener), which would permanently exempt transportation-related projects from CEQA. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Scott Wiener and Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

The California Environmental Quality Act (CEQA) requires an assessment of environmental impacts of certain proposed projects before approval. Certain projects, such as increasing services on rail lines, are exempt. Under SB 288, signed into law in September 2020, additional transportation projects including bus rapid transit projects, pedestrian and bicycle facilities, and zero-emission charging stations also became exempt. However, most of these exemptions are set to expire on January 1, 2023, with bicyclist project exemptions expiring on January 1, 2030. In July 2020, the City Council voted to send a letter of support for SB 288 (Attachment 3).

In recent years, Berkeley has updated its Bike Plan and Pedestrian Plan, while also pursuing efforts to improve transportation safety such as Vision Zero. Not only do these plans aim to improve safety and accessibility, but they also double as helping us achieve goals outlined under the Climate Action Plan and Vision Zero. Transportation accounts for approximately 60% of Berkeley's greenhouse gas emissions, so advancing projects that promote sustainable forms of transportation are critical to reducing our carbon footprint. SB 288 has allowed for the acceleration of such projects that aim to meet and implement these goals. If SB 288 is allowed to sunset, it risks placing delays on these projects.

SB 922, introduced by State Senator Scott Wiener, would extend the exemptions outlined in SB 288 indefinitely.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The transportation sector comprises 60 percent of Berkeley's greenhouse gas emissions. Ensuring the acceleration of sustainable infrastructure investments, which promote walking, biking, and taking public transit, is aligned with the goals put forth in the City's Climate Action Plan.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of SB 922
- 3: Council Item in Support of SB 288

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF SB 922

WHEREAS, transportation accounts for 60% of greenhouse gas emissions produced in Berkeley; and

WHEREAS, advancing projects that support alternative modes of transportation such as public transit, bicycling, and walking are vital to both increasing accessibility and safety and reducing our carbon footprint; and

WHEREAS, the City of Berkeley has recently updated its Bike Plan and Pedestrian Plan, and is moving forward with Vision Zero and Vision 2050; all of these programs and plans call for increased transportation infrastructure to reduce reliance on vehicles and improve safety; and

WHEREAS, the California Environmental Quality Act (CEQA) requires an assessment of environmental impacts of certain proposed projects before approval, with some transportations exempt, which was greatly expanded under SB 288; and

WHEREAS, SB 288, supported by the Berkeley City Council and signed into law in September 2020, has most of its provisions expire in January 2023, and exemptions to certain bicycle programs expiring in January 2030, which would risk delaying future transportation projects aimed at achieving the goals outlined in Berkeley's aforementioned policies; and

WHEREAS, SB 922, introduced by State Senator Scott Weiner, would extend the CEQA exemptions for transportation projects under SB 288 indefinitely.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 922.

BE IT FURTHER RESOLVED that a copy of the Resolution be sent to Governor Gavin Newsom, State Senators Scott Wiener and Nancy Skinner, and Assemblymember Buffy Wicks.

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SENATE BILL

No. 922

Introduced by Senator Wiener

February 3, 2022

An act to amend Sections 21080.20 and 21080.25 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 922, as introduced, Wiener. California Environmental Quality Act: exemptions: transportation-related projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions.

This bill would extend the above exemption indefinitely. The bill would also repeal the requirement that the bicycle transportation plan is for an urbanized area and would extend the exemption to an active transportation plan or pedestrian plan, or for a feasibility and planning study for active transportation, bicycle facilities, or pedestrian facilities.

CEQA exempts from its requirements certain projects located in an urbanized area, including transit prioritization projects, as defined, and projects for pedestrian and bicycle facilities or for the institution or increase of new bus rapid transit, bus, or light rail services on public or highway rights-of-way. For those exempted projects exceeding \$100,000,000 in 2020 United States dollars, CEQA, except as provided, requires the lead agency to complete and consider the results of a project business case and a racial equity analysis, as specified, and would require the lead agency, before exempting a project from CEQA, to hold at least 3 noticed public meetings in the project area, as provided. CEQA requires the lead agency, before granting an exemption for projects under the above provisions, to certify that those projects will be carried out by a skilled and trained workforce, except as provided. If the lead agency determines to carry out a project exempt under the above provisions, CEQA requires the lead agency to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located. Existing law repeals the above-described exemption on January 1, 2023.

This bill would extend the exemption indefinitely. The bill would revise and recast the exemption to, among other things, repeal the requirement that the exempted projects are located in an urbanized area, extend the exemption by revising the definition of transit prioritization projects, and require projects for the institution or increase of new bus rapid transit, bus, or light rail service to be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would revise the requirements for the project business case and racial equity analysis and noticed public meetings to apply to exempted projects exceeding \$100,000,000 and would additionally require the lead agency to complete an analysis of residential displacement and suggest anti-displacement strategies, designs, or actions for those projects for which at least 50% of the project or projects' stops and stations are located in an area at risk of residential displacement and will have a maximum of 15-minute peak headways. The bill would provide that the lead agency may make the skilled and trained workforce certification concurrent with the granting of the exemption and would provide that the certification requirement is not required under specified circumstances.

The bill would specify that the revision made by this measure to the exemption for projects for the institution or increase of new bus rapid

transit, bus, or light rail service may apply to projects for which a notice of exemption is filed before January 1, 2023. The bill would, for projects exempted by the above-described provisions for which a notice of exemption was filed before January 1, 2023, authorize the lead agency to either certify that the project will be completed by a skilled and trained workforce after the granting of the exemption or exempt those projects from the certification requirement if the lead agency demonstrates compliance with certain conditions.

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. The Legislature finds and declares all of the
2 following:

3 (a) Transit and sustainable transportation are critical to achieving
4 California’s ambitious environmental goals. Transportation makes
5 up 40 percent of the state’s emissions of greenhouse gases. To
6 encourage people to drive less, the state must continue to build
7 high-quality transit, bicycle lanes, and pedestrian-friendly
8 infrastructure. Bringing down our transportation emissions by
9 providing more sustainable options is essential for limiting global
10 warming and avoiding the most devastating climate impacts.

11 (b) California has invested billions of dollars in reducing the
12 environmental impacts stemming from the transportation sector,
13 including almost \$4,000,000,000 as part of the fiscal year 2021–22,
14 to convert the state’s light- and heavy-duty vehicle fleet to zero
15 emission, including its transit vehicles.

16 (c) Additionally, on July 12, 2021, the Transportation Agency
17 adopted the Climate Action Plan for Transportation Infrastructure.
18 The plan outlines how the state will prioritize sustainable
19 transportation projects in all discretionary funding decisions. The
20 plan builds on Executive Order N-19-19 and Executive Order
21 N-79-20 signed by Governor Newsom in 2019 and 2020,
22 respectively, targeted at reducing emissions of greenhouse gases
23 in transportation to reach the state’s ambitious climate goals.

24 SEC. 2. Section 21080.20 of the Public Resources Code is
25 amended to read:

26 21080.20. (a) This division does not apply to *an active*
27 *transportation plan, a pedestrian plan, or a bicycle transportation*

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1 ~~plan for an urbanized area~~ for the restriping of streets and
 2 highways, bicycle parking and storage, signal timing to improve
 3 street and highway intersection operations, and the related signage
 4 for bicycles, pedestrians, and ~~vehicles.~~ *vehicles, or for a feasibility*
 5 *and planning study as described in Section 15262 of Title 14 of*
 6 *the California Code of Regulations.*

7 (b) Before determining that a project *described in subdivision*
 8 *(a)* is exempt pursuant to this section, the lead agency shall hold
 9 noticed public hearings in areas affected by the ~~bicycle~~
 10 ~~transportation plan~~ *project* to hear and respond to public comments.
 11 Publication of the notice shall be no fewer times than required by
 12 Section 6061 of the Government Code by the public agency in a
 13 newspaper of general circulation in the area affected by the
 14 proposed project. If more than one area will be affected, the notice
 15 shall be published in the newspaper of largest circulation from
 16 among the newspapers of general circulation in those areas.

17 (c) If a local agency determines that a project is not subject to
 18 this division pursuant to this section and it determines to approve
 19 or carry out that project, the notice shall be filed with the Office
 20 of Planning and Research and the county clerk in the county in
 21 which the project is located in the manner specified in subdivisions
 22 (b) and (c) of Section 21152.

23 ~~(d) This section shall remain in effect only until January 1, 2030,~~
 24 ~~and as of that date is repealed.~~

25 SEC. 3. Section 21080.25 of the Public Resources Code is
 26 amended to read:

27 21080.25. (a) For purposes of this section, the following
 28 definitions apply:

29 (1) “Affordable housing” means any of the following:

30 (A) Housing that is subject to a recorded covenant, ordinance,
 31 or law that restricts rents or sales prices to levels affordable, as
 32 defined in Section 50052.5 or 50053 of the Health and Safety
 33 Code, to persons and families of moderate, lower, or very low
 34 income, as defined in Section 50079.5, 50093, or 50105 of the
 35 Health and Safety Code, respectively.

36 (B) Housing that is subject to any form of rent or price control
 37 through a public entity’s valid exercise of its police power.

38 (C) Housing that had been occupied by tenants within five years
 39 from the date of approval of the development agreement by a
 40 primary tenant who was low income and did not leave voluntarily.

1 (2) “Bicycle facilities” includes, but is not limited to, bicycle
2 parking, bicycle sharing facilities, and bikeways as defined in
3 Section 890.4 of the Streets and Highways Code.

4 (3) “High occupancy vehicle” means a vehicle with two or more
5 occupants.

6 ~~(2)~~

7 (4) “Highway” means a way or place of whatever nature,
8 publicly maintained and open to the use of the public for purposes
9 of vehicular travel. “Highway” includes a street.

10 (5) “Local agency” means a public transit operator, city, county,
11 city and county, special district, joint powers authority, local or
12 regional transportation agency, or congestion management agency.

13 ~~(3)~~

14 (6) “New automobile capacity” means any new lane mileage
15 of any kind other than sidewalks or bike lanes.

16 (7) “Part-time transit lanes” means designated highway
17 shoulders that support the operation of transit vehicles during
18 specified times.

19 ~~(4)~~

20 (8) “Project labor agreement” has the same meaning as defined
21 in paragraph (1) of subdivision (b) of Section 2500 of the Public
22 Contract Code.

23 (9) “Public transit operator” has the same meaning as in
24 Section 99210 of the Public Utilities Code.

25 ~~(5)~~

26 (10) “Skilled and trained workforce” has the same meaning as
27 provided in Chapter 2.9 (commencing with Section 2600) of Part
28 1 of Division 2 of the Public Contract Code.

29 ~~(6)~~

30 (11) “Transit lanes” means street design elements that delineate
31 space within the roadbed as exclusive to transit use, either full or
32 part time.

33 ~~(7)~~

34 (12) “Transit prioritization projects” means any of the following
35 transit project types on ~~highways~~: highways or in the public
36 right-of-way:

37 ~~(A) Signal coordination.~~

38 ~~(B) Signal timing modifications.~~

39 ~~(C) Signal phasing modifications.~~

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1 (A) Signal and stop sign changes, such as signal coordination,
 2 signal timing modifications, signal modifications, or the installation
 3 of traffic signs.

4 ~~(D)~~

5 (B) The installation of wayside technology and onboard
 6 technology.

7 ~~(E)~~

8 (C) The installation of ramp meters.

9 ~~(F)~~

10 (D) The installation of dedicated transit lanes, transit queue
 11 jump or bypass lanes, or ~~very high occupancy~~ high-occupancy
 12 vehicle lanes, and shared turning lanes, lanes and turn restrictions,
 13 the narrowing of lanes to allow for dedicated transit lanes or
 14 transit reliability improvements, or the widening of existing transit
 15 travel lanes by removing or restricting street parking.

16 (E) Transit stop changes, including, but not limited to, the
 17 installation of transit bulbs and the installation of transit boarding
 18 islands.

19 (F) Pedestrian improvements, including, but not limited to,
 20 widening sidewalks, pedestrian bulbs and pedestrian refuge
 21 islands, and other improvements that increase pedestrian access
 22 to transit.

23 ~~(8) “Very high occupancy vehicle” means a vehicle with six or~~
 24 ~~more occupants.~~

25 (b) This division does not apply to any of the following projects:

26 (1) Pedestrian and bicycle facilities, including new facilities.
 27 For purposes of this paragraph, “bicycle facilities” include, but
 28 are not limited to, bicycle parking, bicycle sharing facilities, and
 29 bikeways as defined in Section 890.4 of the Streets and Highways
 30 Code, facilities, within the public right-of-way.

31 (2) Projects that improve customer information and wayfinding
 32 for transit riders, bicyclists, or ~~pedestrians~~ pedestrians within the
 33 public right-of-way.

34 (3) Transit prioritization projects.

35 (4) On highways with existing public transit service or that will
 36 be implementing public transit service within six months of the
 37 conversion, a project for the designation and conversion of general
 38 purpose lanes to bus-only lanes or highway shoulders to bus-only
 39 part-time transit lanes, for use either during peak congestion hours
 40 or all day.

1 (5) A project for the institution or increase of new bus rapid
 2 transit, bus, or light rail service, including the construction of
 3 ~~stations, stations or terminals,~~ on existing public rights-of-way or
 4 existing highway rights-of-way, whether or not the right-of-way
 5 is in use for public mass transit. *The project shall be located on a*
 6 *site that is wholly within the boundaries of an urbanized area or*
 7 *urban cluster, as designated by the United States Census Bureau.*

8
 9 (6) A project to construct or maintain infrastructure *or facilities*
 10 to charge or refuel zero-emission transit ~~buses, vehicles,~~ provided
 11 the project is carried out by a public transit agency ~~that is subject~~
 12 ~~to, and~~ in compliance with, the State Air Resources Board's
 13 Innovative Clean Transit regulations (Article 4.3 (commencing
 14 with Section 2023) of Chapter 1 of Division 3 of Title 13 of the
 15 California Code of Regulations) *or any regulations identified by*
 16 *the State Air Resources Board's 2020 Mobile Source Strategy,*
 17 *adopted on October 28, 2021,* and the project is located on property
 18 owned by the ~~transit local~~ agency or within an existing public
 19 ~~right-of-way.~~ *right-of-way or on property owned by a public or*
 20 *private utility.*

21 (7) The maintenance, repair, relocation, replacement, or removal
 22 of any utility infrastructure associated with a project identified in
 23 paragraphs (1) to (6), inclusive.

24 (8) A project that consists exclusively of a combination of any
 25 of the components of a project identified in paragraphs (1) to (7),
 26 inclusive.

27 (9) A project carried out by a ~~city or county~~ *local agency* to
 28 ~~reduce or eliminate minimum parking requirements.~~ *requirements*
 29 *or institute parking maximums, remove or restrict parking, or*
 30 *implement transportation demand management requirements.*

31 (c) Except as provided in subdivision ~~(e); (f),~~ a project exempt
 32 from this division under this section shall meet all of the following
 33 criteria:

34 (1) A ~~public~~ *local* agency is carrying out the project and is the
 35 lead agency for the project.

36 ~~(2) The project is located in an urbanized area.~~

37 ~~(3) The project is located on or within an existing public~~
 38 ~~right-of-way.~~

39 (4)

1 (2) The project ~~shall~~ *does* not add physical infrastructure *or*
2 *striping* that increases new automobile capacity on existing
3 rights-of-way except for minor modifications needed for the
4 efficient and safe movement of transit vehicles, such as extended
5 merging lanes. The project shall not include the addition of any
6 auxiliary lanes.

7 ~~(5)~~

8 (3) The construction of the project shall not require the
9 demolition of affordable housing units.

10 ~~(6)~~

11 (d) (1) For a project exceeding one hundred million dollars
12 ~~(\$100,000,000) in 2020 United States dollars; (\$100,000,000)~~, a
13 project exempt from this division under this section shall also meet
14 all of the following:

15 (A) The project is incorporated in a regional transportation plan,
16 sustainable communities strategy, general plan, or other plan that
17 has undergone a programmatic-level environmental review
18 pursuant to this division within 10 years of the approval of the
19 project.

20 (B) The project's construction impacts are fully mitigated
21 consistent with applicable law.

22 (C) (i) The lead agency shall complete and consider the results
23 of a project business case and a racial equity analysis. The Office
24 of Planning and Research may set standards for the project business
25 case and the racial equity analysis or delegate that authority to
26 metropolitan planning organizations.

27 (ii) The project business case required under this subparagraph
28 shall set forth the rationale for why the project should be
29 implemented to solve a problem or address an opportunity, outline
30 strategic goals and objectives of the project, evaluate other options
31 to achieve the project's objectives, describe the economic costs
32 and benefits of the project, describe the financial implications of
33 the project, and establish what is required to deliver and operate
34 the project.

35 (iii) The racial equity analysis required under this subparagraph
36 shall identify the racial equity impacts of the project, identify who
37 will benefit from and be burdened by the project, and, where
38 significant or disproportionate impacts exist, suggest strategies,
39 designs, or actions to mitigate those impacts.

1 (D) The lead agency shall hold noticed public meetings as
2 follows:

3 (i) Before determining that a project is exempt pursuant to this
4 section, the lead agency shall hold at least three noticed public
5 meetings in the project area to hear and respond to public
6 comments.

7 (ii) At least one of the three public meetings shall review the
8 project business case and the racial equity analysis. The review of
9 these documents does not inhibit or preclude application of this
10 section.

11 (iii) The lead agency shall conduct at least two noticed public
12 meetings annually during project construction for the public to
13 provide comments.

14 (iv) The public meetings held pursuant to clauses (i) to (iii),
15 inclusive, shall be in the form of either a public community
16 planning meeting held in the project area or in the form of a
17 regularly scheduled meeting of the governing body of the lead
18 agency.

19 (E) The lead agency shall give public notice of the meetings in
20 subparagraph (D) to the last known name and address of all the
21 organizations and individuals that have previously requested notice
22 and shall also give the general public notice using at least one of
23 the following procedures:

24 (i) Publication of the notice in a newspaper of general circulation
25 in the area affected by the project. If more than one area will be
26 affected, the notice shall be published in the newspaper of largest
27 circulation from among the newspapers of general circulation in
28 those areas.

29 (ii) Posting of the notice onsite and offsite in the area where the
30 project is located.

31 (iii) Posting of the notice on the lead agency's internet website
32 and social media accounts.

33 (2) *In addition to the requirements of paragraph (1), for a*
34 *project described in that paragraph for which at least 50 percent*
35 *of the project or project's stops and stations are located in an area*
36 *that is at risk of residential displacement and that will have a*
37 *maximum of 15-minute peak headways, the local agency shall*
38 *complete an analysis of residential displacement and suggest*
39 *anti-displacement strategies, designs, or actions.*

40 (d)

1 (e) (1) (A) Except as provided in subdivision ~~(e)~~, (f), in
2 addition to the requirements of subdivision (c), before *or*
3 *concurrent with* granting an exemption under this section, the lead
4 agency shall *take an action at a public meeting of its governing*
5 *board* to certify that the project will be completed by a skilled and
6 trained workforce.

7 (B) *Subparagraph (A) does not apply if the lead agency has an*
8 *existing policy or certification approved by its governing board*
9 *that requires the use of a skilled and trained workforce to complete*
10 *the project if the lead agency is a signatory to a project labor*
11 *agreement that will require the use of a skilled and trained*
12 *workforce on the project.*

13 (2) (A) Except as provided in subparagraph (B), for a project
14 that is exempted under this section, the lead agency shall not enter
15 into a construction contract with any entity unless the entity
16 provides to the lead agency an enforceable commitment that the
17 entity and its subcontractors at every tier will use a skilled and
18 trained workforce to perform all work on the project or a contract
19 that falls within an apprenticeship occupation in the building and
20 construction trades in accordance with Chapter 2.9 (commencing
21 with Section 2600) of Part 1 of Division 2 of the Public Contract
22 Code.

23 (B) Subparagraph (A) does not apply if any of the following
24 requirements are met:

25 (i) The lead agency has entered into a project labor agreement
26 that will bind all contractors and subcontractors performing work
27 on the project ~~or the lead agency has contracted~~ to use a skilled
28 and trained workforce and the entity has agreed to be bound by
29 that project labor agreement.

30 (ii) The project or contract is being performed under the
31 extension or renewal of a project labor agreement that was entered
32 into by the lead agency before January 1, 2021.

33 (iii) ~~The lead agency has~~ *entity contracted to perform the project*
34 *entered into a project labor agreement that will bind the lead agency*
35 *entity and all its subcontractors at every tier performing the project*
36 *or the lead agency has contracted* to use a skilled and trained
37 workforce.

38 ~~(e)~~

39 (f) Subdivisions (c) and ~~(d)~~ (e) do not apply to a project
40 described in paragraph (9) of subdivision (b).

1 ~~(f)~~
2 (g) If the lead agency determines that a project is not subject to
3 this division pursuant to this section, and the lead agency
4 determines to carry out that project, the lead agency shall file a
5 notice of exemption with the Office of Planning and Research and
6 the county clerk of the county in which the project is located in
7 the manner specified in subdivisions (b) and (c) of Section 21152.

8 ~~(g) This section shall remain in effect only until January 1, 2023,~~
9 ~~and as of that date is repealed.~~

10 (h) (1) *The amendments made to paragraph (5) of subdivision*
11 *(b) by the measure adding this paragraph may apply to projects*
12 *for which a lead agency has filed a notice of exemption under this*
13 *section before January 1, 2023.*

14 (2) *For projects for which a lead agency has filed a notice of*
15 *exemption under this section before January 1, 2023,*
16 *notwithstanding subdivision (d), as it read on December 31, 2022,*
17 *the lead agency may certify that the project will be completed by*
18 *a skilled and trained workforce after the granting of the exemption*
19 *under this section or the lead agency may demonstrate compliance*
20 *with subparagraph (B) of paragraph (1) of subdivision (e).*



CONSENT CALENDAR
July 28, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Rigel Robinson and Councilmember Ben Bartlett
Subject: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

RECOMMENDATION

Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 288, which would exempt specified transportation projects from environmental review under CEQA, including bus rapid transit projects, pedestrian and bicycle facilities, and zero-emission charging stations.

BACKGROUND

The California Environmental Quality Act requires agencies to assess the significant environmental impacts of proposed discretionary projects before approval. Current law exempts certain categories of projects from CEQA requirements, including increases to service on existing rail or highway rights-of-way.

SB 288, introduced by Senator Scott Wiener, would extend the following existing exemptions until 2030: 1) bicycle transportation plans for an urbanized area for restriping of streets and highways, 2) bicycle parking and storage, 3) signal timing to improve street and highway intersection operations, and 4) related signage for bicycles, pedestrians, and vehicles under certain conditions. Additionally, this bill would further exempt projects relating to updated and new transit stations, bus rapid transit lines, safer streets for biking and walking, zero-emission vehicle charging facilities, and repairs for bridge and transit storage facilities.

The environmental benefits of public transit, bicycle, and pedestrian infrastructure are already well-documented. The City of Berkeley Climate Action Plan states that to meet our greenhouse gas reduction goals, "transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs, and remaining motor vehicle use must be far less carbon-intensive."¹ Recommended actions to achieve this goal include:

- Increasing the safety, reliability, and frequency of public transit.
- Accelerating implementation of the City's Bicycle and Pedestrian Plans and continuing efforts to make walking and cycling safe, healthy, and enjoyable alternatives to driving.

¹ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Climate%20Action%20Plan.pdf

- Creating incentives for low-carbon vehicles such as electric vehicles and plug-in hybrids.

Several other countries, such as Canada and Germany, do not require full environmental impact reviews for sustainable transportation projects since they are presumed to have a positive impact on the environment.² Delays in such projects due to CEQA reviews and lawsuits can add years to project timelines, driving up costs and obstructing the rapid infrastructure investments we need to effectively combat climate change.

Accelerating sustainable transportation projects is especially important now, as unemployment skyrockets and transportation agencies and cities across California struggle with strained budgets due to the COVID-19 pandemic. According to the bill text, “investments in building public transit, complete streets, and bicycle lanes are proven job generators and can help California avoid an extreme and prolonged recession by growing and protecting jobs. Studies have shown that complete streets projects create an average of 10 jobs per one million dollars. Investments in public transportation result in an average of 13 jobs per one million dollars spent and have a 5 to 1 economic return.”³

SB 288 would put the City of Berkeley on the right track towards economic recovery and meeting our GHG reduction goals. The Council should support the passage of this legislation, and send the attached letter of support to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

The transportation sector comprises 60 percent of Berkeley’s greenhouse gas emissions. Ensuring the acceleration of sustainable infrastructure investments, which promote walking, biking, and taking public transit, is aligned with the goals put forth in the City’s Climate Action Plan.⁴

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Letter of support

² <https://sf.streetsblog.org/2020/06/16/bill-would-streamline-transit-bike-and-ped-projects/>

³ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB288

⁴ <https://www.cityofberkeley.info/climate/>

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB288

July 28, 2020

The Honorable Scott Wiener
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

RE: City of Berkeley's Support for Senate Bill 288

Dear Senator Wiener,

The Berkeley City Council would like to convey our full support for SB 288, regarding CEQA exemptions for sustainable transportation projects such as updated and new transit stations, bus rapid transit lines, pedestrian and bicycle projects, zero-emission vehicle charging facilities, and repairs for bridge and transit storage facilities.

As California sets out on a long road of economic recovery from the impacts of COVID-19, renewed investment in public transit, pedestrian, and bicycle infrastructure will create much-needed jobs. As the state slowly begins the process of re-opening safely, we must also ensure that polluting vehicle traffic does not bounce back to pre-COVID levels, which would prevent California from reaching its stated goal of reducing greenhouse gas emissions 40 percent below 1990 levels by 2030.

Environmental reviews for public transportation projects that are inherently pro-environment are often lengthy, expensive, and can cause years of delay. Especially at a time when public transit agencies and cities are suffering from reduced ridership and severe budget cuts, these additional costs and delays can render projects infeasible altogether.

California should be fast-tracking such projects, not delaying them. The Berkeley City Council supports SB 288 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks