



City of Encinitas

City Council's Office

June 16, 2022

Catherine S. Blakespear
Mayor

The Honorable Cecilia M. Aguiar-Curry, Chair
Chair, Senate Committee on Local Government
State Capitol, Room 405
Sacramento, CA 95814

Joe Mosca
Deputy Mayor

RE: Senate Bill 932 (Portantino): General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.
Notice of OPPOSE UNLESS AMENDED (*As Amended March 23, 2022*)

Dear Senator Gonzalez,

Kellie Shay Hinze
Council Member

The City of Encinitas must respectfully oppose, unless amended, SB 932 (Portantino), which would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impose costly, unfunded mandates for physical changes to local transportation infrastructure; and expose local governments to significant legal liability.

Tony Kranz
Council Member

Local agencies support active transportation projects and have been leading the charge to improve local streets and roads, while also retrofitting them to improve safety for all roadway users. According to the California Transportation Commission, during just the first two and a half fiscal years when SB 1 (Beall, 2017) funds were available, cities and counties reported spending \$1.5 billion to complete over 3,100 projects, with another 1,300 plus projects in progress. In addition to repairing 10,000 miles of local roads, local governments also installed or improved 4,700 Americans with Disabilities Act curb ramps and over 1,223 miles of bicycle lanes. These vital multi-modal projects were delivered through maintenance funding from the Road Maintenance and Rehabilitation Account. These statistics do not include additional local government pedestrian and bicycle safety projects or complete streets projects funded with dedicated federal Highway Safety Improvement Program funds or Active Transportation Program grants; nor do they include any regionally funded projects from the Surface Transportation Block Grant Program, or projects funded with Highway User Tax Account funds or local funds.

Joy Lyndes
Council Member

Pamela Antil
City Manager

Despite the progress that local governments have made in aggressively developing active transportation in their communities, SB 932 fails to consider local funding constraints, instead taking a top-down approach that dictates both the type of improvements required as well as the timing for implementing such improvements. The time horizons in SB 932 do not account for existing funding gaps, much less the additional capital costs of the improvements the bill requires.

Local agencies face significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements across their jurisdictions. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in

specific contexts (rural versus urban and various types of streets and roads) and any timelines for implementation must be developed in consideration of realistically available financial resources. Furthermore, local agencies are prohibited from charging any fees onto developers for capital improvements, such as those mandated by this bill, and must use limited resources from their general fund, thereby placing cost pressures on and threatening the deployment of critical infrastructure projects.

Finally, recent amendments to SB 932 create significant new legal liability for the largest nine counties and the cities located within those jurisdictions that fail to meet the bill's arbitrary implementation timeframes. In addition to the funding constraints and practical issues discussed above, the new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending against litigation is one fewer dollar available for improving our local streets and roads.

For these reasons, the City of Encinitas opposes, unless amended, SB 932 (Portantino).

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Blakespear". The signature is fluid and cursive, with the first name being more prominent than the last.

Catherine Blakespear
Mayor