TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS POLICY COMMITTEE  
Friday, June 4, 2021  
9:30 am – 12:30 pm  

Register for this meeting:  
https://zoom.us/meeting/register/tJEsd-irrTtwHtdkbD65YkhqRBAx5KrHf5Pn  
Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

I. Welcome and Introductions  
Speakers: Chair: Christian Horvath, Council Member, Redondo Beach  
Vice-Chair: Veronica Vargas, Mayor Pro Tempore, Tracy

II. Public Comment

III. General Briefing (Handout)

IV. Federal Communications Commission Order and Litigation Update   Informational  
Speaker: Tripp May, Managing Partner, Telecom Law Firm, PC

V. Legislative Agenda (Attachment A)   Action  
Speaker: Damon Conklin, Legislative Representative, League of California Cities  
- AB 43 (Friedman) Traffic safety.  
- AB 122 (Boerner Horvath) Vehicles: Required Stops: Bicycles.  
- SB 580 (Hueso) Department of Transportation: Highways and Roads: Recycled Plastics Study and Specifications.

VI. Budget Update   Informational  
Speaker: Damon Conklin, Legislative Representative, League of California Cities

VII. Legislative Update   Informational  
Speaker: Damon Conklin, Legislative Representative, League of California Cities

VIII. Open Committee Discussion   Informational

IX. Adjourn

Next Meeting: Staff will notify committee members after July 24 if the policy committee will be meeting in September.

Brown Act Reminder: The League of California Cities’ Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:  
1. Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or  
2. A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.  

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at Cal Cities meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.
Transportation, Communications, and Public Works Policy Committee
Legislative Agenda

Staff: Damon Conklin, Legislative Representative, (916) 290-3400
Caroline Cirrincione, Policy Analyst, (916) 658-8250

1. **AB 43 (Friedman) Traffic Safety.**

**Bill Summary:**
This measure would grant the California Department of Transportation (Caltrans) and local authorities greater flexibility in setting speed limits based on recommendations from the Zero Traffic Fatality Task Force (Task Force).

**Bill Description:**
Specifically, this measure would:

- Authorize a local agency, by resolution or ordinance, to lower speed limits by five miles per hour (mph) below a traffic engineer's recommendation after a traffic survey for the following reasons:
  - The portion of the street has been designated as a high-injury street;
  - The portion of the street is adjacent to land or a facility that generates a high concentration of bicycles or pedestrians;
- Authorize a local agency to retain an existing speed limit or revert to a previously established speed limit if a registered engineer has evaluated the section of highway and determined there has been no significant design changes;
- Authorize a business activity district to have a prima facie speed limit of 25 or 20 mph;
- Expand the exemptions of speed traps not to include senior zones or business activity districts, permitting law enforcement to use radar guns to enforce speed limits in those areas without the justification of a traffic survey;
- Extend the period that an engineering and traffic survey justifies a speed from 10 to 14 years if a traffic engineer evaluates that section of the street and determines that no significant changes in roadway or traffic conditions have occurred; and
- Expand which streets are eligible for school zone speed limits.

**Background:**
California bases its speed limits on a process known as the 85th percentile rule. With this process, traffic surveyors measure the speed drivers drive and set the speed limit to reflect what 85 percent of drivers were driving at. According to the author, this method is not based on safety but rather on the speed drivers feel comfortable, leading to traffic-related injuries and fatalities. The National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials, and the California Transportation Agency (CalSTA) have all indicated the need to reform how speed limits are set.

Reducing speed limits has been shown to reduce both injuries and fatalities on the road. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited-access roads by five miles per hour can reduce injuries between 8 percent and 15 percent, with some studies finding reductions as great as 28 percent and 39 percent. A range of research also suggests lowering speed limits may result in the number of fatalities dropping by 10 percent to 30 percent, with one outlier study showing an 80 percent reduction in fatalities.
Zero Traffic Fatalities Task Force

Assembly Bill 2363 (Friedman, 2018) established the Zero Traffic Fatalities Task Force. The Task Force's goal was to develop a structured, coordinated process to develop policies to reduce traffic fatalities to zero. The Task Force also examined alternatives to the 85th percentile to determine speed limits in California. Cal Cities supported AB 2363, noting support for efforts that proactively examine ways to make roads safer and that have the potential to save lives. Local government representatives were on the task force.

The Task Force's final report explains that at all levels – international, national, state, and local – establishing speed limits based on safety is increasingly widespread. As more agencies emphasize the safety of all road users as fundamental to establishing speed limits, the traditional 85th percentile approach and its inherent privileging of vehicle throughput and driver behavior is giving way to more multi-faceted, context-sensitive, safety-based approaches.

Below are the Task Force's policy findings and recommendations for establishing speed limits:

- Existing law does not provide enough flexibility in urban areas to set speed limits that are appropriate for these complex environments;
- Developing a different approach to setting speed limits would enable the state to prioritize safety outcomes to meet the needs of all road users;
- Recent research has demonstrated that reducing posted speed limits reduces vehicle operating speeds and improves safety across most road environments;
- Current procedures for establishing speed limits do not offer agencies enough flexibility to set appropriate speed limits;
- There is consistent evidence that increased vehicle speed results in an increased probability of a fatality given a crash;
- Vulnerable road users are disproportionately impacted by the relationship between speed and crash survivability;
- State and local agencies would benefit from additional classes of locations eligible for prima facie speed limits which do not require an engineering and traffic survey;
- Current procedures for establishing speed limits have produced the unintended consequence of speed creep, or rising vehicle operating speeds over time;
- State and local agencies need statutory clarification on the rules, procedures, and exceptions to posted speed limits; and
- State and local agencies may benefit from a single source of guidance on how to establish speed limits.

Fiscal Impact:

According to the Assembly Appropriations Committee, this measure would require Caltrans to update the California Manual on Uniform Traffic Devices. Caltrans regularly updates this manual and reports it could absorb the work needed for this bill within existing resources.

In addition, because the bill would extend the longevity of Caltrans surveys where highway conditions have not changed, and because the bill will result in more roadways with set speed limits, Caltrans expects this bill to reduce its need to conduct engineering and traffic surveys by about 20 percent, which the department estimates will save approximately $250,000 a year (special funds).

It is unclear what the fiscal impact will be for cities, but it could be assumed that cities would similarly save money in reducing the need to conduct engineering and traffic surveys.
Existing Cal Cities Policy:  
Vision Zero Policy Resolution

WHEREAS, each year, more than 30,000 people are killed on streets in the United States in traffic collisions; and

WHEREAS, traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people; with pedestrians and cyclists accounting for a disproportionate share; and

WHEREAS the Centers for Disease Control recently indicated that America's traffic death rate per person was about double the average of peer nations; and

WHEREAS Vision Zero and Toward Zero Deaths are comprehensive strategies to eliminate all traffic fatalities and severe injuries using a multi-disciplinary approach, including education, enforcement, and engineering measures; and

WHEREAS a core principle of Vision Zero and Toward Zero Deaths is that traffic deaths are preventable and unacceptable; and

WHEREAS cities across the world have adopted and implemented Vision Zero and Toward Zero Deaths strategies and successfully reduced traffic fatalities and severe injuries occurring on streets and highways; and

WHEREAS safe, reliable, and efficient transportation systems are essential foundations for thriving cities.

RESOLVED that the League of California Cities encourages cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways in a way that best suits their needs;

AND encourages the Cities of California to continue to pursue a mission to eliminate traffic fatalities and severe injuries through both transportation projects and policy formulation."

Staff Comments:
This measure does not implement all the recommendations of the Zero Traffic Fatalities Task Force, as the recommendations were to develop and implement a new roadway-based context-sensitive approach to establishing speed limits that prioritize the safety of all road users. However, AB 43, seeks to make numerous changes that will provide for greater flexibility on setting speed limits with increasing safety in mind.

Support-Opposition:
Support
Government Organizations
Association of Bay Area Governments
California Association of Councils of Governments
City of Alameda
City of Fresno
City of Los Angeles
City of Oakland
City of Oceanside
City of Palm Springs
City of Sacramento
City of San Diego
City of San Jose
City of Thousand Oaks
City of Vista
Libby Schaaf, Mayor of Oakland
Los Feliz Neighborhood Council
Metropolitan Transportation Commission
National Association of City Transportation Officials
San Francisco Board of Supervisors
San Francisco Municipal Transportation Agency
Southern California Association of Governments
Transportation Agency for Monterey County (TAMC)

Safety Organizations
Activesgv, a Project of Community Partners
California City Transportation Initiative Conor Lynch Foundation
National Safety Council
Safe Routes to School National Partnership
San Francisco Marin Medical Society
Socal Families for Safe Streets
Streets for All
Vision Zero Network
Walk San Francisco

Environmental Groups
Elders Climate Action, Norcal and Socal Chapters
Natural Resources Defense Council

Business Organizations
Silicon Valley Leadership Group

Opposition
None on file at this time.

Staff Recommendation:
Staff recommends the committee discuss AB 43 and make a recommendation to the Board.

Committee Recommendation:

Board Action:

2. **AB 122 (Boerner Horvath) Vehicles, Required Stops, Bicycles.**

Bill Summary:
This measure would allow bicyclists approaching a stop sign to have the option to stop-as-yield or treat a stop sign as a yield sign.
Bill Description:
Specifically, this measure would:

- Require a person riding a bicycle approaching a stop sign to, upon arriving at the sign, yield the right-of-way to any vehicles that have entered the intersection and continue to yield the right-of-way to those vehicles until it is reasonably safe to proceed;
- Require the California Highway Patrol (CHP) to report to the Legislature on the safety impact of this legislation after five years; and
- Sunset this legislation in six years, remaining in effect until January 1, 2028.

Background:
Existing California law requires any vehicle, including a bicycle, that approaches an intersection with a stop sign to make a complete stop before entering the intersection. The proponents of AB 122 argue that many bicyclists roll through stop signs when they have the right-of-way because it is safer than coming to a complete stop. They explain that traffic collisions killed 455 cyclists in California between 2016 and 2018, the highest rate since the mid-1990s. According to the National Highway Traffic Safety Administration, 27 percent of cyclist fatalities occur at intersections. AB 122 would address cyclist safety in implementing the "Idaho stop" into state law.

The genesis of AB 122
The Idaho stop, enacted in 1982, allows a bicyclist to treat a stop sign as a yield when they have the right-of-way. The first vehicle to reach the intersection still has the right of way. Several states in the country have implemented similar stop-as-yield legislation, including:

- 2017—The Delaware yield makes stop-as-yield legal, but it only applies on roads with one or two travel lanes;
- 2018—Colorado allows municipalities to pass local laws letting bicyclists treat stop signs like yield signs and traffic signals as stop signs;
- 2019—Arkansas adopted the Idaho Stop law; and
- 2020—Washington's Safety Stop law allows bicyclists to stop-as-yield.

States currently considering implementing the stop-as-yield law include Virginia and New York.

Fiscal Impact:
According to the Assembly Appropriations Committee, there will be minor absorbable costs for CHP to collect data and prepare a report to the Legislature. It is unclear what the fiscal impact will be for cities, but it can be assumed there could be costs in informing the public of this change.

Existing Cal Cities Policy:
Vision Zero Policy
Cal Cities encourages cities throughout California to join in traffic safety initiatives to pursue the elimination of death, and severe injury crashes on our roadways in a way that best suits their needs;

Cal Cities encourages cities to continue to pursue a mission to eliminate traffic fatalities and severe injuries through both transportation projects and policy formulation.
Transportation
Cal Cities supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities are not affected.

Comments:
AB 1103 (Obernolte), of the 2017-18 Legislative Session, would have allowed a person operating a bicycle to make a turn or proceed through an intersection without stopping if no vehicle or pedestrian is in the intersection or constitutes an immediate hazard to the cyclist while vehicle or pedestrian is in the intersection. The bill died in the Assembly Transportation Committee.

Cal Cities Transportation, Communications, and Public Works Policy Committee considered AB 1103 and took action to oppose the measure. Cal Cities argued that under current law, bicyclists operating on the road have all of the same rights and are subject to all of the same laws as a person operating a vehicle. Implementing this change would have confused drivers accustomed to bicyclists following the same rules as vehicle drivers. Also, Cal Cities argued that AB 1103 would act contrary to the Manual on Uniform Traffic Control Devices (MUTCD), which is published by the Federal Highway Administration (FHWA), by introducing unnecessary uncertainty. Cal Cities argued that cities would prefer additional flexibility to modify bicycle traffic laws in the most appropriate way for their city.

Since Cal Cities took this position, several other states have implemented similar legislation and have seen positive results. For example, in Delaware, crashes involving bicycles at stop sign intersections have dropped 23 percent, and all other crashes involving bicycles have dropped 8 percent. Additionally, a study completed in 2010 utilizing U.S. Census data found that for cyclists, Boise (home of the Idaho stop law) was found to be 30.4 percent-60.6 percent safer than Sacramento.

Other Considerations
According to the California Association of Highway Patrolmen, who are opposed, have stated, "there is a lot going on at intersections and we feel that allowing bicyclists to simply yield rather than stop will create a public safety risk."

Support-Opposition:
Support:
California Bicycle Coalition (CalBike) (Sponsor)
Active San Gabriel Valley
Adventure Cycling Association
Asian Pacific Islander Forward Movement
Better World Club
Better World Group
Bicycle Kitchen/La Bici-Cocina
Bike Bakersfield
Bike Davis
Bike East Bay
Bike Lodi
Bike Santa Cruz County
Bike SLO County
BikeSD
BikeVentura
Breathe California Coalition
California Association of Bicyclists Organizations
California Mountain Biking Coalition
California Walks
City Height Community Development Corporation
City of Los Angeles
City of Sacramento
Climate Action Campaign
Climate Resolve
Coalition for Clean Air
Coalition for Sustainable Transportation
Community Environmental Council
Davis Bike Club
Day One
East Side Riders Bike Club
Fresno Cycling Club
Inland Empire Biking Alliance
Institute for Transportation & Development Policy
Investing in Place
Leadership Counsel for Justice & Accountability
Local Government Commission
Los Angeles County Bicycle Coalition
Los Angeles Walks
Marin County Bicycle Coalition
Merced Bicycle Coalition
Move LA
Napa County Bicycle Coalition
Natural Resources Defense Council
Pasadena Complete Streets Coalition
People for Mobility Justice
PeopleForBikes Coalition
Planning & Conservation League
PolicyLink
Public Health Advocates
Rails-To-Trails Conservancy
Sacramento Air Quality Management District
Sacramento Area Bicycle Advocates
Sacramento Bike Hikers
Sacramento Trailnet
Sacramento Wheelmen
Safe Routes Partnership
San Carlos Bikes
San Diego County Bicycle Coalition
San Francisco Bicycle Coalition
San Jose Bike Clinic
San Mateo County Bicycle and Pedestrian Advisory Committee
Santa Barbara Bicycle Coalition
Santa Monica Safe Streets Alliance
Santa Monica Spoke
Shasta Living Streets
Silicon Valley Bicycle Coalition
Sonoma County Bicycle Coalition
Southern Sierra Cyclists
Stockton Bicycle Club
Streets Are For Everyone
Streets For All
Streets for People Bay Area
The League of American Bicyclists
TransForm
Trust for Public Land
Vision Zero Network
Walk Bike Berkeley
Walk Bike Glendale
Walk Long Beach
WALKSacramento
Yolo-Solano Air Quality Management District

Opposition:
California Association of Highway Patrolmen
California Police Chiefs Association
California Coalition for Children's Safety & Health
Safe Moves
Advocates for Highway and Auto Safety
Conor Lynch Foundation

Staff Recommendation:
Staff recommends the committee discuss AB 122 and make a recommendation to the Board.

Committee Recommendation:

Board Action:


Bill Summary:
This measure would authorize the Department of Transportation (Caltrans) to conduct a study on the feasibility, cost-effectiveness, life-cycle environmental benefits, and detrimental impacts of using recycled plastics in asphalt used as roadway paving material. SB 580 would also authorize Caltrans to establish specifications for using recycled plastics in asphalt.

Bill Description:
Specifically, this measure would:
- Authorize Caltrans to conduct a study to assess including recycled plastics in asphalt used as a paving material in the construction, maintenance, or rehabilitation of a highway or road;
- Require the Ocean Protection Council to review the study, design, and findings to determine how including recycled plastics in asphalt for use as a paving material will impact the ocean’s health;
• Authorize Caltrans to establish specifications for including recycled plastics in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road;
• Require Caltrans to prepare and submit on January 1 of each year an analysis to the Assembly and Senate Committee on Transportation on its progress studying recycled plastics and its progress toward establishing specifications for including recycled plastics in asphalt; and
• Require a local agency that has jurisdiction over a street or highway to either adopt the specifications established by the Department of Transportation or discuss at a public hearing why the specifications are not being adopted.

Background:
Existing law requires Caltrans to develop standards and modify all bid specifications relating to the purchase of paving materials and base, subbase, and previous backfill materials using recycled materials. The standards and specifications must provide for the use of recycled materials and must not reduce the quality standards for highway and road construction. Existing law requires local agencies with jurisdiction over streets and highways to either adopt standards developed by Caltrans for the use of recycled materials on roadways or to discuss the reasons for not adopting those standards in a public hearing.

According to the Senate Transportation Committee’s analysis, plastics in asphalt have been considered for decades and used in demonstration projects around the world. For example, in the summer of 2020, Caltrans repaved a section of Highway 162 in Oroville using recycled asphalt pavement and liquid plastic made with single-use plastic bottles. This pilot project used technology developed by TechniSoil Industrial, which grinds the top three inches of pavement and then mixes the grindings with a liquid plastic polymer binder, which comes from recycled, single-use bottles. Ultimately, that paving did not hold up and needed to be replaced by traditional asphalt. Nevertheless, testing continues, and Caltrans may install another test section using new methods designed to strengthen the recycled material.

According to the author’s office, as the fifth largest economy globally, California has a responsibility to lead on solving the growing plastic pollution crisis and turning our plastic waste into a resource. Recycling plastics in asphalt used for road construction and repair would be an effective way to mitigate one of our most pressing environmental issues while improving road conditions at the same time. The author explains that the goals of this measure are to find alternative uses for a significant portion of waste plastic otherwise destined for a landfill, reduce the cost of new road construction and maintenance, and increase the strength and durability of local roads.

Fiscal Impact:
It is unclear what the costs could be to local agencies. It can be assumed that there would be costs if a local agency must consider specifications at a public hearing if Caltrans ultimately establishes specifications for including recycled plastics in paving asphalt. There could also be unanticipated costs for local agencies should these specifications reduce the lifespan of the pavement.

Caltrans estimates costs to conduct the studies required by this bill would be in the low millions over several years and require contracts with outside entities. There would also be minor ongoing Caltrans costs of approximately $10,000 to prepare and submit annual progress reports to the Legislature beginning in 2023.
Existing Cal Cities Policy:

Transportation

Through the City and County Pavement Improvement Center (CCPIC), educational opportunities to provide additional research and development, guidance, specifications, tools, and training in pavement management and engineering must be made available to local governments to help ensure local streets and roads last longer, cost less, and are more sustainable. Cal Cities supports enhanced autonomy for local transportation decision-making and pursues transportation policy changes that move more dollars and decisions to local policy leaders. Cal Cities supports spending transportation moneys for transportation purposes.

Cal Cities 2021 Strategic Priorities

Protect and modernize critical infrastructure. Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.

Staff Comments:

Cal Cities recognizes the benefits of using recycled materials in pavements when it is a feasible and cost-effective use of taxpayer funding. Cal Cities has continued to work with the Legislature to find solutions to the growing plastic pollution crisis and bolstering the state’s ambitious organic waste and recycling goals. At the same time, enhanced autonomy for local transportation decision-making ensures the timely and cost-effective completion of public works projects, maximizing transportation funding in our communities.

Local Government Concerns

The California State Association of Counties (CSAC) raised concerns with the provision in SB 580 that would require local agencies to adopt the specifications established by Caltrans or to discuss at a public hearing why they are not being adopted because both the Caltrans study and potential development of the specifications have yet to occur. It could be argued that SB 580 prematurely creates a reimbursable state mandate by requiring local agencies to consider adopting a specification yet to be established by Caltrans. The committee may wish to consider if the bill should be amended to remove that requirement.

Support-Opposition:

Support

American Chemistry Council
Plastics Industry Association
Macrebur Southern California
Cal Green Alt, LLC
Dow Chemical Company and Its Affiliate, Dow Agrosciences; the Macrebur Limited
Progressive Club Bonita Vista High School (Co-sponsor)

Opposition

California State Association of Counties (oppose unless amended)
California Coastkeeper Alliance
Heal the Bay
Save Our Shores
Seventh Generation Advisors
Northern California Recycling Association
California Asphalt Pavement Association
The 5 Gyres Institute
Center for Oceanic Awareness, Research, and Education
UPSTREAM
Wishtoyo Chumash Foundation
Zero Waste USA
Plastic Pollution Coalition, A Project of Earth Island Institute
Plastic Oceans International
Elders Climate Action, NorCal, and SoCal Chapters

**Staff Recommendation:**
Staff recommends the committee discuss SB 580 and make a recommendation to the Board.

**Committee Recommendation:**

**Board Action:**