SPUR

POLICY BRIEF
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Accelerating Sustainable Transportation in California

An analysis of Senate Bill 288 and recommendations to extend and improve the law

Acknowledgments

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The findings and recommendations of this report are SPUR's and do not necessarily reflect the views of those listed below. Any errors are the authors' alone.

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A Faster Process for Sustainable Transportation Projects

How we move matters. Transportation is the single largest contributor to greenhouse gas emissions in California. To achieve the state's ambitious agenda to reduce greenhouse gas emissions and fight climate pollution, we will need to build out the infrastructure to make walking, biking and taking transit the default ways to get around. Senate Bill 288 (Wiener) makes it faster to build common-sense sustainable transportation projects that make streets safer, expand access and mobility, speed up bus service, improve public health, reduce greenhouse gas emissions and other pollutants, and support local businesses and economies. SB 288 accelerates these projects by providing an exemption from the California Environmental Quality Act (CEQA) for a targeted set of sustainable transit projects, "active transportation" (walking and biking) projects and projects that expand sustainable mobility. This includes projects that:

- → Make streets safer for walking and biking
- → Speed up bus service on streets
- → Make it possible to run bus service on highways
- → Expand carpooling
- → Modernize and build new bus and light rail stations

The law went into effect in January 2021 and sunsets in December 2022. Now, the California State Legislature has the opportunity to extend the many benefits of SB 288 by passing SB 922 (Wiener), a bill that would make the exemptions permanent and fine-tune the law for ease of implementation. SPUR encourages the California Legislature and the Governor to pass SB 922, including the changes to SB 288 that we recommend in this policy brief.

This brief provides background on SB 288 and describes the impact of the law, including case studies on projects that have used the exemption. Based on a survey and additional outreach and analysis, this brief recommends extending the law and proposes four recommendations:

Recommendation 1

Make the exemption permanent.

Recommendation 2

Fine-tune the qualifying criteria for exempted projects to provide greater clarity and certainty.

Recommendation 3

Require a residential displacement analysis for high-frequency transit projects over $100 million.

Recommendation 4

Selectively expand the exemption for efforts that discourage driving and reduce congestion.

An early-implementation survey conducted in the summer of 2021 (described in "Findings From Early Implementation," starting on page 12) identified 15 projects that have been initiated or completed using the exemption. Public agencies reported another 38 projects for which they were considering using the exemption or needed the extension to proceed. Early implementation shows the promise of a targeted CEQA exemption for sustainable transit and active transportation. However, much more can be accomplished if the Legislature makes the law permanent and adopts the improvements recommended in this brief.

Background: Why Do Some Projects Need CEQA Exemption?

The California Environmental Quality Act (CEQA) requires state and local agencies to evaluate and disclose the significant environmental impacts of projects they approve and to avoid or mitigate those impacts if feasible. The evaluation is the basis for many state and local approvals needed to build and deliver a transit or sustainable transportation project.

CEQA is a critically important law for protecting against harmful projects, such as refineries, that pollute natural resources and jeopardize health, especially for historically marginalized and underrepresented populations. However, as designed, CEQA presumes that all projects are inherently bad for the environment, when in fact the climate emergency demands that we double-down on projects that reduce driving and greenhouse gas emissions, such as transit and sustainable transportation. When CEQA is used as a tool to delay or halt critically needed projects, it has real consequences for California, making it more difficult to build the active transportation and sustainable transit projects that will result in a safer, healthier and more equitable future for all Californians. Further, the law tends to benefit wealthier and whiter people, who are more likely to have the resources to file a lawsuit.

Each step of the CEQA process is subject to appeals and lawsuits that can increase project costs and create delays. It's not unusual for it to take three to four years and millions of dollars to resolve a single lawsuit; appeals to local governing bodies regularly take six months to resolve.

CEQA allows anyone to appeal or sue a lead agency's decision to approve a project under CEQA, unless the project is exempt from CEQA's requirements. There are two types of exemptions from CEQA: categorical exemptions and statutory exemptions. Categorical exemptions apply to categories of projects that generally do not have significant environmental impacts. Under a categorical exemption, the lead agency must first undertake significant analysis to prove that the project will not have a significant impact on the environment. The project can still be challenged through an appeal and/or litigation on the grounds that the project will have a significant impact on the environment or historical resources, or due to any "unusual circumstances" about the project that make it different from exempted classes. For example, as part of its COVID-19 emergency response in early 2020, San Francisco planned to install temporary transit lanes and emergency bikeways using a categorical exemption (Class 1 Existing Facilities Categorical Exemption). However, the project was appealed explicitly due to the associated removal of parking.[1] Even when a transportation project is categorically exempt from CEQA, the lead agency must spend resources to prove that it is exempt, and it may still be challenged administratively or in court.

The second type of exemption is a statutory exemption, which describes projects or types of projects specifically excluded from CEQA requirements by state legislation. Unlike categorical

1 SFMTA, Exemption 2020-005472ENV, https://sfplanning.org/environmental-review-documents?field_environmental_review_categ_target_id=All&page=3&order=title&sort=desc

exemptions, statutory exemptions cannot be easily challenged through appeals or litigation, and the lead agency need not conduct time-consuming initial studies to prove a project is exempt. A statutory exemption provides more time-certainty than a categorical exemption or a mitigated negative declaration.[2]

CEQA allows anyone to sue a project even on non-environmental grounds. For example, one individual has used CEQA to sue the City of San Francisco's bicycle plan, holding up 34 miles of bike lanes over the course of four years. During that time, nine people died and over 2,000 people were injured while riding their bikes in the city.[3] The suit came about not because the bike lanes will have any impacts on air quality, water or wildlife but because the changes will remove parking spaces and slow down car traffic.

These appeals and lawsuits can stymie climate progress and leave historically marginalized communities without basic access to goods, services and jobs. The East Bay Rapid Transit project, which was supposed to extend from Berkeley to San Leandro, was significantly shortened after a Berkeley business owner threatened to sue over parking losses. Cutting the project back significantly reduced access and mobility for some of the most racially and economically diverse neighborhoods in the region.

It should be noted that the misuse of CEQA is not the only reason California is behind in meeting its climate and mobility goals. For instance, the state continues to spend the vast majority of transportation dollars on roads and highways, rather than on transit and active transportation. These problems also need attention but are not the focus of this policy brief.

SB 288 is intended to eliminate unnecessary costs and delays associated with sustainable transportation projects while protecting environmental resources. SB 288 creates targeted statutory exemptions under CEQA for projects that make streets safer for walking and biking, speed up bus service on city streets and highways, expand carpooling, reduce emissions from transit vehicles and modernize bus and light rail lines and stations. The law significantly reduces the chances that projects will be appealed or litigated, therefore making it faster to deploy the type of infrastructure we need to fight climate pollution and improve transportation equity.

California has a new opportunity to prioritize equity and the environment for all Californians by passing SB 922 (Wiener). Introduced in February 2022, this proposed legislation would make permanent the CEQA exemptions for critically needed sustainable transportation and transit projects.

2 A negative declaration is adopted when a lead agency finds that, after an initial study, there are no significant environmental impacts. A mitigated negative declaration is a type of negative declaration that can be adopted when a lead agency finds that the project can be revised or impacts can be mitigated to ensure that there would be no significant impacts on the environment.

3 Based on a TransBASE query for bicycle collisions within the city of San Francisco from January 1, 2006, to December 31, 2010. See: http://Transbase.sfgov.org/dashboard/dashboard.php

Why Now

As California emerges from the worst of the pandemic, we have the opportunity to rebuild our cities with a different set of priorities focused on public health, safety, equitable access and the environment. The law is as essential now as it was at the start of the pandemic for the following reasons:

- Transportation is the sector with the largest carbon footprint, accounting for over 40% of all of the greenhouse gas emissions in California. Transportation emissions increased by almost 19% between 2014 and 2019.[4] People drive and pollute less in places with high-quality transit, bicycle lanes and sidewalks. Bringing down our transportation emissions by providing more sustainable options is essential for limiting global warming to 1.5 degrees Celsius and avoiding the most devastating climate impacts.[5] SB 288 accelerates sustainable transportation and transit projects, boosting the state's ability to rapidly decarbonize (meaning remove carbon emissions from) California's transportation system.
- In July 2021, the California State Transportation Agency (CalSTA) adopted the Climate Action Plan for Transportation Infrastructure (CAPTI), a framework intended to shift how California spends its transportation funds to meet health, equity and climate goals. SB 288 is consistent with CAPTI's guiding principles, including building toward an integrated statewide transit network, investing in networks of safe and accessible bicycle and pedestrian infrastructure, and promoting projects that do not significantly increase vehicle travel. Implementing CAPTI requires making it easier to build alternattives to driving.
- The Strategic Growth Council, at the direction of the Legislature, recently completed a study that found that 98% of the state's transportation dollars go to roads and highways.[6] This means that projects like transit and active transportation get a very small slice of the funding. Given the urgency of the climate crisis, California should allocate significantly more funding to transit and active transportation projects and make it faster and less expensive to build them. SB 288 shifts the regulatory environment to do just that.
- The pandemic has shown Californians that streets can be used for so much more than driving. "Slow streets" programs, which calm traffic with a variety of street treatments, enabled people to walk, roll their wheelchairs, bike, scoot, run and gather safely outdoors, alleviating the crowding on sidewalks, trails and parks as cities shuttered. As a result, many Bay Area streets

4 Jock Gilchrist, Ken Wells and Ann Hancock, "San Francisco Bay Area Greenhouse Gas Emission Trends for 2014 – 2019," The Climate Center, https://theclimatecenter.org/san-francisco-bay-area-greenhouse-gas-emission-trends-for-2014-2019/

5 IPCC, 2018: "Summary for Policymakers." In: *Global Warming of 1.5°C: An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty,* ed. by V. Masson-Delmotte et al. In Press.

6 Elizabeth Deakin et al., *Evaluation of California State and Regional Transportation Plans and Their Prospects for Achieving State Goals*, UC Berkeley Institute of Transportation Studies, December 2021, https://escholarship.org/uc/item/50j4b4r8

have become much safer for people to bike for their daily needs. For instance, the San Francisco Municipal Transportation Agency (SFMTA) reported a 65% to 80% increase in bicycle volumes on the corridors covered by its Slow Streets program during the pandemic.[7] Essential Places, a similar program in Oakland, also opened up access to services and neighborhoods that were otherwise difficult to get to or to navigate through safely. The need for these types of streets has not diminished since the start of the pandemic. SB 288 includes an exemption for traffic-calming measures that create safer, more welcoming streets for all.

→ When infrastructure projects cost too much and take too long, we get less of them. The state has a sizable budget surplus, which means that more funding will be available for surface transportation and active transportation projects under existing state programs such as the Active Transportation Program. Many projects that could be funded would be eligible for an exemption under SB 288, helping to put state dollars to work to benefit communities throughout the state much more quickly.

→ Transit projects, as well as small-scale transportation projects, such as bicycle lanes, create significant direct and indirect economic impacts. Transit projects support an average of 17,9000 jobs per year for each $1 billion in spending.[8] Investments in bicycle lanes, complete streets and public transit are proven job generators, creating 10 to 13 jobs per million dollars spent and a 5-to-1 economic return in direct and indirect spending.[9]

→ An exemption to expedite the construction of "transit reliability" projects makes it possible to reduce operating costs. For example, it costs more money to run the same amount of transit when buses are stuck in traffic — draining operating money that transit agencies will not have for the foreseeable future. SB 288 provides a CEQA exemption for projects that improve transit reliability and reduce operating costs, stretching limited federal COVID-19 rescue funds further.

7 https://www.sfmta.com/sites/default/files/reports-and-documents/2020/10/slow_streets_phase_1_and_2_evaluation_-_summary_of_findings_-_october_2020.pdf

8 American Public Transportation Association (APTA), *Economic Impact of Public Transportation Investment*, April 2020, https://www.apta.com/wp-content/uploads/APTA-Economic-Impact-Public-Transit-2020.pdf

9 Smart Growth America, *Recent Lessons from the Stimulus: Transportation Funding and Job Creation*, February 2011, https://smartgrowthamerica.org/resources/recent-lessons-from-the-stimulus-transportation-funding-and-job-creation/

How SB 288 Works

SB 288 accelerates common-sense sustainable transit and active transportation projects that result in safer, healthier and more equitable transportation options for all Californians. The law provides targeted statutory exemptions from CEQA for the following project types, as long as they meet a set of qualifications, further described below.

- → Projects that make streets safer for walking and biking
- → Projects that speed up bus service on streets
- → Projects that make it possible to run bus service on highways
- → Projects that expand carpooling
- → Projects that modernize and build new light rail stations

To qualify for the exemption, the projects must also meet the following criteria:

- → The project must be located in an existing public right-of-way.
- → The project must not add new automobile capacity.
- → The project must not demolish affordable housing.
- → The project must use a skilled and trained workforce or have a project labor agreement in place.

Further, for larger projects estimated to cost over $100 million, the lead agency or project sponsor must also:

- → Expand public participation requirements so they occur early in a project and when input can be most meaningful[10]
- → Complete a project business case to evaluate benefits and costs and enable communities to shape the project early in the planning and development process
- → Complete a racial equity analysis and suggest mitigations to address any disproportionate impacts

These qualifications are designed as guardrails to ensure that exempted projects are beneficial

10 For instance, the period when agencies collect public comment during the environmental review process is often too late to have meaningful impact on the project alternatives, alignment, construction methods and more.

to the environment and to communities they serve. Specifically, the conditions are intended to ensure that projects do not induce more vehicle miles traveled or cause sprawl development and that the lead agencies consider racial equity in process and outcomes.

Findings From Early Implementation

To analyze the impact of SB 288 to date, SPUR, the Bay Area Council and the Silicon Valley Leadership Group, together with the California Transit Association, surveyed transit agencies across the state in the summer of 2021 to find out if they have used the exemption, if they intend to use it in the future and if they encountered problems in implementation. At the time of the survey, the law had been in effect for just six months. In January 2022, we also reviewed the Office of Planning and Research's CEQAnet Web Portal to identify any additional projects that may not have been captured in our survey. Additionally, SPUR and partners spoke with numerous stakeholders, including implementing agencies, transit advocates and other advocacy organizations, to identify areas of improvement and areas of concern with a goal of aligning intent and impact. Though imperfect, the survey and additional outreach to key stakeholders provided valuable insights about the law's impact and potential.

In just six months since SB 288 took effect, the survey indicated that:

1. **Fifteen projects were initiated or constructed using the exemption.**
   SB 288 is already being used to advance critically needed and community-supported sustainable transportation projects. Most projects that have used the exemption to date are small-scale improvements for walking and biking, including slow streets and active transportation projects. They have tended to be quick-build, relatively low-cost interventions that reduce traffic volume and speed so that people can walk, bike, run and socialize safely amid COVID-related closures. They have brought much-needed joy, relief and a sense of community to neighborhoods during the pandemic, as described in the sidebar "Case Study: Bayview Quick-Build Projects."

   A minority of the initiated projects have focused on charging infrastructure for zero-emission transit vehicles and bus rapid transit. For a map and list of initiated projects, see Appendix A on page 28.

2. **Sixty percent of the projects that have already used the exemption are located in disadvantaged communities.**
   Eleven out of the 15 initiated projects are in disadvantaged communities. Disadvantaged communities are defined using the California Communities Environmental Health Screening Tool ("CalEnviroScreen"), which helps identify places with a high degree of social vulnerability and exposure to environmental pollutants; in other words, these are areas that experience environmental injustice.[11]

11 "Disadvantaged communities" are those that scored in the top 25% scoring census tracts on CalEnviroScreen. See: Lauren Zeise et al., "CalEnviroScreen 4.0,". October 2021, https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

SPUR is cautiously optimistic that this law is improving transportation equity by opening up access to spaces for walking and biking, improving transit travel times and enhancing street safety. Active transportation and sustainable transit projects can help reduce the pollution burden and harms to communities experiencing environmental injustice by reducing exposure to air pollution, removing barriers between neighborhoods and creating access to affordable, clean transportation. Further, people of color and low-income people are some of the most vulnerable to climate change impacts because of direct exposure to hazards (such as sea level rise in low-lying areas) and limited financial resources to cope with displacement. Investing in transportation infrastructure that reduces our dependence on fossil fuels is an essential part of California's commitment to advancing equity and environmental justice.

On the other hand, SPUR understands concerns that CEQA streamlining could diminish the public's ability to participate in decisions about development that create environmental burdens, given the state's long history of racism and disinvestment. These concerns are the reason SB 288 was crafted with guardrails and requirements to include meaningful public participation and to ensure that racial inequities would be considered for capital projects over $100 million.

SPUR's outreach to environmental justice organizations regarding SB 288 projects did not reveal any instances in which lead agencies used the exemption to skirt the public process. However, ongoing evaluation of the law can help identify new areas for improvement and can note whether agencies continue to uphold the intent of the law in the way they foster public participation practices. For a map and list of projects in disadvantages communities, see Appendix B on page 32.

3. **The exemption is enabling cities and transit agencies to make some temporary improvements permanent.**
   The Public Resources Code streamlines CEQA for emergency response purposes. Some slow streets programs and transit priority measures were installed quickly using this emergency statute. However, the emergency authorization is time-limited. Some agencies are using SB 288 to make changes permanent. In January 2022, the SFMTA Board of Directors approved making temporary transit lanes on 7th and 8th Streets between Mission and Townsend permanent, to the benefit of the 19 Polk and 27 Bryant bus routes.[12] SB 288 is enabling cities to execute long-lasting transit improvements as they emerge from the pandemic.

4. **No "large" projects, categorized as those over $100 million in the statute, have used the exemption to date.**
   One reason why agencies have not used the exemption for projects over $100 million is because of the law's two-year sunset date. Many agencies had not advanced planning on these projects or did not anticipate having enough funding to build these larger projects at the time of the survey.

12 See: https://www.sfmta.com/reports/1-18-22-mtab-item-13-tc-amendment-19-polk-and-27-bryant-transit-lanes

5. **Many projects could benefit from the exemption under SB 288 if the sunset were lifted.**
   Agencies noted that they were *considering* using the exemption or that they needed the extension for 38 more projects at the time of the survey. This included 19 projects to convert transit vehicles to zero-emission in compliance with the California Air Resources Board's Innovative Clean Transit rule, as well as two bus rapid transit projects and multiple bus reliability improvements, bus stop upgrades and bus-only lanes, several active transportation projects and one wayfinding and signage project. For a map and list of projects that could benefit from the exemption, see Appendix C on page 35.

6. **Many transit agencies seek to use the exemption to accelerate compliance with the Innovative Clean Transit rule, speeding up the transition to zero-emission transit vehicles and removing local pollution from communities.**
   Sixty percent of the projects identified as "under consideration" are projects to convert transit vehicles to zero-emission under the California Air Resources Board's Innovative Clean Transit rule. The areas encompassed by these projects include Alameda County, Contra Costa County, Yuba County, Sutter County and more. Extending the law would help transit agencies transition to clean fleets, especially with newly available federal and state funding (from the Bipartisan Infrastructure Law) for zero-emission transit vehicles.

7. **The exemption appears to provide greater certainty and reduces the time it takes to implement projects.**
   When CEQA is used to appeal or litigate projects on non-environmental grounds, it delays projects and adds costs. In San Francisco, CEQA appeals to the Board of Supervisors can require over 100 hours of work and more than $10,000.[13] When projects go to courts, the disputes can take months if not years to resolve. With limited time and budgets, delays can add up quickly. By using the SB 288 exemption, local governments are able to avoid the costly studies necessary for a categorical exemption or a mitigated negative declaration.[14] For instance, each case study included in this brief would have required a mitigated negative declaration, a categorical exemption or other study, all of which could have been appealed or challenged.

In summary, early survey results from just six months of implementation suggest that SB 288 is helping to accelerate the creation of active transportation and sustainable transit infrastructure that will help California meet its climate and equity goals.

13 Heather Knight, " 'A Good Start': SF Officials Say They'll Work to Reduce Frivolous Appeals of Needed Transit Projects," *San Francisco Chronicle*, September 15, 2020, https://www.sfchronicle.com/bayarea/heatherknight/article/A-good-start-SF-officials-say-15570158.php

14 A negative declaration is adopted when a lead agency finds that, after an initial study, there are no significant environmental impacts. A mitigated negative declaration is a type of negative declaration that can be adopted when a lead agency finds that the project can be revised or impacts can be mitigated to ensure that there would be no significant impacts on the environment.

Case Study

Bayview Quick-Build Projects

A traditionally African American neighborhood that's home to a larger share of low-income residents, people of color and immigrants than San Francisco as a whole, the Bayview district is culturally rich and resilient — despite being separated from the rest of the city by transportation barriers like Highway 101.[15] In 2018, the SFMTA partnered with residents and community groups to engage in an award-winning[16] two-year planning process[17] to identify transportation priorities that reflect community values and support a growing, equitable and resilient Bayview. This effort identified the Bayview Quick-Build Projects as a high-priority effort due to the neighborhood's location on the High-Injury Network,[18] with 22 reported collisions, including one fatality, along Williams and Evans avenues over a 10-year period. About 60% of these collisions were caused by unsafe speeds, turns or lane changes.

A bicyclist makes use of the SFMTA's quick-build safety improvements in the Bayview.
Source: Sergio Ruiz for SPUR

15 SFMTA, "Bayview Community Based Transportation Plan," https://www.sfmta.com/projects/bayview-community-based-transportation-plan

16 The project received the APA Award for Advancing Diversity & Social Change in Honor of Paul Davidoff. SFMTA, "Bayview Quick Builds: Uplifting Voices and Fostering Community," April 15, 2021, https://www.sfmta.com/blog/bayview-quick-builds-uplifting-voices-and-fostering-community

17 SFMTA, "Bayview Community Based Transportation Plan," https://www.sfmta.com/projects/bayview-community-based-transportation-plan

18 The network includes the 13% of city streets that account for 75% of severe and fatal traffic injuries.

The Bayview Quick-Build Projects created safer conditions by increasing pedestrian and bicyclist visibility and safety, as well as decreasing traffic speed, along the project corridor. The SFMTA reduced auto lanes to lower traffic speed, upgraded bicycle lanes and provided shoulder space, safety zones, painted crosswalks, raised crosswalks and refuge islands for pedestrians. Additionally, the agency brought in local artists to adorn the protective barriers with murals. In this way, structures that would typically be regarded as an eyesore have become opportunities to express neighborhood culture.

SFMTA staff typically seek a CEQA categorical exemption for small active transportation projects such as this. However, this would have been difficult in the case of the Bayview since an existing environmental impact report (EIR) had already listed the Quick-Build Projects as part of a development in the area, giving the false impression that the bike lanes would contribute significantly to the environmental impact of the development. Without the SB 288 exemption, these projects likely would have been delayed while awaiting a separate, new study to show that they were categorically exempt.

The SB 288 exemption allowed for construction within a short time frame, ensuring that the projects came to fruition in a matter of months, not years. By expediting this community-crafted solution, SB 288 delivered a set of community-driven projects that improves the safety, livability and sustainability of the Bayview and San Francisco.

Artist Rhonel Roberts with his mural on a road barrier that calms traffic and protects people cycling in the Bayview. The mural is a collaboration with local arts organization The Box Shop.
Source: SFMTA

Recommendations

Based on our outreach and evaluation, we recommend making the SB 288 exemption permanent and adopting the following changes to further fine-tune the law and ensure that it helps California meet its climate and equity goals. Senator Wiener has introduced SB 922 in the Legislature to achieve these goals. SPUR encourages the California Legislature and the Governor to pass SB 922, including the following changes to SB 288.

Recommendation 1

Make the exemption permanent.

SB 288 currently sunsets December 31, 2022. The first priority for lawmakers should be to remove this sunset date, thereby giving more time for lead agencies to accumulate the funding needed to develop project designs and construct projects using the exemption. The law is complementary to the Climate Action Plan for Transportation Investments (CAPTI), the state's plan to align discretionary funds to combat climate change while supporting public health, equity and safety.

Further, one-time funding from the federal government for infrastructure means that agencies can move forward quickly – and possibly even prioritize – the types of transit projects that SB 288 supports, primarily those projects that speed up buses, which will disproportionately benefit people of color and low-income people. The state can make investments today that provide lasting benefits. The federal Bipartisan Infrastructure Law (BIL) will increase California's projected transit formula funding allocation to $9.45 billion and its Surface Transportation Block Grant allocation to $6.3 billion over five years. It will also expand the program's eligibility to include electric-vehicle charging infrastructure. Additional federal funding will go to active transportation, complete streets that enable people to safely walk and bike, and transit infrastructure. Coupled with this new federal funding, extending SB 288 can help align state and federal spending on transportation with the state's climate, safety and public health goals – delivering more benefits, faster.

Recommendation 2

Fine-tune the qualifying criteria for exempted projects to provide greater clarity and certainty.

2.1 Limit the requirement that a project be located in an "urbanized area" to larger, linear capital projects (bus rapid transit, light rail) to ensure that smaller communities can benefit from active transportation projects and clean transit.

Under current law, all projects are required to be in an urbanized area, but the law does

not define urbanized areas. The urbanized area requirement was included as one of several guardrails to protect against potential greenfield development associated with opening up access to undeveloped areas.

The Office of Planning and Research (OPR) uses multiple definitions of "urbanized area," but in issuing its guidance, OPR defaulted to the definition in Public Resources Code 21071, which defines an urbanized area as an incorporated city that has at least 100,000 people or a place where the population of two contiguous incorporated cities equals 100,000. This definition sets a high bar and is difficult to apply to projects that connect two proximate urbanized areas or that connect one urbanized area to another area that does not meet this definition. This means that projects like carpooling or transit improvements on the San Francisco Bay Bridge would not be exempt and that more suburban locations in the state would not be able to use the exemption, even though these areas would also benefit from better, cleaner transportation options.

After consulting with OPR, SPUR recommends adding a qualifier for bus and light rail projects that require projects be "located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau" — a definition OPR recognizes and has mapped for California. According to the Census Bureau, an Urbanized Area is comprised of census tracts or blocks that together have 50,000 or more people and an Urban Cluster is comprised of census tracts or blocks that together have at least 2,500 people and less than 50,000 people.[19]

Adopting this definition would increase the number of places throughout the state that could benefit from the exemption, which would be especially important for smaller projects (such as implementing bike lanes or installing charging infrastructure for zero-emission buses) in small towns and rural communities that would otherwise be ineligible for the exemption, despite pressing mobility and safety needs and high rates of air pollution.[20] Some of the areas that would become eligible include parts of east Contra Costa County, coastal Monterey County and Kern County, as well as north San Diego County.

2.2 Expand the exemption to cover charging or refueling zero-emission transit buses that are not in the public right-of-way.

SPUR's early analysis found that there are many agencies throughout the state that are using, or would like to use, SB 288 to help them to comply with the California Air Resource Board's Innovative Clean Transit (ICT) regulation – particularly those in the Central Valley, where air pollution is among the worst in the nation.[21] The ICT rule, adopted in 2018, is intended to reduce pollution by shifting transit bus fleets to zero-emission technologies such as battery electric or hydrogen fuel cell buses.[22] However, some agencies found the current SB 288 language limiting

19 www.federalregister.gov/documents/2021/02/19/2021-03412/urban-areas-for-the-2020-census-proposed-criteria

20 The Strategic Growth Council offers a web-based mapping tool that shows the differences between each definition of urbanized area that is referenced in the Public Resources Code and the U.S. Census. See: https://sitecheck.opr.ca.gov/

21 U.S. Environmental Protection Agency, "EPA Activities for Cleaner Air," https://www.epa.gov/sanjoaquinvalley/epa-activities-cleaner-air

22 California Air Resources Board, "Innovative Clean Transit Regulation, a Replacement of the Fleet Rule for Transit Agencies," https://ww2.arb.ca.gov/ict-background-materials

because the CEQA exemption applies only to property owned by the transit agency and in the public right-of-way. In some cases, the charging or refueling locations are owned by a different public agency or by a utility. SPUR recommends changing the language to include zero-emission transit refueling or charging infrastructure on properties owned by any local agency or by a public or private utility, in the public right-of-way or outside of it. However, we caution against the inclusion of exemptions for hydrogen charging fueling stations that also include on-site storage of municipal solid waste. While outreach indicates it would be highly unlikely for agencies to produce hydrogen from municipal solid waste on-site due to zoning requirements and space constraints, we elevate this due to safety and environmental justice concerns. This change would ensure affordable, clean transportation in communities that may otherwise have few transportation options and would replace diesel and compressed natural gas (CNG) refueling with zero-emission options.

2.3 Enumerate transit priority measures to provide greater certainty. Transit priority measures make transit more reliable and are critically important not only for reducing operating costs but for keeping buses from getting delayed as car congestion returns. When agencies institute such measures, people who ride the bus can have faster and more reliable transit times. Enumerating the wide variety of physical street treatments, on-board technology and signal improvements that give transit priority can provide greater certainty against litigation to transit agencies who seek to use the exemption to improve transit reliability, since agencies could otherwise interpret transit priority narrowly or conservatively.

2.4 Adjust and clarify the skilled and trained workforce requirements. SB 288 requires project sponsors to certify that a project using an exemption will be carried out by a skilled and trained workforce. However, the current law does not define how local agencies are expected to certify this requirement. After discussing the concern with labor organizations, SPUR recommends clarifying the process for certification, as well as allowing agencies with existing board-approved policies or labor agreements to forego the project-specific certification.

2.5 Clarify that the law exempts active transportation plans, not only bicycle plans. Existing law exempts bicycle plans, but in practice, most local agencies produce “active transportation plans” that encompass several transportation modes. Many cities interpret existing law in the Public Resource Code and California Code of Regulations conservatively in order to avoid litigation, often undertaking environmental analysis even though some projects are technically exempt from the law. To give local agencies more certainty that they will not be sued, SPUR recommends clarifying that Section 21080.20 of the Public Resource Code should be modernized by allowing it to apply to active transportation plans.

Case Study

Monterey-Salinas SURF! Busway and Bus Rapid Transit Project

Located along California's Central Coast, primarily in the former Fort Ord military base, the SURF! project is designed to optimize the use of an abandoned rail corridor to provide innovative congestion relief for State Route 1 (Highway 1). The project will enable one of Monterey-Salinas Transit's busiest regional bus lines to transport passengers between Salinas, Marina and the Monterey Peninsula more efficiently, and it will allow a number of shorter, more localized bus lines to bypass highway traffic. The project is anticipated to reduce travel times by 16 minutes along a 6-mile stretch of Highway 1 during peak commute times. In addition, because every bus rider represents one less car on the road, the project promises to reduce air and ocean pollution. The SURF! project will primarily use zero-emission transit buses.

This conceptual rendering shows proposed infrastructure in the SURF! Busway and Bus Rapid Transit Project.
Monterey-Salinas Transit

A new 5th Street Station in Monterey has been proposed as a multimodal hub connecting the region's pedestrian and bikeway trail and future transit-oriented development. The busway and future 5th Street Station will also provide meaningful connections to serve California State University, Monterey Bay and the Veteran's Administration's Major General William H. Gourley Veteran's Administration-Department of Defense Outpatient Clinic.

This project reinforces the goal of supporting equity for transit customers and improving access for populations in need of quality public transportation services. The communities to be served by the busway include low-income people in Monterey County, Latinx communities and other people of color, households that are car-free, people living with a disability, workers who take public transportation and those in essential jobs. The proposed SURF! project will immediately serve a census tract in the top 25th percentile in the state for high amounts of pollution and large low-income populations.

Monterey-Salinas Transit (MST) staff typically seek a CEQA categorical exemption or mitigated negative declaration for transportation projects such as this, since most of the work will take place in an existing public right-of-way and in a corridor with a century-long history of transportation use. However, the site's location in a coastal zone would likely lead agencies to the inaccurate assumption that an environmental impact report (EIR) would be required. Without the SB 288 exemption, this project likely would have been delayed several years while an EIR was prepared.

The SB 288 exemption allowed the project to advance in the federal review process and to access federal construction funds. It will ultimately be built within a much shorter time frame. The state exemption has allowed MST to proceed with delivering a project that supports the community's values to reduce vehicle miles traveled, improve livability and expand access to opportunities.

Recommendation 3

Require a residential displacement analysis for high-frequency transit projects over $100 million.

For high-frequency transit projects over $100 million, the lead agency should be required to analyze the potential for the displacement of homes.[23] SB 288 already strengthens the state's commitment to social and racial equity in transportation by requiring agencies to analyze the potential disproportionate impacts of projects over $100 million. Under SB 288, lead agencies must also involve communities early in the decision-making process through a business case planning process, which can surface community priorities and help evaluate the true benefits and costs of projects. These requirements improve the public planning process by surfacing concerns in order to reduce harms and maximize benefits for historically marginalized populations.

SPUR proposes adding a requirement that for projects over $100 million that will have a maximum of 15-minute peak headways[24] within three years of construction, and for which at least 50% of the project or the project's stops and stations are located in an area at risk of residential displacement, the project sponsor should be required to complete an analysis of residential displacement and suggest anti-displacement strategies or designs.

This recommendation focuses on high-frequency transit because these projects require more intention to balance the benefits with the likelihood that such investments will bring neighborhood change with negative (and disproportionate) impacts on low-income communities and people of color. Though existing studies do not conclusively show that new transit leads to displacement or gentrification, most studies agree that transportation investments have economic benefits if they improve access significantly and that fixed route (rail and light rail) transit can increase property values.

Agencies that use the exemption should seek to understand the potential displacement impacts of new, high-frequency transit, which would give agencies and communities more information about how to proactively avoid any displacement.[25]

23 Alex Karner and Adam Golub, "Comparison of Two Common Approaches to Public Transit Service Equity Evaluation," *Transportation Research Record: A Journal of the Transportation Research Board*, no. 2531, 2015, pages 170–179, https://drive.google.com/file/d/1dFKYMOVGbu3IA8g3HWf8b-lxtP_dy0Up/view

24 A headway describes the time in minutes between two buses or two trains on the same route. A 15-minute maximum peak headway on a bus route, for instance, means that there are 15 minutes between buses during peak commute hours.

25 Miriam Zuk et al., *Gentrification, Displacement and the Role of Public Investment: A Literature Review*, March 3, 2015, https://www.frbsf.org/community-development/files/wp2015-05.pdf; and Miriam Zuk et al., "Safeguarding Against Displacement: Stabilizing Transit Neighborhoods," in Karen Chapple and Anastasia Loukaitou-Sideris (eds.), *Transit-Oriented Displacement or Community Dividends?: Understanding the Effects of Smarter Growth on Communities*, MIT Press, 2019, pages 243–266, https://direct.mit.edu/books/book/4195/chapter/172231/Safeguarding-against-Displacement-Stabilizing

Recommendation 4

Selectively expand the exemption for efforts that discourage driving and reduce congestion.

4.1 Expand the exemption for efforts to reduce and manage parking.

California has been built around the personal car. Excess parking encourages people to drive more.[26]

Through the abuse of CEQA, wealthier, whiter homeowners and business owners regularly delay and stop projects, often on the grounds that these projects remove parking. SB 288 already exempts local governments' efforts to reduce minimum parking requirements for new development. The Legislature can help stop further abuse by expanding exemptions for progressive parking policies, including eliminating parking, instituting parking maximums, removing or restricting parking, or implementing transportation demand management programs, which are policies and programs that increase choice and reduce or distribute demand for physical transportation infrastructure.

Making it easier for cities and transit agencies to remove parking saves lives and improves health. Although the number of trips by car have fallen due to the pandemic, the death toll from traffic crashes in 2020 did not significantly decrease. For instance, in 2020 San Francisco had 30 traffic fatalities, a five-year high.[27] In Los Angeles, 238 people were killed in vehicle crashes, 120 of them pedestrians.[28] Even as cities try to make streets more walk- and bike-friendly, an abundance of parking means an abundance of vehicles trying to access destinations, which ultimately undermines safe street designs.

Efforts to reduce parking support transit use, making parking management a key tool to regain transit riders. Often, it is difficult for transit agencies to build bus rapid transit or transit priority lanes due to opposition over the removal of free parking, as was the case with AC Transit's Tempo line.[29]

4.2 Reduce the threshold for converting existing "general purpose" highway lanes to high-occupancy vehicle lanes.

SB 288 exempts projects that convert general purpose lanes to high-occupancy vehicle (HOV) lanes for vehicles that seat six or more passengers. However, it is very difficult to gain Caltrans approval to do these conversions. Nonetheless, cities and transit agencies want to boost the efficiency of congested corridors by reducing single-occupancy vehicles. Lowering the threshold for HOV lanes to vehicles with two or more passengers would make it easier

26 Kristina M. Currans et al., "Households with Constrained Off-Street Parking Drive Fewer Miles," presented November 12, 2021, https://tomnet-utc.engineering.asu.edu/fall-2021-seminars/

27 City and County of San Francisco, "Traffic Fatalities,"https://sfgov.org/scorecards/transportation/traffic-fatalities

28 Ryan Fonseca, "Traffic Was Historically Low in 2020. The Death Toll on LA's Streets Was Not," LAist, April 29, 2021, https://laist.com/news/transportation/2020-traffic-deaths-los-angeles-pandemic

29 TransitCenter, "Pick up the Tempo: Lessons From Oakland's 20-Year BRT Saga," September 17, 2020, https://transitcenter.org/lessons-from-oaklands-tempo-bus-rapid-transit-project/

to convert general purpose lanes and would provide the most flexibility in both urban and suburban contexts, with minimal infrastructure changes and impacts to remaining general purpose lanes or surrounding streets.

Case Study

Leavenworth Quick-Build Project

Located close to San Francisco City Hall and downtown, the Tenderloin is a dense neighborhood with a high percentage of low- and very-low-income people, people of color, seniors and people with disabilities. Drivers from other areas pass through the Tenderloin to access its easy freeway connections, resulting in large traffic volumes in the neighborhood. Consequently, every street in the Tenderloin is on the High-Injury Network, with detrimental impacts for safety and health for the residents of the Tenderloin.

To address these issues, the SFMTA collaborated with the community to develop a traffic safety improvement plan for neighborhood streets.[30] One result of this collaboration, the Leavenworth Quick-Build project improved comfort and safety for those walking and biking along Leavenworth Street between McAllister and Post streets. The project is part of the SFMTA's Vision Zero initiative to quickly implement safety improvements on the High-Injury Network.[31]

The Leavenworth Quick-Build Project introduced some relatively minor changes to the public right-of-way requiring only materials SFMTA road crews could install. The project improved pedestrian visibility and safety and decreased traffic speed along Leavenworth Street by removing a lane of traffic and by making pedestrian improvements. Typically, SFMTA staff would seek a categorical exemption from CEQA for such projects. However, SB 288 allowed SFMTA staff to seek a statutory exemption, further expediting the work. As a result, this community-driven project to bring traffic safety to a marginalized area was completed in months rather than the typical years.

Children cross Leavenworth Street, one of the streets in San Francisco's High-Injury Network.
Source: Sergio Ruiz for SPUR

30 SFMTA, "Tenderloin Traffic Safety Improvements Project," https://www.sfmta.com/projects/tenderloin-traffic-safety-improvements-project

31 SFMTA, "Leavenworth Quick-Build Project," https://www.sfmta.com/projects/leavenworth-quick-build-project

Conclusion

California has an ambitious agenda to reduce greenhouse gas emissions from the transportation sector, the largest contributor to emissions in the state. People drive less in places with high-quality transit, bicycle lanes and sidewalks and where it is easy and fast to carpool. SB 288 is already showing how regulatory streamlining can help the state achieve its climate and equity goals. In just six months, the law has helped several communities gain access to safer streets, cleaner air, and better ways to get around. Making the law permanent at this pivotal time for our climate and our recovery can help California create a safer, healthier and more equitable future for all Californians.

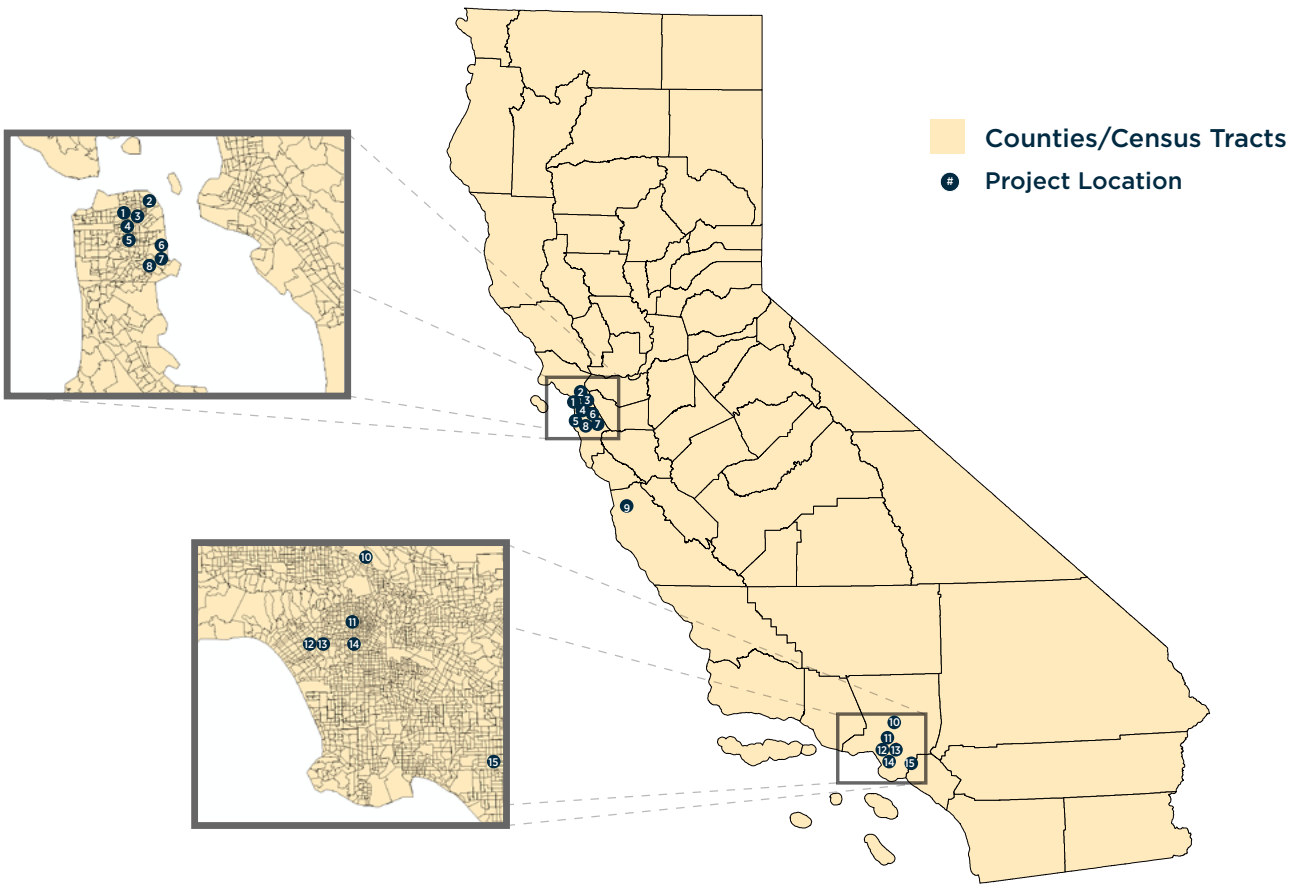
Appendix A

FIGURE 1

Projects Using SB 288's CEQA Exemption, To-Date

At least 15 projects have benefited from the CEQA exemption provided by SB 288. These projects were identified through survey outreach and the Office of Planning and Research's CEQAnet Web Portal.

Source: CalEnviroScreen 4.0 , SB 288 projects mapped by Kenji Anzai (SPUR)
Analysis: Bay Area Council Economic Institute



1. Slow Streets Reauthorization
2. Central Embarcadero Safety Project
3. Leavenworth Bike Lane
4. 19-Polk and 27-Bryant Transit Lanes
5. South Van Ness Quick-Build Project
6. Bayview Evans Bike Lane
7. Williams Quick-Build Project
8. Bayview Williams Bike Lane
9. SURF! Busway
10. Los Angeles BRAND Park
11. LADOT ZEV
12. Move Culver City Downtown Bus
13. Move Culver City Downtown Bike
14. Los Angeles Washington Yard Microgrid
15. Riverside Gage Canal Multipurpose Trail

	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	PROJECT TYPE	DISADVANTAGED COMMUNITY?	STATUS IN THE SB 288 PROCESS
1	**Slow Streets Reauthorization**	San Francisco Municipal Transportation Agency	Determining additional design treatments to be applied to four Slow Street corridors	Traffic limited through different corridors, reducing pollution in those areas	Reduced traffic and journey times	Limits on vehicle through traffic	Yes	Initiated
2	**Central Embarcadero Safety Project**	San Francisco Municipal Transportation Agency	Transportation safety and accessibility improvements on The Embarcadero between Broadway and Bryant Street, and on Washington Street between The Embarcadero and Drumm Street	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Pedestrian mobility and reduced traffic	Pedestrian and bicycle facilities	No	Initiated
3	**Leavenworth Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Yes	Initiated
4	**19-Polk and 27-Bryant Transit Lanes**	San Francisco Municipal Transportation Agency	Transit priority	Reduced traffic	Reduced journey time	Transit priority improvements	Yes	Initiated
5	**South Van Ness Quick-Build Project**	San Francisco Municipal Transportation Agency	Safety improvements on South Van Ness Avenue	Improved safety with a reduction of car traffic	Enhanced pedestrian access and safety and reduced traffic	Pedestrian and bicycle facilities	Yes	Initiated
6	**Bayview Evans Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Yes	Initiated
7	**Williams Quick-Build Project**	San Francisco Municipal Transportation Agency	Safety improvements on Williams Avenue	Reduced traffic, traffic calming reduces auto-related pollution and emissions	Pedestrian mobility and reduced traffic	Pedestrian and bicycle facilities	Yes	Initiated
8	**Bayview Williams Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Yes	Initiated

	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	PROJECT TYPE	DISADVANTAGED COMMUNITY?	STATUS IN THE SB 288 PROCESS
9	**SURF! Busway**	Monterey-Salinas Transit District	Busway and bus rapid transit project in a 6-mile abandoned Union Pacific railroad right-of-way	Every bus rider represents one less car on the road, which means less air and ocean pollution and a healthier community.	With heavy traffic on the highway, transit riders will have a faster connection between home and work or wherever they go, with a projected 16-minute reduction in travel time along the 6-mile stretch of Highway 1 compared to peak pre-COVID commute times.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	No	Initiated
10	**Los Angeles BRAND Park**	City of Los Angeles	Sidewalk improvements adjacent to park in public right-of-way	Not available	Improved sidewalk safety for people walking and recreating	Pedestrian and bicycle facilities	No	Initiated
11	**LADOT ZEV**	Los Angeles Department of Transportation	California Energy Commission Grant: GFO-20-602 electric bus charging infrastructure; conversion from diesel buses to clean fuels in compliance with California Air Resource Board (CARB) Innovative Clean Transit (ICT) rule	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Yes	Initiated
12	**Move Culver City Downtown Bus**	Culver City CityBus	3-mile dedicated bus/ bike lanes (mobility lanes) in the downtown corridor connecting the rail station to downtown and the Arts District, with a new Circulator service that will utilize the dedicated mobility lanes	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Riders will have transit riders will have a faster and more reliable trip times. Bicycle lanes will promote safer and more sustainable way to travel downtown and make first-and last-mile connections.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Yes	Initiated
13	**Move Culver City Downtown Bike**	Culver City CityBus	3-mile dedicated bus/ bike lanes (mobility lanes) in the downtown corridor connecting the rail station to downtown and the Arts District	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Yes	Initiated

	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	PROJECT TYPE	DISADVANTAGED COMMUNITY?	STATUS IN THE SB 288 PROCESS
14	**Los Angeles Washington Yard Microgrid**	City of Los Angeles	Addition of solar and storage microgrid at the Washington Yard for bus fleet and conversion of diesel buses to clean fuels in compliance with the CARB ICT rule	Elimination of bus-related fossil fuel emissions.	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Yes	
15	**Riverside Gage Canal Multipurpose Trail**	City of Riverside	Conversion of 2-mile segment of Gage Canal right-of-way to Class 1 multi-use paved bicycle trail with parallel pedestrian trail and landscaping buffer on both sides	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved bicycle and pedestrian connections and recreational opportunities	Pedestrian and bicycle facilities	No	Initiated

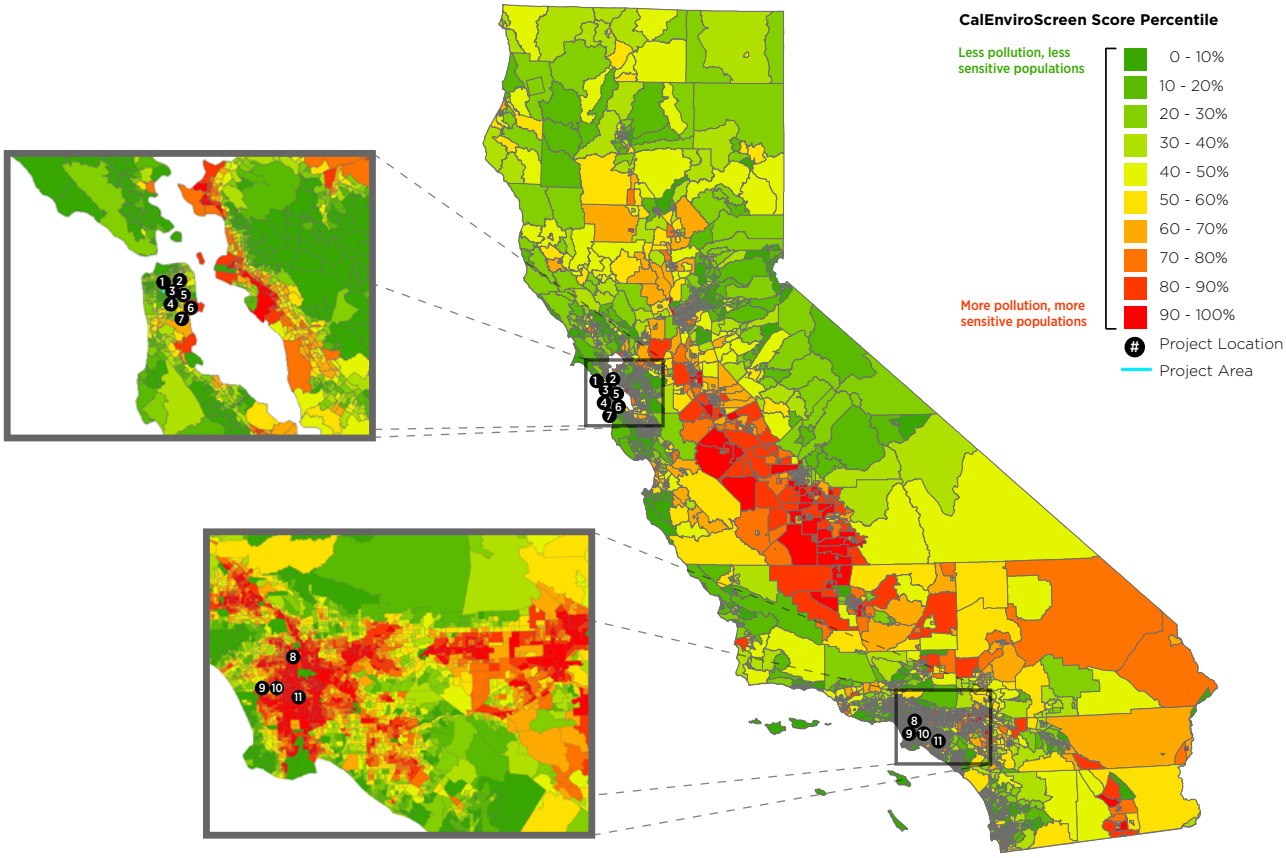
Appendix B

FIGURE 2

Projects Using SB 288's CEQA Exemption That Are Located in Disadvantaged Communities

Eleven out of the 15 initiated projects are in disadvantaged communities. All are small-scale projects, primarily bicycle and pedestrian infrastructure, bus reliability improvements, and zero emission transit vehicle infrastructure on existing sites.

Source: CalEnviroScreen 4.0 , SB 288 projects mapped by Kenji Anzai (SPUR)
Analysis: Bay Area Council Economic Institute
Notes: Project lines that pass through disadvantaged communities are included.
Projects with an * were recently approved through SB288 as of Sept. 2021



1. Slow Streets Reauthorization
2. Leavenworth Bike Lane
3. 19-Polk and 27-Bryant Transit Lanes
4. South Van Ness Quick-Build Project
5. Bayview Evans Bike Lane
6. Williams Quick-Build Project
7. Bayview Williams Bike Lane
8. LADOT ZEV
9. Move Culver City Downtown Bus
10. Move Culver City Downtown Bike
11. Los Angeles Washington Yard Microgrid

#	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	PROJECT TYPE	STATUS IN THE SB 288 PROCESS
1	**Slow Streets Reauthorization**	San Francisco Municipal Transportation Agency	Determining additional design treatments to be applied to four Slow Street corridors	Traffic limited through different corridors, reducing pollution in those areas	Reduced traffic and journey times	Limits on vehicle through traffic	Initiated
2	**Leavenworth Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Initiated
3	**19-Polk and 27-Bryant Transit Lanes**	San Francisco Municipal Transportation Agency	Transit priority improvements for buses on Polk Street and Bryant Street	Reduced traffic congestion on bus routes	Reduced traffic and transit journey times and improved transit reliability	Transit priority improvements	Initiated
4	**South Van Ness Quick-Build Project**	San Francisco Municipal Transportation Agency	Safety improvements on South Van Ness Avenue	Improved safety with a reduction of car traffic	Enhanced pedestrian access and safety and reduced traffic	Pedestrian and bicycle facilities	Initiated
5	**Bayview Evans Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Initiated
6	**Williams Quick-Build Project**	San Francisco Municipal Transportation Agency	Safety improvements on Williams Avenue	Reduces auto-related pollution and emissions.	Enhanced pedestrian access and safety and reduced traffic	Pedestrian and bicycle facilities	Initiated
7	**Bayview Williams Bike Lane**	San Francisco Municipal Transportation Agency	Quick-build bike lane project	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Initiated
8	**LADOT ZEV**	Los Angeles Department of Transportation	Conversion from diesel buses to electric buses in compliance with California Air Resource Board (CARB) Innovative Clean Transit (ICT) rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles	Initiated
9	**Move Culver City Downtown Bus**	Culver City CityBus	3-mile dedicated bus/bike lanes in the downtown corridor connecting the rail station to downtown and the Arts District, with a new Circulator service that will utilize the dedicated mobility lanes	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Making roadways more efficient by prioritizing high-occupancy and modes improves transit reliability and journey times and leverages and improves first- and last-mile access using bicycles and emerging mobility.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Initiated

#	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	PROJECT TYPE	STATUS IN THE SB 288 PROCESS
10	**Move Culver City Downtown Bike**	Culver City CityBus	3-mile dedicated bus/bike lanes in the downtown corridor connecting the rail station to downtown and the Arts District.	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Initiated
11	**Los Angeles Washington Yard Microgrid**	City of Los Angeles	Addition of solar and storage microgrid at the Washington Yard for the bus fleet. Conversion of diesel buses to clean fuels in compliance with the CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	

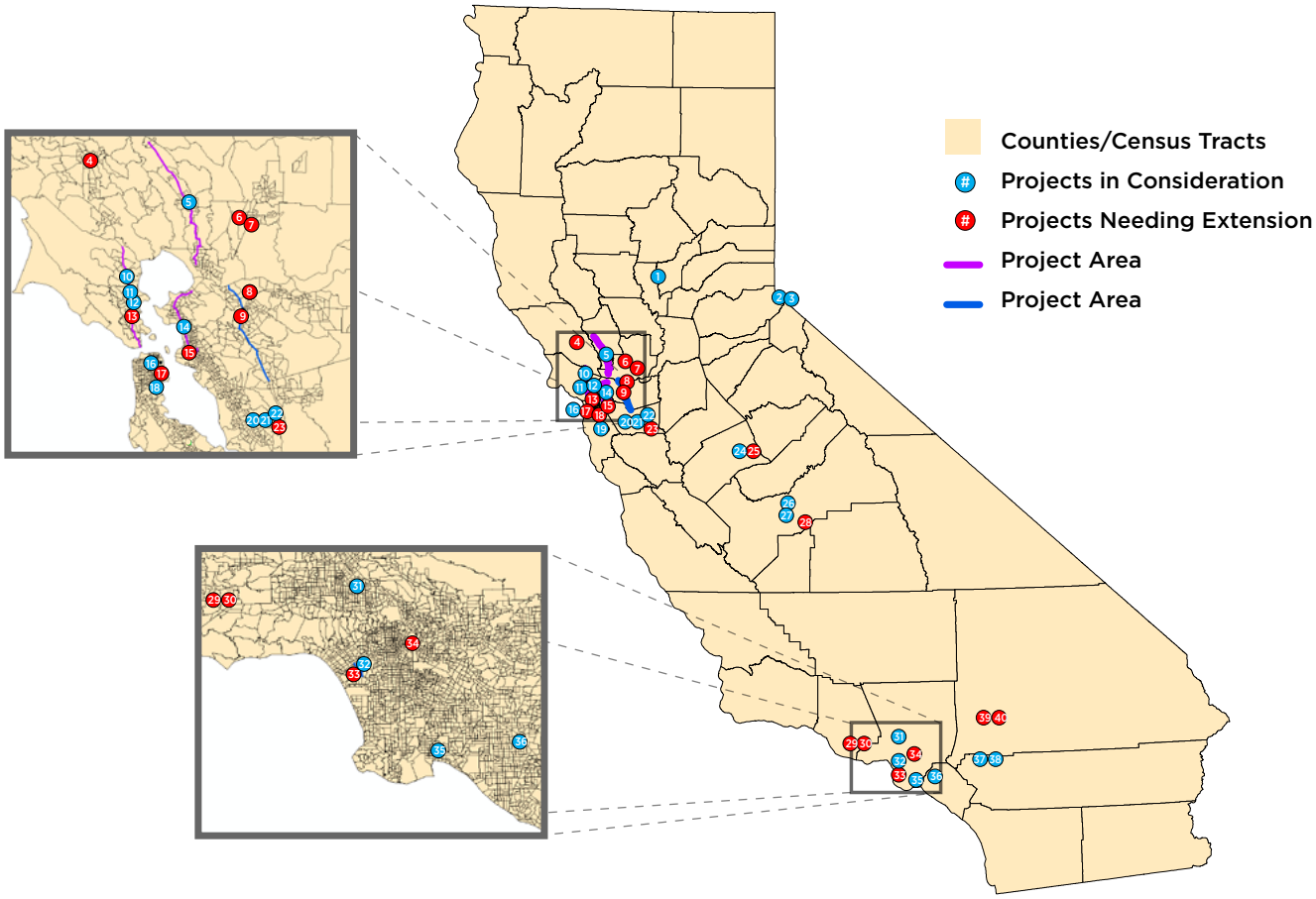
Appendix C

FIGURE 3

Projects That Would Benefit From Extending SB 288

Through survey outreach, we identified 38 projects that were either under consideration for an SB 288 exemption before the law sunsets or under consideration if the law were to be extended. Many of these projects could therefore benefit from the passage of SB 922.

Source: CalEnviroScreen 4.0 , SB 288 projects mapped by Kenji Anzai (SPUR)
Analysis: Bay Area Council Economic Institut



1. Yuba-Sutter Transit ZEV
2. Tahoe Transportation Transit Priority
3. Tahoe Transportation ZEV
4. Santa Rosa CityBus ZEV
5. Vine Trail
6. Fairfield and Suisun Transit ZEV
7. County Connection ZEV
8. East Contra Costa Wayfinding
9. TAM Bus Lane
10. TAM Bike Projects
11. TAM Transit Stop Upgrades
12. Marin Transit ZEV
13. San Pablo Avenue BRT
14. Grand Avenue BRT
15. San Francisco Transit Lanes
16. San Francisco Transit Priority
17. San Francisco Active Transportation Projects
18. Caltrain Level Boarding Upgrades
19. Union City Transit ZEV
20. Union City Transit Bus-Only Lanes
21. Union City Transit Center Upgrade
22. Union City Transit Opportunity ZEV
23. YARTS Transit Prioritization
24. YARTS ZEV
25. Fresno Area Express Hydrogen Station
26. FCRTA ZEV
27. Selma Maintenance Facility ZEV
28. Thousand Oaks Active Transportation
29. Thousand Oaks Transit Projects
30. LADOT ZEV
31. Move Culver City Sepulveda
32. Move Culver City Jefferson
33. Long Beach Transit ZEV
34. Anaheim East/West BRT Connection
35. Riverside Transit ZEV
36. Riverside Transit Frequency Expansion
37. VVTA ZEV
38. VVTA Bus Hub

#	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	SB 288 PROJECT TYPE	STATUS IN THE SB 288 PROCESS
1	**Yuba-Sutter Transit ZEV**	Yuba-Sutter Transit	Bus charging infrastructure in existing facility and conversion of diesel buses to clean fuels in compliance with California Air Resources Board (CARB) Innovative Clean Transit (ICT) rule	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
2	**Tahoe Transportation Transit Priority**	Tahoe Transportation District	Signal preemption	Better reliability and faster speeds attract more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and improved reliability due to transit priority	Transit prioritization	Needs extension
3	**Tahoe Transportation ZEV**	Tahoe Transportation District	Charging infrastructure and conversion of diesel buses to clean fuels in compliance with CARB ICT rule	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
4	**Santa Rosa City-Bus ZEV**	City of Santa Rosa	Initial roll-out of charging infrastructure at the corporation yard (MSC) in Santa Rosa for the fixed-route fleet. Installation of three dual-port chargers with an additional two wired concrete podiums to add two more chargers at a later date. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions.	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
5	**Vine Trail**	Napa Valley Transportation Authority	When complete, the Vine Trail will be a 47-mile path linking the Napa Valley from Calistoga to the Vallejo Ferry Terminal.	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Needs extension
6	**Fairfield and Suisun Transit ZEV**	Fairfield and Suisun Transit	Fairfield Fleet electrification: upgrade and installation of electrical infrastructure to convert transit and public works fleet to zero-emission vehicles. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
7	**County Connection ZEV**	County Connection	Upgrade to depot electric bus charging infrastructure; exemption conditional on funding. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions.	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration

#	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	SB 288 PROJECT TYPE	STATUS IN THE SB 288 PROCESS
8	**East Contra Costa Wayfinding**	Multiple	Multi-jurisdictional wayfinding project involving four bus operators and at least one rail operator	Facilitates the use of transit, thereby increasing transit mode share and reducing auto dependency and auto-related pollution and emissions	Greater legibility of transit facilities gives more people the knowledge to access the full transit network.	Wayfinding and customer information projects for transit riders, bicyclists and pedestrians	Under consideration
9	**TAM Bus Lane**	Transportation Authority of Marin	Part-time bus-only lane on Highway 101, study funded by Caltrans	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater reliability due to more robust transit infrastructure	Designation of highway lanes or shoulders for bus-only lanes	Needs extension
10	**TAM Bike Projects**	Transportation Authority of Marin	Multiple bicycle projects in county	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes, reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Needs extension
11	**TAM Transit Stop Upgrades**	Transportation Authority of Marin (TAM)	Bus stop upgrades	Better facilities improve TAM's ability to provide robust service, promoting transit use and reducing auto dependency.	More robust transit service improves reliability, allowing more people to depend on transit.	Other major capital project	Needs extension
12	**Marin Transit ZEV**	Marin County Transit District	Charging infrastructure for six zero-emission transit buses. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
13	**San Pablo Avenue BRT**	AC Transit	14 miles of dedicated transit lanes and stations in right-of-way owned by seven cities and Caltrans in Alameda and Contra Costa counties	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater reliability due to more robust transit infrastructure	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Needs extension
14	**Grand Avenue BRT**	AC Transit	Improving traffic signals and upgrading or relocating bus stops along 3 miles of Grand/West Grand Avenue from Maritime Street to Lake Park Avenue in Oakland in order to bring service quality for bus lines 12 and NL closer to the improvements recommended in the AC Transit's Major Corridors Study	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater reliability due to more robust transit infrastructure	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Under consideration
15	**San Francisco Transit Lanes**	San Francisco Municipal Transportation Agency	Transit lanes and transit prioritization	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times due to transit priority	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Under consideration

#	PROJECT NAME	AGENCY	PROJECT DESCRIPTION	ENVIRONMENTAL BENEFITS	MOBILITY BENEFITS	SB 288 PROJECT TYPE	STATUS IN THE SB 288 PROCESS
16	**San Francisco Transit Priority**	San Francisco Municipal Transportation Agency	Transit prioritization projects on multiple streets (Bryant, Polk and others)	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times due to transit priority	Transit prioritization	Under consideration
17	**San Francisco Active Transportation Projects**	San Francisco Municipal Transportation Agency	Multiple bike lanes, pedestrian facilities, car-free streets and "Slow Streets"	Improved cycling and pedestrian facilities in conjunction with safe streets attract more people to choose active modes while making those modes safer, leading to higher mode share for active modes and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities	Under consideration
18	**Caltrain Level Boarding Upgrades**	Peninsula Corridor Joint Powers Board (Caltrain)	Upgrades to station platforms to allow level boarding	Better level of service attracts more people to the train, leading to higher mode share for rail and reducing auto-related pollution and emissions.	Faster boarding, resulting in lower journey times. Improved access for people with disabilities.	Other major capital project	Needs extension
19	**Union City Transit ZEV**	City of Union City and Union City Transit	Installation of bus yard charging infrastructure and conversion of diesel buses in compliance with CARB ICT rule	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
20	**Union City Transit Bus-Only Lanes**	City of Union City and Union City Transit	Bus-only lanes on certain corridors	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater reliability due to more robust transit infrastructure	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Needs extension
21	**Union City Transit Center Upgrade**	City of Union City and Union City Transit	Transit Center upgrades, including opportunity charging	Better facilities improve Union City Transit's ability to provide robust service, promoting transit use and reducing auto dependency.	More robust transit service improves reliability, allowing more people to depend on transit.	Other major capital project	Needs extension
22	**Union City Transit Opportunity ZEV**	City of Union City and Union City Transit	Installation of bus opportunity charging	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
23	**YARTS Transit Prioritization**	Transit Joint Powers Authority Merced County/YARTS	Transit prioritization	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times due to transit priority	Transit prioritization	Needs extension

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24	**YARTS ZEV**	Transit Joint Powers Authority Merced County/YARTS	Charging infrastructure	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
25	**Fresno Area Express Hydrogen Station**	Fresno Area Express	Hydrogen fuel station	Reduction of bus-related carbon emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
26	**FCRTA ZEV**	Fresno County Rural Transit Agency	Installation of chargers in 12 incorporated cities in Fresno County. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
27	**Selma Maintenance Facility ZEV**	Fresno County Rural Transit Agency	Installation of up to 10 Level 2 and 3 chargers and associated infrastructure both on-site and off-site. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
28	**Thousand Oaks Active Transportation**	City of Thousand Oaks	Several pedestrian and bike projects in the upcoming municipal 20-year capital improvement budget	Improved cycling facilities attract more people to cycling, leading to higher mode share for active modes and reducing auto-related pollution and emissions.		Pedestrian and bicycle facilities	Under consideration
29	**Thousand Oaks Transit Projects**	City of Thousand Oaks	Several transit projects in the upcoming municipal capital improvement budget	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Improved safety of cycling allows for more local trips by bicycle, improving mobility for those who do not own cars and reducing congestion.	Pedestrian and bicycle facilities, transit prioritization	Under consideration
30	**LADOT ZEV**	Los Angeles Department of Transportation	Installation of future infrastructure in the bus yards for electric charging. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
31	**Move Culver City Sepulveda**	Culver City CityBus	Study of dedicated mobility lanes on Sepulveda and Jefferson. One will be chosen, with the other deferred. Recommendation to be done by June 2022 with implementation to commence immediately.	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Making roadways more efficient by prioritizing high-occupancy and modes improves transit reliability and journey times and leverages and improves first- and last-mile access using bicycles and emerging mobility.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Under consideration

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32	**Move Culver City Jefferson**	Culver City CityBus	Study of dedicated mobility lanes on both Sepulveda and Jefferson. One will be chosen, with the other deferred. Recommendation to be done by June 2022 with implementation to commence immediately.	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Making roadways more efficient by prioritizing high-occupancy and modes improves transit reliability and journey times and leverages and improves first- and last-mile access using bicycles and emerging mobility.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Under consideration
33	**Long Beach Transit ZEV**	Long Beach Transit	Future charging infrastructure project. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Elimination of bus-related fossil fuel emissions.	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
34	**Anaheim East/ West BRT Connection**	Anaheim Transportation Network		Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater reliability due to more robust transit infrastructure.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Needs extension
35	**Riverside Transit ZEV**	Riverside Transit Agency	Addition of hydrogen-fueling infrastructure. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Reduction of bus-related carbon dioxide emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Needs extension
36	**Riverside Transit Frequency Expansion**	Riverside Transit Agency	New or increased-frequency bus transit on existing public right-of-way	Better level of service attracts more people to the bus, leading to higher mode share for transit and reducing auto-related pollution and emissions.	Faster journey times and greater frequency due to more robust transit infrastructure offer passengers more flexibility.	New or increased light rail, bus, or bus rapid transit service on existing rights-of-way	Needs extension
37	**VVTA ZEV**	Victor Valley Transit Authority	Facility for delivered hydrogen fuel. Conversion of diesel buses to clean fuels in compliance with CARB ICT rule.	Reduction of bus-related carbon dioxide emissions	NA	Charging or refueling infrastructure for zero-emission transit vehicles or vessels	Under consideration
38	**VVTA Bus Hub**	Victor Valley Transit Authority	Transfer hub	A well-integrated transit hub allows for transfers between VVTA services, promoting transit use and reducing auto dependency.	Improved transfer ability will open new trips to passengers in VVTA's catchment area.	Other major capital project	Under consideration

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