



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 1, 2019

ITEM NUMBER: NB-4

SUBJECT: PRESENTATION ON CALIFORNIA SENATE BILL 127 – COMPLETE STREETS

DATE: SEPTEMBER 25, 2019

FROM: CITY MANAGER'S OFFICE

PRESENTATION BY: LORI ANN FARRELL HARRISON, CITY MANAGER

FOR FURTHER INFORMATION CONTACT: CITY MANAGER'S OFFICE AT (714) 754-5328

RECOMMENDATION:

Staff requests that the City Council provide direction to staff on a position to take on Senate Bill 127 (Attachment 2), currently pending before Governor Newsom. Such a position would be communicated by sending a letter requesting the Governor either sign or veto Senate Bill 127. This review was requested by Council Member Reynolds.

BACKGROUND:

Senate Bill 127 – Transportation Funding: Active Transportation: Complete Streets

As listed in the Senate Floor Analysis (Attachment 3), this bill would require:

- The Department of Transportation (department), in coordination with the Transportation Commission (commission), to prioritize the implementation of safe and connected facilities for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program projects (SHOPP) in their asset management plan. Under this bill, the department is also required to include complete streets elements in the asset management plan;
- The commission to adopt performance measures for projects pertaining to the asset management plan and that the department and the commission develop a plain language performance report;
- The department, commencing with the 2022 State Highway Operation and Protection Program, to include new pedestrian and bicycle facilities, or improve existing facilities, for projects that receive funding through SHOPP;

- Funding for safety improvements from the State Highway Account prioritize reducing fatalities and severe injuries, including fatalities and injuries of pedestrians, bicyclists, and transit users on the state highway system.

While SB 127 could result in higher costs, it could be argued that the bill takes a significant step in requiring the review and analysis of active transportation elements in all SHOPP infrastructure projects, a goal consistent with Governor Newsom's focus on active transportation, as evidenced by Executive Order N-19-19, signed on September 20, 2019 (Attachment 4).

Upwards of approximately 40 organizations have supported SB 127, a majority of which are community bike and walkability advocates. Support for the bill also includes the American Heart Association and the South Bay Cities Council of Governments.

This bill faces opposition from a number of labor organizations, including but not limited to the Southern California Contractors Association, District Council of Laborers, and the California State Council of Laborers. Consultants to the Senate Rules Committee also indicate that the state Department of Finance opposes this bill for increasing state costs on projects and thereby, impeding the goals set by SB 1 (2017).

The League of California Cities considers SB 127 a bill to "watch", while the Association of California Cities – Orange County has taken no position.

Council Policy on Legislative Review

Staff is currently working on an update to Council Policy 000-8, until such time as an update is approved the policy is still in effect. Council Policy 000-8 (Attachment 1) details the City's existing program for consideration of legislative issues. This Council Policy was last revised on September 20, 1999, and has been inconsistently applied in the past. Below are the relevant sections, sections 1,6, & 8 have been omitted here, but are in the attachment:

1. A Legislative Review Team, consisting of the Mayor, Mayor Pro Tem, and the City Manager, shall periodically review legislation and formulate the City's position.
2. The Mayor is authorized to execute position letters on behalf of the City Council when the position is in concurrence with that of the National League of Cities, State League of Cities, the Orange County Division of the League of Cities, or the Orange County Council of Governments. At the direction of the Legislative Review Team, position letters may also be executed by the City Manager, or his/her designee, as appropriate.
3. Formal Council approval is required in instances in which the City's position may differ from that of the National League of Cities, the State League of Cities, the Orange County Division of the League of Cities, or the Orange County Council of Governments.

4. Formal Council approval is required in instances in which the National League of Cities, the State League of Cities, the Orange County Division of the League of Cities, or the Orange County Council of Governments have not taken a formal position.
5. All City Council members shall receive a copy of all legislative position letters written on city letterhead. A quarterly activity report of the City's legislative positions, and the status of such legislation, will be provided to the City Council.

The City of Costa Mesa currently works with the Association of California Cities - Orange County (ACC-OC) as a legislative partner in addition to the partners listed in Council Policy 000-8. While ACCOC is not on the Council Policy 000-8 list of legislative partners, Costa Mesa is currently a member of ACC-OC in the same capacity as it is with the League of California Cities, and has considered ACC-OC's legislative positions similarly.

For each bill on which a legislative position is taken by the Legislative Review Team or City Council as provided in Council Policy 000-8, staff will draw up a legislative position letter on city letterhead for signature by the Mayor and submittal to the Legislature.

Governor Newsom has until October 13, 2019 to sign or veto all bills submitted to him by the Legislature.

ALTERNATIVES CONSIDERED:

The City Council may choose not to take a position on this bill.

FISCAL REVIEW:

The specific fiscal impacts to Costa Mesa, if any, of the bill referenced in this report are unknown at this time.

However, Senate Floor analysis indicates that this bill would increase construction costs for CalTrans for SHOPP projects by \$1.1 billion.

According to the Senate Floor analysis, there is a lack of alternative funding sources to compensate for the measures proposed in the bill. By including the new measures, there will likely be a reduction in the number of projects implemented throughout the state, and cost pressures on projects will increase.

LEGAL REVIEW:

The City Attorney's Office has reviewed and approved this report as to form.

COUNCIL GOALS AND PRIORITIES:

Goal 2 – Improve Our Neighborhoods and Quality of Life

Goal 5 – Improve Mobility and Parking

CONCLUSION:

Staff requests that the City Council provide direction to staff on a position to take on California Senate Bill 127 pending before Governor Newsom.

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Finance Director

LORI ANN FARRELL HARRISON
City Manager

KIMBERLY HALL BARLOW
City Attorney

- ATTACHMENTS:
- 1 [City Council Policy 000-8](#)
 - 2 [SB 127 Text](#)
 - 3 [SB 127 Senate Floor Analysis](#)
 - 4 [Executive Order N-19-19](#)