

April XX, 2022

Senate Bill 932 (Portantino): General plans, circulation element  
OPPOSE UNLESS AMENDED

Dear Senator Portantino:

The City of Los Altos joins the League of California Cities (Cal Cities) in regrettably taking an “oppose unless amended” position on your Senate Bill 932. SB 932 would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impose costly, unfunded mandates for changes to local transportation infrastructure; and expose local governments to significant legal liability.

The City of Los Altos has taken a pro-active approach to meeting the important goals of this bill: to make streets and roads safer for all users. We have partnered with the County of Santa Clara in designing new bike paths along the section of Foothill Expressway that transects the city of Los Altos and integrated those new paths with local streets. This required considerable interagency coordination, but the result is a significant improvement in safe, shared use. In another project, we partnered with the County and with the City of Cupertino to design comprehensive pedestrian and bicycle paths to schools that cross all three jurisdictions. These are the types of critical projects that require flexibility and quick response to the opportunities to work across multiple jurisdictions to improve bicycle and pedestrian safety. They cannot be achieved through a top-down approach that dictates the type of improvements and timing for implementation when multiple jurisdictions are involved.

Most recently we completed a new Complete Streets Master Plan that codifies the integration of improved bicycle/pedestrian paths and safety with routine street maintenance and sets out a long-term plan for making our streets more available to and safer for all users. Unfortunately, the plan will require funding of at least \$44Million (today's dollars). Much of the plan remains unfunded, despite planned

use of SB 1, Block Grants, fuel tax, and other revenue sources. The requirements of SB 932 are likely even to exceed the ambitious plan we have just developed.

We note that cities that have made safety a priority and that have virtually no fatalities would be penalized under 65302(b)(2)(ii)(III) because their already excellent safety record would not allow for the reductions that are needed to be granted a 10-year extension of time to implement the provisions of SB 932. This is probably unintended and could perhaps be corrected through amendment.

Our city faces significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements. The loss of employees during COVID, escalating costs for materials, and problems with supply chains are all impediments to be overcome. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in specific contexts, and any timelines for implementation must be developed in consideration of realistically available financial resources. We note that there is significant pressure from the legislature for local agencies to reduce, eliminate or defer development impact fees, which are among the few sources of revenue the small cities need to implement the provisions of this bill.

Finally, SB 932 creates significant new legal liability for local jurisdictions in Santa Clara County that fail to meet the bill's arbitrary implementation timeframes. In addition to the funding constraints and issues discussed above, the new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending litigation is one fewer dollar available for improving our local streets and roads. Section 65302(b)(2)B)(iii) must be removed from the bill for our city to remove opposition to SB 932.

We hope you will continue to work with the League of California Cities and others on amendments that will allow us to remove our position of "oppose unless amended."