



Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

November 13, 2023
Rincon Project No: 20-09609

Jeff Hereford
Principal Transportation Engineer
City of Ventura Public Works Department
Transportation Division
501 Poli Street, Room 120
Ventura, California 93001

**Subject: City of Ventura Active Transportation Plan
CEQA SB 922 Statutory Exemption Letter**

Dear Mr. Hereford:

The purpose of this letter is to identify how the City of Ventura Active Transportation Plan (plan) in the City of Ventura, Ventura County, California meets the provisions of Senate Bill 922 (SB 922), which provides a Statutory Exemption from the California Environmental Quality Act (CEQA). The exemption recognizes that active transportation plans and associated pedestrian and bikeway projects intended to promote cycling and pedestrian modes have the potential to reduce carbon emissions from the transportation sector and are exempt from CEQA when certain criteria are met. This letter accompanies a Notice of Exemption (NOE) for the plan.

Project Objective, Location, and Description

The City of Ventura has prepared a draft Active Transportation Plan that would incorporate bicycle and pedestrian mobility, Suggested Routes to School, and Complete Street components to create increased and safer mobility options within the city, focusing on connectivity, education and encouragement, equity, maintenance, project delivery, and safety. The plan would actualize General Plan active transportation concepts, goals, objectives, and policies. The plan would help reduce vehicle miles traveled and determine greenhouse gas reduction strategies. The plan includes a priority list of projects to be implemented after adoption of the plan and securing funding.

Senate Bill 922

SB 922, signed into law in the 2022 legislative session, amends Public Resources Code (PRC) Sections 21080.20 and 21080.25 to exempt specific transportation plans and projects, such as pedestrian and bicycle plans and facilities, from full environmental review under CEQA. SB 922 facilitates projects that broaden California's development of sustainable transportation facilities through streamlining of CEQA review requirements. As such, SB 922 statutorily exempts many sustainable transportation projects, including improvements for walking, biking, public transit efficiency and wayfinding, rail stations, zero-emission transit refueling facilities, and carpooling, from in-depth CEQA review. This exemption expires at the end of 2029. Lead agencies must file an NOE and hold a public hearing when implementing an exemption under SB 922.



Consistency Analysis

SB 922 specifically exempts active transportation plans under PRC Section 21080.20(a)(1), which states:

This division does not apply to an active transportation plan, a pedestrian plan, or a bicycle transportation plan for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles.

The plan qualifies for a Statutory Exemption under SB 922 as an active transportation plan because it is a plan developed by a local jurisdiction (City of Ventura) that promotes and encourages residents to choose walking or bicycling through the creation of safe, comfortable, connected, and accessible pedestrian and bicycling networks.

A proposed plan exempt from CEQA under Section 21080.20 must be in conformance with the requirement articulated in PRC Section 21080.20(b), which states that:

The lead agency shall hold noticed public hearings in areas affected by the project to hear and respond to public comments. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

Section 6061 of the Government Code requires publication of the notice once. Given that bikeway projects proposed under the plan would occur in more than one area, it is required that notice is publishing “in the newspaper of largest circulation.” The plan was heard by City Council on December 4, 2023. The public hearing were advertised on the City’s website and in local newspaper on November 22, 2023.

While the plan itself is exempt from CEQA, individual projects that are identified in the plan remain subject to CEQA unless another exemption applies (PRC Section 21080.20(a)(3)). Some projects within the plan would also be exempt under SB 922 pursuant to PRC Section 21080.25(b)(1), which exempts “pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way.” A pedestrian or bikeway project included in the plan is exempt from CEQA only if it is in the public right-of-way and in conformance with the additional requirements articulated in PRC Section 21080.25(c). The analysis below demonstrates how the pedestrian or bikeway projects in the plan meet each of the SB 922 stipulations.

(1) A local agency is carrying out the project and is the lead agency for the project. (Section 21080.25 (c)(1)).

All projects under the plan would be carried out by the City of Ventura, which would also serve as the lead agency. Therefore, projects under the plan meet this requirement.

(2) The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, add physical infrastructure or striping to highways, or include the addition of any auxiliary lanes. (Section 21080.25 (c)(2))

Projects under the plan would not add any automobile capacity; rather, the projects would add to or improve pedestrian or bicycle infrastructure. The projects may include some vehicle infrastructure, all of which would serve as traffic calming measures and would not induce single-occupancy vehicle trips. As the projects would improve pedestrian and bicycle infrastructure, the project may reduce overall automobile usage through the city. Therefore, projects under the plan would not induce single-



occupancy vehicle trips, add highway lanes, widen highways, add physical infrastructure or striping to highways, or add auxiliary lanes, and meets this requirement.

(3) Construction of the project does not require the demolition of affordable housing units. (Section 21080.25 (c)(3))

Projects under the plan would traverse residential neighborhoods. It is exceedingly unlikely that any projects would require the demolition of affordable or market-rate housing. Design plans are not yet available for projects facilitated by the plan, but the City would ensure that projects would be designed to avoid demolition of housing. While there is a chance that bikeway projects may require taking of residential right-of-way, such takings would not require displacement of residents or demolition of housing. Therefore, the projects under the plan would meet this requirement.

PRC Section 21080.25(d) and (e) include additional requirements for projects exceeding \$100 million dollars in cost and \$50 million dollars in cost, respectively. While it is likely that most projects included in the plan would cost substantially less than the \$100 million and \$50 million thresholds, without design plans costs are unknown at this stage. Therefore, projects under the plan may be required to comply with the additional requirements under PRC Section 21080.25(d) and (e) and require further analysis to determine consistency with this requirement and the applicability of SB 922.

(4) The lead agency shall certify that the project will be completed by a skilled and trained workforce. (Section 21080.25 (f)(1)(A))

Given that projects facilitated by the plan do not yet have design plans, the City is unable to confirm that construction of pedestrian and bikeway projects would be completed by a skilled and trained workforce. Therefore, the projects under the plan would require further analysis to determine consistency with this requirement and the applicability of SB 922.

At this stage, it is known that projects facilitated by the plan would be in compliance with Section 21080.25(c)(1) and Section 21080.25(c)(2). However, without project design plans, applicability of individual projects with the remaining requirements under SB 922 are unknown. It is likely that most projects under the plan that are within the public right-of-way would meet the remaining stipulations, and the City of Ventura could file a separate Notice of Exemption under SB 922. However, individual projects that are either outside of the public right-of-way or do not meet one of the stipulations may require preparation of an Initial Study – (Mitigated) Negative Declaration or Environmental Impact Report.

Conclusion

Based on the analysis documented throughout this letter, the plan meets the criteria for a Statutory Exemption from CEQA. Therefore, it is concluded that the plan is statutorily exempt from CEQA pursuant to PRC Section 21080.20, as amended and enacted by SB 922. Future pedestrian and bikeway projects facilitated by the plan may be eligible for a similar Statutory Exemption but may also require additional environmental review.

Sincerely,

Rincon Consultants, Inc.

Lilly Rudolph
Project Manager

Richard Daulton
Vice President