
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 1976
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Version: 6/17/26

Hearing Date: 6/23/26
Fiscal: Yes
Consultant: Peterson

STREETS AND HIGHWAYS: PEDESTRIAN AND BICYCLE FACILITIES

Limits cities' and counties' ability to deny or delay pedestrian and bicycle safety improvements and exempts establishment of a pedestrian mall from the California Environmental Quality Act.

Background

Police power. The California Constitution allows a city to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that local governments derive their authority to regulate behavior to preserve the health, safety, and welfare of the public.

Access to public roads. While cities generally have the ability to control their own municipal affairs, state law provides some limitations when it comes to public road access. For example, local agencies can adopt rules and regulations prohibiting entry to or exit from any street if it is necessary to implement the circulation element of its General Plan. However, state law prohibits local agencies from imposing a tax or fee to use streets or highways unless that fee was in place prior to June 1, 1989. Local agencies also cannot place gates or other devices which deny access to certain members of the public, while allowing others unrestricted access. If a local agency does erect traffic control devices, it has to comply with standards and specifications set by the California Department of Transportation.

Eminent domain. The California Constitution grants local governments the ability to take or damage private land through eminent domain only for “public use” and as long as “just compensation” is provided to the property owner for the land acquired. Cities and counties have eminent domain authority that is broadly applicable to their activities, while many other local governments only have authorization to use eminent domain for specific purposes, if at all. Local governments can only use their eminent domain authority for a project if:

- The public interest and necessity require the project;
- The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
- The property sought to be acquired is necessary for the project.

Local governments must adopt a resolution of necessity that includes these findings, as well as:

- A statement of the public use for which the property will be taken;
- A description of the property to be taken; and

- A declaration that an offer of just compensation was made to the owner or that an owner could not be found with reasonable diligence.

Public use has been broadly construed by courts. Examples of public use by local governments can include needs to acquire private land for infrastructure improvements or new infrastructure for providing essential services including water, utilities, and housing.

A local agency does not have to take ownership of a property for it to be considered a taking requiring just compensation to a property owner. A local government that impairs a property owner's right to enjoy their property can be a taking requiring just compensation. In the case of public roads, courts have found that property owners abutting a street have a property right or interest including a right of ingress and egress to and from the streets. The right of access, and related rights of light, air, and view are property rights, or easements which a property owner abutting a street enjoys in addition to the rights which the public has in general to use the street. This does not mean that every interference with the property owner's access to the street upon which their property abuts constitutes a taking which entitles a property owner to compensation. Local agencies can continue to exercise their police power if it is reasonably necessary to protect public health and safety without providing just compensation to the property owner.¹ Local agencies have to factor in potential damages to property owners when they change access to public roads.

Pedestrian Mall Law of 1960 (PML). In 1960, the Legislature enacted the PML to create a statewide process to build pedestrian malls in recognition that in certain areas in cities, and particularly in retail shopping areas, there is a need to separate pedestrian travel from vehicular travel, and that the separation is necessary to protect the public safety or otherwise to serve the public interest and convenience (AB X1 14, Geddes). Under PML, a city or county can establish a pedestrian mall to prohibit vehicular traffic on a pedestrian mall, and pay property owners for damages resulting from establishing a pedestrian mall from the general fund or via assessment.

To establish a pedestrian mall, the city or county must adopt a resolution declaring its intent describing the pedestrian mall, notifying the public of the opportunity to protest the mall's establishment at a public hearing, and describing how the city or county will pay for damages to property owners. Not less than 90 days before the public hearing, the city or county must post the resolution on all affected streets and intersections and record the resolution with the county recorder. No later than 45 days before the public hearing, the city or county must mail the resolution to affected property owners. At the public hearing, the city or county must hear all objections, protests, and claims. If at least a majority of affected property owners protest the mall's establishment, the city or county cannot establish the mall, and must wait a year before it brings it up again.

Under PML, property owners that might suffer damage due to the pedestrian mall can file a claim of damages to the city or county's clerk. At the public hearing, the city or county can allow for any damage claims. If there are unsettled claims, the city or county must direct that action to the relevant superior court in the nature of an eminent domain claim.

Following the resolution and payment of any damage claims, the city or county must adopt an ordinance to establish the mall.

¹ See *Eachus v. Los Angeles C. E. R. Co.*, 103 Cal. 614; *People ex rel. Department of Public Works v. Presley*, 239 Cal. App. 2d 309 among others.

The PML allows a city or county to adopt an assessment to pay for any necessary improvements and any damage claims up front without going to court. An agency that wants to use assessments to finance improvements and damages must follow the procedures for doing so in Proposition 218 (1996). Proposition 218 imposes constitutional limits on local officials' ability to impose, increase, and extend fees, including property-related fees. Proposition 218 defines a property-related fee as any levy other than an *ad valorem* tax, a special tax, or an assessment imposed by an agency on a parcel or on a person as an incident of property ownership, including a user fee for a property-related service. The Legislature enacted the Proposition 218 Omnibus Implementation Act to translate many of Proposition 218's requirements into statutory definitions and procedures (SB 919, Rainey, 1997).

Before a local government can charge a new property-related fee, or increase an existing one, Proposition 218 requires local officials to:

- Identify the parcels to be charged;
- Calculate the fee for each parcel;
- Notify the parcels' owners in writing about the fee, the reason for imposing or increasing it, the basis for calculating the fee, and the date of a public hearing on the proposed fee;
- Hold a public hearing to consider and count protests at least 45 days after mailing the notice; and
- Abandon the fees if a majority of the parcels' owners protest.

Recent issues with bicycle and pedestrian safety improvements. Bicycle and pedestrian safety improvements ensure that cyclists, pedestrians, and cars can safely coexist. However, they are not without controversy. For example, in June 2026, *Oaklandside*, an Oakland-based nonprofit news source, published an article regarding controversial bicycle and pedestrian safety improvements in Oakland. The controversy surrounds the installation of traffic-slowing infrastructure to install in a portion of the Rockridge neighborhood, where some residents pushed for the installation of diverters, or structures that force traffic off of those streets and onto more circuitous routes, arguing that "...installing structures that force traffic off of those streets and onto more circuitous routes will make those streets safer for children, elders, pedestrians, and bicyclists." Other residents protested, concerned that, "the diverters will do little to slow speeding and will instead force traffic onto other streets, making them less safe." According to the article, the debate over these improvements resulted in what was "likely the most extensive community participation process for a traffic-calming plan in recent Oakland history, a city official told us at the time. It ended in a polarizing stalemate."² The debate remains ongoing.

The author wants to expedite bicycle and pedestrian safety improvements by limiting public input and the ability for local agencies to stop these projects when they are already under review.

Proposed Law

Assembly Bill 1976 limits cities' and counties' ability to deny or delay pedestrian and bicycle safety improvements, and exempts the establishment of pedestrian malls from the California Environmental Quality Act (CEQA).

² <https://oaklandside.org/2026/06/01/buffy-wicks-ab-1976-road-safety-projects/>

Pedestrian and bicycle safety improvements. AB 1976 prohibits a city or county from holding a community input meeting to reconsider, delay, or prevent implementation of a proposed bicycle or pedestrian safety project if the design is at least 90% complete, except if the community input meeting covers design features, aesthetics, and implementation details that do not materially alter the purpose of the proposed project. For the purposes of the measure, a community input meeting is any publicly noticed meeting, workshop, or forum for the sole purpose of receiving input from the general public on a pedestrian or bicycle safety project, but does not include a meeting of the city council, board of supervisors, or other legislative body subject to state laws on public meetings.

After the city council or board of supervisors awards a contract for, or when it directs staff to begin, the construction of a pedestrian or bicycle safety project, it must not terminate the project unless it makes at least one of the following findings at a public meeting:

- Substantial evidence shows that the specific, identifiable public benefits, including, but not limited to, fiscal constraints, public health impacts, or conflicts with other adopted plans, of not delivering the project outweigh the safety benefit to the community; or
- Substantial evidence shows that the cost of the safety project cannot be funded given the budget of the county or the budget for the project.

Termination does not include the temporary removal of a pedestrian or bicycle safety project for construction, for upgrades from removal of quick-builds or pilot programs to permanent infrastructure, removal of a bikeway to upgrade the facility, reconstruction or restriping of a bikeway that maintains its current class, or under emergency conditions.

If a city council or board of supervisors establishes a process for residents to submit a petition to request the installation of a traffic-calming measure, they must not require the petition to contain the signatures of more than a majority of the total number of persons whose residences are located, in whole or in part, within 1,000 feet of the proposed traffic-calming measure.

The measure defines its terms and makes findings and declarations to further its intent.

Comments

1. Purpose of the bill. According to the author, “While many of California’s transportation laws are well-intentioned, there are a number of laws and regulations that have become overly burdensome when implementing much-needed bicycle and pedestrian-related safety measures and projects. Bicycle and pedestrian-related transportation projects have run into processes and regulations that discourage action, raise costs, and lead to delays. AB 1976 would update provide more streamlined processes for projects that provide additional safety measures and accessibility for local communities to walk and live safely.”

2. Not so fast. The state empowers local officials to make decisions that principally affect only their residents. This ensures that local governments can be responsive to the needs and concerns of their residents. Rather than leave decisions about how best to engage with the local community when it comes to bicycle and pedestrian safety improvements, AB 1976 imposes a statewide limitation to the steps local agencies can take when considering bicycle and pedestrian improvements. Specifically, the bill limits the types of public input meetings that local agencies can hold to gather community feedback once design is 90% complete. Additionally, if a local

agency wants to ensure that a bicycle or pedestrian safety improvement shares broad community input, it can no longer institute a protest process that requires more than majority approval of affected residents. Finally, it limits when local agencies can stop pedestrian improvements already underway unless they make findings on the public benefits or fiscal constraints that justify terminating the project. AB 1976 does this to limit the ways a local agency can try to misuse public input to interfere with bicycle and pedestrian safety improvements. However, it may also limit legitimate opportunities for the public to express their concerns with the proposed project. It is unclear whether the potential misuse of public input justifies state-imposed limitations to the public’s ability to provide input on bicycle and pedestrian safety improvements. Local officials may be better suited to make determinations regarding the amount of public input on bicycle and pedestrian safety improvements in their jurisdictions.

3. Charter city. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution does not define municipal affairs, the courts determine whether a topic is a municipal affair or whether it is an issue of statewide concern. AB 1976 says that its statutory provisions apply to charter cities but does not specify why they are a matter of statewide concern. The Committee may wish to consider amending the bill to specify why AB 1976’s provisions constitute a matter of statewide concern.

4. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 1976 imposes new duties on local governments, Legislative Counsel says it imposes a new state mandate. The measure states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, then reimbursement must be made pursuant to existing statutory provisions.

5. Triple play. The Senate Committee on Rules has ordered a triple-referral of AB 1976: first to the Senate Committee on Local Government, which has jurisdiction over bills relating to local government powers; second to the Senate Committee on Transportation; and third to the Senate Committee on Environmental Quality.

Assembly Actions

Assembly Transportation Committee:	12-4
Assembly Local Government Committee:	8-2
Assembly Appropriations Committee:	11-4
Assembly Floor:	49-19

Support and Opposition (6/19/2026)

Support: Streets for All (Sponsor)
 AARP
 One individual

Opposition: County of Fresno
 Pacific Merchant Shipping Association