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**CALIFORNIANS FOR
HOMEOWNERSHIP**

To: San Diego Association of Governments (SANDAG)

Chair Heebner and SANDAG Board of Directors

1011 Union Street, Suite 400

San Diego, CA 92101

May 29, 2026

**RE: Joint Letter in Support of TOD Stop Designations Under Senate Bill 79:
Dedicated Bus Lanes, Sprinter Stations, and North County Commuter Rail Stops**

Dear Chair Heebner and SANDAG Board,

The YIMBY Democrats of San Diego County's Law & Policy Team ("YIMBY Dems") and the California Housing Defense Fund ("CalHDF") write jointly to address SANDAG's obligation under SB 79 to include all qualifying transit stops in the San Diego region on its forthcoming Transit-Oriented Development (TOD) Stop map under Senate Bill 79 (SB 79). We write regarding three categories of qualifying stops: (1) the dedicated bus lanes serving Rapid 215 and Routes 1, 7, and 10 on El Cajon Boulevard, University Avenue, and Park Boulevard south of University Avenue in the City of San Diego; (2) the NCTD Sprinter stations throughout the region; and (3) North County COASTER and commuter rail stops. Since YIMBY Dems' last letter on May 5, 2026, the San Diego City Council has taken significant action on this issue, requiring this Board's independent determination of which stops qualify.

I. Background and Recent Developments

On April 8 and May 5, 2026, the YIMBY Dems submitted letters urging the designation of qualifying bus stops in San Diego as Tier 2 TOD Stops under SB 79. Those letters addressed the position of the City of San Diego (the "City") that the bus lanes on El Cajon Boulevard, University Avenue, and Park Boulevard south of University Avenue (the "Disputed Corridors") do not constitute "full-time dedicated bus lanes" for purposes of Public Resources Code section 21060.2(a)(1), and explained why that position is not supported by the text and structure of SB 79 or the California Vehicle Code. The City has not substantively responded to the textual arguments set out in those letters, and the question of these corridors' qualifications now comes before SANDAG for its independent determination.

The Disputed Corridors each have distinct lane configurations. The Boulevard Bus Way on El Cajon Boulevard and the University Avenue bus lanes are co-designated for bicycle use and permit vehicle right turns. Park Boulevard south of University Avenue has a dedicated bus lane with a separate, parallel bike lane—meaning the bus lane itself is not shared with cyclists at all; only vehicle right turns are permitted. In each case, the bus lanes are separated from general traffic lanes by painted

markings, which do not physically exclude authorized co-use. None of these configurations disqualifies those corridors under a correct reading of SB 79.

On May 7, 2026, the San Diego City Council (the “Council”) held a special session to consider SB 79 implementation. City Planning Director Heidi Vonblum confirmed on the record that staff had concluded the Disputed Corridors did not qualify, stating that "the other stops we determined were not full time dedicated lanes" because staff "observed bikes in their vehicles turning into the lanes."¹ When asked by a councilmember to respond to the statutory arguments we had submitted, Deputy City Attorney Shannon Eckmeyer provided a three-sentence response, dismissing YIMBY Dems’ Vehicle Code analysis on the ground that the cited statute "regulates parking citation procedures and right side of the road driving procedures and is a different legal statute that's not applicable to SB 79."² Neither the Planning Director nor the Deputy City Attorney addressed YIMBY Dems’ textual argument: that SB 79 expressly requires physical exclusivity for heavy rail and expressly omits that requirement from the bus lane standard, or that SB 79 cross-references only one of five BRT requirements, leaving physical exclusivity entirely out of the Tier 2 bus stop threshold. The City's position rests on an observation about co-use, not a textual analysis of the statute.

Several councilmembers found the statutory case for qualification persuasive. Councilmember Whitburn, whose district contains all three Disputed Corridors, stated: "I appreciate the thoughtfulness of the argument put forward by the YIMBY Democrats, and I find them persuasive."³ He added: "When I look at those bus lanes on Park Boulevard, University Avenue, and El Cajon Boulevard, I have always thought of them as designated transit only lanes. I think most District 3 residents see them as designated transit only lanes from the day they were installed to today."⁴ Councilmember Von Wilpert stated: "I also tend to agree with Council Member Whitburn that these are dedicated bus lanes, and that I do see how they would be included in the statute."⁵ Councilmember Moreno stated that Councilmember Whitburn's proposed amendment to include the Disputed Corridors was "very reasonable, and it's one that I am fully in support of," adding: "If SANDAG decides to include those three corridors, good. And if they don't, well, the city of San Diego would have done it already."⁶

The Council ultimately struck Recital E of the proposed implementation ordinance—the recital that had omitted the Disputed Corridors—and deferred the qualification question to SANDAG. The question is now squarely before this Board.

II. The Statutory Standard Does Not Require Physical Exclusivity

A. SB 79's Partial Cross-Reference to the BRT Standard

SB 79 defines a Tier 2 TOD Stop as a transit-oriented development stop served by "bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code."⁷ The statute cross-references only that paragraph—the dedicated-lane and frequency prong—and no other features of the full bus rapid transit definition.⁸ Under that standard, a qualifying bus stop must be served by a route operating with (1) full-time dedicated bus lanes or

¹Transcript of San Diego City Council Special Session (May 7, 2026) ("May 7 Tr."), at 1:27:52 (City Planning Director Heidi Vonblum).

²May 7 Tr. at 1:30:04 (Deputy City Attorney Shannon Eckmeyer).

³May 7 Tr. at 1:38:00 (Councilmember Whitburn).

⁴May 7 Tr. at 1:38:41 (Councilmember Whitburn).

⁵May 7 Tr. at 1:46:28 (Councilmember Von Wilpert).

⁶May 7 Tr. at 1:58:43 (Councilmember Moreno).

⁷Gov. Code § 65912.156(o).

⁸Gov. Code § 65912.156(o) (cross-referencing only "paragraph (1) of subdivision (a) of Section 21060.2" of the Public Resources Code).

operation in a separate right-of-way dedicated for public transportation, and (2) a service frequency of no greater than 15 minutes during weekday peak commute hours. The bus routes serving the Disputed Corridors satisfy the frequency prong: Rapid 215 operates every 10 minutes during peak hours, and Routes 1, 7, and 10 operate at equivalent or better peak frequencies.^{9,10}

The full bus rapid transit ("BRT") definition in Public Resources Code section 21060.2(a) imposes five cumulative requirements: (1) full-time dedicated bus lanes or separate right-of-way with 15-minute peak frequency; (2) transit signal priority; (3) all-door boarding; (4) an efficient fare collection system; and (5) defined stations.¹¹ SB 79 cross-references only requirement (1), leaving behind signal priority, all-door boarding, fare collection, and defined stations from the full five-element BRT definition. That selective cross-reference sets a lower, more accessible threshold for Tier 2 bus stop qualification than full BRT requires. Against that backdrop, reading a physical exclusivity requirement into the provision is inconsistent with the text: physical exclusivity is not found in paragraph (1), and the statute does not support importing it. That reading is also foreclosed by the text's own structure: section 21060.2(a)(1) offers two alternative qualifying paths: "full-time dedicated bus lanes" or "operation in a separate right-of-way dedicated for public transportation." Reading physical exclusivity into the first alternative would collapse it into the second, rendering the disjunction meaningless.

B. The Statutory Architecture Forecloses an Implied Physical Exclusivity Requirement

SB 79's own definition of "heavy rail transit" in Government Code section 65912.156, subdivision (d) explicitly requires "separate rights-of-way from which all other vehicular and foot traffic are excluded."¹² That exclusion language is precise and purposeful. It is conspicuously absent from the bus lane standard in Public Resources Code section 21060.2(a)(1), which requires only "full-time dedicated bus lanes" with no parallel language excluding other traffic. Under the canon of *expressio unius est exclusio alterius*, the express inclusion of a physical exclusivity requirement for heavy rail and its omission from the bus lane standard within the same definitional framework is strong evidence the omission was intentional. While it may be argued that heavy rail's exclusivity requirement reflects the physical nature of that infrastructure rather than a policy choice about lane access, the more fundamental point is the same: a physical exclusivity requirement cannot be read into "full-time dedicated bus lanes" when no such requirement appears in the text.

III. The California Vehicle Code Addresses the Specific Features at Issue

The Deputy City Attorney characterized YIMBY Dems' Vehicle Code analysis as dealing only with "parking citation procedures and right side of the road driving procedures." That characterization fails on its own terms. California Vehicle Code section 21655.1 is located in the chapter of Division 11 governing driving on the right side of the road—but that location supports rather than undermines our argument. The "rules of the road" governing how drivers must behave with respect to transit-only lanes are precisely the rules that define what a legally dedicated transit lane looks like in practice. If right turns and bicycle co-use were incompatible with a lane being dedicated to transit, California's rules-of-the-road statute would not expressly authorize them. The Deputy City Attorney's characterization of section 21655.1 as a driving-conduct statute is an admission that it governs permissible uses of transit-only lanes—which is precisely the question at issue.

⁹Pub. Resources Code § 21060.2(a)(1).

¹⁰MTS, Route 215 Schedule (10-min. peak headway), sdmts.com/getting-around/departures-and-schedules/schedules/215; MTS, Route 1 Schedule, sdmts.com/getting-around/departures-and-schedules/schedules/1; MTS, Route 7 Schedule, sdmts.com/getting-around/departures-and-schedules/schedules/7; MTS, Route 10 Schedule, sdmts.com/getting-around/departures-and-schedules/schedules/10.

¹¹Pub. Resources Code § 21060.2(a)(1)-(5).

¹²Gov. Code § 65912.156(d).

Moreover, section 21655.1 was amended in 2023 by Assembly Bill 971 (Lee, Chapter 672, Statutes of 2023) specifically to address transit-only lane designation and co-use authorization.¹³ The bill passed both chambers unanimously—77 to 0 in the Assembly and 39 to 0 in the Senate, on consent in both chambers—and was signed by the Governor on October 10, 2023. Every committee analysis described the bill's purpose as clarifying "local authorities' existing authority to permit other vehicles in transit-only traffic lanes."¹⁴ The Legislature reviewed the entire structure of section 21655.1, preserved the right-turn carve-out in subdivision (b), and codified the co-use authorization in subdivision (c)(1), characterizing each as a clarification of existing law, not a new grant of authority. A statute the Legislature unanimously amended in 2023 specifically to govern transit lane co-use is not a mere "parking citation" or "right side of the road" provision.

Vehicle Code section 21655.1, subdivision (d) defines "transit-only traffic lane" by cross-reference to Vehicle Code section 40240(g) as "any designated transit-only lane on which use is restricted to mass transit vehicles, or other designated vehicles including taxis and vanpools, during posted times."¹⁵ Three provisions of section 21655.1 directly address the disputed lane configurations.

First, Vehicle Code section 21655.1, subdivision (b) expressly provides that the prohibition on operating a motor vehicle in a transit-only traffic lane does not apply to a driver who is required to enter the lane in order to make a right turn, unless the lane is delineated by a physical separation such as a curb, fence, landscaping, or other barrier.¹⁶ This provision establishes as a matter of statute that allowing vehicle right turns does not negate the dedicated character of a transit-only lane. The right-turn carve-out is not a defect in dedication; it is a standard, expressly contemplated feature of how transit-only lanes operate under California law. AB 971 preserved this carve-out while simultaneously clarifying that these lanes remain "transit-only traffic lanes" for all purposes.

Second, Vehicle Code section 21655.1, subdivision (c)(1) provides that a transit-only traffic lane may be designated for the exclusive use of public transit buses and "other vehicles designated by a local authority or the Department of Transportation."¹⁷ This language expressly authorizes co-designation for additional vehicle types, including bicycles, without defeating the lane's dedicated transit character. The City of San Diego, as the local authority with jurisdiction over these streets, has co-designated the Boulevard Bus Way and University Avenue lanes for bicycle use, squarely within this provision. AB 971 was enacted specifically because cities like San Diego were doing exactly this—and the Legislature unanimously affirmed it was lawful.

Third, Vehicle Code section 21655.1, subdivision (c)(2) requires that a transit-only lane be established by a transit agency with the agreement of the agency with jurisdiction over the highway.¹⁸ Each of the Disputed Corridors satisfies this requirement: the City has jurisdiction over its own streets and has formally designated each of these as bus-only lanes in official City documents, and MTS operates transit service in each of them. The provision's evident purpose is to prevent unilateral designation by one agency without the other's involvement; that concern does not arise here.

¹³Assem. Bill No. 971 (2023-2024 Reg. Sess.) ch. 672, sec. 1, 2023 Cal. Stat. (signed Oct. 10, 2023) (amending Veh. Code § 21655.1 to govern transit-only traffic lane designation and co-use).

¹⁴Assem. Com. on Transportation, Analysis of AB 971 (Apr. 17, 2023) p. 1; Sen. Com. on Transportation, Analysis of AB 971 (June 13, 2023) p. 1; Assem. Floor Analysis of AB 971, Concurrence in Sen. Amendments (each describing the bill as clarifying "local authorities[]" existing authority to permit other vehicles in transit-only traffic lanes"); Sen. Floor Analysis, AB 971 (Assembly vote: 77-0; Senate Transportation Committee: 16-0; Senate Floor: 39-0).

¹⁵Cal. Veh. Code §§ 21655.1(d), 40240(g).

¹⁶Cal. Veh. Code § 21655.1(b).

¹⁷Cal. Veh. Code § 21655.1(c)(1).

¹⁸Cal. Veh. Code § 21655.1(c)(2).

IV. SANDAG and The City's Own Documents Confirm These Are Dedicated Bus Lanes

Notably, the City's own official documents consistently describe the Disputed Corridors using the same "dedicated bus lane" and "transit-only lane" terminology that appears in the statute and Vehicle Code, making the City's current legal position difficult to reconcile with its own official characterizations.

For El Cajon Boulevard, the City's Transportation & Storm Water Department prepared an official memorandum in May 2019 documenting that City staff, working with MTS, studied the feasibility of a "bus-only lane" on El Cajon Boulevard and prepared cost estimates and work plans for the project.¹⁹ The completed Boulevard Bus Way is described by MTS as a "three-mile dedicated lane for buses" and "a collaborative effort between the City of San Diego...MTS and SANDAG."²⁰

For University Avenue, the City's Engineering & Capital Projects Department presentation on the University Avenue Mobility Project describes the project as providing "a transit-only lane along University Avenue in both the eastbound and westbound direction," 11 feet wide and "marked as 'Bus Only.'"²¹ The City's Capital Improvement Program lists the UAMP as a City project scheduled for completion Q2 2026.²²

For Park Boulevard south of University Avenue, the City's own Capital Improvement Program documentation for the Balboa Park Pipeline Replacement project explicitly states that the restriping of Park Boulevard "includes a vehicle lane, a dedicated bus lane and a Class 4 buffered bike lane." The City's Transportation Department's April 2023 Park Boulevard Transit and Bikeway Restriping Project update confirms the bus lane designation on the corridor.²³

SANDAG's own planning documents use the same terminology. The SANDAG 2021 Regional Plan Glossary defines "dedicated lanes" as "[t]raffic lanes set aside for particular types of vehicles, travel, and shared mobility applications," expressly including "dedicated lanes designated by signs and markings for the preferential or exclusive use of transit services" and noting that such lanes may "sometimes permit[] limited use by other vehicles, services, and modes."²⁴ SANDAG's own definitional framework thus confirms that signage-and-markings designation is sufficient to render a lane "dedicated," and that limited co-use by other vehicles or modes does not remove that character.

The City's own departments have consistently characterized these facilities as dedicated bus lanes and transit-only lanes in official engineering, CIP, and transportation documents, as has SANDAG in its own regional planning glossary. An interpretation of SB 79 that excludes these same facilities from Tier 2 qualification cannot be squared with either agency's own characterizations of them. SANDAG, which has not yet published its TOD Stop map, must not replicate the City's error.

¹⁹City of San Diego, Transportation & Storm Water Department, Memorandum re: Pilot Program for Bus-Only Lane on El Cajon Boulevard (May 8, 2019); id., Attachment 1 (Memorandum from Council President Gomez and Councilmember Ward to Mayor Faulconer (Jan. 24, 2019)); id., Attachment 2 (SANDAG, Mid-City Rapid Bus Route map).

²⁰MTS, The Boulevard Bus Way, sdmts.com/inside-mts/current-projects/boulevard-bus-way.

²¹City of San Diego, Engineering & Capital Projects Department, University Avenue Mobility Project Presentation (Feb. 2021), Transit Improvements slide; see also City of San Diego, Transportation & Storm Water Department, Memorandum re: Pilot Program for Bus-Only Lane on El Cajon Boulevard (May 8, 2019).

²²City of San Diego, Capital Improvement Program, Project No. S00915 (University Avenue Mobility Project), sandiego.gov/cip.

²³City of San Diego, Balboa Park Pipeline Replacement Phase II, sandiego.gov/cip; City of San Diego, Transportation Department, Park Boulevard Transit and Bikeway Restriping Project, Striping Update (Apr. 2023); CIP Project Nos. B22140, B23017.

²⁴SANDAG, 2021 Regional Plan Glossary (Dec. 1, 2021), at "dedicated lanes" (defining "dedicated lanes" as "[t]raffic lanes set aside for particular types of vehicles, travel, and shared mobility applications" that "include dedicated lanes designated by signs and markings for the preferential or exclusive use of transit services...sometimes permitting limited use by other vehicles, services, and modes").

V. HCD's Advisory Guidance Is Consistent with Our Position

The California Department of Housing and Community Development's ("HCD") March 20, 2026 Advisory Clarifications on Definitions for Metropolitan Planning Organizations defines a qualifying bus service TOD stop as "a location where the bus stop is adjacent to a full-time dedicated transit lane and the average bus service intervals across the combined morning and afternoon peak periods is 15 minutes or less."²⁵ HCD uses the term "full-time dedicated transit lane" rather than "full-time dedicated bus lane." While we do not rest our position on that word choice alone, HCD's formulation is at minimum consistent with an interpretation that encompasses the co-designated and separately biked corridors at issue here and is inconsistent with a requirement of physical exclusivity. As the state agency tasked with overseeing SB 79 compliance, HCD's interpretive guidance is entitled to deference and must inform SANDAG's determination as it finalizes its TOD Stop map.

VI. The NCTD Sprinter Stations Qualify as Tier 2 TOD Stops

In addition to the bus lane question, SANDAG must designate the NCTD Sprinter stations as Tier 2 TOD Stops under SB 79. SB 79 provides that a Tier 2 TOD Stop is a transit-oriented development stop served by "light rail transit" or "high-frequency commuter rail," in addition to qualifying bus service.²⁶ The Sprinter qualifies under either or both categories.

"High-frequency commuter rail" is defined as "commuter rail service operating a total of at least 48 trains per day across both directions."²⁷ "Commuter rail" is defined as "a public rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service."²⁸ The Sprinter operates approximately 68 trains per day across both directions on weekdays, substantially exceeding the 48-train threshold for high-frequency commuter rail. On that basis alone, each Sprinter station qualifies as a Tier 2 TOD Stop.

In addition, NCTD itself has at various times designated the Sprinter as "light rail" in official board resolutions.²⁹ If the Sprinter is a light rail system, its stops independently qualify as Tier 2 TOD Stops under SB 79's separate provision for light rail. NCTD also characterizes the Sprinter as "hybrid rail," a term not used in the text of SB 79. Whatever label is applied, the Sprinter satisfies the statute's threshold under multiple independent theories. SANDAG must designate all Sprinter stations as Tier 2 TOD Stops (other than Oceanside, which qualifies as a Tier 1 TOD Stop as set forth below).

VII. Solana Beach Station

SANDAG must designate the Solana Beach station as a Tier 2 transit-oriented development stop under SB 79. SB 79 defines a Tier 2 TOD stop as a transit-oriented development stop within an urban transit county served by light rail transit, by high-frequency commuter rail, or by qualifying bus service.³⁰ "High-frequency commuter rail" is defined as commuter rail service operating a total of

²⁵California Department of Housing and Community Development, Advisory Clarifications on Definitions for Metropolitan Planning Organizations (Mar. 20, 2026) ("HCD Advisory").

²⁶Gov. Code § 65912.156(o) (Tier 2 stop must be served by "light rail transit" or "high-frequency commuter rail" or qualifying bus service).

²⁷Gov. Code § 65912.156(e) (defining "high-frequency commuter rail" as "commuter rail service operating a total of at least 48 trains per day across both directions").

²⁸Gov. Code § 65912.156(b) (defining "commuter rail" as "a public rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service"); NCTD, "Sprinter Hybrid Rail," gonctd.com/services/sprinter/.

²⁹See, e.g., NCTD Resolution 03-11 (Sept. 8, 2003), p. 1; NCTD Resolution 09-16 (Sept. 17, 2009), Exhibit A p. 7; NCTD Resolution 15-08 (Nov. 19, 2015), p. 77 (each designating the Sprinter as "light rail").

³⁰Gov. Code § 65912.156(o).

at least 48 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, at any point in the past three years.³¹

On March 20, 2026, HCD issued guidance for metropolitan planning organizations regarding how to count trains for purposes of the TOD stop threshold. HCD's guidance provides that frequency "is based on the total number of trains serving the station, including trains operated by multiple commuter rail services where applicable," and that "[t]his approach reflects the overall level of transit access and frequency experienced by riders at a given stop."³² In other words, every train that stops at a station must be counted across all commuter rail services and directions.

The Solana Beach station is served by the COASTER and the Pacific Surfliner, both of which are commuter rail services under SB 79. The station receives 30 COASTER trains and 26 Pacific Surfliner trains per weekday, with additional service on Fridays and game days. This totals at least 56 trains per weekday, well above the 48-train threshold. The Solana Beach station therefore qualifies as a Tier 2 TOD stop as a station served by high-frequency commuter rail.

VIII. Oceanside Station

SANDAG must designate the Oceanside station as a Tier 1 transit-oriented development stop under SB 79. SB 79 defines a Tier 1 TOD stop as a transit-oriented development stop within an urban transit county served by heavy rail transit or very high-frequency commuter rail.³³ "Very high-frequency commuter rail" is defined as commuter rail service with a total of at least 72 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, at any point in the past three years.³⁴

Applying HCD's train-counting methodology,³⁵ every train that stops at Oceanside must be counted across all commuter rail services and directions. The Oceanside station is served by the Sprinter (68 trains/day), the COASTER (30 trains/day), the Pacific Surfliner (26 trains/day), and Metrolink (6 trains/day), with additional service on Fridays. This totals at least 130 trains per weekday, well above the 72-train threshold for very high-frequency commuter rail. The Oceanside station therefore qualifies as a Tier 1 TOD stop under SB 79.

IX. Legal Consequences and Conclusion

SANDAG's TOD Stop map will carry a rebuttable presumption of validity for use by project applicants and local governments throughout the region.³⁶ An underinclusive map will directly reduce the scope of SB 79 implementation in San Diego, contrary to the statute's stated purpose of building more homes near transit. Further, a local government that relies on an underinclusive SANDAG map and denies qualifying housing projects near excluded bus stops in high-resource areas faces direct liability: beginning January 1, 2027, such denials are presumed to violate the Housing Accountability Act and trigger immediate financial penalties. Conversely, a map that correctly includes all qualifying stops gives local governments a legally sound baseline for implementation and insulates SANDAG from future legal challenges. SB 79 is operative July 1, 2026—less than six weeks away.

³¹Gov. Code § 65912.156(e).

³²HCD Advisory, *supra* note 25, at train-counting guidance section.

³³Gov. Code § 65912.156 (defining "Tier 1 TOD stop" as "a transit-oriented development stop within an urban transit county served by heavy rail transit or very high frequency commuter rail").

³⁴Gov. Code § 65912.156(f) (defining "very high-frequency commuter rail" as "a commuter rail service with a total of at least 72 trains per day across both directions").

³⁵HCD Advisory, *supra* note 25.

³⁶Gov. Code § 65912.160(f) (rebuttable presumption of validity for SANDAG TOD Stop map); § 65912.157(m) (Housing Accountability Act penalties for denial of qualifying projects in high-resource areas beginning January 1, 2027).

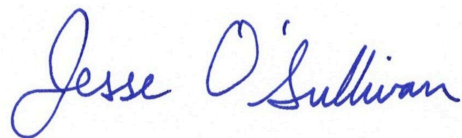
The bus lanes on El Cajon Boulevard, University Avenue, and Park Boulevard south of University Avenue are formally designated, full-time, transit-only lanes. The City's own official documents describe them as "dedicated bus lanes" and "transit-only lanes." The features identified as disqualifying—vehicle right turns and bicycle co-use—are expressly contemplated and permitted by California's rules-of-the-road statute governing transit-only lanes, and were unanimously affirmed by the Legislature as lawful features of dedicated transit lanes when it amended that statute in 2023. More fundamentally, the physical exclusivity standard the City advocates cannot be reconciled with SB 79's own text or structure: the statute cross-references only the first of five BRT requirements and imposes an explicit exclusion-of-all-traffic requirement for heavy rail while omitting it from the bus lane standard. Each of these points, independently and together, forecloses the reading the City proposes.

In accordance with its statutory obligations under SB 79, SANDAG must: (1) independently analyze the qualification of the Disputed Corridors under SB 79 and the Vehicle Code; (2) include all three Disputed Corridors on the final TOD Stop map; (3) designate all NCTD Sprinter stations as Tier 2 TOD Stops (other than Oceanside); (4) designate the Solana Beach station as a Tier 2 TOD stop; and (5) designate the Oceanside station as a Tier 1 TOD stop. We are available to discuss any of these issues at the Board's convenience and welcome the opportunity to present additional analysis.

Respectfully submitted,



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