



October 9, 2026

Hon. John Laird, Chair
Joint Legislative Budget Committee
1020 N Street, Room 553
Sacramento, California 95814

Dear Senator Laird:

In a letter dated September 16, 2026, the Governor's Office of Land Use and Climate Innovation notified you of the Governor's certification that the Berkeley Water Transportation Pier Ferry Project (Berkeley Pier Project) in the City of Berkeley is eligible for the alternative California Environmental Quality Act (CEQA) review process authorized by Chapter 60 of 2023 (SB 149, Caballero). Under SB 149, the Joint Legislative Budget Committee (JLBC) has 30 days to concur or not concur with the Governor's certification. As we discuss below, we find that the Governor has determined that the Berkeley Pier Project meets the criteria specified in SB 149, and we therefore recommend that you concur with the Governor's certification.

Background

Expedited Judicial Review Under SB 149. Senate Bill 149 authorizes the Governor to review and certify specified energy, semiconductor or microelectronic, transportation-related, and water-related infrastructure projects for a streamlined judicial review process to comply with CEQA. This process is intended to advance projects by requiring that legal challenges to the project's environmental impact report be resolved in an expedited manner, to the extent feasible. The SB 149 process is broadly similar to the process established by Chapter 354 of 2011 (AB 900, Buchanan) and subsequently extended and modified by Chapter 19 of 2021 (SB 7, Atkins) for certain other types of projects, such as mixed-use development projects.

Requirements to Be Considered a Transportation-Related Project Under SB 149. To qualify as a transportation-related project under SB 149, a project must meet the following criteria.

- The project must advance one or more of, and must not conflict with, the following goals related to the Climate Action Plan for Transportation Infrastructure (CAPTI) adopted by the California Transportation Agency.
 - Build toward an integrated, statewide rail and transit network.
 - Invest in networks of safe and accessible bicycle and pedestrian infrastructure.
 - Include investments in light-, medium-, and heavy-duty zero-emission vehicle infrastructure.

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- Develop a zero-emission freight transportation system.
- Reduce public health and economic harms and maximize community benefits.
- Make safety improvements to reduce fatalities and severe injuries of all users towards zero.
- Assess and integrate assessments of physical climate risk.
- Promote projects that do not significantly increase passenger vehicle travel.
- Promote compact infill development while protecting residents and businesses from displacement.
- Protect natural and working lands.
- The project must be a public works project as defined by the Labor Code and comply with applicable provisions—such as prevailing wage and apprenticeship requirements—of the Labor Code.
- The Governor must find that the project will not result in any net emission of greenhouse gases (GHGs), excluding GHGs from employee transportation.
- The applicant must avoid or minimize significant environmental impacts in any disadvantaged community and any mitigation measures taken to do so must directly benefit the affected community.
- The applicant must agree to pay the cost of preparing the record of proceedings and responding to legal challenges, if relevant.

Proposal

Proposed Project Would Build and Operate a New Pier. The project would develop a new public pier along the shore of the San Francisco Bay in the City of Berkeley, to be used for the dual purposes of zero-emission ferry service and public recreation. Components of the project include: demolishing remaining portions of the previous pier in the same location, which was deemed unsafe and closed in 2015; constructing a new pier, breakwater, public plaza, and ferry infrastructure; implementing recreational amenities such as restrooms, benches, signage, and trails; renovating existing street access and parking; and operating new zero-emission electronic passenger ferry service to and from San Francisco. The applicant—the City of Berkeley—has requested approval for judicial streamlining under the provisions of SB 149.

LAO Comments

Governor Has Certified That the Project Meets SB 149 Criteria. The Governor certified that the Berkeley Pier Project meets the criteria for judicial streamlining and the administration has provided supporting information to JLBC. This information includes documents from the project applicant which indicate the project commits to (1) advancing multiple—and not conflicting with any—CAPTI goals; (2) meeting required labor provisions; (3) not resulting in net increases of GHG emissions; and (4) paying the required costs associated with preparing the record of

proceedings and responding to legal challenges to the project, if relevant. While the project does not take place in a census tract meeting the statewide definition of a disadvantaged community, the Governor's determination states that the project incorporates enforceable mitigation measures and design features that would minimize significant impacts to the extent feasible, and that these would be formalized through a binding and enforceable agreement.

Conclusion

In view of the above, we find that the Governor has determined that the Berkeley Pier Project meets the criteria specified in SB 149 and therefore recommend that you concur with the Governor's certification. If you have any questions about our review, please contact Rachel Ehlers at (916) 319-8330 or Rachel.Ehlers@lao.ca.gov.

Sincerely,



Ross Brown
Chief Deputy Legislative Analyst

Attachment

cc: Members of the Joint Legislative Budget Committee