

AMENDED IN SENATE MAY 2, 2007
AMENDED IN SENATE APRIL 17, 2007

SENATE BILL

No. 375

Introduced by Senator Steinberg

February 21, 2007

An act to amend Sections 65070, ~~65072~~, 65074, 65080, 65080.5, 65081.3, 65082, ~~65086.5~~, 65088.1, and 65088.4 of, *and* to add Sections 14522.1, 14522.2, ~~14522.3~~, ~~14522.4~~, 14522.5, and 65086.6 to, ~~and to add Chapter 2.68 (commencing with Section 65089.60) to Division 1 of Title 7 of,~~ the Government Code, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Steinberg. Transportation planning: ~~improved~~ travel *demand* models: preferred growth scenarios: environmental review.

(1) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation.

This bill would require the commission, by April 1, 2008, to adopt guidelines ~~related to the~~ *for the use of* travel demand models used in the development of regional transportation plans by regional transportation planning agencies. The bill would require a regional transportation planning agency for a region with a population of 800,000 or more to use those guidelines. ~~The bill would specify certain policy~~

choices that a travel demand model shall be capable of evaluating. The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements.

This bill would also require the regional transportation plan to include a preferred growth scenario, as specified, designed to achieve certain goals for the reduction of vehicle miles traveled in a region. *The bill would require the State Air Resources Board to provide each region with greenhouse gas emission reduction targets for 2020 and 2050 by an unspecified date, and would require the preferred growth scenario to inventory the region's emission of those gasses and establish measures to reduce those emissions consistent with the targets.* The bill would require certain transportation planning and programming activities by regional agencies ~~and the department~~ to be consistent with the preferred growth scenario, including the programming of transportation projects in the regional transportation improvement program ~~and the federal transportation improvement program, the preparation of project study reports for projects not included in the state transportation improvement program,~~ and the implementation of ~~urban infill~~ opportunity zones, among other things.

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would require the environmental document prepared pursuant to CEQA to only examine the significant or potentially significant project specific impacts of a project located in a local jurisdiction that has amended its general plan so that the land use, circulation, housing, and open-space elements of the general plan are consistent with the preferred growth scenario most recently adopted by the metropolitan planning organization, pursuant to the requirements specified in the

bill, if the project is a residential project or a residential or mixed use project, ~~an infill~~ *a project on an infill site*, and located within an urbanized area.

~~The bill would authorize a city or county that is in a jurisdiction that has amended its general plan, as provided above, if the plan meets certain requirements and the plan is adopted using a specified planning process.~~

The bill would provide that no additional review is required pursuant to CEQA for a project if the legislative body of a local jurisdiction that has amended its general plan, as provided above, finds, after conducting a public hearing, that the project meets certain criteria and is declared to be a sustainable communities project.

The bill would also authorize the legislative body of such a local jurisdiction within an urbanized area to adopt traffic mitigation policies for future residential projects. The bill would exempt a residential project seeking a land use approval from compliance with additional mitigation measures for traffic impacts, if the local jurisdiction that has adopted that traffic mitigation policies.

~~(3) The Housing and Emergency Shelter Trust Fund Act of 2006, approved by the voters as Proposition 1C in the November 2006 general election, authorizes the issuance of \$2.85 billion in general obligation bonds for various existing housing programs, capital outlay related to infill development, and other purposes. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters as Proposition 84 in the November 2006 general election, authorizes the issuance of \$5.388 billion in general obligation bonds for various public resources projects, including \$90,000,000 for planning grants and planning incentives for the development of regional and local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers.~~

~~This bill would provide that up to \$20 million available from these bonds for smart growth planning and incentives shall be made available, upon appropriation by the Legislature, as grants to transportation planning agencies for transportation planning model improvements, for allocation by the California Transportation Commission in consultation with the Department of Transportation.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The transportation sector contributes over 40 percent of the
4 greenhouse gas emissions in the State of California; vehicles alone
5 contribute 35 percent. The transportation sector is the single largest
6 contributor of greenhouse gases of any sector.

7 (b) In 2006, the Legislature passed and the Governor signed
8 Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter
9 AB 32), which requires the State of California to reduce its
10 greenhouse gas emissions to 1990 levels no later than 2020. In
11 1990, greenhouse gas emissions from vehicles were approximately
12 73 million metric tons, but by 2006 these emissions had increased
13 to approximately 100 million metric tons.

14 (c) Greenhouse gas emissions from vehicles can be substantially
15 reduced by ~~the AB 32 vehicle standards and by the adoption new~~
16 *vehicle technology and by the increased use* of low carbon fuel
17 ~~standards~~. However, even taking these measures into account, it
18 will be necessary to achieve significant additional greenhouse gas
19 reductions from changed land use patterns and improved
20 transportation. Without significant changes in land use and
21 transportation policy, California will not be able to achieve the
22 goals of AB 32.

23 (d) In addition, vehicles account for 50 percent of air pollution
24 in California and __ percent of its consumption of petroleum.
25 Changes in land use and transportation policy will provide
26 significant assistance to California's goals to implement the federal
27 and state Clean Air Acts and to reduce its dependence on
28 petroleum.

(e) ~~It is essential that transportation planning and environmental review processes under the California Environmental Quality Act reflect the environmental necessity to change land use and transportation policies to encourage reductions in greenhouse gas emissions, air pollution, and petroleum consumption.~~

(f) ~~The recently enacted federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the evaluation of the economic development impacts of transportation plans by the Department of Transportation and regional transportation planning agencies.~~

(g) ~~Current planning models and analytical techniques used for making transportation infrastructure decisions and for air quality planning should be enhanced to better assess the effects of policy choices, such as encouraging more compact residential development patterns, expanding transit service and accessibility, creating more walkable communities with housing, retail, and commercial development, and implementing economic incentives and disincentives such as tolls, transit pricing, and parking charges.~~

(e) Current planning models and analytical techniques used for making transportation infrastructure decisions and for air quality planning should be able to assess the effects of policy choices, such as residential development patterns, expanded transit service and accessibility, the walkability of communities, and the use of economic incentives and disincentives such as tolls, transit pricing, and parking charges.

SEC. 2. Section 14522.1 is added to the Government Code, to read:

14522.1. (a) The commission, *in consultation with the State Air Resources Board*, shall adopt guidelines for the ~~disbursement of state transportation funding related to the travel use of travel~~ demand models used in the development of regional transportation plans by regional transportation planning agencies designated pursuant to Section 29532. The preparation of the guidelines shall include the formation of an advisory committee that shall include representatives of the regional transportation planning agencies, the department, organizations knowledgeable in the creation and use of travel demand models, and organizations concerned with the impacts of transportation investments on communities and the environment. The commission shall hold two workshops on the guidelines, one in northern california and one in Southern

1 California. The workshops shall be incorporated into regular
2 commission meetings.

3 (b) The department shall assist the commission in the preparation
4 of the guidelines, if requested to do so by the commission.

5 (c) *The guidelines shall, at a minimum and to the extent*
6 *practicable, require that the models do all of the following:*

7 (1) *Account for the relationship between land use density and*
8 *household vehicle ownership and vehicle miles traveled in a way*
9 *that is consistent with statistical research.*

10 (2) *Account for the impact of enhanced transit service levels on*
11 *household vehicle ownership and vehicle miles traveled.*

12 (3) *Account for induced travel and induced land development*
13 *resulting from highway or passenger rail expansion.*

14 (4) *Include mode split models that allocate trips between*
15 *automobile, transit, carpool, and bicycle and pedestrian trips. If*
16 *a travel demand model is unable to forecast bicycle and pedestrian*
17 *trips, another means may be used to estimate those trips.*

18 (e)

19 (d) The guidelines shall be adopted on or before April 1, 2008.

20 SEC. 3. Section 14522.2 is added to the Government Code, to
21 read:

22 14522.2. (a) The guidelines adopted pursuant to Section
23 14522.1 shall apply to a regional transportation planning agency
24 for a region with a population of 800,000 or more as of the most
25 recent decennial census. In the Counties of Imperial, Los Angeles,
26 Orange, Riverside, San Bernardino, and Ventura, that agency shall
27 be the agency described in Section 130004 of the Public Utilities
28 Code.

29 (b) A regional transportation planning agency for a region with
30 a population of less than 800,000 as of the most recent decennial
31 census may, at its discretion, follow the guidelines.

32 (c) *A regional transportation planning agency shall disseminate*
33 *the methodology, results, and key assumptions of whichever travel*
34 *demand model it uses in a way that would be useable and*
35 *understandable to the public.*

36 ~~SEC. 4. Section 14522.3 is added to the Government Code, to~~
37 ~~read:~~

38 ~~14522.3. The commission guidelines shall require, at a~~
39 ~~minimum, that the travel demand models described in Section~~

1 14522.1 shall be capable, to the extent practicable, of evaluating
2 at least the following policy choices:

3 (a) ~~Account for travel demands during at least four time intervals~~
4 ~~during the day.~~

5 (b) ~~Account for induced travel and induced land development~~
6 ~~resulting from highway or passenger rail expansion.~~

7 (c) ~~Include mode split models that allocate trips between~~
8 ~~automobile, transit, carpool, and bicycle and pedestrian trips. If a~~
9 ~~travel demand model is unable to forecast bicycle and pedestrian~~
10 ~~trips, another means may be used to estimate those trips.~~

11 (d) ~~Residential land use densification.~~

12 (e) ~~Proximity of residential areas to centers of employment.~~

13 (f) ~~Account for the relationship between land use density and~~
14 ~~household motor vehicle ownership and vehicle miles traveled in~~
15 ~~a way that is consistent with statistical research.~~

16 (g) ~~Account for the impact of enhanced transit service levels~~
17 ~~on reducing overall vehicular travel and car ownership.~~

18 (h) ~~Mixed land uses.~~

19 (i) ~~Parking charges and parking cashout.~~

20 (j) ~~Peak period freeway tolls.~~

21 (k) ~~Twenty-four hour freeway tolls.~~

22 (l) ~~A freight travel model and a commodity flows travel model~~
23 ~~may be included in the travel models, if those models are~~
24 ~~appropriate to the region.~~

25 ~~SEC. 5. Section 14522.4 is added to the Government Code, to~~
26 ~~read:~~

27 ~~14522.4. A regional transportation planning agency described~~
28 ~~in subdivision (a) of Section 14522.2 shall demonstrate in its~~
29 ~~regional transportation plan the extent to which its regional travel~~
30 ~~demand models assist other public agencies to evaluate large~~
31 ~~private and public land development projects, including accounting~~
32 ~~for the impacts of density and mixed land uses on travel.~~

33 ~~SEC. 6.~~

34 ~~SEC. 4. Section 14522.5 is added to the Government Code, to~~
35 ~~read:~~

36 ~~14522.5. A regional transportation planning agency described~~
37 ~~in subdivision (a) of Section 14522.2 shall report to the commission~~
38 ~~on how the regional travel demand model supports corridor~~
39 ~~planning and small area planning, at the time the regional~~

1 transportation plan is submitted to the commission and department
2 pursuant to Section 65080.

3 ~~SEC. 7.~~

4 *SEC. 5.* Section 65070 of the Government Code is amended
5 to read:

6 65070. (a) The Legislature finds and declares, consistent with
7 Section 65088, that it is in the interest of the State of California to
8 have an integrated state and regional transportation planning
9 process. It further finds that federal law mandates the development
10 of a state and regional long-range transportation plan as a
11 prerequisite for receipt of federal transportation funds. It is the
12 intent of the Legislature that the preparation of these plans shall
13 be a cooperative process involving local and regional government,
14 members of the public, transit operators, congestion management
15 agencies, and the goods movement industry and that the process
16 be a continuation of activities performed by each entity and be
17 performed without any additional cost.

18 (b) The Legislature further finds and declares that the last
19 attempt to prepare a California Transportation Plan occurred
20 between 1973 and 1977 and resulted in the expenditure of over
21 eighty million dollars (\$80,000,000) in public funds and did not
22 produce a usable document. As a consequence of that, the
23 Legislature delegated responsibility for long-range transportation
24 planning to the regional planning agencies and adopted a
25 seven-year programming cycle instead of a longer range planning
26 process for the state.

27 (c) The Legislature further finds and declares that the
28 Transportation Blueprint for the Twenty-First Century (Chapters
29 105 and 106 of the Statutes of 1989) is a long-range state
30 transportation plan that includes a financial plan and a continuing
31 planning process through the preparation of congestion
32 management plans and regional transportation plans, and identifies
33 major interregional road networks and passenger rail corridors for
34 the state.

35 ~~SEC. 8.~~ Section 65072 of the Government Code is amended
36 to read:

37 ~~65072.~~ The California Transportation Plan shall include all of
38 the following:

39 (a) ~~A policy element that describes the state's transportation~~
40 ~~policies and system performance objectives. These policies and~~

objectives shall be consistent with legislative intent described in Sections 14000, 14000.5, and 65088. For the plan to be submitted in December 1993, the policy element shall address any opportunities for changes or additions to state legislative policy direction or statute.

(b) ~~A strategies element that shall incorporate the broad system concepts and strategies synthesized from the adopted regional transportation plans prepared pursuant to Section 65080 and that is consistent with the preferred growth scenarios in those plans. The California Transportation Plan shall not be project specific.~~

(c) ~~A recommendations element that includes economic forecasts and recommendations to the Legislature and the Governor to achieve the plan's broad system concepts, strategies, and performance objectives.~~

~~SEC. 9.~~

SEC. 6. Section 65074 of the Government Code is amended to read:

65074. The Department of Transportation shall prepare, in cooperation with the metropolitan planning agencies, a federal transportation improvement program in accordance with subsection (f) of Section 135 of Title 23 of the United States Code. The federal transportation improvement program shall be submitted by the department to the United States Secretary of Transportation, by October 1 of each even-numbered year. The projects and improvements identified in that plan shall be consistent with the ~~preferred growth scenarios~~ *regional transportation plans* adopted by the metropolitan planning organizations pursuant to Section 65080.

~~SEC. 10.~~

SEC. 7. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional

1 transportation plan shall consider factors specified in Section 134
2 of Title 23 of the United States Code. Each transportation planning
3 agency shall consider and incorporate, as appropriate, the
4 transportation plans of cities, counties, districts, private
5 organizations, and state and federal agencies.

6 (b) The regional transportation plan shall include all of the
7 following:

8 (1) A policy element that describes the transportation issues in
9 the region, identifies and quantifies regional needs, and describes
10 the desired short-range and long-range transportation goals, and
11 pragmatic objective and policy statements. The objective and policy
12 statements shall be consistent with the funding estimates of the
13 financial element. The policy element of transportation planning
14 agencies with populations that exceed 200,000 persons may
15 quantify a set of indicators including, but not limited to, all of the
16 following:

17 (A) Measures of mobility and traffic congestion, including, but
18 not limited to, vehicle hours of delay per capita and vehicle miles
19 traveled per capita.

20 (B) Measures of road and bridge maintenance and rehabilitation
21 needs, including, but not limited to, roadway pavement and bridge
22 conditions.

23 (C) Measures of means of travel, including, but not limited to,
24 percentage share of all trips (work and nonwork) made by all of
25 the following:

26 (i) Single occupant vehicle.

27 (ii) Multiple occupant vehicle or carpool.

28 (iii) Public transit including commuter rail and intercity rail.

29 (iv) Walking.

30 (v) Bicycling.

31 (D) Measures of safety and security, including, but not limited
32 to, total injuries and fatalities assigned to each of the modes set
33 forth in subparagraph (C).

34 (E) Measures of equity and accessibility, including, but not
35 limited to, percentage of the population served by frequent and
36 reliable public transit, with a breakdown by income bracket, and
37 percentage of all jobs accessible by frequent and reliable public
38 transit service, with a breakdown by income bracket.

1 (F) The requirements of this section may be met utilizing
2 existing sources of information. No additional traffic counts,
3 household surveys, or other sources of data shall be required.

4 (2) (A) A preferred growth scenario that (i) identifies areas
5 within the region sufficient to house all the population of the region
6 including all economic segments of the population over the course
7 of the planning period taking into account net migration into the
8 region, population growth, household formation and employment
9 growth; (ii) identifies significant resource land and significant
10 farmland and ~~excludes these lands from the preferred growth~~
11 ~~scenario to the greatest extent feasible; and (iii) complies from~~
12 ~~development areas in the preferred growth scenario all publicly~~
13 ~~owned parks, open space, and easement lands; open-space or~~
14 ~~habitat areas protected by natural community conservation plans,~~
15 ~~habitat conservation plans, or other adopted natural resource~~
16 ~~protection plans; and, to the greatest extent feasible, other~~
17 ~~significant resource lands and significant farmlands; and (iii) will~~
18 ~~allow the plan to comply with section~~ Section 176 of the federal
19 Clean Air Act (42 U.S.C. Sec. 7506).

20 ~~(A) For transportation planning agencies with populations that~~
21 ~~exceed 200,000 persons, the preferred growth scenario shall~~
22 ~~identify locations for new housing, employment centers, and~~
23 ~~commercial centers that, together with additional identified transit~~
24 ~~projects, will achieve a 10 percent reduction of vehicle miles~~
25 ~~traveled per household in the region by 2020 and a ___ percent~~
26 ~~reduction by 2050.~~

27 ~~(B) For other transportation agencies, the preferred growth~~
28 ~~scenario shall identify locations for new housing, employment~~
29 ~~centers, and commercial centers that, together with additional~~
30 ~~identified transit projects, will prevent any increase in vehicle~~
31 ~~miles traveled over the life of the regional transportation plan and~~
32 ~~will reduce vehicle miles traveled per household to the greatest~~
33 ~~extent practicable.~~

34 (B) No later than ____, the State Air Resources Board shall
35 provide each region with greenhouse gas emission targets for 2020
36 and 2050, respectively, in order to implement Chapter 488 of the
37 Statutes of 2006. In making these determinations, the board shall
38 consider greenhouse gas reductions that will be achieved by
39 improved vehicle emission standards, changes in fuel consumption,
40 and other measures it has approved that will reduce greenhouse

1 *gas emissions in the regions. Consistent with data provided by the*
2 *board, a preferred growth scenario shall inventory the region's*
3 *emission of greenhouse gases and establish measures to reduce*
4 *these emissions by an amount consistent with targets developed*
5 *by the board.*

6 *(C) A preferred growth scenario shall be consistent with the*
7 *state planning priorities specified pursuant to Section 65041.1.*

8 ~~(C)~~

9 *(D) A preferred growth scenario does not regulate the use of*
10 *land, nor shall it be subject to any state review or approval. Nothing*
11 *in a preferred growth scenario shall be interpreted as superseding*
12 *or interfering with the exercise of the land use authority of cities*
13 *and counties within the region.*

14 *(3) An action element that describes the programs and actions*
15 *necessary to implement the plan and assigns implementation*
16 *responsibilities. The action element may describe all projects*
17 *proposed for development during the 20-year life of the plan.*
18 *Proposed projects shall be consistent with the preferred growth*
19 *scenario.*

20 *The action element shall consider congestion management*
21 *programming activities carried out within the region.*

22 *(4) (A) A financial element that summarizes the cost of plan*
23 *implementation constrained by a realistic projection of available*
24 *revenues. The financial element shall also contain*
25 *recommendations for allocation of funds. A county transportation*
26 *commission created pursuant to Section 130000 of the Public*
27 *Utilities Code shall be responsible for recommending projects to*
28 *be funded with regional improvement funds, if the project is*
29 *consistent with the regional transportation plan. The first five years*
30 *of the financial element shall be based on the five-year estimate*
31 *of funds developed pursuant to Section 14524. The financial*
32 *element may recommend the development of specified new sources*
33 *of revenue, consistent with the policy element and action element.*

34 *(B) The financial element of transportation planning agencies*
35 *with populations that exceed 200,000 persons may include a project*
36 *cost breakdown for all projects proposed for development during*
37 *the 20-year life of the plan that includes total expenditures and*
38 *related percentages of total expenditures for all of the following:*

39 *(i) State highway expansion.*

40 *(ii) State highway rehabilitation, maintenance, and operations.*

- 1 (iii) Local road and street expansion.
- 2 (iv) Local road and street rehabilitation, maintenance, and
- 3 operation.
- 4 (v) Mass transit, commuter rail, and intercity rail expansion.
- 5 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
- 6 maintenance, and operations.
- 7 (vii) Pedestrian and bicycle facilities.
- 8 (viii) Environmental enhancements and mitigation.
- 9 (ix) Research and planning.
- 10 (x) Other categories.

11 (c) Each transportation planning agency may also include other
12 factors of local significance as an element of the regional
13 transportation plan, including, but not limited to, issues of mobility
14 for specific sectors of the community, including, but not limited
15 to, senior citizens.

16 (d) Except as otherwise provided in this subdivision, each
17 transportation planning agency shall adopt and submit, every four
18 years, an updated regional transportation plan to the California
19 Transportation Commission and the Department of Transportation.
20 A transportation planning agency located in a federally designated
21 air quality attainment area or that does not contain an urbanized
22 area may at its option adopt and submit a regional transportation
23 plan every five years. When applicable, the plan shall be consistent
24 with federal planning and programming requirements and shall
25 conform to the regional transportation plan guidelines adopted by
26 the California Transportation Commission. Prior to adoption of
27 the regional transportation plan, a public hearing shall be held after
28 the giving of notice of the hearing by publication in the affected
29 county or counties pursuant to Section 6061.

30 ~~SEC. 11.~~

31 *SEC. 8.* Section 65080.5 of the Government Code is amended
32 to read:

33 65080.5. (a) For each area for which a transportation planning
34 agency is designated under subdivision (c) of Section 29532, or
35 adopts a resolution pursuant to subdivision (c) of Section 65080,
36 the Department of Transportation, in cooperation with the
37 transportation planning agency, and subject to subdivision (e),
38 shall prepare the regional transportation plan, consistent with the
39 ~~preferred growth scenario~~ *requirements of Section 65080*, and the
40 updating thereto, for that area and submit it to the governing body

1 or designated policy committee of the transportation planning
2 agency for adoption. Prior to adoption, a public hearing shall be
3 held, after the giving of notice of the hearing by publication in the
4 affected county or counties pursuant to Section 6061. Prior to the
5 adoption of the regional transportation improvement program by
6 the transportation planning agency if it prepared the program, the
7 transportation planning agency shall consider the relationship
8 between the program and the adopted plan. The adopted plan and
9 program, and the updating thereto, shall be submitted to the
10 California Transportation Commission and the department pursuant
11 to subdivision (b) of Section 65080.

12 (b) In the case of a transportation planning agency designated
13 under subdivision (c) of Section 29532, the transportation planning
14 agency may prepare the regional transportation plan for the area
15 under its jurisdiction pursuant to this chapter, if the transportation
16 planning agency, prior to July 1, 1978, adopts by resolution a
17 declaration of intention to do so.

18 (c) In those areas that have a county transportation commission
19 created pursuant to Section 130050 of the Public Utilities Code,
20 the multicounty designated transportation planning agency, as
21 defined in Section 130004 of that code, shall prepare the regional
22 transportation plan and the regional transportation improvement
23 program in consultation with the county transportation
24 commissions.

25 (d) Any transportation planning agency which did not elect to
26 prepare the initial regional transportation plan for the area under
27 its jurisdiction, may prepare the updated plan if it adopts a
28 resolution of intention to do so at least one year prior to the date
29 when the updated plan is to be submitted to the California
30 Transportation Commission.

31 (e) If the department prepares or updates a regional
32 transportation improvement program or regional transportation
33 plan, or both, pursuant to this section, the state-local share of
34 funding the preparation or updating of the plan and program shall
35 be calculated on the same basis as though the preparation or
36 updating were to be performed by the transportation planning
37 agency and funded under Sections 99311, 99313, and 99314 of
38 the Public Utilities Code.

~~SEC. 12.~~

SEC. 9. Section 65081.3 of the Government Code is amended to read:

65081.3. (a) As a part of its adoption of the regional transportation plan, the designated county transportation commission, regional transportation planning agency, or the Metropolitan Transportation Commission may designate special corridors, ~~consistent with the preferred growth scenario prepared pursuant to Section 65080,~~ which may include, but are not limited to, adopted state highway routes, which, in consultation with the Department of Transportation, cities, counties, and transit operators directly impacted by the corridor, are determined to be of statewide or regional priority for long-term right-of-way preservation.

(b) Prior to designating a corridor for priority acquisition, the regional transportation planning agency shall do all of the following:

(1) Establish geographic boundaries for the proposed corridor.

(2) Complete a traffic survey, including a preliminary recommendation for transportation modal split, which generally describes the traffic and air quality impacts of the proposed corridor.

(3) Consider the widest feasible range of possible transportation facilities that could be located in the corridor and the major environmental impacts they may cause to assist in making the corridor more environmentally sensitive and, in the long term, a more viable site for needed transportation improvements.

(c) A designated corridor of statewide or regional priority shall be specifically considered in the certified environmental impact report completed for the adopted regional transportation plan required by the California Environmental Quality Act, which shall include a review of the environmental impacts of the possible transportation facilities which may be located in the corridor. The environmental impact report shall comply with the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code and shall include a survey within the corridor boundaries to determine if there exist any of the following:

(1) Rare or endangered plant or animal species.

(2) Historical or cultural sites of major significance.

(3) Wetlands, vernal pools, or other naturally occurring features.

(d) The regional transportation planning agency shall designate a corridor for priority acquisition only if, after a public hearing, it finds that the range of potential transportation facilities to be located in the corridor can be constructed in a manner which will avoid or mitigate significant environmental impacts or values identified in subdivision (c), consistent with the California Environmental Quality Act and the state and federal Endangered Species Acts.

(e) Notwithstanding any other provision of this section, a corridor of statewide or regional priority may be designated as part of the regional transportation plan only if it is consistent with *the preferred growth scenario of the regional transportation plan* and it has previously been specifically defined in the plan required pursuant to Section 134 and is consistent with the plan required pursuant to Section 135 of Title 23 of the United States Code.

~~SEC. 13.~~

SEC. 10. Section 65082 of the Government Code is amended to read:

65082. (a) (1) A five-year regional transportation improvement program shall be prepared, adopted, and submitted to the California Transportation Commission on or before December 15 of each odd-numbered year thereafter, updated every two years, pursuant to Sections 65080 and 65080.5 and the guidelines adopted pursuant to Section 14530.1, to include regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. ~~Projects and improvements to be funded shall be consistent with the preferred growth scenario developed pursuant to Section 65080. On and after January 1, 2009, projects and improvements to be funded shall be consistent with regional transportation plans, including the preferred growth scenarios, developed pursuant to Section 65080.~~

(2) Major projects shall include current costs updated as of November 1 of the year of submittal and escalated to the appropriate year, and be listed by relative priority, taking into account need, delivery milestone dates, and the availability of funding.

(b) Except for those counties that do not prepare a congestion management program pursuant to Section 65088.3, congestion management programs adopted pursuant to Section 65089 shall

1 be incorporated into the regional transportation improvement
2 program submitted to the commission by December 15 of each
3 odd-numbered year.

4 (c) Local projects not included in a congestion management
5 program shall not be included in the regional transportation
6 improvement program. Projects and programs adopted pursuant
7 to subdivision (a) shall be consistent with the capital improvement
8 program adopted pursuant to paragraph (5) of subdivision (b) of
9 Section 65089, and the guidelines adopted pursuant to Section
10 14530.1.

11 (d) Other projects may be included in the regional transportation
12 improvement program if listed separately.

13 (e) Unless a county not containing urbanized areas of over
14 50,000 population notifies the Department of Transportation by
15 July 1 that it intends to prepare a regional transportation
16 improvement program for that county, the department shall, in
17 consultation with the affected local agencies, prepare the program
18 for all counties for which it prepares a regional transportation plan.

19 (f) The requirements for incorporating a congestion management
20 program into a regional transportation improvement program
21 specified in this section do not apply in those counties that do not
22 prepare a congestion management program in accordance with
23 Section 65088.3.

24 (g) The regional transportation improvement program may
25 include a reserve of county shares for providing funds in order to
26 match federal funds.

27 ~~SEC. 14. Section 65086.5 of the Government Code is amended~~
28 ~~to read:~~

29 ~~65086.5. (a) To the extent that the work does not jeopardize~~
30 ~~the delivery of the projects in the adopted state transportation~~
31 ~~improvement program, the Department of Transportation may~~
32 ~~prepare a project studies report for capacity-increasing state~~
33 ~~highway projects that are not included in the state transportation~~
34 ~~improvement program and that are consistent with an adopted~~
35 ~~preferred growth scenario. Preparation of the project studies report~~
36 ~~shall be limited by the resources available to the department for~~
37 ~~that work, supplemented, as appropriate, by regional or local~~
38 ~~resources. The project studies report shall include the~~
39 ~~project-related factors of limits, description, scope, costs, and the~~
40 ~~amount of time needed for initiating construction.~~

1 ~~(b) Whenever project studies reports are performed by an entity~~
2 ~~other than the Department of Transportation, the department shall~~
3 ~~review and approve the report.~~

4 ~~(c) The Department of Transportation may be requested to~~
5 ~~prepare a project studies report for a capacity-increasing state~~
6 ~~highway project which is being proposed for inclusion in a future~~
7 ~~state transportation improvement program. The department shall~~
8 ~~have 30 days to determine whether it can complete the requested~~
9 ~~report in a timely fashion. If the department determines that it~~
10 ~~cannot complete the report in a timely fashion, the requesting entity~~
11 ~~may prepare the report. Upon submission of a project studies report~~
12 ~~to the department by the entity, the department shall complete its~~
13 ~~review and provide its comments to that entity within 60 days from~~
14 ~~the date of submission. The department shall complete its review~~
15 ~~and final determination of a report which has been revised to~~
16 ~~address the department's comments within 30 days following~~
17 ~~submission of the revised report.~~

18 ~~(d) The Department of Transportation, in consultation with~~
19 ~~representatives of cities, counties, and regional transportation~~
20 ~~planning agencies, shall prepare draft guidelines for the preparation~~
21 ~~of project studies reports by all entities, including a requirement~~
22 ~~that all projects studied shall be consistent with an adopted~~
23 ~~preferred growth scenario. The guidelines shall address the~~
24 ~~development of reliable cost estimates. The department shall submit~~
25 ~~the draft guidelines to the California Transportation Commission~~
26 ~~not later than July 1, 1991. The commission shall adopt the final~~
27 ~~guidelines not later than October 1, 1991. Guidelines adopted by~~
28 ~~the commission shall apply only to project studies reports~~
29 ~~commenced after October 1, 1991.~~

30 ~~SEC. 15.~~

31 ~~SEC. 11.~~ Section 65086.6 is added to the Government Code,
32 to read:

33 65086.6. The following definitions apply to terms used in this
34 chapter:

35 (a) "Significant resource lands" include (1) all publicly owned
36 parks, open space, and easement lands; (2) open space or habitat
37 areas protected by natural community conservation plans, habitat
38 conservation plans, or other adopted natural resource protection
39 plans; (3) areas designated for open space uses in adopted open
40 space elements of the local general plan or by local ordinance; (4)

1 habitat for protected species; and (5) floodplains, wetlands, riparian
2 corridors, vernal ponds, and corridors and open areas needed to
3 conserve the most regularly occurring keystone or indicator species.

4 (b) “Significant farmland” means farmland that is classified as
5 prime or unique farmland, or farmland of statewide importance
6 and is outside all existing spheres of influence as of January 1,
7 2007.

8 ~~(c) “Vehicle miles traveled” includes all automobile and light~~
9 ~~truck vehicle miles traveled within a region except those vehicle~~
10 ~~miles traveled for business-to-business deliveries of goods and~~
11 ~~vehicle miles traveled for trips that do not originate or end within~~
12 ~~the region.~~

13 ~~SEC. 16.~~

14 *SEC. 12.* Section 65088.1 of the Government Code is amended
15 to read:

16 65088.1. As used in this chapter the following terms have the
17 following meanings:

18 (a) Unless the context requires otherwise, “regional agency”
19 means the agency responsible for preparation of the regional
20 transportation improvement program.

21 (b) Unless the context requires otherwise, “agency” means the
22 agency responsible for the preparation and adoption of the
23 congestion management program.

24 (c) “Commission” means the California Transportation
25 Commission.

26 (d) “Department” means the Department of Transportation.

27 (e) “Local jurisdiction” means a city, a county, or a city and
28 county.

29 (f) “Parking cash-out program” means an employer-funded
30 program under which an employer offers to provide a cash
31 allowance to an employee equivalent to the parking subsidy that
32 the employer would otherwise pay to provide the employee with
33 a parking space. “Parking subsidy” means the difference between
34 the out-of-pocket amount paid by an employer on a regular basis
35 in order to secure the availability of an employee parking space
36 not owned by the employer and the price, if any, charged to an
37 employee for use of that space.

38 A parking cash-out program may include a requirement that
39 employee participants certify that they will comply with guidelines
40 established by the employer designed to avoid neighborhood

1 parking problems, with a provision that employees not complying
2 with the guidelines will no longer be eligible for the parking
3 cash-out program.

4 (g) “Infill opportunity zone” means a specific area designated
5 by a city or county, pursuant to subdivision (c) of Section 65088.4,
6 zoned for new compact residential or mixed use development
7 within one-third mile of a site with an existing or future rail transit
8 station, a ferry terminal served by either a bus or rail transit service,
9 an intersection of at least two major bus routes, or within 300 feet
10 of a bus rapid transit corridor, in counties with a population over
11 400,000. An infill opportunity zone shall be consistent with the
12 preferred growth scenario in the adopted regional transportation
13 plan. The mixed use development zoning shall consist of three or
14 more land uses that facilitate significant human interaction in close
15 proximity, with residential use as the primary land use supported
16 by other land uses such as office, hotel, health care, hospital,
17 entertainment, restaurant, retail, and service uses. The transit
18 service shall have maximum scheduled headways of 15 minutes
19 for at least 5 hours per day. A qualifying future rail station shall
20 have broken ground on construction of the station and programmed
21 operational funds to provide maximum scheduled headways of 15
22 minutes for at least 5 hours per day.

23 (h) “Interregional travel” means any trips that originate outside
24 the boundary of the agency. A “trip” means a one-direction vehicle
25 movement. The origin of any trip is the starting point of that trip.
26 A round trip consists of two individual trips.

27 (i) “Level of service standard” is a threshold that defines a
28 deficiency on the congestion management program highway and
29 roadway system which requires the preparation of a deficiency
30 plan. It is the intent of the Legislature that the agency shall use all
31 elements of the program to implement strategies and actions that
32 avoid the creation of deficiencies and to improve multimodal
33 mobility.

34 (j) “Multimodal” means the utilization of all available modes
35 of travel that enhance the movement of people and goods,
36 including, but not limited to, highway, transit, nonmotorized, and
37 demand management strategies including, but not limited to,
38 telecommuting. The availability and practicality of specific
39 multimodal systems, projects, and strategies may vary by county

1 and region in accordance with the size and complexity of different
2 urbanized areas.

3 (k) “Performance measure” is an analytical planning tool that
4 is used to quantitatively evaluate transportation improvements and
5 to assist in determining effective implementation actions,
6 considering all modes and strategies. Use of a performance measure
7 as part of the program does not trigger the requirement for the
8 preparation of deficiency plans.

9 (l) “Urbanized area” has the same meaning as is defined in the
10 1990 federal census for urbanized areas of more than 50,000
11 population.

12 (m) “Bus rapid transit corridor” means a bus service that
13 includes at least four of the following attributes:

- 14 (1) Coordination with land use planning.
- 15 (2) Exclusive right-of-way.
- 16 (3) Improved passenger boarding facilities.
- 17 (4) Limited stops.
- 18 (5) Passenger boarding at the same height as the bus.
- 19 (6) Prepaid fares.
- 20 (7) Real-time passenger information.
- 21 (8) Traffic priority at intersections.
- 22 (9) Signal priority.
- 23 (10) Unique vehicles.

24 ~~SEC. 17.~~

25 *SEC. 13.* Section 65088.4 of the Government Code is amended
26 to read:

27 65088.4. (a) It is the intent of the Legislature to balance the
28 need for level of service standards for traffic with the need to build
29 infill housing and mixed use commercial developments within
30 walking distance of mass transit facilities, downtowns, and town
31 centers and to provide greater flexibility to local governments to
32 balance these sometimes competing needs.

33 (b) Notwithstanding any other provision of law, level of service
34 standards described in Section 65089 shall not apply to the streets
35 and highways within an infill opportunity zone. The city or county
36 shall do either of the following:

- 37 (1) Include these streets and highways under an alternative
38 areawide level of service standard or multimodal composite or
39 personal level of service standard that takes into account both of
40 the following:

1 (A) The broader benefits of regional traffic congestion reduction
2 by siting new residential development within walking distance of,
3 and no more than one-third mile from, mass transit stations, shops,
4 and services, in a manner that reduces the need for long vehicle
5 commutes and improves the jobs-housing balance.

6 (B) Increased use of alternative transportation modes, such as
7 mass transit, bicycling, and walking.

8 (2) Approve a list of flexible level of service mitigation options
9 that includes roadway expansion and investments in alternate
10 modes of transportation that may include, but are not limited to,
11 transit infrastructure, pedestrian infrastructure, and ridesharing,
12 vanpool, or shuttle programs.

13 (c) The city or county may designate an infill opportunity zone
14 by adopting a resolution after determining that the infill opportunity
15 zone is consistent with the general plan, any applicable specific
16 plan, and any preferred growth scenario adopted pursuant to
17 Section 65080. A city or county may not designate an infill
18 opportunity zone after December 31, 2009.

19 (d) The city or county in which the infill opportunity zone is
20 located shall ensure that a development project shall be completed
21 within the infill opportunity zone not more than four years after
22 the date on which the city or county adopted its resolution pursuant
23 to subdivision (c). If no development project is completed within
24 an infill opportunity zone by the time limit imposed by this
25 subdivision, the infill opportunity zone shall automatically
26 terminate.

27 ~~SEC. 18. Chapter 2.68 (commencing with Section 65089.60)~~
28 ~~is added to Division 1 of Title 7 of the Government Code, to read:~~

29
30 ~~CHAPTER 2.68. INTEGRATED TRANSPORTATION AND LAND USE~~
31 ~~PLANNING~~
32

33 ~~65089.60. The Department of Transportation, in partnership~~
34 ~~with the agencies described in subdivision (a) of Section 14522.2,~~
35 ~~shall develop standards for disseminating the methodology, results,~~
36 ~~and key assumptions of the travel demand models in a way that~~
37 ~~would be useable and understandable to the public.~~

38 ~~65089.61. The department shall meet at least annually with the~~
39 ~~California Transportation Commission and with the agencies~~
40 ~~described in subdivision (a) of Section 14522.2 to determine~~

1 whether the models have met the requirements of Section 14522.3
2 and whether the models need additional revisions due to new
3 research or new requirements in state or federal law.

4 ~~SEC. 19.~~

5 *SEC. 14.* Chapter 4.2 (commencing with Section 21155) is
6 added to Division 13 of the Public Resources Code, to read:

7
8 CHAPTER 4.2. IMPLEMENTATION OF THE PREFERRED GROWTH
9 SCENARIO

10
11 21155. For purposes of this chapter, the following definitions
12 shall apply:

13 (a) ~~“Central business district” means the historic center of~~
14 ~~commerce and government for a community, characterized by a~~
15 ~~compact, cohesive core of previously developed commercial and~~
16 ~~mixed use buildings, often interspersed with civic, religious, and~~
17 ~~residential buildings and public spaces, typically along a main~~
18 ~~street and intersecting side streets and served by public~~
19 ~~infrastructure. At least two-thirds of the structures in a central~~
20 ~~business district shall be commercial or commercially zoned~~
21 ~~buildings and have a pedestrian scale and orientation including~~
22 ~~those elements as ground floor storefronts and reduced front~~
23 ~~setbacks.~~

24 (b) ~~“Major arterial corridor” means a surface street of at least~~
25 ~~four lanes that is within a city, with predominantly developed~~
26 ~~commercial uses along it, and that serves as a collector for local~~
27 ~~traffic and as an access to regional or subregional highways and~~
28 ~~freeways. A major arterial corridor includes both the street, and~~
29 ~~the land uses adjacent to and in the immediate vicinity of the street.~~

30 (c) ~~“Neighborhood” means a predominantly developed area~~
31 ~~within a city identified by a commonly used name, possessing~~
32 ~~commonly acknowledged geographic boundaries and sharing~~
33 ~~common political, commercial, social, cultural, religious, or~~
34 ~~educational institutions and having not more than approximately~~
35 ~~a one-half mile radius.~~

36 (d) ~~“Transit village planning area” means a previously developed~~
37 ~~area in compliance with Sections 65460.2 and 65460.4 of the~~
38 ~~Government Code.~~

1 ~~21155.1.~~

2 21155. (a) This chapter applies only within a local jurisdiction
3 that has amended its general plan so that the land use, circulation,
4 housing and open space elements of the general plan are consistent
5 with the preferred growth scenario most recently adopted by the
6 metropolitan planning organization pursuant to Section 65080 of
7 the Government Code for the region in which the local government
8 is located.

9 (b) For purposes of this section, the land use, circulation,
10 housing and open space elements of the general plan are consistent
11 with the preferred growth scenario only if all of the following
12 requirements are met:

13 (1) The land use and housing elements designate housing, retail,
14 commercial, office, and industrial uses at levels of density and
15 intensity sufficient to accomplish the goals of the preferred growth
16 scenario for those locations.

17 (2) The uses for lands identified in the preferred growth scenario
18 as significant farmlands are limited to agricultural uses, including
19 processing, packing, worker housing, and other ancillary
20 agricultural uses.

21 (3) The uses for lands that are identified in the preferred growth
22 scenario as significant resource lands are consistent with protection
23 of the resource values of those lands.

24 (4) A local jurisdiction that meets the requirements of this
25 section is an eligible local jurisdiction for purposes of this chapter.

26 21155.2. An environmental document prepared pursuant to
27 this division is required to only examine the significant or
28 potentially significant project specific impacts of a project located
29 in an eligible local jurisdiction, if an environmental impact report
30 has been certified on the preferred growth scenario and on the
31 general plan amendments to conform to the preferred growth
32 scenario, and the project meets both of the following requirements:

33 (a) The project is a residential project or a residential or mixed
34 use project consisting of residential uses and primarily
35 neighborhood-serving goods, services, or retail uses that do not
36 exceed 25 percent of the total floor area of the project.

37 (b) The project is ~~an infill~~ project *on an infill site* located within
38 an urbanized area.

1 ~~21155.3 (a) A city or county that is an eligible local jurisdiction~~
2 ~~may adopt a neighborhood plan, if the plan meets all the following~~
3 ~~requirements:~~

4 ~~(1) The planning area is located in a neighborhood, central~~
5 ~~business district, transit village planning area, or major arterial~~
6 ~~corridor.~~

7 ~~(2) The plan provides that the land uses in the plan area are~~
8 ~~predominantly housing.~~

9 ~~(3) The plan specifies the location, height, and approximate~~
10 ~~square footage and footprint of buildings; the building intensity;~~
11 ~~the maximum number of residential units; a range of square feet~~
12 ~~for retail or offices uses; and the areas dedicated for open space~~
13 ~~and recreation.~~

14 ~~(4) The plan contains a parking strategy and may include~~
15 ~~provisions for shared parking facilities.~~

16 ~~(5) The plan provides that pedestrians in the area have~~
17 ~~convenient access to a major transit stop, either existing or as a~~
18 ~~feature of the plan.~~

19 ~~(6) The residential density of the plan area is at least equal to~~
20 ~~the applicable density level provided in subparagraph (B) of~~
21 ~~paragraph (3) of subdivision (c) of Section 65583.2 of the~~
22 ~~Government Code.~~

23 ~~(7) The plan prevents no loss in the number of affordable~~
24 ~~housing units within the plan area.~~

25 ~~(8) The plan contains provisions to mitigate the displacement~~
26 ~~of low-income and very low income persons resulting from~~
27 ~~implementation of the plan.~~

28 ~~(b) A city or county that adopts a neighborhood plan pursuant~~
29 ~~to this section shall adopt the plan using a planning process that~~
30 ~~complies with all of the following:~~

31 ~~(1) The city or county shall provide residents of the plan area~~
32 ~~and the surrounding area with all legally required notices.~~

33 ~~(2) The city or county shall conduct a public outreach program~~
34 ~~that includes, at least, public notices, fact sheets, workshops and~~
35 ~~information meetings within the plan area and written materials~~
36 ~~in languages commonly spoken in the plan area and the surrounding~~
37 ~~area.~~

38 ~~(3) All notices, fact sheets, workshops, and information meetings~~
39 ~~shall inform area residents of the proposed contents of the plan.~~

1 ~~(e) The neighborhood plan may be reviewed pursuant to, and~~
2 ~~projects to develop the neighborhood plan may be subject to,~~
3 ~~Article 2 (commencing with Section 21157) of Chapter 4.5.~~

4 21155.4. If the legislative body of an eligible local jurisdiction
5 finds, after conducting a public hearing, that a project meets all of
6 the requirements of subdivisions (a) and (b) and one of the
7 requirements of subdivision (c), the project is declared to be a
8 sustainable communities' project and no additional review is
9 required pursuant to this division:

10 (a) The project complies with all of the following environmental
11 criteria:

12 (1) The project and other projects approved prior to the approval
13 of the project *but not yet built* can be adequately served by existing
14 utilities, and the project applicant has paid, or has committed to
15 pay, all applicable in-lieu or development fees.

16 (2) (A) The site of the project does not contain wetlands, does
17 not have any significant value as a wildlife habitat, and the project
18 does not harm any species protected by the federal Endangered
19 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native
20 Plant Protection Act (Chapter 10 (commencing with Section 1900)
21 of Division 2 of the Fish and Game Code), the California
22 Endangered Species Act (Chapter 1.5 (commencing with Section
23 2050) of Division 3 of the Fish and Game Code), and the project
24 does not cause the destruction or removal of any species protected
25 by a local ordinance in effect at the time the application for the
26 project was deemed complete.

27 (B) For the purposes of this paragraph "wetlands" has the same
28 meaning as in Section 328.3 of Title 33 of the Code of Federal
29 Regulations and "wildlife habitat" means the ecological
30 communities upon which wild animals, birds, plants, fish,
31 amphibians, and invertebrates depend for their conservation and
32 protection.

33 (3) The site of the project is not included on any list of facilities
34 and sites compiled pursuant to Section 65962.5 of the Government
35 Code.

36 (4) The site of the project is subject to a preliminary
37 endangerment assessment prepared by a registered environmental
38 assessor to determine the existence of any release of a hazardous
39 substance on the site and to determine the potential for exposure

1 of future occupants to significant health hazards from any nearby
2 property or activity.

3 (A) If a release of a hazardous substance is found to exist on
4 the site, the release shall be removed, or any significant effects of
5 the release shall be mitigated to a level of insignificance in
6 compliance with state and federal requirements.

7 (B) If a potential for exposure to significant hazards from
8 surrounding properties or activities is found to exist, the effects of
9 the potential exposure shall be mitigated to a level of insignificance
10 in compliance with state and federal requirements.

11 (5) The project does not have a significant effect on historical
12 resources pursuant to Section 21084.1.

13 (6) The project site is not subject to any of the following:

14 (A) A wildland fire hazard, as determined by the Department
15 of Forestry and Fire Protection, unless the applicable general plan
16 or zoning ordinance contains provisions to mitigate the risk of a
17 wildland fire hazard.

18 (B) An unusually high risk of fire or explosion from materials
19 stored or used on nearby properties.

20 (C) Risk of a public health exposure at a level that would exceed
21 the standards established by any state or federal agency.

22 (D) Seismic risk as a result of being within a delineated
23 earthquake fault zone, as determined pursuant to Section 2622, or
24 a seismic hazard zone, as determined pursuant to Section 2696,
25 unless the applicable general plan or zoning ordinance contains
26 provisions to mitigate the risk of an earthquake fault or seismic
27 hazard zone.

28 (E) Landslide hazard, flood plain, flood way, or restriction zone,
29 unless the applicable general plan or zoning ordinance contains
30 provisions to mitigate the risk of a landslide or flood.

31 (7) The project site is not located on developed open space.

32 (A) For the purposes of this paragraph “developed open space”
33 means land that meets all of the following criteria:

34 (i) Is publicly owned, or financed in whole or in part by public
35 funds.

36 (ii) Is generally open to, and available for use by, the public.

37 (iii) Is predominantly lacking in structural development other
38 than structures associated with open spaces, including, but not
39 limited to, playgrounds, swimming pools, ballfields, enclosed child
40 play areas, and picnic facilities.

1 (B) For the purposes of this paragraph “developed open space”
2 includes land that has been designated for acquisition by a public
3 agency for developed open space, but does not include lands
4 acquired by public funds dedicated to the acquisition of land for
5 housing purposes.

6 (8) The buildings in the project will comply with all green
7 building standards required by the eligible local jurisdiction.

8 (b) The project meets all of the following land use criteria:

9 (1) The project is located on an infill site.

10 (2) The project is a residential project or a residential or mixed
11 use project consisting of residential uses and primarily
12 neighborhood-serving goods, services, or retail uses that do not
13 exceed 25 percent of the total floor area of the project.

14 (3) The project is located within an urbanized area.

15 (4) The site of the project is not more than eight acres in total
16 area.

17 (5) The project does not contain more than 200 residential units.

18 (6) The project density is at least equal to the applicable density
19 level provided in subparagraph (B) paragraph (3) of subdivision
20 (c) of Section 65583.2 of the Government Code.

21 (7) The project does not result in any loss in the number of
22 affordable housing units within the project area.

23 (8) The project does not include any single level building that
24 exceeds 75,000 square feet.

25 (9) *The project is consistent with the general plan.*

26 (c) The project meets one of the criteria specified in paragraphs
27 (1) to (4), inclusive:

28 (1) The project meets both of the following:

29 (A) At least 20 percent of the housing will be sold to families
30 of moderate income, or not less than 10 percent of the housing
31 will be rented to families of low income, or not less than 5 percent
32 of the housing is rented to families of very low income.

33 (B) The project developer provides sufficient legal commitments
34 to the appropriate local agency to ensure the continued availability
35 and use of the housing units for very low, low-, and
36 moderate-income households at monthly housing costs determined
37 pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of
38 the Government Code. *Rental units shall be affordable for at least*
39 *55 years. Ownership units shall be subject to resale restrictions*
40 *or equity sharing requirements for at least 30 years.*

1 (2) The project developer has paid or will pay in-lieu fees
2 pursuant to a local ordinance in an amount sufficient to result in
3 the development of an equivalent number of units that would
4 otherwise be required pursuant to paragraph (1).

5 (3) The project is located within one-quarter mile of a major
6 transit stop.

7 (4) The project provides public open space equal to or greater
8 than five acres per 1,000 residents of the project.

9 21155.5. (a) The legislative body of an eligible local
10 jurisdiction within an urbanized area may adopt traffic mitigation
11 policies that would apply to future residential projects. These
12 policies shall be adopted after a public hearing and may include
13 requirements for the installation of traffic control improvements,
14 street or road improvements, and contributions to road
15 improvement or transit funds, transit passes for future residents,
16 or other measures that are reasonably related to mitigating the
17 traffic impacts of future residential projects.

18 (b) The traffic mitigation policies adopted pursuant to this
19 section shall apply to residential projects of at least 10 units per
20 acre.

21 (c) (1) A residential project seeking a land use approval is not
22 required to comply with any additional mitigation measures
23 required by paragraph (1) or (2) of subdivision (a) of Section
24 21081, for the traffic impacts of that project on intersections,
25 streets, highways, freeways, or mass transit, if the eligible local
26 jurisdiction issuing that land use approval has adopted traffic
27 mitigation policies in accordance with this section.

28 (2) Paragraph (1) does not restrict the authority of a local
29 jurisdiction to adopt feasible mitigation measures with respect to
30 the impacts of a project on pedestrian or bicycle safety.

31 ~~SEC. 20. From the bond funding available in Propositions 84~~
32 ~~or 1C for smart growth planning and incentives, up to \$20 million~~
33 ~~shall be available, upon appropriation, for grants to the agencies~~
34 ~~described in Section 14522.2 of the Government Code for~~
35 ~~transportation planning model improvements to meet the~~
36 ~~requirements of this act that are not otherwise required by prior~~
37 ~~law or regulation. Grants shall be awarded by the California~~
38 ~~Transportation Commission, in consultation with the Department~~
39 ~~of Transportation, and shall include a process to fully account for~~
40 ~~the expenditure of bond funds by the grantee agencies.~~

1 ~~SEC. 21.~~

2 *SEC. 15.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

O