

AMENDED IN ASSEMBLY FEBRUARY 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 31

Introduced by Assembly Member Beall

December 6, 2010

An act to amend Sections 53395.1 and 65080 of, to add Sections 53395.8 and 65460.2.5 to, and to add Chapter 9.5 (commencing with Section 66050) to Division 1 of Title 7 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as amended, Beall. Land use: high-speed rail: local master plan.

The

(1) *The California High-Speed Rail Act* establishes the High-Speed Rail Authority to develop and implement an intercity high-speed rail system in the state, exclusively grants to the authority the responsibility for planning, construction, and operation of that system, and confers upon the authority specified powers and duties relating to that system.

The Planning and Zoning Law requires each city and county to prepare and adopt a comprehensive, long-term general plan for the physical development of the city or county and any land outside its boundaries that bears relation to its planning.

This bill would establish the High-Speed Rail Local Master Plan Pilot Program, applicable to specified cities and counties, and would ~~require~~ *authorize* each of those jurisdictions to prepare and adopt, by ordinance, a master plan for development in the areas surrounding the high-speed rail system in each jurisdiction. The bill would ~~require the~~ *authorize the high-speed rail* master plan to include incentives for encouraging

investment and coherent growth in the areas surrounding the high-speed rail system in each participating jurisdiction. The bill would also ~~require~~ *authorize* the participating jurisdictions to collaborate with the State Air Resources Board to develop incentives to encourage development while concurrently reducing greenhouse gas emissions, consistent with or pursuant to the California Global Warming Solutions Act of 2006 *or another specified provision of law requiring the board to provide greenhouse gas emission reduction targets for the preparation of regional sustainable communities strategies*. The bill would ~~require~~ *authorize* the master plan to ~~be consistent with~~ *exceed the requirements of the jurisdiction's general plan and the or the applicable regional sustainable communities strategy*. ~~By adding to the duties of local government officials, this bill would impose a state-mandated local program with respect to fostering sustainable communities around the high-speed rail system.~~

(2) *Existing law authorizes the legislative body of a city or county to adopt an infrastructure financing plan for the purpose of financing certain infrastructure facilities, if specified procedural requirements are met, and requires the legislative body, if it adopts the plan, to submit the proposal to create an infrastructure financing district pursuant to the plan to qualified electors of the proposed district. Existing law authorizes the legislative body to implement the infrastructure financing plan and create an infrastructure financing district, by ordinance, if $\frac{2}{3}$ of the qualified electors of the proposed district vote in favor of adoption of the plan and creation of the district, and also authorizes the legislative body to initiate proceedings to issue bonds to finance the infrastructure facilities if $\frac{2}{3}$ of those electors vote in favor of the issuance.*

This bill would provide that, with respect to an infrastructure financing district proposed to implement a high-speed rail master plan, an election is not required to form the district, implement the infrastructure financing plan, or issue the infrastructure facilities bonds, and the geographic boundaries of this type of district are authorized to extend to the limits of the area covered by the jurisdiction's high-speed rail master plan.

(3) *Existing law requires each metropolitan planning organization to prepare a sustainable communities strategy, as specified, for inclusion in the applicable regional transportation plan. Existing law requires the metropolitan transportation organization, in preparing the sustainable communities strategy, to consider spheres of influence that*

have been adopted by the local agency formation commissions within its region.

This bill would instead authorize each metropolitan planning organization, in preparing the sustainable communities strategy, to consider spheres of influence that have been adopted by the local agency formation commissions within its region, and the high-speed rail system, any high-speed rail station established within the region, and any associated effects of either that bears relation to the sustainable communities strategy.

(4) The Transit Village Development Planning Act of 1994 authorizes a city or county to prepare a transit village plan for a transit village development district, addressing specified characteristics.

This bill would require a city or county, if it finances any portion of a transit village development district pursuant to provisions of law relating to infrastructure financing districts, to use at least 20% of property tax increment revenue it receives pursuant to those provisions of law to increase, improve, and preserve the supply of affordable housing, as defined, within the transit village development district.

(5) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare or cause to be prepared, and to certify the completion of, an environmental impact report (EIR) on a project 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 the project will not have that effect.

This bill would require a participating city or county to prepare an EIR for its high-speed rail master plan in accordance with CEQA, and would exempt any proposed development project within the area of that plan that is consistent with that plan from CEQA.

~~This~~

~~(6) This bill would make legislative findings and declarations as to the necessity of a special statute for the cities and counties described above.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. Section 53395.1 of the Government Code is
2 amended to read:

3 53395.1. Unless the context otherwise requires, the definitions
4 contained in this article shall govern the construction of this
5 chapter.

6 (a) “Affected taxing entity” means any governmental taxing
7 agency which levied or had levied on its behalf a property tax on
8 all or a portion of the property located in the proposed district in
9 the fiscal year prior to the designation of the district, but not
10 including any county office of education, school district, or
11 community college district.

12 (b) “City” means a city, a county, or a city and county.

13 (c) “Debt” means any binding obligation to repay a sum of
14 money, including obligations in the form of bonds, certificates of
15 participation, long-term leases, loans from government agencies,
16 or loans from banks, other financial institutions, private businesses,
17 or individuals.

18 (d) “Designated official” means the city engineer or other
19 appropriate official designated pursuant to Section 53395.13.

20 (e) (1) “District” means an infrastructure financing district.

21 (2) An infrastructure financing district is a “district” within the
22 meaning of Section 1 of Article XIII A of the California
23 Constitution.

24 (f) “Infrastructure financing district” means a legally constituted
25 governmental entity established pursuant to this chapter for the
26 sole purpose of financing public facilities.

27 (g) “Landowner” or “owner of land” means any person shown
28 as the owner of land on the last equalized assessment roll or
29 otherwise known to be the owner of the land by the legislative
30 body. The legislative body has no obligation to obtain other
31 information as to the ownership of land, and its determination of
32 ownership shall be final and conclusive for the purposes of this
33 chapter. A public agency is not a landowner or owner of land for
34 purposes of this chapter, unless the public agency owns all of the
35 land to be included within the proposed district.

36 (h) “Legislative body” means the city council or board of
37 supervisors.

1 (i) “Transit facility” includes, but is not limited to, any publicly
2 owned facility and amenity necessary to implement a high-speed
3 rail master plan adopted pursuant to Chapter 9.5 (commencing
4 with Section 66050) of Division 1 of Title 7.

5 SEC. 2. Section 53395.8 is added to the Government Code, to
6 read:

7 53395.8. (a) (1) With respect to an infrastructure financing
8 district proposed to implement a high-speed rail master plan
9 adopted pursuant to Chapter 9.5 (commencing with Section 66050)
10 of Division 1 of Title 7, an election is not required to form an
11 infrastructure financing district, adopt an infrastructure financing
12 plan, or issue bonds pursuant to this chapter.

13 (2) The geographic boundaries of this type of infrastructure
14 financing district may extend to the limits of the area covered by
15 the jurisdiction’s high-speed rail master plan.

16 (b) Any other provision of this chapter applies to the formation
17 of an infrastructure financing district and the adoption of an
18 infrastructure financing plan.

19 SEC. 3. Section 65080 of the Government Code is amended to
20 read:

21 65080. (a) Each transportation planning agency designated
22 under Section 29532 or 29532.1 shall prepare and adopt a regional
23 transportation plan directed at achieving a coordinated and balanced
24 regional transportation system, including, but not limited to, mass
25 transportation, highway, railroad, maritime, bicycle, pedestrian,
26 goods movement, and aviation facilities and services. The plan
27 shall be action-oriented and pragmatic, considering both the
28 short-term and long-term future, and shall present clear, concise
29 policy guidance to local and state officials. The regional
30 transportation plan shall consider factors specified in Section 134
31 of Title 23 of the United States Code. Each transportation planning
32 agency shall consider and incorporate, as appropriate, the
33 transportation plans of cities, counties, districts, private
34 organizations, and state and federal agencies.

35 (b) The regional transportation plan shall be an internally
36 consistent document and shall include all of the following:

37 (1) A policy element that describes the transportation issues in
38 the region, identifies and quantifies regional needs, and describes
39 the desired short-range and long-range transportation goals, and
40 pragmatic objective and policy statements. The objective and policy

1 statements shall be consistent with the funding estimates of the
2 financial element. The policy element of transportation planning
3 agencies with populations that exceed 200,000 persons may
4 quantify a set of indicators including, but not limited to, all of the
5 following:

6 (A) Measures of mobility and traffic congestion, including, but
7 not limited to, daily vehicle hours of delay per capita and vehicle
8 miles traveled per capita.

9 (B) Measures of road and bridge maintenance and rehabilitation
10 needs, including, but not limited to, roadway pavement and bridge
11 conditions.

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

15 (i) Single occupant vehicle.

16 (ii) Multiple occupant vehicle or carpool.

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

18 (iv) Walking.

19 (v) Bicycling.

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

23 (E) Measures of equity and accessibility, including, but not
24 limited to, percentage of the population served by frequent and
25 reliable public transit, with a breakdown by income bracket, and
26 percentage of all jobs accessible by frequent and reliable public
27 transit service, with a breakdown by income bracket.

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

31 (2) A sustainable communities strategy prepared by each
32 metropolitan planning organization as follows:

33 (A) No later than September 30, 2010, the State Air Resources
34 Board shall provide each affected region with greenhouse gas
35 emission reduction targets for the automobile and light truck sector
36 for 2020 and 2035, respectively.

37 (i) No later than January 31, 2009, the state board shall appoint
38 a Regional Targets Advisory Committee to recommend factors to
39 be considered and methodologies to be used for setting greenhouse
40 gas emission reduction targets for the affected regions. The

1 committee shall be composed of representatives of the metropolitan
2 planning organizations, affected air districts, the League of
3 California Cities, the California State Association of Counties,
4 local transportation agencies, and members of the public, including
5 homebuilders, environmental organizations, planning organizations,
6 environmental justice organizations, affordable housing
7 organizations, and others. The advisory committee shall transmit
8 a report with its recommendations to the state board no later than
9 September 30, 2009. In recommending factors to be considered
10 and methodologies to be used, the advisory committee may
11 consider any relevant issues, including, but not limited to, data
12 needs, modeling techniques, growth forecasts, the impacts of
13 regional jobs-housing balance on interregional travel and
14 greenhouse gas emissions, economic and demographic trends, the
15 magnitude of greenhouse gas reduction benefits from a variety of
16 land use and transportation strategies, and appropriate methods to
17 describe regional targets and to monitor performance in attaining
18 those targets. The state board shall consider the report prior to
19 setting the targets.

20 (ii) Prior to setting the targets for a region, the state board shall
21 exchange technical information with the metropolitan planning
22 organization and the affected air district. The metropolitan planning
23 organization may recommend a target for the region. The
24 metropolitan planning organization shall hold at least one public
25 workshop within the region after receipt of the report from the
26 advisory committee. The state board shall release draft targets for
27 each region no later than June 30, 2010.

28 (iii) In establishing these targets, the state board shall take into
29 account greenhouse gas emission reductions that will be achieved
30 by improved vehicle emission standards, changes in fuel
31 composition, and other measures it has approved that will reduce
32 greenhouse gas emissions in the affected regions, and prospective
33 measures the state board plans to adopt to reduce greenhouse gas
34 emissions from other greenhouse gas emission sources as that term
35 is defined in subdivision (i) of Section 38505 of the Health and
36 Safety Code and consistent with the regulations promulgated
37 pursuant to the California Global Warming Solutions Act of 2006
38 (Division 25.5 (commencing with Section 38500) of the Health
39 and Safety Code).

1 (iv) The state board shall update the regional greenhouse gas
2 emission reduction targets every eight years consistent with each
3 metropolitan planning organization's timeframe for updating its
4 regional transportation plan under federal law until 2050. The state
5 board may revise the targets every four years based on changes in
6 the factors considered under clause (iii). The state board shall
7 exchange technical information with the Department of
8 Transportation, metropolitan planning organizations, local
9 governments, and affected air districts and engage in a consultative
10 process with public and private stakeholders prior to updating these
11 targets.

12 (v) The greenhouse gas emission reduction targets may be
13 expressed in gross tons, tons per capita, tons per household, or in
14 any other metric deemed appropriate by the state board.

15 (B) Each metropolitan planning organization shall prepare a
16 sustainable communities strategy, subject to the requirements of
17 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
18 Federal Regulations, including the requirement to utilize the most
19 recent planning assumptions considering local general plans and
20 other factors. The sustainable communities strategy shall (i)
21 identify the general location of uses, residential densities, and
22 building intensities within the region, (ii) identify areas within the
23 region sufficient to house all the population of the region, including
24 all economic segments of the population, over the course of the
25 planning period of the regional transportation plan taking into
26 account net migration into the region, population growth, household
27 formation and employment growth, (iii) identify areas within the
28 region sufficient to house an eight-year projection of the regional
29 housing need for the region pursuant to Section 65584, (iv) identify
30 a transportation network to service the transportation needs of the
31 region, (v) gather and consider the best practically available
32 scientific information regarding resource areas and farmland in
33 the region as defined in subdivisions (a) and (b) of Section
34 65080.01, (vi) consider the state housing goals specified in Sections
35 65580 and 65581, (vii) set forth a forecasted development pattern
36 for the region, which, when integrated with the transportation
37 network, and other transportation measures and policies, will
38 reduce the greenhouse gas emissions from automobiles and light
39 trucks to achieve, if there is a feasible way to do so, the greenhouse
40 gas emission reduction targets approved by the state board, and

1 (viii) allow the regional transportation plan to comply with Section
2 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

3 (C) (i) Within the jurisdiction of the Metropolitan
4 Transportation Commission, as defined by Section 66502, the
5 Association of Bay Area Governments shall be responsible for
6 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B), the
7 Metropolitan Transportation Commission shall be responsible for
8 clauses (iv) and (viii) of subparagraph (B); and the Association of
9 Bay Area Governments and the Metropolitan Transportation
10 Commission shall jointly be responsible for clause (vii) of
11 subparagraph (B).

12 (ii) Within the jurisdiction of the Tahoe Regional Planning
13 Agency, as defined in Sections 66800 and 66801, the Tahoe
14 Metropolitan Planning Organization shall use the Regional Plan
15 for the Lake Tahoe Region as the sustainable community strategy,
16 provided that it complies with clauses (vii) and (viii) of
17 subparagraph (B).

18 (D) In the region served by the multicounty transportation
19 planning agency described in Section 130004 of the Public Utilities
20 Code, a subregional council of governments and the county
21 transportation commission may work together to propose the
22 sustainable communities strategy and an alternative planning
23 strategy, if one is prepared pursuant to subparagraph (I), for that
24 subregional area. The metropolitan planning organization may
25 adopt a framework for a subregional sustainable communities
26 strategy or a subregional alternative planning strategy to address
27 the intraregional land use, transportation, economic, air quality,
28 and climate policy relationships. The metropolitan planning
29 organization shall include the subregional sustainable communities
30 strategy for that subregion in the regional sustainable communities
31 strategy to the extent consistent with this section and federal law
32 and approve the subregional alternative planning strategy, if one
33 is prepared pursuant to subparagraph (I), for that subregional area
34 to the extent consistent with this section. The metropolitan planning
35 organization shall develop overall guidelines, create public
36 participation plans pursuant to subparagraph (F), ensure
37 coordination, resolve conflicts, make sure that the overall plan
38 complies with applicable legal requirements, and adopt the plan
39 for the region.

1 (E) The metropolitan planning organization shall conduct at
2 least two informational meetings in each county within the region
3 for members of the board of supervisors and city councils on the
4 sustainable communities strategy and alternative planning strategy,
5 if any. The metropolitan planning organization may conduct only
6 one informational meeting if it is attended by representatives of
7 the county board of supervisors and city council members
8 representing a majority of the cities representing a majority of the
9 population in the incorporated areas of that county. Notice of the
10 meeting or meetings shall be sent to the clerk of the board of
11 supervisors and to each city clerk. The purpose of the meeting or
12 meetings shall be to discuss the sustainable communities strategy
13 and the alternative planning strategy, if any, including the key land
14 use and planning assumptions to the members of the board of
15 supervisors and the city council members in that county and to
16 solicit and consider their input and recommendations.

17 (F) Each metropolitan planning organization shall adopt a public
18 participation plan, for development of the sustainable communities
19 strategy and an alternative planning strategy, if any, that includes
20 all of the following:

21 (i) Outreach efforts to encourage the active participation of a
22 broad range of stakeholder groups in the planning process,
23 consistent with the agency’s adopted Federal Public Participation
24 Plan, including, but not limited to, affordable housing advocates,
25 transportation advocates, neighborhood and community groups,
26 environmental advocates, home builder representatives,
27 broad-based business organizations, landowners, commercial
28 property interests, and homeowner associations.

29 (ii) Consultation with congestion management agencies,
30 transportation agencies, and transportation commissions.

31 (iii) Workshops throughout the region to provide the public with
32 the information and tools necessary to provide a clear
33 understanding of the issues and policy choices. At least one
34 workshop shall be held in each county in the region. For counties
35 with a population greater than 500,000, at least three workshops
36 shall be held. Each workshop, to the extent practicable, shall
37 include urban simulation computer modeling to create visual
38 representations of the sustainable communities strategy and the
39 alternative planning strategy.

1 (iv) Preparation and circulation of a draft sustainable
2 communities strategy and an alternative planning strategy, if one
3 is prepared, not less than 55 days before adoption of a final regional
4 transportation plan.

5 (v) At least three public hearings on the draft sustainable
6 communities strategy in the regional transportation plan and
7 alternative planning strategy, if one is prepared. If the metropolitan
8 transportation organization consists of a single county, at least two
9 public hearings shall be held. To the maximum extent feasible, the
10 hearings shall be in different parts of the region to maximize the
11 opportunity for participation by members of the public throughout
12 the region.

13 (vi) A process for enabling members of the public to provide a
14 single request to receive notices, information, and updates.

15 (G) In preparing a sustainable communities strategy, the
16 metropolitan planning organization ~~shall consider spheres~~ *may*
17 *consider both of the following:*

18 (i) *Spheres* of influence that have been adopted by the local
19 agency formation commissions within its region.

20 (ii) *The high-speed rail system, any high-speed rail station*
21 *established within the region, and any associated effects of either*
22 *that bears relation to the sustainable communities strategy.*

23 (H) Prior to adopting a sustainable communities strategy, the
24 metropolitan planning organization shall quantify the reduction in
25 greenhouse gas emissions projected to be achieved by the
26 sustainable communities strategy and set forth the difference, if
27 any, between the amount of that reduction and the target for the
28 region established by the state board.

29 (I) If the sustainable communities strategy, prepared in
30 compliance with subparagraph (B) or (D), is unable to reduce
31 greenhouse gas emissions to achieve the greenhouse gas emission
32 reduction targets established by the state board, the metropolitan
33 planning organization shall prepare an alternative planning strategy
34 to the sustainable communities strategy showing how those
35 greenhouse gas emission targets would be achieved through
36 alternative development patterns, infrastructure, or additional
37 transportation measures or policies. The alternative planning
38 strategy shall be a separate document from the regional
39 transportation plan, but it may be adopted concurrently with the

1 regional transportation plan. In preparing the alternative planning
2 strategy, the metropolitan planning organization:

3 (i) Shall identify the principal impediments to achieving the
4 targets within the sustainable communities strategy.

5 (ii) May include an alternative development pattern for the
6 region pursuant to subparagraphs (B) to (G), inclusive.

7 (iii) Shall describe how the greenhouse gas emission reduction
8 targets would be achieved by the alternative planning strategy, and
9 why the development pattern, measures, and policies in the
10 alternative planning strategy are the most practicable choices for
11 achievement of the greenhouse gas emission reduction targets.

12 (iv) An alternative development pattern set forth in the
13 alternative planning strategy shall comply with Part 450 of Title
14 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
15 except to the extent that compliance will prevent achievement of
16 the greenhouse gas emission reduction targets approved by the
17 state board.

18 (v) For purposes of the California Environmental Quality Act
19 (Division 13 (commencing with Section 21000) of the Public
20 Resources Code), an alternative planning strategy shall not
21 constitute a land use plan, policy, or regulation, and the
22 inconsistency of a project with an alternative planning strategy
23 shall not be a consideration in determining whether a project may
24 have an environmental effect.

25 (J) (i) Prior to starting the public participation process adopted
26 pursuant to subparagraph (F), the metropolitan planning
27 organization shall submit a description to the state board of the
28 technical methodology it intends to use to estimate the greenhouse
29 gas emissions from its sustainable communities strategy and, if
30 appropriate, its alternative planning strategy. The state board shall
31 respond to the metropolitan planning organization in a timely
32 manner with written comments about the technical methodology,
33 including specifically describing any aspects of that methodology
34 it concludes will not yield accurate estimates of greenhouse gas
35 emissions, and suggested remedies. The metropolitan planning
36 organization is encouraged to work with the state board until the
37 state board concludes that the technical methodology operates
38 accurately.

39 (ii) After adoption, a metropolitan planning organization shall
40 submit a sustainable communities strategy or an alternative

1 planning strategy, if one has been adopted, to the state board for
2 review, including the quantification of the greenhouse gas emission
3 reductions the strategy would achieve and a description of the
4 technical methodology used to obtain that result. Review by the
5 state board shall be limited to acceptance or rejection of the
6 metropolitan planning organization's determination that the strategy
7 submitted would, if implemented, achieve the greenhouse gas
8 emission reduction targets established by the state board. The state
9 board shall complete its review within 60 days.

10 (iii) If the state board determines that the strategy submitted
11 would not, if implemented, achieve the greenhouse gas emission
12 reduction targets, the metropolitan planning organization shall
13 revise its strategy or adopt an alternative planning strategy, if not
14 previously adopted, and submit the strategy for review pursuant
15 to clause (ii). At a minimum, the metropolitan planning
16 organization must obtain state board acceptance that an alternative
17 planning strategy would, if implemented, achieve the greenhouse
18 gas emission reduction targets established for that region by the
19 state board.

20 (K) Neither a sustainable communities strategy nor an alternative
21 planning strategy regulates the use of land, nor, except as provided
22 by subparagraph (J), shall either one be subject to any state
23 approval. Nothing in a sustainable communities strategy shall be
24 interpreted as superseding the exercise of the land use authority
25 of cities and counties within the region. Nothing in this section
26 shall be interpreted to limit the state board's authority under any
27 other provision of law. Nothing in this section shall be interpreted
28 to authorize the abrogation of any vested right whether created by
29 statute or by common law. Nothing in this section shall require a
30 city's or county's land use policies and regulations, including its
31 general plan, to be consistent with the regional transportation plan
32 or an alternative planning strategy. Nothing in this section requires
33 a metropolitan planning organization to approve a sustainable
34 communities strategy that would be inconsistent with Part 450 of
35 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
36 Regulations and any administrative guidance under those
37 regulations. Nothing in this section relieves a public or private
38 entity or any person from compliance with any other local, state,
39 or federal law.

1 (L) Nothing in this section requires projects programmed for
2 funding on or before December 31, 2011, to be subject to the
3 provisions of this paragraph if they (i) are contained in the 2007
4 or 2009 Federal Statewide Transportation Improvement Program,
5 (ii) are funded pursuant to Chapter 12.49 (commencing with
6 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
7 listed in a ballot measure prior to December 31, 2008, approving
8 a sales tax increase for transportation projects. Nothing in this
9 section shall require a transportation sales tax authority to change
10 the funding allocations approved by the voters for categories of
11 transportation projects in a sales tax measure adopted prior to
12 December 31, 2010. For purposes of this subparagraph, a
13 transportation sales tax authority is a district, as defined in Section
14 7252 of the Revenue and Taxation Code, that is authorized to
15 impose a sales tax for transportation purposes.

16 (M) A metropolitan planning organization, or a regional
17 transportation planning agency not within a metropolitan planning
18 organization, that is required to adopt a regional transportation
19 plan not less than every five years, may elect to adopt the plan not
20 less than every four years. This election shall be made by the board
21 of directors of the metropolitan planning organization or regional
22 transportation planning agency no later than June 1, 2009, or
23 thereafter 54 months prior to the statutory deadline for the adoption
24 of housing elements for the local jurisdictions within the region,
25 after a public hearing at which comments are accepted from
26 members of the public and representatives of cities and counties
27 within the region covered by the metropolitan planning
28 organization or regional transportation planning agency. Notice
29 of the public hearing shall be given to the general public and by
30 mail to cities and counties within the region no later than 30 days
31 prior to the date of the public hearing. Notice of election shall be
32 promptly given to the Department of Housing and Community
33 Development. The metropolitan planning organization or the
34 regional transportation planning agency shall complete its next
35 regional transportation plan within three years of the notice of
36 election.

37 (N) Two or more of the metropolitan planning organizations
38 for Fresno County, Kern County, Kings County, Madera County,
39 Merced County, San Joaquin County, Stanislaus County, and
40 Tulare County may work together to develop and adopt

1 multiregional goals and policies that may address interregional
2 land use, transportation, economic, air quality, and climate
3 relationships. The participating metropolitan planning organizations
4 may also develop a multiregional sustainable communities strategy,
5 to the extent consistent with federal law, or an alternative planning
6 strategy for adoption by the metropolitan planning organizations.
7 Each participating metropolitan planning organization shall
8 consider any adopted multiregional goals and policies in the
9 development of a sustainable communities strategy and, if
10 applicable, an alternative planning strategy for its region.

11 (3) An action element that describes the programs and actions
12 necessary to implement the plan and assigns implementation
13 responsibilities. The action element may describe all transportation
14 projects proposed for development during the 20-year or greater
15 life of the plan. The action element shall consider congestion
16 management programming activities carried out within the region.

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

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

- 34 (i) State highway expansion.
- 35 (ii) State highway rehabilitation, maintenance, and operations.
- 36 (iii) Local road and street expansion.
- 37 (iv) Local road and street rehabilitation, maintenance, and
38 operation.
- 39 (v) Mass transit, commuter rail, and intercity rail expansion.

- 1 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
2 maintenance, and operations.
3 (vii) Pedestrian and bicycle facilities.
4 (viii) Environmental enhancements and mitigation.
5 (ix) Research and planning.
6 (x) Other categories.

7 (C) The metropolitan planning organization or county
8 transportation agency, whichever entity is appropriate, shall
9 consider financial incentives for cities and counties that have
10 resource areas or farmland, as defined in Section 65080.01, for
11 the purposes of, for example, transportation investments for the
12 preservation and safety of the city street or county road system
13 and farm-to-market and interconnectivity transportation needs.
14 The metropolitan planning organization or county transportation
15 agency, whichever entity is appropriate, shall also consider
16 financial assistance for counties to address countywide service
17 responsibilities in counties that contribute toward the greenhouse
18 gas emission reduction targets by implementing policies for growth
19 to occur within their cities.

20 (c) Each transportation planning agency may also include other
21 factors of local significance as an element of the regional
22 transportation plan, including, but not limited to, issues of mobility
23 for specific sectors of the community, including, but not limited
24 to, senior citizens.

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

39 *SEC. 4. Section 65460.2.5 is added to the Government Code,*
40 *to read:*

1 65460.2.5. *If a city, county, or city and county finances any*
2 *portion of a district, as defined in this article, under the provisions*
3 *of Chapter 2.8 (commencing with Section 53395) of Part 1 of*
4 *Division 2 of Title 5, the city, county, or city and county shall do*
5 *all of the following:*

6 (a) *Use at least 20 percent of all revenues derived from the*
7 *property tax increment under Chapter 2.8 (commencing with*
8 *Section 53395) of Part 1 of Division 2 of Title 5 for the purposes*
9 *of increasing, improving, and preserving the supply of lower and*
10 *moderate-income housing available in the district at affordable*
11 *housing cost, as defined in Section 50052.5 of the Health and*
12 *Safety Code, and occupied by persons and families of low or*
13 *moderate income, as defined in Section 50093 of the Health and*
14 *Safety Code, lower income households, as defined in Section*
15 *50079.5 of the Health and Safety Code, very low income*
16 *households, as defined in Section 50105 of the Health and Safety*
17 *Code, and extremely low income households, as defined in Section*
18 *50106 of the Health and Safety Code. The amount of very low,*
19 *low- and moderate-income housing shall be in compliance with*
20 *the Community Redevelopment Law (Part 1 (commencing with*
21 *Section 33000) of Division 24 of the Health and Safety Code) and*
22 *any adopted policies of the city, county, or city and county that*
23 *adopted the transit village plan.*

24 (b) *Require that housing units described in subdivision (a)*
25 *remain available at affordable housing cost to, and occupied by,*
26 *persons and families of low or moderate income and very low*
27 *income and extremely low income households for the longest*
28 *feasible time, but for not less than 55 years for rental units and*
29 *45 years for owner-occupied units. The covenants or restrictions*
30 *implementing this requirement shall be in compliance with*
31 *subdivision (f) of Section 33334.3 of the Health and Safety Code.*

32 (c) *Rehabilitate, develop, or construct, or cause to be*
33 *rehabilitated, developed, or constructed for rental or sale to*
34 *persons and families of low or moderate income an equal number*
35 *of replacement dwelling units that have an equal or greater number*
36 *of bedrooms as the destroyed or removed units, at affordable*
37 *housing costs within the district, and within four years after the*
38 *destruction or removal, whenever dwelling units housing persons*
39 *and families of low or moderate income are destroyed or removed*
40 *from the low- and moderate-income housing market as part of the*

1 *development of a district that is subject to a written agreement*
 2 *with the city, county, or city and county, or when financial*
 3 *assistance has been provided by the city, county, or city and county.*
 4 *The replacement dwelling units shall be available at affordable*
 5 *housing cost to, and occupied by, persons and families in the same*
 6 *or a lower income category as the persons and families displaced*
 7 *from those destroyed or removed units.*

8 *(d) Include in the transit village plan both of the following:*

9 *(1) As one of the five demonstrable public benefits required by*
 10 *subdivision (f) of Section 65460.2, either an increased stock of*
 11 *affordable housing or live-travel options for transit-needy groups.*

12 *(2) Provisions to implement subdivisions (a) and (b) and*
 13 *paragraph (1).*

14 ~~SECTION 4.~~

15 *SEC. 5.* Chapter 9.5 (commencing with Section 66050) is added
 16 to Division 1 of Title 7 of the Government Code, to read:

17
 18 CHAPTER 9.5. HIGH-SPEED RAIL LOCAL MASTER PLAN PILOT
 19 PROGRAM
 20

21 66050. This chapter shall be known and may be cited as the
 22 High-Speed Rail Local Master Plan Pilot Program.

23 66051. (a) The cities and counties in the central valley that
 24 have an approved station, as authorized and approved by the
 25 High-Speed Rail Authority, ~~shall~~ *may* participate in the pilot
 26 program. The planning agency of each participating jurisdiction
 27 ~~shall~~ *may* prepare and adopt, by ordinance, a master plan for
 28 development of the areas surrounding the high-speed rail system
 29 in each jurisdiction.

30 (b) ~~The master plan shall~~ *high-speed rail master plan may*
 31 include incentives for encouraging investment and coherent growth
 32 in the areas surrounding the high-speed rail system.

33 (c) Each participating jurisdiction ~~shall~~ *may* collaborate with
 34 the State Air Resources Board to develop incentives to encourage
 35 development while concurrently reducing greenhouse gas
 36 emissions, consistent with or pursuant to the California Global
 37 Warming Solutions Act of 2006 (Part 1 (commencing with Section
 38 38500) of Division 25.5 of the Health and Safety Code) *or*
 39 *subparagraph (A) of paragraph (2) of subdivision (b) of Section*
 40 *65080.*

1 (d) The master plan ~~shall be consistent with~~ *may exceed the*
2 *requirements of the jurisdiction's general plan and the or the*
3 *applicable regional sustainable communities strategy, adopted*
4 *pursuant to paragraph (2) of subdivision (b) of Section 65080, with*
5 *respect to fostering sustainable communities around the high-speed*
6 *rail system.*

7 (e) *A city or county that prepares and adopts a high-speed rail*
8 *master plan pursuant to subdivision (a) may finance any publicly*
9 *owned facility or amenity necessary to implement the master plan*
10 *under Chapter 2.8 (commencing with Section 53395) of Part 1 of*
11 *Division 2 of Title 5.*

12 (f) *In developing the high-speed rail master plan, the city or*
13 *county shall prepare an environmental impact report for the area*
14 *covered by the plan pursuant to Division 13 (commencing with*
15 *Section 21000) of the Public Resources Code. Any proposed*
16 *development project within the area covered by the high-speed*
17 *rail master plan and consistent with the environmental impact*
18 *report for that area shall be exempt from Division 13 (commencing*
19 *with Section 21000) of the Public Resources Code.*

20 ~~SEC. 2:~~

21 *SEC. 6.* The Legislature finds and declares that a special law
22 is necessary and that a general law cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the need to commence local planning
25 relating to the high-speed rail system in the region of the state
26 where the initial segments of the system will be located.

27 ~~SEC. 3.~~ ~~No reimbursement is required by this act pursuant to~~
28 ~~Section 6 of Article XIII B of the California Constitution because~~
29 ~~a local agency or school district has the authority to levy service~~
30 ~~charges, fees, or assessments sufficient to pay for the program or~~
31 ~~level of service mandated by this act, within the meaning of Section~~
32 ~~17556 of the Government Code.~~