

ASSEMBLY BILL

No. 1290

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Sections 14502, 14506, 14522, 14522.3, 14536, 65080, and 65082 of the Government Code, and to amend Section 75125 of the Public Resources Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1290, as introduced, John A. Pérez. Transportation planning.

Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects, pursuant to the state transportation improvement program and various other transportation funding programs. Existing law provides that the commission consists of 13 members, including 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation and 2 are appointed by the Legislature. In addition, 2 members of the Legislature are appointed as ex officio members without vote.

This bill would provide for 2 additional voting members of the commission to be appointed by the Legislature. The bill would also provide for the Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development to serve as ex officio members without vote.

Existing law provides for the commission to organize itself into various committees, including the Committee on Planning, which, among other things, is responsible for monitoring the transportation planning and programming process.

This bill would provide that the commission's Committee on Planning is also responsible for monitoring outcomes from land development and transportation investments in accordance with the sustainable communities strategy required to be adopted by transportation planning agencies as part of the regional transportation plan.

Existing law authorizes the commission to prescribe study areas for analysis and evaluation by transportation planning agencies, and guidelines for the preparation of regional transportation plans, in cooperation with those agencies.

This bill would require the guidelines to contain minimum requirements for assessment and consideration of alternative land use scenarios and corresponding transportation system and network alternatives leading to the adoption of a regional transportation plan and a sustainable communities strategy. The bill would require the commission to annually prescribe and receive a brief report from each transportation planning agency describing progress in implementing the sustainable communities strategy and in attaining greenhouse gas emission reductions.

Existing law requires the commission to prepare and submit an annual report to the Legislature on various topics.

This bill would require the annual report to include a summary of the commission's assessment of progress around the state toward state objectives of greenhouse gas emission reductions, from patterns of ongoing land developments and transportation investments.

Existing law requires each transportation planning agency, on a biennial basis, to prepare and submit to the commission a regional transportation improvement program containing transportation capital projects identified for funding through the next cycle of the 5-year state transportation improvement program.

This bill would require the regional transportation improvement program to identify the relationship of each project proposed to the region's adopted sustainable communities strategy.

Existing law creates the Strategic Growth Council consisting of various state agencies, with certain powers and duties relative to the identification and review of activities and funding programs of those agencies in order to achieve specified objectives.

This bill would require the council to identify activities, programs, and local assistance funding of its member agencies that have a significant effect on the implementation of sustainable communities strategies. The bill would require each member agency to be notified

of those matters, and would require each member agency to report annually to the California Transportation Commission on steps that it has taken to ensure that its policies, activities, programs, and local assistance funding help attain greenhouse gas emission reduction targets, among other things.

By imposing additional requirements on transportation planning agencies, the bill would impose a state-mandated local program.

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. Section 14502 of the Government Code is
2 amended to read:

3 14502. The commission consists of ~~13~~ 18 members appointed
4 as follows:

5 (a) Nine members shall be appointed by the Governor with the
6 advice and consent of the Senate. ~~One member~~ Two members shall
7 be appointed by the Speaker of the Assembly and ~~one member~~
8 two members shall be appointed by the Senate Committee on Rules,
9 with ~~neither~~ none of these members subject to confirmation by the
10 Senate. A member appointed pursuant to this subdivision shall not
11 simultaneously hold an elected public office, or serve on any local
12 or regional public board or commission with business before the
13 commission.

14 (b) (1) One Member of the Senate appointed by the Senate
15 Committee on Rules and one Member of the Assembly appointed
16 by the Speaker of the Assembly shall be ex officio members
17 without vote and shall participate in the activities of the
18 commission to the extent that such participation is not incompatible
19 with their positions as Members of the Legislature.

20 (2) *The Secretary of the Transportation Agency, the Chairperson*
21 *of the State Air Resources Board, and the Director of Housing and*

1 *Community Development shall be ex officio members without vote*
 2 *and shall participate in the activities of the commission to the*
 3 *extent that such participation is not incompatible with their*
 4 *positions in the executive branch.*

5 (c) Notwithstanding any other provision of law, a voting member
 6 of the commission may serve on the High-Speed Rail Authority
 7 as established in Division 19.5 (commencing with Section 185000)
 8 of the Public Utilities Code.

9 SEC. 2. Section 14506 of the Government Code is amended
 10 to read:

11 14506. In order to perform its duties and functions, the
 12 commission shall organize itself into at least the following four
 13 committees:

14 (a) The Committee on Aeronautics, which shall consider issues
 15 related to aeronautics.

16 (b) The Committee on Streets and Highways, which shall
 17 consider issues related to streets and highways.

18 (c) The Committee on Mass Transportation, which shall consider
 19 issues related to the movement of groups of people within urban
 20 areas, and between rural communities and between cities.

21 (d) The Committee on Planning, which shall be responsible for
 22 transportation planning related issues, including, but not limited
 23 to, monitoring the transportation planning and programming
 24 process *and monitoring outcomes from land development and*
 25 *transportation investments in accordance with sustainable*
 26 *communities strategies* pursuant to Chapter 2.5 (commencing with
 27 Section 65080) of Division 1 of Title 7 and recommending to the
 28 commission the allocation of federal and state funds available for
 29 planning and research.

30 SEC. 3. Section 14522 of the Government Code is amended
 31 to read:

32 14522. (a) In cooperation with the regional transportation
 33 planning agencies, the commission may prescribe study areas for
 34 analysis and evaluation by such agencies and guidelines for the
 35 preparation of the regional transportation plans.

36 (b) *Guidelines for preparation of regional transportation plans*
 37 *shall contain minimum requirements for assessment and*
 38 *consideration of alternative land use scenarios and corresponding*
 39 *transportation system and network alternatives leading to adoption*
 40 *of a regional transportation plan and sustainable communities*

1 *strategy, with the objective of attainment of state greenhouse gas*
2 *emission reductions, pursuant to Chapter 2.5 (commencing with*
3 *Section 65080) of Division 1 of Title 7, relative to those*
4 *transportation planning agencies required to prepare a sustainable*
5 *communities strategy.*

6 *(c) The commission shall prescribe and annually, on or before*
7 *October 15, receive, from transportation planning agencies*
8 *required to prepare a sustainable communities strategy, a brief*
9 *report describing progress in implementing sustainable*
10 *communities strategies and attaining state greenhouse gas emission*
11 *reductions, pursuant to subdivision (e) of Section 65080,*
12 *commencing in 2014. After receiving the second set of reports due*
13 *in October 2015, the commission may, after consulting with*
14 *transportation planning agencies, prepare guidelines to ensure*
15 *that these reports are concise, coherent, focused on state objectives,*
16 *and comparable across the state.*

17 SEC. 4. Section 14522.3 of the Government Code is amended
18 to read:

19 14522.3. The commission shall include in an attachment to the
20 ~~next~~ *each* revision of its guidelines prescribed pursuant to Section
21 14522 a summary of the policies, practices, or projects that have
22 been employed by metropolitan planning organizations that
23 promote health and health equity, *for the purpose of sharing ideas*
24 *among transportation planning agencies.* The summary attachment
25 may include, but is not limited to, projects that implement any
26 Safe Routes to Schools program, established pursuant to Section
27 2333.5 of the Streets and Highways Code, multiuse recreational
28 trails, pedestrian and bicyclist pathways, and programs that serve
29 transportation needs in rural communities.

30 SEC. 5. Section 14536 of the Government Code is amended
31 to read:

32 14536. (a) The annual report shall include an explanation and
33 summary of major policies and decisions adopted by the
34 commission during the previously completed state and federal
35 fiscal year, with an explanation of any changes in policy associated
36 with the performance of its duties and responsibilities over the
37 past year.

38 *(b) The annual report shall include a summary of the*
39 *commission's assessment of progress around the state toward state*
40 *objectives of greenhouse gas emission reductions, from patterns*

1 of ongoing land developments and transportation investments.
 2 That assessment shall be informed by the reports submitted to the
 3 commission by transportation planning agencies pursuant to
 4 subdivision (c) of Section 14522 and by state agencies pursuant
 5 to Section 75125 of the Public Resources Code. The commission
 6 may also submit a selection or all of those reports as an appendix
 7 to its annual report if it finds that to be necessary for a full
 8 understanding of progress.

9 (b)

10 (c) The annual report may also include a discussion of any
 11 significant upcoming transportation issues anticipated to be of
 12 concern to the public and the Legislature.

13 (e) ~~The annual report submitted to the Legislature for the years~~
 14 ~~2001 to 2008, inclusive, shall include all of the following:~~

15 (1) ~~A summary and discussion of loans and transfers authorized~~
 16 ~~pursuant to Sections 14556.7 and 14556.8.~~

17 (2) ~~A summary and discussion on the cash-flow and project~~
 18 ~~delivery impact of those loans and transfers.~~

19 (3) ~~A summary of any guidance provided to the department~~
 20 ~~pursuant to Section 14556.7.~~

21 SEC. 6. Section 65080 of the Government Code is amended
 22 to read:

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

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

39 (1) A policy element that describes the transportation issues in
 40 the region, identifies and quantifies regional needs, and describes

1 the desired short-range and long-range transportation goals, and
2 pragmatic objective and policy statements. The objective and policy
3 statements shall be consistent with the funding estimates of the
4 financial element. The policy element of transportation planning
5 agencies with populations that exceed 200,000 persons may
6 quantify a set of indicators including, but not limited to, all of the
7 following:

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

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

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

17 (i) Single occupant vehicle.

18 (ii) Multiple occupant vehicle or carpool.

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

20 (iv) Walking.

21 (v) Bicycling.

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

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

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

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

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

39 (i) No later than January 31, 2009, the state board shall appoint
40 a Regional Targets Advisory Committee to recommend factors to

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

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

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

1 (Division 25.5 (commencing with Section 38500) of the Health
2 and Safety Code).

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

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

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

1 trucks to achieve, if there is a feasible way to do so, the greenhouse
2 gas emission reduction targets approved by the state board, and
3 (viii) allow the regional transportation plan to comply with Section
4 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

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

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

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

1 complies with applicable legal requirements, and adopt the plan
2 for the region.

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

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

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

31 (ii) Consultation with congestion management agencies,
32 transportation agencies, and transportation commissions.

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

1 representations of the sustainable communities strategy and the
2 alternative planning strategy.

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

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

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

17 (G) In preparing a sustainable communities strategy, the
18 metropolitan planning organization shall consider spheres of
19 influence that have been adopted by the local agency formation
20 commissions within its region.

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

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

- 1 (i) Shall identify the principal impediments to achieving the
2 targets within the sustainable communities strategy.
- 3 (ii) May include an alternative development pattern for the
4 region pursuant to subparagraphs (B) to (G), inclusive.
- 5 (iii) Shall describe how the greenhouse gas emission reduction
6 targets would be achieved by the alternative planning strategy, and
7 why the development pattern, measures, and policies in the
8 alternative planning strategy are the most practicable choices for
9 achievement of the greenhouse gas emission reduction targets.
- 10 (iv) An alternative development pattern set forth in the
11 alternative planning strategy shall comply with Part 450 of Title
12 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
13 except to the extent that compliance will prevent achievement of
14 the greenhouse gas emission reduction targets approved by the
15 state board.
- 16 (v) For purposes of the California Environmental Quality Act
17 (Division 13 (commencing with Section 21000) of the Public
18 Resources Code), an alternative planning strategy shall not
19 constitute a land use plan, policy, or regulation, and the
20 inconsistency of a project with an alternative planning strategy
21 shall not be a consideration in determining whether a project may
22 have an environmental effect.
- 23 (J) (i) Prior to starting the public participation process adopted
24 pursuant to subparagraph (F), the metropolitan planning
25 organization shall submit a description to the state board of the
26 technical methodology it intends to use to estimate the greenhouse
27 gas emissions from its sustainable communities strategy and, if
28 appropriate, its alternative planning strategy. The state board shall
29 respond to the metropolitan planning organization in a timely
30 manner with written comments about the technical methodology,
31 including specifically describing any aspects of that methodology
32 it concludes will not yield accurate estimates of greenhouse gas
33 emissions, and suggested remedies. The metropolitan planning
34 organization is encouraged to work with the state board until the
35 state board concludes that the technical methodology operates
36 accurately.
- 37 (ii) After adoption, a metropolitan planning organization shall
38 submit a sustainable communities strategy or an alternative
39 planning strategy, if one has been adopted, to the state board for
40 review, including the quantification of the greenhouse gas emission

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

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

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

38 (L) Nothing in this section requires projects programmed for
39 funding on or before December 31, 2011, to be subject to the
40 provisions of this paragraph if they (i) are contained in the 2007

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

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

34 (N) Two or more of the metropolitan planning organizations
35 for Fresno County, Kern County, Kings County, Madera County,
36 Merced County, San Joaquin County, Stanislaus County, and
37 Tulare County may work together to develop and adopt
38 multiregional goals and policies that may address interregional
39 land use, transportation, economic, air quality, and climate
40 relationships. The participating metropolitan planning organizations

1 may also develop a multiregional sustainable communities strategy,
2 to the extent consistent with federal law, or an alternative planning
3 strategy for adoption by the metropolitan planning organizations.
4 Each participating metropolitan planning organization shall
5 consider any adopted multiregional goals and policies in the
6 development of a sustainable communities strategy and, if
7 applicable, an alternative planning strategy for its region.

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

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

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

- 31 (i) State highway expansion.
- 32 (ii) State highway rehabilitation, maintenance, and operations.
- 33 (iii) Local road and street expansion.
- 34 (iv) Local road and street rehabilitation, maintenance, and
35 operation.
- 36 (v) Mass transit, commuter rail, and intercity rail expansion.
- 37 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
38 maintenance, and operations.
- 39 (vii) Pedestrian and bicycle facilities.
- 40 (viii) Environmental enhancements and mitigation.

1 (ix) Research and planning.

2 (x) Other categories.

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

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

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

35 (e) *Each transportation planning agency that prepares a*
36 *sustainable communities strategy pursuant to paragraph (2) of*
37 *subdivision (b) shall prepare and submit, annually on or before*
38 *October 15, to the California Transportation Commission, a brief*
39 *report describing expectations for urban development expressed*
40 *in the regional transportation plan's sustainable community*

1 *strategy, outcomes from actual development approved or completed*
 2 *and occupied, and the relationship between the development*
 3 *reported and transportation projects funded for construction,*
 4 *during the year since the previous report. The report shall*
 5 *distinguish among residential, commercial, and office and*
 6 *industrial development uses and intensities, identify areas of*
 7 *significant urban infill development and development on open*
 8 *greenfields, identify areas of mixed use development and*
 9 *development at higher density than typical in surrounding areas,*
 10 *and describe any areas where significant progress has been made*
 11 *toward town center developments that provide a mix of commercial*
 12 *and office properties with residential units in a compact area with*
 13 *a walkable environment, either as infill developments in suburban*
 14 *areas or stand alone new developments. Transportation projects*
 15 *for construction shall include, but are not limited to, expansions*
 16 *of road capacity on highways and major arterial roads, improved*
 17 *or new transit services, and complete streets or bicycle and*
 18 *pedestrian improvements in areas of significant infill or town*
 19 *center development, and may include operational improvements*
 20 *that diminish or eliminate significant traffic bottlenecks inside the*
 21 *urban area. The report should include one or more maps that assist*
 22 *in understanding the location of land developments in relation to*
 23 *transportation projects.*

24 SEC. 7. Section 65082 of the Government Code is amended
 25 to read:

26 65082. (a) (1) A five-year regional transportation improvement
 27 program shall be prepared, adopted, and submitted to the California
 28 Transportation Commission on or before December 15 of each
 29 odd-numbered year thereafter, updated every two years, pursuant
 30 to Sections 65080 and 65080.5 and the guidelines adopted pursuant
 31 to Section 14530.1, to include regional transportation improvement
 32 projects and programs proposed to be funded, in whole or in part,
 33 in the state transportation improvement program.

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

39 (b) Except for those counties that do not prepare a congestion
 40 management program pursuant to Section 65088.3, congestion

1 management programs adopted pursuant to Section 65089 shall
2 be incorporated into the regional transportation improvement
3 program submitted to the commission by December 15 of each
4 odd-numbered year.

5 (c) Local projects not included in a congestion management
6 program shall not be included in the regional transportation
7 improvement program. Projects and programs adopted pursuant
8 to subdivision (a) shall be consistent with the capital improvement
9 program adopted pursuant to paragraph (5) of subdivision (b) of
10 Section 65089, and the guidelines adopted pursuant to Section
11 14530.1.

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

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

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

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

28 (h) *The regional transportation improvement program shall*
29 *identify the relationship of each project proposed to the region's*
30 *sustainable communities strategy in the regional transportation*
31 *plan adopted pursuant to paragraph (2) of subdivision (b) of*
32 *Section 65080, for those regions required to prepare a sustainable*
33 *communities strategy.*

34 SEC. 8. Section 75125 of the Public Resources Code is
35 amended to read:

36 75125. The council shall do all of the following:

37 (a) Identify and review activities and funding programs of
38 member state agencies that may be coordinated to improve air and
39 water quality, improve natural resource protection, increase the
40 availability of affordable housing, improve transportation, meet

1 the goals of the California Global Warming Solutions Act of 2006
2 (Division 25.5 (commencing with Section 38500) of the Health
3 and Safety Code), encourage sustainable land use planning, and
4 revitalize urban and community centers in a sustainable manner.
5 ~~At a minimum, the~~ *The council shall identify activities, programs,*
6 *and local assistance funding of member agencies that have a*
7 *significant effect on implementation of sustainable communities*
8 *strategies pursuant to Chapter 2.5 (commencing with section*
9 *65080) of Division 1 of Title 7 of the Government Code, notify*
10 *member agencies of the activities, programs, and local assistance*
11 *funding so identified, and require each member agency so notified*
12 *to report annually by August 15 to the council and to the California*
13 *Transportation Commission on steps it has taken to ensure that*
14 *its policies, activities, programs and local assistance funding help*
15 *attain greenhouse gas emission reduction targets, and to explain*
16 *in the context of the agency's missions any statutory constraints*
17 *that prevent the agency from pursuing policies, activities,*
18 *programs, and local assistance funding that would help attain*
19 *those greenhouse gas emission reduction targets. The council shall*
20 review and comment on the five-year infrastructure plan developed
21 pursuant to Article 2 (commencing with Section 13100) of Chapter
22 2 of Part 3 of Division 3 of the Government Code and the State
23 Environmental Goals and Policy Report developed pursuant to
24 Section 65041 of the Government Code.

25 (b) Recommend policies and investment strategies and priorities
26 to the Governor, the Legislature, and to appropriate state agencies
27 to encourage the development of sustainable communities, such
28 as those communities that promote equity, strengthen the economy,
29 protect the environment, and promote public health and safety,
30 consistent with subdivisions (a) and (c) of Section 75065.

31 (c) Provide, fund, and distribute data and information to local
32 governments and regional agencies that will assist in developing
33 and planning sustainable communities.

34 (d) Manage and award grants and loans to support the planning
35 and development of sustainable communities, pursuant to Sections
36 75127, 75128, and 75129. To implement this subdivision, the
37 council may do all of the following:

38 (1) Develop guidelines for awarding financial assistance,
39 including criteria for eligibility and additional consideration.

1 (2) Develop criteria for determining the amount of financial
2 assistance to be awarded. The council shall award a revolving loan
3 to an applicant for a planning project, unless the council determines
4 that the applicant lacks the fiscal capacity to carry out the project
5 without a grant. The council may establish criteria that would allow
6 the applicant to illustrate an ongoing commitment of financial
7 resources to ensure the completion of the proposed plan or project.

8 (3) Provide for payments of interest on loans made pursuant to
9 this article. The rate of interest shall not exceed the rate earned by
10 the Pooled Money Investment Board.

11 (4) Provide for the time period for repaying a loan made
12 pursuant to this article.

13 (5) Provide for the recovery of funds from an applicant that fails
14 to complete the project for which financial assistance was awarded.
15 The council shall direct the Controller to recover funds by any
16 available means.

17 (6) Provide technical assistance for application preparation.

18 (7) Designate a state agency or department to administer
19 technical and financial assistance programs for the disbursing of
20 grants and loans to support the planning and development of
21 sustainable communities, pursuant to Sections 75127, 75128, and
22 75129.

23 (e) No later than July 1, 2010, and every year thereafter, provide
24 a report to the Legislature that shall include, but is not limited to,
25 all of the following:

26 (1) A list of applicants for financial assistance.

27 (2) Identification of which applications were approved.

28 (3) The amounts awarded for each approved application.

29 (4) The remaining balance of available funds.

30 (5) A report on the proposed or ongoing management of each
31 funded project.

32 (6) Any additional minimum requirements and priorities for a
33 project or plan proposed in a grant or loan application developed
34 and adopted by the council pursuant to subdivision (c) of Section
35 75126.

36 SEC. 9. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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