

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1290

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Sections 14502, *14504*, 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 amended, 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 requires the Governor, in appointing members to the California Transportation Commission, to make every effort to assure that there is a geographic balance of representation on the commission.

This bill would also require the Governor to make every effort to assure that expertise in the transportation community that has not traditionally been represented on the commission is reflected in future appointments to the commission, with a particular emphasis on stakeholders involved and engaged in, among other things, efforts to make California's transportation system more sustainable.

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~~ *biennially* prescribe and receive a brief report from each transportation planning agency, *beginning on or before October 15, 2014*, describing progress in implementing the sustainable communities strategy and in attaining greenhouse gas emission reductions. *The bill would require each transportation planning agency's report to include an assessment of the regions's progress made, along with any challenges facing the region, with respect to its ability to implement policies and projects set forth in the sustainable communities strategy.*

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 the commission and the Strategic Growth Council* of progress around the state toward state objectives of greenhouse gas emission reductions, from patterns of ongoing land ~~developments~~ *development* 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~~ *include a discussion of how the program relates* 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 18 members appointed as
- 4 follows:

1 (a) Nine members shall be appointed by the Governor with the
 2 advice and consent of the Senate. Two members shall be appointed
 3 by the Speaker of the Assembly and two members shall be
 4 appointed by the Senate Committee on Rules, with none of these
 5 members subject to confirmation by the Senate. A member
 6 appointed pursuant to this subdivision shall not simultaneously
 7 hold an elected public office, or serve on any local or regional
 8 public board or commission with business before the commission.

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

15 (2) The Secretary of the Transportation Agency, the Chairperson
 16 of the State Air Resources Board, and the Director of Housing and
 17 Community Development shall be ex officio members without
 18 vote and shall participate in the activities of the commission to the
 19 extent that such participation is not incompatible with their
 20 positions in the executive branch.

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

25 *SEC. 2. Section 14504 of the Government Code is amended to*
 26 *read:*

27 14504. In appointing members, the Governor shall make every
 28 effort to assure that there is a geographic balance of representation
 29 on the commission as a whole, with members from the northern
 30 and southern areas and from the urban and rural areas of the state.

31 *The Governor shall also make every effort to assure that*
 32 *transportation expertise that has not traditionally been represented*
 33 *on the commission is reflected in appointments to the commission,*
 34 *with a particular emphasis on stakeholders involved and engaged*
 35 *in, among other things, efforts to make California’s transportation*
 36 *system more sustainable.*

37 Each member of the commission shall represent the state at large.

38 ~~SEC. 2.~~

39 *SEC. 3. Section 14506 of the Government Code is amended*
 40 *to read:*

1 14506. In order to perform its duties and functions, the
2 commission shall organize itself into at least the following four
3 committees:

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

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

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

11 (d) The Committee on Planning, which shall be responsible for
12 transportation planning related issues, including, but not limited
13 to, monitoring the transportation planning and programming
14 process and monitoring outcomes from land development and
15 transportation investments in accordance with sustainable
16 communities strategies pursuant to Chapter 2.5 (commencing with
17 Section 65080) of Division 1 of Title 7 and recommending to the
18 commission the allocation of federal and state funds available for
19 planning and research.

20 ~~SEC. 3.~~

21 *SEC. 4.* Section 14522 of the Government Code is amended
22 to read:

23 14522. (a) In cooperation with the regional transportation
24 planning agencies, the commission may prescribe study areas for
25 analysis and evaluation by such agencies and guidelines for the
26 preparation of the regional transportation plans.

27 ~~(b) Guidelines for preparation of regional transportation plans
28 shall contain minimum requirements for assessment and
29 consideration of alternative land use scenarios and corresponding
30 transportation system and network alternatives leading to adoption
31 of a regional transportation plan and sustainable communities
32 strategy, with the objective of attainment of state greenhouse gas
33 emission reductions, pursuant to Chapter 2.5 (commencing with
34 Section 65080) of Division 1 of Title 7, relative to those
35 transportation planning agencies required to prepare a sustainable
36 communities strategy.~~

37 ~~(e)~~

38 (b) The commission shall prescribe and ~~annually~~, on or before
39 October 15 *of each even-numbered year beginning in 2014*, receive,
40 from *regional* transportation planning agencies required to prepare

1 a sustainable communities strategy, a brief report describing
 2 progress in implementing sustainable communities strategies and
 3 attaining state greenhouse gas emission reductions, pursuant to
 4 subdivision (e) of Section ~~65080, commencing in 2014.~~ 65080.
 5 After receiving the second set of reports due in October ~~2015,~~
 6 2016, the commission may, after consulting with transportation
 7 planning agencies, prepare guidelines to ensure that these reports
 8 are concise, coherent, focused on state objectives, and comparable
 9 across the state.

10 ~~SEC. 4.~~

11 SEC. 5. Section 14522.3 of the Government Code is amended
12 to read:

13 14522.3. The commission shall include in an attachment to
 14 each revision of its guidelines prescribed pursuant to Section 14522
 15 a summary of the policies, practices, or projects that have been
 16 employed by metropolitan planning organizations that promote
 17 health and health equity, for the purpose of sharing ideas among
 18 transportation planning agencies. The summary attachment may
 19 include, but is not limited to, projects that implement any Safe
 20 Routes to Schools program, established pursuant to Section 2333.5
 21 of the Streets and Highways Code, multiuse recreational trails,
 22 pedestrian and bicyclist pathways, and programs that serve
 23 transportation needs in rural communities.

24 ~~SEC. 5.~~

25 SEC. 6. Section 14536 of the Government Code is amended
26 to read:

27 14536. (a) The annual report shall include an explanation and
 28 summary of major policies and decisions adopted by the
 29 commission during the previously completed state and federal
 30 fiscal year, with an explanation of any changes in policy associated
 31 with the performance of its duties and responsibilities over the
 32 past year.

33 (b) The annual report shall include a summary of the
 34 ~~commission's~~ assessment *of the commission and the Strategic*
 35 *Growth Counsel, in collaboration,* of progress around the state
 36 toward state objectives of greenhouse gas emission reductions,
 37 from patterns of ongoing land developments and transportation
 38 investments. That assessment shall be informed by the *biennial*
 39 reports submitted to the commission by *regional* transportation
 40 planning agencies pursuant to subdivision ~~(e)~~ (b) of Section 14522

1 *and subdivision (e) of Section 65080, and reports submitted by*
2 *state agencies pursuant to Section 75125 of the Public Resources*
3 *Code. The commission may also submit a selection or all of those*
4 *reports as an appendix to its annual report if it finds that to be*
5 *necessary for a full understanding of progress.*

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

9 ~~SEC. 6.~~

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

12 65080. (a) Each transportation planning agency designated
13 under Section 29532 or 29532.1 shall prepare and adopt a regional
14 transportation plan directed at achieving a coordinated and balanced
15 regional transportation system, including, but not limited to, mass
16 transportation, highway, railroad, maritime, bicycle, pedestrian,
17 goods movement, and aviation facilities and services. The plan
18 shall be action-oriented and pragmatic, considering both the
19 short-term and long-term future, and shall present clear, concise
20 policy guidance to local and state officials. The regional
21 transportation plan shall consider factors specified in Section 134
22 of Title 23 of the United States Code. Each transportation planning
23 agency shall consider and incorporate, as appropriate, the
24 transportation plans of cities, counties, districts, private
25 organizations, and state and federal agencies.

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

28 (1) A policy element that describes the transportation issues in
29 the region, identifies and quantifies regional needs, and describes
30 the desired short-range and long-range transportation goals, and
31 pragmatic objective and policy statements. The objective and policy
32 statements shall be consistent with the funding estimates of the
33 financial element. The policy element of transportation planning
34 agencies with populations that exceed 200,000 persons may
35 quantify a set of indicators including, but not limited to, all of the
36 following:

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

1 (B) Measures of road and bridge maintenance and rehabilitation
2 needs, including, but not limited to, roadway pavement and bridge
3 conditions.

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

7 (i) Single occupant vehicle.

8 (ii) Multiple occupant vehicle or carpool.

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

10 (iv) Walking.

11 (v) Bicycling.

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

15 (E) Measures of equity and accessibility, including, but not
16 limited to, percentage of the population served by frequent and
17 reliable public transit, with a breakdown by income bracket, and
18 percentage of all jobs accessible by frequent and reliable public
19 transit service, with a breakdown by income bracket.

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

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

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

29 (i) No later than January 31, 2009, the state board shall appoint
30 a Regional Targets Advisory Committee to recommend factors to
31 be considered and methodologies to be used for setting greenhouse
32 gas emission reduction targets for the affected regions. The
33 committee shall be composed of representatives of the metropolitan
34 planning organizations, affected air districts, the League of
35 California Cities, the California State Association of Counties,
36 local transportation agencies, and members of the public, including
37 homebuilders, environmental organizations, planning organizations,
38 environmental justice organizations, affordable housing
39 organizations, and others. The advisory committee shall transmit
40 a report with its recommendations to the state board no later than

1 September 30, 2009. In recommending factors to be considered
2 and methodologies to be used, the advisory committee may
3 consider any relevant issues, including, but not limited to, data
4 needs, modeling techniques, growth forecasts, the impacts of
5 regional jobs-housing balance on interregional travel and
6 greenhouse gas emissions, economic and demographic trends, the
7 magnitude of greenhouse gas reduction benefits from a variety of
8 land use and transportation strategies, and appropriate methods to
9 describe regional targets and to monitor performance in attaining
10 those targets. The state board shall consider the report prior to
11 setting the targets.

12 (ii) Prior to setting the targets for a region, the state board shall
13 exchange technical information with the metropolitan planning
14 organization and the affected air district. The metropolitan planning
15 organization may recommend a target for the region. The
16 metropolitan planning organization shall hold at least one public
17 workshop within the region after receipt of the report from the
18 advisory committee. The state board shall release draft targets for
19 each region no later than June 30, 2010.

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

32 (iv) The state board shall update the regional greenhouse gas
33 emission reduction targets every eight years consistent with each
34 metropolitan planning organization's timeframe for updating its
35 regional transportation plan under federal law until 2050. The state
36 board may revise the targets every four years based on changes in
37 the factors considered under clause (iii). The state board shall
38 exchange technical information with the Department of
39 Transportation, metropolitan planning organizations, local
40 governments, and affected air districts and engage in a consultative

1 process with public and private stakeholders prior to updating these
2 targets.

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

6 (B) Each metropolitan planning organization shall prepare a
7 sustainable communities strategy, subject to the requirements of
8 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
9 Federal Regulations, including the requirement to utilize the most
10 recent planning assumptions considering local general plans and
11 other factors. The sustainable communities strategy shall (i)
12 identify the general location of uses, residential densities, and
13 building intensities within the region, (ii) identify areas within the
14 region sufficient to house all the population of the region, including
15 all economic segments of the population, over the course of the
16 planning period of the regional transportation plan taking into
17 account net migration into the region, population growth, household
18 formation and employment growth, (iii) identify areas within the
19 region sufficient to house an eight-year projection of the regional
20 housing need for the region pursuant to Section 65584, (iv) identify
21 a transportation network to service the transportation needs of the
22 region, (v) gather and consider the best practically available
23 scientific information regarding resource areas and farmland in
24 the region as defined in subdivisions (a) and (b) of Section
25 65080.01, (vi) consider the state housing goals specified in Sections
26 65580 and 65581, (vii) set forth a forecasted development pattern
27 for the region, which, when integrated with the transportation
28 network, and other transportation measures and policies, will
29 reduce the greenhouse gas emissions from automobiles and light
30 trucks to achieve, if there is a feasible way to do so, the greenhouse
31 gas emission reduction targets approved by the state board, and
32 (viii) allow the regional transportation plan to comply with Section
33 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

34 (C) (i) Within the jurisdiction of the Metropolitan
35 Transportation Commission, as defined by Section 66502, the
36 Association of Bay Area Governments shall be responsible for
37 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B), the
38 Metropolitan Transportation Commission shall be responsible for
39 clauses (iv) and (viii) of subparagraph (B); and the Association of
40 Bay Area Governments and the Metropolitan Transportation

1 Commission shall jointly be responsible for clause (vii) of
2 subparagraph (B).

3 (ii) Within the jurisdiction of the Tahoe Regional Planning
4 Agency, as defined in Sections 66800 and 66801, the Tahoe
5 Metropolitan Planning Organization shall use the Regional Plan
6 for the Lake Tahoe Region as the sustainable community strategy,
7 provided that it complies with clauses (vii) and (viii) of
8 subparagraph (B).

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

31 (E) The metropolitan planning organization shall conduct at
32 least two informational meetings in each county within the region
33 for members of the board of supervisors and city councils on the
34 sustainable communities strategy and alternative planning strategy,
35 if any. The metropolitan planning organization may conduct only
36 one informational meeting if it is attended by representatives of
37 the county board of supervisors and city council members
38 representing a majority of the cities representing a majority of the
39 population in the incorporated areas of that county. Notice of the
40 meeting or meetings shall be sent to the clerk of the board of

1 supervisors and to each city clerk. The purpose of the meeting or
 2 meetings shall be to discuss the sustainable communities strategy
 3 and the alternative planning strategy, if any, including the key land
 4 use and planning assumptions to the members of the board of
 5 supervisors and the city council members in that county and to
 6 solicit and consider their input and recommendations.

7 (F) Each metropolitan planning organization shall adopt a public
 8 participation plan, for development of the sustainable communities
 9 strategy and an alternative planning strategy, if any, that includes
 10 all of the following:

11 (i) Outreach efforts to encourage the active participation of a
 12 broad range of stakeholder groups in the planning process,
 13 consistent with the agency’s adopted Federal Public Participation
 14 Plan, including, but not limited to, affordable housing advocates,
 15 transportation advocates, neighborhood and community groups,
 16 environmental advocates, home builder representatives,
 17 broad-based business organizations, landowners, commercial
 18 property interests, and homeowner associations.

19 (ii) Consultation with congestion management agencies,
 20 transportation agencies, and transportation commissions.

21 (iii) Workshops throughout the region to provide the public with
 22 the information and tools necessary to provide a clear
 23 understanding of the issues and policy choices. At least one
 24 workshop shall be held in each county in the region. For counties
 25 with a population greater than 500,000, at least three workshops
 26 shall be held. Each workshop, to the extent practicable, shall
 27 include urban simulation computer modeling to create visual
 28 representations of the sustainable communities strategy and the
 29 alternative planning strategy.

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

34 (v) At least three public hearings on the draft sustainable
 35 communities strategy in the regional transportation plan and
 36 alternative planning strategy, if one is prepared. If the metropolitan
 37 transportation organization consists of a single county, at least two
 38 public hearings shall be held. To the maximum extent feasible, the
 39 hearings shall be in different parts of the region to maximize the

1 opportunity for participation by members of the public throughout
2 the region.

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

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

9 (H) Prior to adopting a sustainable communities strategy, the
10 metropolitan planning organization shall quantify the reduction in
11 greenhouse gas emissions projected to be achieved by the
12 sustainable communities strategy and set forth the difference, if
13 any, between the amount of that reduction and the target for the
14 region established by the state board.

15 (I) If the sustainable communities strategy, prepared in
16 compliance with subparagraph (B) or (D), is unable to reduce
17 greenhouse gas emissions to achieve the greenhouse gas emission
18 reduction targets established by the state board, the metropolitan
19 planning organization shall prepare an alternative planning strategy
20 to the sustainable communities strategy showing how those
21 greenhouse gas emission targets would be achieved through
22 alternative development patterns, infrastructure, or additional
23 transportation measures or policies. The alternative planning
24 strategy shall be a separate document from the regional
25 transportation plan, but it may be adopted concurrently with the
26 regional transportation plan. In preparing the alternative planning
27 strategy, the metropolitan planning organization:

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

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

32 (iii) Shall describe how the greenhouse gas emission reduction
33 targets would be achieved by the alternative planning strategy, and
34 why the development pattern, measures, and policies in the
35 alternative planning strategy are the most practicable choices for
36 achievement of the greenhouse gas emission reduction targets.

37 (iv) An alternative development pattern set forth in the
38 alternative planning strategy shall comply with Part 450 of Title
39 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
40 except to the extent that compliance will prevent achievement of

1 the greenhouse gas emission reduction targets approved by the
2 state board.

3 (v) For purposes of the California Environmental Quality Act
4 (Division 13 (commencing with Section 21000) of the Public
5 Resources Code), an alternative planning strategy shall not
6 constitute a land use plan, policy, or regulation, and the
7 inconsistency of a project with an alternative planning strategy
8 shall not be a consideration in determining whether a project may
9 have an environmental effect.

10 (J) (i) Prior to starting the public participation process adopted
11 pursuant to subparagraph (F), the metropolitan planning
12 organization shall submit a description to the state board of the
13 technical methodology it intends to use to estimate the greenhouse
14 gas emissions from its sustainable communities strategy and, if
15 appropriate, its alternative planning strategy. The state board shall
16 respond to the metropolitan planning organization in a timely
17 manner with written comments about the technical methodology,
18 including specifically describing any aspects of that methodology
19 it concludes will not yield accurate estimates of greenhouse gas
20 emissions, and suggested remedies. The metropolitan planning
21 organization is encouraged to work with the state board until the
22 state board concludes that the technical methodology operates
23 accurately.

24 (ii) After adoption, a metropolitan planning organization shall
25 submit a sustainable communities strategy or an alternative
26 planning strategy, if one has been adopted, to the state board for
27 review, including the quantification of the greenhouse gas emission
28 reductions the strategy would achieve and a description of the
29 technical methodology used to obtain that result. Review by the
30 state board shall be limited to acceptance or rejection of the
31 metropolitan planning organization's determination that the strategy
32 submitted would, if implemented, achieve the greenhouse gas
33 emission reduction targets established by the state board. The state
34 board shall complete its review within 60 days.

35 (iii) If the state board determines that the strategy submitted
36 would not, if implemented, achieve the greenhouse gas emission
37 reduction targets, the metropolitan planning organization shall
38 revise its strategy or adopt an alternative planning strategy, if not
39 previously adopted, and submit the strategy for review pursuant
40 to clause (ii). At a minimum, the metropolitan planning

1 organization must obtain state board acceptance that an alternative
2 planning strategy would, if implemented, achieve the greenhouse
3 gas emission reduction targets established for that region by the
4 state board.

5 (K) Neither a sustainable communities strategy nor an alternative
6 planning strategy regulates the use of land, nor, except as provided
7 by subparagraph (J), shall either one be subject to any state
8 approval. Nothing in a sustainable communities strategy shall be
9 interpreted as superseding the exercise of the land use authority
10 of cities and counties within the region. Nothing in this section
11 shall be interpreted to limit the state board's authority under any
12 other provision of law. Nothing in this section shall be interpreted
13 to authorize the abrogation of any vested right whether created by
14 statute or by common law. Nothing in this section shall require a
15 city's or county's land use policies and regulations, including its
16 general plan, to be consistent with the regional transportation plan
17 or an alternative planning strategy. Nothing in this section requires
18 a metropolitan planning organization to approve a sustainable
19 communities strategy that would be inconsistent with Part 450 of
20 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
21 Regulations and any administrative guidance under those
22 regulations. Nothing in this section relieves a public or private
23 entity or any person from compliance with any other local, state,
24 or federal law.

25 (L) Nothing in this section requires projects programmed for
26 funding on or before December 31, 2011, to be subject to the
27 provisions of this paragraph if they (i) are contained in the 2007
28 or 2009 Federal Statewide Transportation Improvement Program,
29 (ii) are funded pursuant to Chapter 12.49 (commencing with
30 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
31 listed in a ballot measure prior to December 31, 2008, approving
32 a sales tax increase for transportation projects. Nothing in this
33 section shall require a transportation sales tax authority to change
34 the funding allocations approved by the voters for categories of
35 transportation projects in a sales tax measure adopted prior to
36 December 31, 2010. For purposes of this subparagraph, a
37 transportation sales tax authority is a district, as defined in Section
38 7252 of the Revenue and Taxation Code, that is authorized to
39 impose a sales tax for transportation purposes.

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

22 (N) Two or more of the metropolitan planning organizations
23 for Fresno County, Kern County, Kings County, Madera County,
24 Merced County, San Joaquin County, Stanislaus County, and
25 Tulare County may work together to develop and adopt
26 multiregional goals and policies that may address interregional
27 land use, transportation, economic, air quality, and climate
28 relationships. The participating metropolitan planning organizations
29 may also develop a multiregional sustainable communities strategy,
30 to the extent consistent with federal law, or an alternative planning
31 strategy for adoption by the metropolitan planning organizations.
32 Each participating metropolitan planning organization shall
33 consider any adopted multiregional goals and policies in the
34 development of a sustainable communities strategy and, if
35 applicable, an alternative planning strategy for its region.

36 (3) An action element that describes the programs and actions
37 necessary to implement the plan and assigns implementation
38 responsibilities. The action element may describe all transportation
39 projects proposed for development during the 20-year or greater

1 life of the plan. The action element shall consider congestion
2 management programming activities carried out within the region.

3 (4) (A) A financial element that summarizes the cost of plan
4 implementation constrained by a realistic projection of available
5 revenues. The financial element shall also contain
6 recommendations for allocation of funds. A county transportation
7 commission created pursuant to Section 130000 of the Public
8 Utilities Code shall be responsible for recommending projects to
9 be funded with regional improvement funds, if the project is
10 consistent with the regional transportation plan. The first five years
11 of the financial element shall be based on the five-year estimate
12 of funds developed pursuant to Section 14524. The financial
13 element may recommend the development of specified new sources
14 of revenue, consistent with the policy element and action element.

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

- 20 (i) State highway expansion.
- 21 (ii) State highway rehabilitation, maintenance, and operations.
- 22 (iii) Local road and street expansion.
- 23 (iv) Local road and street rehabilitation, maintenance, and
24 operation.
- 25 (v) Mass transit, commuter rail, and intercity rail expansion.
- 26 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
27 maintenance, and operations.
- 28 (vii) Pedestrian and bicycle facilities.
- 29 (viii) Environmental enhancements and mitigation.
- 30 (ix) Research and planning.
- 31 (x) Other categories.

32 (C) The metropolitan planning organization or county
33 transportation agency, whichever entity is appropriate, shall
34 consider financial incentives for cities and counties that have
35 resource areas or farmland, as defined in Section 65080.01, for
36 the purposes of, for example, transportation investments for the
37 preservation and safety of the city street or county road system
38 and farm-to-market and interconnectivity transportation needs.
39 The metropolitan planning organization or county transportation
40 agency, whichever entity is appropriate, shall also consider

1 financial assistance for counties to address countywide service
2 responsibilities in counties that contribute toward the greenhouse
3 gas emission reduction targets by implementing policies for growth
4 to occur within their cities.

5 (c) Each transportation planning agency may also include other
6 factors of local significance as an element of the regional
7 transportation plan, including, but not limited to, issues of mobility
8 for specific sectors of the community, including, but not limited
9 to, senior citizens.

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

24 (e) Each *regional* transportation planning agency that prepares
25 a sustainable communities strategy pursuant to paragraph (2) of
26 subdivision (b) shall prepare and submit, ~~annually~~ *biennially*,
27 *starting* on or before October 15, 2014, to the California
28 Transportation Commission, a brief report describing ~~expectations~~
29 ~~for urban development expressed in the regional transportation~~
30 ~~plan's sustainable community strategy, outcomes from actual~~
31 ~~development approved or completed and occupied, and the~~
32 ~~relationship between the development reported and transportation~~
33 ~~projects funded for construction, during the year since the previous~~
34 ~~report. The report shall distinguish among residential, commercial,~~
35 ~~and office and industrial development uses and intensities, identify~~
36 ~~areas of significant urban infill development and development on~~
37 ~~open greenfields, identify areas of mixed use development and~~
38 ~~development at higher density than typical in surrounding areas,~~
39 ~~and describe any areas where significant progress has been made~~
40 ~~toward town center developments that provide a mix of commercial~~

1 and office properties with residential units in a compact area with
2 a walkable environment, either as infill developments in suburban
3 areas or stand alone new developments. Transportation projects
4 for construction shall include, but are not limited to, expansions
5 of road capacity on highways and major arterial roads, improved
6 or new transit services, and complete streets or bicycle and
7 pedestrian improvements in areas of significant infill or town center
8 development, and may include operational improvements that
9 diminish or eliminate significant traffic bottlenecks inside the
10 urban area. The report should include one or more maps that assist
11 in understanding the location of land developments in relation to
12 transportation projects. *the regions's progress in implementing its*
13 *sustainable communities strategy. The report shall include an*
14 *assessment of progress made, along with any challenges the region*
15 *is facing, with respect to its ability to implement policies and*
16 *projects that were set forth in its sustainable communities strategy.*

17 ~~SEC. 7.~~

18 SEC. 8. Section 65082 of the Government Code is amended
19 to read:

20 65082. (a) (1) A five-year regional transportation improvement
21 program shall be prepared, adopted, and submitted to the California
22 Transportation Commission on or before December 15 of each
23 odd-numbered year thereafter, updated every two years, pursuant
24 to Sections 65080 and 65080.5 and the guidelines adopted pursuant
25 to Section 14530.1, to include regional transportation improvement
26 projects and programs proposed to be funded, in whole or in part,
27 in the state transportation improvement program.

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

33 (b) Except for those counties that do not prepare a congestion
34 management program pursuant to Section 65088.3, congestion
35 management programs adopted pursuant to Section 65089 shall
36 be incorporated into the regional transportation improvement
37 program submitted to the commission by December 15 of each
38 odd-numbered year.

39 (c) Local projects not included in a congestion management
40 program shall not be included in the regional transportation

1 improvement program. Projects and programs adopted pursuant
2 to subdivision (a) shall be consistent with the capital improvement
3 program adopted pursuant to paragraph (5) of subdivision (b) of
4 Section 65089, and the guidelines adopted pursuant to Section
5 14530.1.

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

8 (e) Unless a county not containing urbanized areas of over
9 50,000 population notifies the Department of Transportation by
10 July 1 that it intends to prepare a regional transportation
11 improvement program for that county, the department shall, in
12 consultation with the affected local agencies, prepare the program
13 for all counties for which it prepares a regional transportation plan.

14 (f) The requirements for incorporating a congestion management
15 program into a regional transportation improvement program
16 specified in this section do not apply in those counties that do not
17 prepare a congestion management program in accordance with
18 Section 65088.3.

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

22 (h) The regional transportation improvement program shall
23 ~~identify the relationship of each project proposed~~ *include a*
24 *discussion of how it relates* to the region’s sustainable communities
25 strategy ~~in the regional transportation plan~~ adopted pursuant to
26 paragraph (2) of subdivision (b) of Section 65080, for those regions
27 required to prepare a sustainable communities strategy.

28 ~~SEC. 8.~~

29 *SEC. 9.* Section 75125 of the Public Resources Code is
30 amended to read:

31 75125. The council shall do all of the following:

32 (a) Identify and review activities and funding programs of
33 member state agencies that may be coordinated to improve air and
34 water quality, improve natural resource protection, increase the
35 availability of affordable housing, improve transportation, meet
36 the goals of the California Global Warming Solutions Act of 2006
37 (Division 25.5 (commencing with Section 38500) of the Health
38 and Safety Code), encourage sustainable land use planning, and
39 revitalize urban and community centers in a sustainable manner.

40 The council shall identify activities, programs, and local assistance

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

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

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

29 (d) Manage and award grants and loans to support the planning
30 and development of sustainable communities, pursuant to Sections
31 75127, 75128, and 75129. To implement this subdivision, the
32 council may do all of the following:

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

35 (2) Develop criteria for determining the amount of financial
36 assistance to be awarded. The council shall award a revolving loan
37 to an applicant for a planning project, unless the council determines
38 that the applicant lacks the fiscal capacity to carry out the project
39 without a grant. The council may establish criteria that would allow

1 the applicant to illustrate an ongoing commitment of financial
2 resources to ensure the completion of the proposed plan or project.

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

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

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

12 (6) Provide technical assistance for application preparation.

13 (7) Designate a state agency or department to administer
14 technical and financial assistance programs for the disbursing of
15 grants and loans to support the planning and development of
16 sustainable communities, pursuant to Sections 75127, 75128, and
17 75129.

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

- 21 (1) A list of applicants for financial assistance.
- 22 (2) Identification of which applications were approved.
- 23 (3) The amounts awarded for each approved application.
- 24 (4) The remaining balance of available funds.
- 25 (5) A report on the proposed or ongoing management of each
26 funded project.
- 27 (6) Any additional minimum requirements and priorities for a
28 project or plan proposed in a grant or loan application developed
29 and adopted by the council pursuant to subdivision (c) of Section
30 75126.

31 ~~SEC. 9.~~

32 *SEC. 10.* If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.