

AMENDED IN SENATE MAY 5, 2014
AMENDED IN SENATE APRIL 8, 2014
AMENDED IN SENATE MARCH 24, 2014

SENATE BILL

No. 1122

Introduced by Senator Pavley

February 19, 2014

An act to add Division 44 (commencing with Section 75200) to the Public Resources Code, relating to sustainable communities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1122, as amended, Pavley. Sustainable communities: Strategic Growth Council.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Existing law authorizes moneys from the fund to be allocated for the purpose of reducing greenhouse gas emissions in this state through specified investments, including funding to reduce greenhouse gas emissions

through strategic planning and development of sustainable infrastructure projects.

Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy, subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.

Existing law establishes the Strategic Growth Council and requires the council to, among other things, manage and award grants and loans to support the development, adoption, or implementation of a regional plan or other planning instrument consistent with a regional plan that achieves specified objectives, including meeting the goals of the California Global Warming Solutions Act of 2006. Existing law specifies that the financial assistance provided shall be funded by the bond proceeds from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill would additionally ~~require~~ *authorize* the council to ~~provide manage and award~~ financial assistance for ~~those purposes; the purpose of supporting the implementation of sustainable communities strategies or alternative planning strategies,~~ to be funded from moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the ~~Legislature,~~ and would additionally ~~require the regional plan or other planning instrument to meet the requirements of an applicable sustainable communities strategy.~~ *Legislature.* The bill would ~~authorize~~ *require* the council to ~~develop and implement regional grant programs to support the implementation of sustainable communities strategies, alternative transportation plans, or other regional greenhouse gas emission reduction plans within a developed area. The bill would require the council, in consultation with specified public agencies, to establish standards for integrated modeling systems and measurement methods, and standards for the use of moneys awarded.~~ *adopt guidelines for the use of the funds by recipients.* The bill also would authorize the council to award financial assistance for the development and implementation of agricultural, natural resource, and open space land protection plans that are consistent with the implementation of sustainable communities

strategies, alternative ~~transportation plans~~, *planning strategies*, or other regional greenhouse gas emission reduction plans.

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

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

1 SECTION 1. Division 44 (commencing with Section 75200)
2 is added to the Public Resources Code, to read:

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DIVISION 44. SUSTAINABLE COMMUNITIES
IMPLEMENTATION

~~CHAPTER 1. GENERAL PROVISION~~

10 75200. For the purposes of this division, “council” means the
11 Strategic Growth Council established pursuant to Section 75121.

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~~CHAPTER 2. SUSTAINABLE COMMUNITIES~~

15 75205. *Upon appropriation by the Legislature, the council*
16 *may expend moneys from the Greenhouse Gas Reduction Fund,*
17 *established pursuant to Section 16428.8 of the Government Code,*
18 *for the purposes of this division.*

19 75210. (a) To support the planning and development of
20 sustainable communities, the council ~~shall~~ *may* manage and award
21 financial assistance to a council of governments, metropolitan
22 planning organization, *or* regional transportation planning agency,
23 ~~city, county, or joint powers authority to develop, adopt, or agency~~
24 ~~to~~ implement a ~~regional plan or other planning instrument~~
25 consistent with a regional plan that improves air and water quality,
26 improves natural resource protection, increases the availability of
27 affordable housing, improves transportation, meets the goals of
28 the California Global Warming Solutions Act of 2006 (Division
29 25.5 (commencing with Section 38500) of the Health and Safety
30 Code), encourages sustainable land use, and meets the requirements
31 of Section 65080 of the Government Code. Moneys from the
32 Greenhouse Gas Reduction Fund established pursuant to Section
33 16428.8 of the Government Code shall, upon appropriation by the

1 ~~Legislature, be expended by the council for providing financial~~
2 ~~assistance pursuant to this section: *sustainable communities*~~
3 ~~*strategy or alternative planning strategy adopted pursuant to*~~
4 ~~*Section 65080 of the Government Code that the State Air Resources*~~
5 ~~*Board has determined would, if implemented, achieve the*~~
6 ~~*greenhouse gas emission reduction targets established by the*~~
7 ~~*board, or if a sustainable communities strategy is not required for*~~
8 ~~*a region by law, a regional transportation plan that includes*~~
9 ~~*programs and policies to reduce greenhouse gas emissions.*~~

10 ~~(b) To support the implementation of sustainable communities~~
11 ~~strategies, alternative transportation plans, or other regional~~
12 ~~greenhouse gas emission reduction plans within a developed area,~~
13 ~~the~~

14 ~~(b) The council may shall adopt criteria and requirements~~
15 ~~guidelines for the development and implementation of regional~~
16 ~~grant programs use of the funds by award recipients that include~~
17 ~~all of the following:~~

18 (1) Require that projects *meeting threshold criteria relating to*
19 *project feasibility and applicant capacity* be selected within each
20 region by the regional granting authority through a competitive
21 public process based on reduction in the emissions of greenhouse
22 gases.

23 (2) Establish the methods for evaluating, monitoring, and
24 verifying ~~project effectiveness, including those related to travel~~
25 ~~demand reduction, system efficiency, safety improvements,~~
26 ~~demographic characteristics, and integrated land use and~~
27 ~~transportation strategies: *greenhouse gas emission reductions as*~~
28 ~~*well as other grant requirements.*~~

29 ~~(3) Provide for the development and implementation of projects~~
30 ~~that integrate infrastructure investment with land use or local code~~
31 ~~changes to achieve the maximum reduction in the emissions of~~
32 ~~greenhouse gases:~~

33 ~~(3) Ensure compliance with Section 39713 of the Health and~~
34 ~~Safety Code.~~

35 (4) Provide for public participation in the review of proposed
36 projects.

37 ~~(5) Provide for consultation and coordination with air pollution~~
38 ~~control districts and air quality management districts:~~

39 (c) The council, in consultation with the State Air Resources
40 Board and the metropolitan planning organizations, shall establish

1 standards for integrated modeling systems and measurement
2 methods to ensure consistency in evaluating the potential
3 effectiveness of projects and verifying the actual benefits of
4 projects after completion.

5 ~~(d) The council, in consultation with the California
6 Transportation Commission and the State Air Resources Board,
7 shall establish standards for the use of moneys to ensure
8 compliance with this division and Section 39713 of the Health and
9 Safety Code. Eligible~~

10 *(d) Eligible* uses of the moneys shall include any of the
11 following:

12 (1) Transportation network and demand management, including,
13 but not limited to, trip reduction programs, congestion *and parking*
14 pricing, safe routes to schools, and roadway ~~modifications, such~~
15 ~~as roundabouts. modifications.~~

16 ~~(2) Public transportation, including operations, maintenance,
17 and capital costs.~~

18 ~~(3) Road and bridge maintenance; operations and retrofits for
19 complete streets, bike and pedestrian safety enhancements; and
20 urban greening.~~

21 *(2) Increasing public transportation service or frequency of
22 service.*

23 *(3) Enhancing transit and active transportation options,
24 including complete streets, bicycle and pedestrian facilities, and
25 roadway improvements that facilitates transit operation.*

26 (4) Clean transportation fueling infrastructure and support.

27 (5) Multimodal network connectivity to ~~reduce travel distances~~
28 ~~and improve access to parks, schools, jobs, housing, and markets~~
29 ~~for rural and urban communities, including neighborhood-scale~~
30 ~~planning. communities.~~

31 (6) Development and adoption of local plans and land use
32 policies that help to implement ~~regional plans that improve air and~~
33 ~~water quality, improve natural resource protection, increase the~~
34 ~~availability of affordable housing, improve transportation, meet~~
35 ~~the goals of the California Global Warming Solutions Act of 2006~~
36 ~~(Division 25.5 (commencing with Section 38500) of the Health~~
37 ~~and Safety Code), encourage sustainable land use, and meet the~~
38 ~~requirements of Section 65080 of the Government Code. a~~
39 ~~sustainable communities strategy or alternative planning strategy~~
40 ~~adopted pursuant to Section 65080 of the Government Code that~~

1 *the State Air Resources Board has determined would, if*
2 *implemented, achieve the greenhouse gas reduction targets*
3 *established by the board, or if a sustainable communities strategy*
4 *is not required for a region by law, a regional transportation plan*
5 *that includes programs and policies to reduce greenhouse gas*
6 *emissions.*

7 (7) Community infrastructure, including public works and
8 municipal improvements necessary to support transit-oriented
9 development, affordable housing, infill in existing urbanized areas,
10 and small walkable communities in rural neighborhoods.

11 (8) Multiuse facilities and accommodations for bicyclists,
12 pedestrians, and neighborhood electric vehicles.

13 (9) Administrative costs and development, and use of evaluation,
14 monitoring, and verification ~~systems.~~ *systems, if the administrative*
15 *costs for each recipient do not exceed 5 percent of the award.*

16 (e) The council shall review the implementation of this section
17 on an annual basis and may revise the ~~criteria and requirements~~
18 *guidelines* for project selection, evaluation, monitoring, and
19 verification developed pursuant to paragraphs (1) and (2) of
20 subdivision (b), as needed, to improve program performance.

21 (f) Moneys that are allocated for the regional grant programs
22 pursuant to ~~the criteria and requirements adopted pursuant to~~
23 ~~subdivision (b)~~ *this section* shall be allocated to the regional
24 granting authority in each region on a per capita basis.

25 75211. The council may award financial assistance to a city,
26 county, city and county, or regional agency for the development
27 and implementation of agricultural, natural resources, and
28 open-space land protection *plans* that reduce the emissions of
29 greenhouse gases and that are consistent with and support the
30 implementation of sustainable communities strategies, alternative
31 planning strategies, or other regional greenhouse gas emissions
32 reduction plans.