

Introduced by Senator Ashburn

February 27, 2009

An act to amend Section 65080 of the Government Code, relating to transportation planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 560, as introduced, Ashburn. Regional transportation plans: sustainable communities strategy.

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 as part of their 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 generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with certain exceptions. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organizations to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

This bill would provide that greenhouse gas emission credits for counties and cities that site and permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the

sustainable communities strategy or an alternative planning strategy. The bill would also provide that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions.

Existing law requires the metropolitan planning organization or a county transportation agency, as appropriate, to consider financial incentives for cities and counties that have resource lands or farmlands, as defined, for the purposes of, for example, transportation investments for the preservation of the city street or county road system, and farm to market and interconnectivity transportation needs.

This bill would add provision of access for renewable energy projects to the transportation investments that should be considered for purposes of providing financial incentives.

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

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

- 1 SECTION 1. Section 65080 of the Government Code is
- 2 amended to read:
- 3 65080. (a) Each transportation planning agency designated
- 4 under Section 29532 or 29532.1 shall prepare and adopt a regional
- 5 transportation plan directed at achieving a coordinated and balanced
- 6 regional transportation system, including, but not limited to, mass
- 7 transportation, highway, railroad, maritime, bicycle, pedestrian,
- 8 goods movement, and aviation facilities and services. The plan
- 9 shall be action-oriented and pragmatic, considering both the
- 10 short-term and long-term future, and shall present clear, concise
- 11 policy guidance to local and state officials. The regional
- 12 transportation plan shall consider factors specified in Section 134
- 13 of Title 23 of the United States Code. Each transportation planning
- 14 agency shall consider and incorporate, as appropriate, the
- 15 transportation plans of cities, counties, districts, private
- 16 organizations, and state and federal agencies.
- 17 (b) The regional transportation plan shall be an internally
- 18 consistent document and shall include all of the following:
- 19 (1) A policy element that describes the transportation issues in
- 20 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 12.5 (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) above. The state board
9 shall 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). Within
5 the jurisdiction of the Metropolitan Transportation Commission,
6 as defined by Section 66502, the Association of Bay Area
7 Governments shall be responsible for clauses (i), (ii), (iii), (v), and
8 (vi), the Metropolitan Transportation Commission shall be
9 responsible for clauses (iv) and (viii); and the Association of Bay
10 Area Governments and the Metropolitan Transportation
11 Commission shall jointly be responsible for clause (vii).

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

34 (D) The metropolitan planning organization shall conduct at
35 least two informational meetings in each county within the region
36 for members of the board of supervisors and city councils on the
37 sustainable communities strategy and alternative planning strategy,
38 if any. The metropolitan planning organization may conduct only
39 one informational meeting if it is attended by representatives of
40 the county board of supervisors and city council members

1 representing a majority of the cities representing a majority of the
2 population in the incorporated areas of that county. Notice of the
3 meeting shall be sent to the clerk of the board of supervisors and
4 to each city clerk. The purpose of the meeting shall be to present
5 a draft of the sustainable communities strategy to the members of
6 the board of supervisors and the city council members in that
7 county and to solicit and consider their input and recommendations.

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

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

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

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

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

35 (v) At least three public hearings on the draft sustainable
36 communities strategy in the regional transportation plan and
37 alternative planning strategy, if one is prepared. If the metropolitan
38 transportation organization consists of a single county, at least two
39 public hearings shall be held. To the maximum extent feasible, the
40 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 (F) 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 (G) 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 (H) If the sustainable communities strategy, prepared in
16 compliance with subparagraph (B) or (C), 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 (F), 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 (I) (i) Prior to starting the public participation process adopted
11 pursuant to subparagraph (E) of paragraph (2) of subdivision (b)
12 of Section 65080, the metropolitan planning organization shall
13 submit a description to the state board of the technical methodology
14 it intends to use to estimate the greenhouse gas emissions from its
15 sustainable communities strategy and, if appropriate, its alternative
16 planning strategy. The state board shall respond to the metropolitan
17 planning organization in a timely manner with written comments
18 about the technical methodology, including specifically describing
19 any aspects of that methodology it concludes will not yield accurate
20 estimates of greenhouse gas emissions, and suggested remedies.
21 The metropolitan planning organization is encouraged to work
22 with the state board until the state board concludes that the
23 technical methodology operates 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 (J) Neither a sustainable communities strategy nor an alternative
6 planning strategy regulates the use of land, nor, except as provided
7 by subparagraph (I), 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 (K) 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 (L) 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 (M) 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 (N) *Greenhouse gas emission credits for counties and cities that*
37 *site and permit commercial wind, solar, and biomass projects may*
38 *be used as credit in the formulation of the sustainable communities*
39 *strategy or an alternative planning strategy. Notwithstanding any*
40 *other provision of this section, transportation trips outside of*

1 *federal lands that are directly related to activities of a federal or*
2 *state military installation shall not be included in the emissions*
3 *inventory otherwise required to be considered to achieve any*
4 *reductions in greenhouse gas emissions.*

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

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

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

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

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

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

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

O