



**Item #17-5-7
Action**

Government Relations & Public Affairs Committee

May 1, 2017

Consideration of SB 150

Issue: Should SACOG take a position on SB 150?

Recommendation: That the Government Relations and Public Affairs Committee recommend that the Board take a position to Oppose, Unless Amended, SB 150.

Discussion: SB 150 (Allen), would modify several key elements of SB 375 regarding how SACOG and other Metropolitan Planning Organizations (MPOs) develop their Sustainable Communities Strategies. Staff, in coordination with other MPOs and our state association, CALCOG, have spoken with the author and sponsors. While the author has agreed to several amendments, those amendments are not yet in print. Additionally, there are still several amendments that are still being discussed with CALCOG and other MPOs. Therefore, staff is recommending an Oppose, Unless Amended position.

As was discussed in the April policy committees, SACOG is working with the three other large MPOs on the next regional greenhouse gas (GHG) emission reduction targets. SB 150 would complicate that process in the future by adding additional factors that are not in SB 375.

Specifically, SB 150, as currently written, would make four significant changes:

- 1) Add to the factors that the California Air Resources Board (ARB) must consider when setting regional GHG emission reduction targets, any other economy-wide GHG emission reduction targets in state law or applicable by executive order, and any prospective measures it may take pursuant to SB 32.

Codifying executive orders is a concerning precedent, and lacks the predictability and deliberative process of legislation. SB 32 appropriately codified prior executive orders. Staff is further concerned that the reference to economy-wide targets unfairly applies only to SB 375. That is a matter that should be resolved for all sectors, through amendments to SB 32.

We respectfully ask that references to executive orders, and economy-wide targets be removed from SB 150.

- 2) Require ARB, when updating regional GHG emission reduction targets, to make them consistent with the latest available climate science and to assess the portion of the state's overall climate targets that will need to be met by reductions in vehicle miles traveled (VMT).

Referencing VMT is concerning, because SB 375 was intentionally silent on vehicle miles traveled and focused on GHG emissions. Adding in references changes the intent of SB 375 and therefore the strategies available to MPOs to implement it, at the expense of the focus on GHG reduction.

We understand that the author will accept amendments to instead require ARB to update and revise the targets consistent with the scoping plan and an assessment of the portion of the state's overall climate targets that is anticipated to be met by VMT reductions. Staff is supportive of this amendment.

- 3) Requires an MPO, when preparing an SCS, to include an appendix that outlines the region's transportation planning and programming activities, based on criteria developed with input from a broad range of stakeholders in order to prioritize transportation projects for programming that reduce criteria air pollutants and VMT, while maximizing co-benefits, public health, social equity, and conservation, consistent with the RTP, with projects to be listed in the appendix in the order of their ability to achieve those objectives.

We understand that the author will accept amendments to remove the requirement to include an appendix. Staff is supportive of this amendment. This requirement would have unintended consequences on the ability of the SACOG Board to set policies and select projects.

- 4) Requires ARB, beginning January 1, 2018, to monitor each MPO's SCS or alternative planning strategy (APS) and to prepare a progress report every four years for submission to the California Transportation Commission. Requires this monitoring to include an assessment of whether the MPO is on track to reduce regional VMT by 15% by 2050, and to achieve the GHG emission reduction targets established by ARB. Requires ARB to complete its initial assessment by March 1, 2018, and to complete future assessments every four years thereafter.

We understand that the author will accept amendments to instead (1) require ARB, beginning July 1, 2018, to provide an assessment of the most currently available and historical VMT based on data and reports from the state; (2) require ARB, by September 1, 2018, to prepare a report that assesses progress made by each MPO on a set of data-supported metrics that include, but are not limited to, changes in GHG, VMT, accessibility, public transit, active transportation, and land use; and (3) require ARB to complete future assessments every four years thereafter to align with the target setting. Staff is supportive of this amendment. Monitoring progress on the SCS or APS should be done every four years.

Staff is supportive of working with stakeholders on ways to address other policy issues at a statewide level, but this bill too narrowly focuses on the GHG targets as the method for doing so.

SB 150 is sponsored by ClimatePlan, Natural Resources Defense Council, and TransForm. SB 150 passed the Senate Environmental Quality Committee on April 5 (5-2), and the Senate

Transportation and Housing Committee on April 26 (9-4) on a party-line votes. It now heads to the Senate Appropriations Committee.

SB 150 is opposed by CALCOG, the California Building Industry Association, California Chamber of Commerce, Associated General Contractors, and others.

Attached is the current text of SB 150.

Approved by:

James Corless
Chief Executive Officer

JC:EJ:ts
Attachment

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AMENDED IN SENATE APRIL 6, 2017

AMENDED IN SENATE MARCH 8, 2017

SENATE BILL

No. 150

Introduced by Senator Allen

January 18, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

SB 150, as amended, Allen. Regional transportation plans.

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 or alternative planning strategy, subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets for 2020 and 2035 established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.

This bill would require the state board to update the greenhouse gas emission reduction targets, as specified. The bill would require the sustainable communities strategy or alternative planning strategy to include an appendix that outlines the region's transportation planning and programming activities, with transportation projects to be prioritized based on a project's ability to meet certain criteria and objectives relative to reduction in *criteria air pollutants* and vehicle miles traveled and maximization of cobenefits such as public health, social equity, and

conservation. The bill, beginning on January 1, 2018, would require the state board to monitor each metropolitan planning organization's sustainable communities strategy or alternative planning strategy, and to submit a progress report every 4 years to the California Transportation Commission, which would include an assessment of whether the metropolitan planning organization is on track to meet certain targets relating to reduction of vehicle miles traveled and reduction of greenhouse gas emissions. ~~The bill, with respect to the areas under the jurisdiction of county transportation commissions in southern California, would, beginning in 2022, require a county transportation commission to recommend for implementation only the highest priority transportation projects identified in the appendix if the area is not on track to meet the state board's 2035 greenhouse gas emission reduction targets.~~ By imposing new requirements on local agencies, this 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 the statutory provisions noted above.

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 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

1 agency shall consider and incorporate, as appropriate, the
2 transportation plans of cities, counties, districts, private
3 organizations, and state and federal agencies.

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

6 (1) A policy element that describes the transportation issues in
7 the region, identifies and quantifies regional needs, and describes
8 the desired short-range and long-range transportation goals, and
9 pragmatic objective and policy statements. The objective and policy
10 statements shall be consistent with the funding estimates of the
11 financial element. The policy element of transportation planning
12 agencies with populations that exceed 200,000 persons may
13 quantify a set of indicators including, but not limited to, all of the
14 following:

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

18 (B) Measures of road and bridge maintenance and rehabilitation
19 needs, including, but not limited to, roadway pavement and bridge
20 conditions.

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

24 (i) Single occupant vehicle.

25 (ii) Multiple occupant vehicle or carpool.

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

27 (iv) Walking.

28 (v) Bicycling.

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

32 (E) Measures of equity and accessibility, including, but not
33 limited to, percentage of the population served by frequent and
34 reliable public transit, with a breakdown by income bracket, and
35 percentage of all jobs accessible by frequent and reliable public
36 transit service, with a breakdown by income bracket.

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

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

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

7 (i) No later than January 31, 2009, the state board shall appoint
8 a Regional Targets Advisory Committee to recommend factors to
9 be considered and methodologies to be used for setting greenhouse
10 gas emission reduction targets for the affected regions. The
11 committee shall be composed of representatives of the metropolitan
12 planning organizations, affected air districts, the League of
13 California Cities, the California State Association of Counties,
14 local transportation agencies, and members of the public, including
15 homebuilders, environmental organizations, planning organizations,
16 environmental justice organizations, affordable housing
17 organizations, and others. The advisory committee shall transmit
18 a report with its recommendations to the state board no later than
19 September 30, 2009. In recommending factors to be considered
20 and methodologies to be used, the advisory committee may
21 consider any relevant issues, including, but not limited to, data
22 needs, modeling techniques, growth forecasts, the impacts of
23 regional jobs-housing balance on interregional travel and
24 greenhouse gas emissions, economic and demographic trends, the
25 magnitude of greenhouse gas reduction benefits from a variety of
26 land use and transportation strategies, and appropriate methods to
27 describe regional targets and to monitor performance in attaining
28 those targets. The state board shall consider the report prior to
29 setting the targets.

30 (ii) Prior to setting the targets for a region, the state board shall
31 exchange technical information with the metropolitan planning
32 organization and the affected air district. The metropolitan planning
33 organization may recommend a target for the region. The
34 metropolitan planning organization shall hold at least one public
35 workshop within the region after receipt of the report from the
36 advisory committee. The state board shall release draft targets for
37 each region no later than June 30, 2010.

38 (iii) In establishing these targets, the state board shall take into
39 account greenhouse gas emission reductions that will be achieved
40 by improved vehicle emission standards, changes in fuel

1 composition, any other economy-wide greenhouse gas emission
2 reduction targets in state law or applicable by executive order, and
3 other measures it has approved that will reduce greenhouse gas
4 emissions in the affected regions, and prospective measures the
5 state board plans to adopt to reduce greenhouse gas emissions from
6 other greenhouse gas emission sources as that term is defined in
7 subdivision (i) of Section 38505 of the Health and Safety Code
8 and consistent with the regulations promulgated pursuant to the
9 California Global Warming Solutions Act of 2006 (Division 25.5
10 (commencing with Section 38500) of the Health and Safety Code),
11 including Section 38566 of the Health and Safety Code.

12 (iv) The state board shall update the regional greenhouse gas
13 emission reduction targets every eight years consistent with each
14 metropolitan planning organization's timeframe for updating its
15 regional transportation plan under federal law until 2050. The state
16 board may update the targets every four years based on changes
17 in the factors considered under clause (iii). The state board shall
18 update the targets consistent with the latest available climate
19 science and an assessment of the portion of the state's overall
20 climate targets that will need to be met by reductions in vehicle
21 miles traveled. The state board shall exchange technical
22 information with the Department of Transportation, metropolitan
23 planning organizations, local governments, and affected air districts
24 and engage in a consultative process with public and private
25 stakeholders, including holding at least two public workshops
26 around the state to solicit stakeholder input, prior to updating these
27 targets.

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

31 (B) Each metropolitan planning organization shall prepare a
32 sustainable communities strategy, subject to the requirements of
33 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
34 Federal Regulations, including the requirement to utilize the most
35 recent planning assumptions considering local general plans and
36 other factors. The sustainable communities strategy shall (i)
37 identify the general location of uses, residential densities, and
38 building intensities within the region, (ii) identify areas within the
39 region sufficient to house all the population of the region, including
40 all economic segments of the population, over the course of the

1 planning period of the regional transportation plan taking into
2 account net migration into the region, population growth, household
3 formation and employment growth, (iii) identify areas within the
4 region sufficient to house an eight-year projection of the regional
5 housing need for the region pursuant to Section 65584, (iv) identify
6 a transportation network to service the transportation needs of the
7 region, (v) gather and consider the best practically available
8 scientific information regarding resource areas and farmland in
9 the region as defined in subdivisions (a) and (b) of Section
10 65080.01, (vi) consider the state housing goals specified in Sections
11 65580 and 65581, (vii) set forth a forecasted development pattern
12 for the region, which, when integrated with the transportation
13 network, and other transportation measures and policies, will
14 reduce the greenhouse gas emissions from automobiles and light
15 trucks to achieve, if there is a feasible way to do so, the greenhouse
16 gas emission reduction targets approved by the state board, (viii)
17 allow the regional transportation plan to comply with Section 176
18 of the federal Clean Air Act (42 U.S.C. Sec. 7506), and (ix) include
19 an appendix that outlines the region's transportation planning and
20 programming activities, with those activities based on criteria
21 developed with input from a broad range of stakeholders in order
22 to prioritize transportation projects for programming that reduce
23 *criteria air pollutants* and vehicle miles ~~traveled and maximize~~
24 *traveled, while maximizing* cobenefits, including public health,
25 social equity, and conservation, consistent with the regional
26 transportation plan, with projects to be listed in the appendix in
27 the order of their ability to achieve those objectives. For the
28 purposes of this clause, the criteria should include, but need not
29 be limited to, a reduction in *criteria air pollutants*, a reduction in
30 per capita carbon dioxide emissions from cars and light duty trucks
31 based on assigned regional greenhouse gas emission reduction
32 targets, a reduction in vehicle miles traveled of 15 percent by cars
33 and light trucks by 2050, an increase in the average daily time
34 spent walking or bicycling for transportation purposes, and a
35 decrease in the share of low-income and lower middle-income
36 residents' household income consumed by transportation and
37 housing.

38 (C) (i) Within the jurisdiction of the Metropolitan
39 Transportation Commission, as defined by Section 66502, the
40 Association of Bay Area Governments shall be responsible for

1 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B), the
2 Metropolitan Transportation Commission shall be responsible for
3 clauses (iv) and (viii) of subparagraph (B); and the Association of
4 Bay Area Governments and the Metropolitan Transportation
5 Commission shall jointly be responsible for clause (vii) of
6 subparagraph (B).

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

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

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

1 the county board of supervisors and city council members
2 representing a majority of the cities representing a majority of the
3 population in the incorporated areas of that county. Notice of the
4 meeting or meetings shall be sent to the clerk of the board of
5 supervisors and to each city clerk. The purpose of the meeting or
6 meetings shall be to discuss the sustainable communities strategy
7 and the alternative planning strategy, if any, including the key land
8 use and planning assumptions to the members of the board of
9 supervisors and the city council members in that county and to
10 solicit and consider their input and recommendations.

11 (F) Each metropolitan planning organization shall adopt a public
12 participation plan, for development of the sustainable communities
13 strategy and an alternative planning strategy, if any, that includes
14 all of the following:

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

23 (ii) Consultation with congestion management agencies,
24 transportation agencies, and transportation commissions.

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

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

38 (v) At least three public hearings on the draft sustainable
39 communities strategy in the regional transportation plan and
40 alternative planning strategy, if one is prepared. If the metropolitan

1 transportation organization consists of a single county, at least two
2 public hearings shall be held. To the maximum extent feasible, the
3 hearings shall be in different parts of the region to maximize the
4 opportunity for participation by members of the public throughout
5 the region.

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

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

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

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

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

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

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

1 (iv) An alternative development pattern set forth in the
2 alternative planning strategy shall comply with Part 450 of Title
3 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
4 except to the extent that compliance will prevent achievement of
5 the greenhouse gas emission reduction targets approved by the
6 state board.

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

14 (vi) Shall include an appendix consistent with the requirements
15 of clause (ix) of subparagraph (B) and this subparagraph.

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

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

1 (iii) If the state board determines that the strategy submitted
2 would not, if implemented, achieve the greenhouse gas emission
3 reduction targets, the metropolitan planning organization shall
4 revise its strategy or adopt an alternative planning strategy, if not
5 previously adopted, and submit the strategy for review pursuant
6 to clause (ii). At a minimum, the metropolitan planning
7 organization must obtain state board acceptance that an alternative
8 planning strategy would, if implemented, achieve the greenhouse
9 gas emission reduction targets established for that region by the
10 state board.

11 (iv) Starting on January 1, 2018, the state board shall monitor
12 each metropolitan planning organization's sustainable community
13 strategy or alternative planning strategy and prepare a progress
14 report every four years for submission to the California
15 Transportation Commission. Monitoring by the state board shall
16 include an assessment of whether the metropolitan planning
17 organization is on track to reduce regional vehicle miles traveled
18 by 15 percent by 2050 and to achieve the greenhouse gas emission
19 reduction targets established by the state board. The state board
20 shall complete its initial assessment by March 1, 2018, and shall
21 complete future assessments every four years thereafter.

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

1 entity or any person from compliance with any other local, state,
2 or federal law.

3 (L) Nothing in this section requires projects programmed for
4 funding on or before December 31, 2011, to be subject to the
5 provisions of this paragraph if they (i) are contained in the 2007
6 or 2009 Federal Statewide Transportation Improvement Program,
7 (ii) are funded pursuant to Chapter 12.49 (commencing with
8 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
9 listed in a ballot measure prior to December 31, 2008, approving
10 a sales tax increase for transportation projects. Nothing in this
11 section shall require a transportation sales tax authority to change
12 the funding allocations approved by the voters for categories of
13 transportation projects in a sales tax measure adopted prior to
14 December 31, 2010. For purposes of this subparagraph, a
15 transportation sales tax authority is a district, as defined in Section
16 7252 of the Revenue and Taxation Code, that is authorized to
17 impose a sales tax for transportation purposes.

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

39 (N) Two or more of the metropolitan planning organizations
40 for Fresno County, Kern County, Kings County, Madera County,

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

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

19 (4) (A) A financial element that summarizes the cost of plan
20 implementation constrained by a realistic projection of available
21 revenues. The financial element shall also contain
22 recommendations for allocation of funds. A county transportation
23 commission created pursuant to Section 130000 of the Public
24 Utilities Code shall be responsible for recommending projects to
25 be funded with regional improvement funds, if the project is
26 consistent with the regional transportation plan. ~~However,~~
27 ~~beginning in 2022, if the metropolitan planning organization's~~
28 ~~sustainable communities strategy or alternative planning strategy~~
29 ~~is not on track to meet the 2035 greenhouse gas reduction target,~~
30 ~~a county transportation commission shall be required to recommend~~
31 ~~for implementation only the highest priority projects in the~~
32 ~~appendix prepared, as applicable, pursuant to clause (ix) of~~
33 ~~subparagraph (B) of, or clause (vi) of subparagraph (I) of,~~
34 ~~paragraph (2).~~ The first five years of the financial element shall
35 be based on the five-year estimate of funds developed pursuant to
36 Section 14524. The financial element may recommend the
37 development of specified new sources of revenue, consistent with
38 the policy element and action element.

39 (B) The financial element of transportation planning agencies
40 with populations that exceed 200,000 persons may include a project

1 cost breakdown for all projects proposed for development during
2 the 20-year life of the plan that includes total expenditures and
3 related percentages of total expenditures for all of the following:
4 (i) State highway expansion.
5 (ii) State highway rehabilitation, maintenance, and operations.
6 (iii) Local road and street expansion.
7 (iv) Local road and street rehabilitation, maintenance, and
8 operation.
9 (v) Mass transit, commuter rail, and intercity rail expansion.
10 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
11 maintenance, and operations.
12 (vii) Pedestrian and bicycle facilities.
13 (viii) Environmental enhancements and mitigation.
14 (ix) Research and planning.
15 (x) Other categories.

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

29 (c) Each transportation planning agency may also include other
30 factors of local significance as an element of the regional
31 transportation plan, including, but not limited to, issues of mobility
32 for specific sectors of the community, including, but not limited
33 to, senior citizens.

34 (d) Except as otherwise provided in this subdivision, each
35 transportation planning agency shall adopt and submit, every four
36 years, an updated regional transportation plan to the California
37 Transportation Commission and the Department of Transportation.
38 A transportation planning agency located in a federally designated
39 air quality attainment area or that does not contain an urbanized
40 area may at its option adopt and submit a regional transportation

1 plan every five years. When applicable, the plan shall be consistent
2 with federal planning and programming requirements and shall
3 conform to the regional transportation plan guidelines adopted by
4 the California Transportation Commission. Prior to adoption of
5 the regional transportation plan, a public hearing shall be held after
6 the giving of notice of the hearing by publication in the affected
7 county or counties pursuant to Section 6061.

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.