

BILL: AB 6 (Friedman, D-Burbank)
Introduced December 5, 2022
Amended March 16, 2023

SUBJECT: AB 6 would create new regional greenhouse gas emission goals for the transportation sector with increased oversight by the California Air Resources Board while revising criteria for certain transportation funding programs

STATUS: Pending in Senate
Passed the Assembly 45-19
Passed the Assembly Appropriations Committee 12-3
Passed the Assembly Natural Resources Committee 8-2
Passed the Assembly Transportation Committee 11-4

SUMMARY AS OF JUNE 1, 2023:

AB 6 (Friedman, D-Burbank) revises the SB 375 (Chapter 728, Statutes of 2008) greenhouse gas (GHG) emission reduction target setting process to require regions to not only meet targets for 2020 and 2035, but also for 2045. As part of the process of complying with SB 375, AB 6 would set forward specific deadlines a metropolitan planning organization (MPO) must meet as they develop their sustainable communities strategy (SCS):

- At least 60 days before the start of the public participation process related to the SCS, the MPO must submit a description of the technical methodology it intends to use to estimate GHG emission reductions. AB 6 would now require this methodology be subject to the California Air Resources Board's (CARB) approval. AB 6 also now requires, rather than encourages, the MPO to work with CARB until CARB concludes the technical methodology is accurate, and approves its use.
- Within 120 business days after adoption of the SCS (or alternative planning strategy), the MPO is to submit it to CARB for review. AB 6 would also now require CARB to approve the SCS (or alternative planning strategy). CARB is to complete its review within 180 days.

In addition to the revisions to the process of developing an SCS under SB 375, AB 6 would also revise the criteria for the SB 1 (Chapter 5, Statutes of 2017) Solutions for Congested Corridors Program (SCCP) to require a project application submitted for funding to demonstrate how the project would contribute to achieving the State's GHG emission reduction targets.

EFFECTS ON ORANGE COUNTY:

The Southern California Association of Governments (SCAG) develops the regional transportation plan (RTP) for a six-county area, which includes Orange County, every four years. The RTP outlines the region's transportation planning objectives for at least a 20-year period. The Orange County Transportation Authority (OCTA) develops a long-range transportation plan to detail transportation planning priorities in Orange

County, which is then integrated into SCAG's RTP. In 2008, SB 375 required the development of the SCS as a new element of the RTP. The SCS serves as the region's plan for reducing regional GHG by better integrating transportation, land use, and planning decisions. The SCS currently must demonstrate the region's ability to meet GHG emission reduction targets, set by CARB, by 2020 and 2035. The intent behind SB 375 was to facilitate a bottoms-up planning approach that maximized flexibility in the SCS development process in order to meet the region's specific needs, recognizing differences in geographic, demographic, and funding requirements while reflecting the fact that transportation agencies do not have control over land use decisions.

AB 6 would add significant, additional oversight from CARB in how a region meets its GHG emission reduction targets. Already CARB must review a region's technical methodology for measuring GHG emission reductions, and a region's final SCS (or alternative planning strategy). However, under existing law this is only subject to feedback and not explicit approval. Further, nothing requires an MPO to continue to work with CARB until agreement is reached that the technical methodology is accurate. These new requirements would allow CARB to not only potentially delay the start of the public input process, but also would provide CARB the ability to reject a region's strategies for meeting the GHG emission reduction targets, even when the technical methodology is accurate. This changes the original intent of SB 375 in affording a bottoms-up approach to these strategies and gives CARB direct oversight over a region's models and strategies.

Further AB 6 adds another GHG emission reduction target year without addressing the underlying issues regions may have in meeting the existing targets. This may include the lack of tools to accelerate certain types of projects, insufficient funding to expand services to allow for mode shift, and inaction at the state level to implement various strategies. Rather than setting an additional target, further work should be done to provide regions what is necessary to meet existing targets.

Finally, AB 6 would revise the criteria put in place by SB 1 for the SCCP. Because the language references the "State's GHG emission reduction targets," it's unclear if this would be the same as the regional targets adopted under SB 375. Already, projects funded via the SCCP have to demonstrate they are in a RTP with an approved SCS. This new requirement would create uncertainty for future projects as to what goals they must meet, and create the precedent of requiring project level GHG emission reductions rather than demonstration of reductions through the regional planning process.

Mobility 21, the Orange County Business Council, Rebuild SoCal, the Riverside County Transportation Commission and others have already adopted oppose positions to this bill. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principles to "Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements."

OCTA POSITION:

Staff recommends: OPPOSE

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 6

Introduced by Assembly Member Friedman

December 5, 2022

An act to amend Section 65080 of the Government Code, and to amend Section 2393 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 6, as amended, Friedman. ~~Transportation planning.~~ *planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.*

Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires *that* each regional transportation plan ~~to~~ also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, 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 for 2020 and 2035, respectively.

~~This bill would state the intent of the Legislature to enact subsequent legislation that would require regional transportation agencies to prioritize and fund transportation projects, including those funded by a local sales tax measure, that significantly contribute towards the goals outlined in a region's sustainable communities strategy and the state's climate goals. require the state board, after January 1, 2024, and not~~

later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified.

Existing law requires a metropolitan planning organization, before starting a specified public participation process, to submit a description to the state board of the technical methodology it intends to use to estimate the emissions of greenhouse gases from its sustainable communities strategy and, if appropriate, its alternative planning strategy. Existing law encourages a metropolitan planning organization to work with the state board until the state board concludes that the technical methodology operates accurately.

This bill would instead require a metropolitan planning organization, at least 60 days before starting that public participation process, to submit that description of the technical methodology to the state board for approval. The bill would require, rather than encourage, a metropolitan planning organization to work with the state board until the state board concludes that the technical methodology operates accurately and approves its use.

Existing law requires a metropolitan planning organization to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the state board for review. Existing law limits the state board's review to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. Existing law requires the state board to complete its review within 60 days.

This bill would instead require a metropolitan planning organization, within 120 business days after adoption, to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the state board for both review and approval. The bill would instead require that the state board's review include acceptance or rejection of the metropolitan planning organization's determination described above. The bill would require the state board to complete its review within 180, instead of 60, business days.

To the extent this bill would impose new requirements on a metropolitan planning organization, the bill would impose a state-mandated local program.

Existing law creates the Solutions for Congested Corridors Program to fund projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state, as specified. Existing

law authorizes regional transportation planning agencies, county transportation commissions, certain transportation authorities, and the Department of Transportation to nominate projects for funding through the program, and requires each project nomination to include documentation regarding the quantitative and qualitative measures validating the project’s consistency with the policy objectives of the program.

This bill would additionally require each project nomination to demonstrate how the project would contribute to achieving the state’s greenhouse gas emission reduction targets.

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: ~~no~~-yes. State-mandated local program: ~~no~~-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
14 agency shall consider and incorporate, as appropriate, the
15 transportation plans of cities, counties, districts, private
16 organizations, and state and federal agencies.

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

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

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

15 (B) Measures of road and bridge maintenance and rehabilitation
16 needs, including, but not limited to, roadway pavement and bridge
17 conditions.

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

21 (i) Single occupant vehicle.

22 (ii) Multiple occupant vehicle or carpool.

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

24 (iv) Walking.

25 (v) Bicycling.

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

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

34 (F) The requirements of this section may be met using existing
35 sources of information. No additional traffic counts, household
36 surveys, or other sources of data shall be required.

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

39 (A) No later than September 30, 2010, the State Air Resources
40 Board shall provide each affected region with greenhouse gas

1 emission reduction targets for the automobile and light truck sector
2 for 2020 and 2035, respectively. *After January 1, 2024, and no*
3 *later than September 30, 2026, the State Air Resources Board shall*
4 *provide each affected region with greenhouse gas emissions targets*
5 *for the automobile and light truck sector for 2035 and 2045,*
6 *respectively, which shall be updated as provided in clause (iv).*

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

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

1 (iii) In establishing these targets, the ~~state board~~ *State Air*
2 *Resources Board* shall take into account greenhouse gas emission
3 reductions that will be achieved by improved vehicle emission
4 standards, changes in fuel composition, and other measures it has
5 approved that will reduce ~~the emissions of~~ greenhouse ~~gas~~
6 ~~emissions~~ *gases* in the affected regions, and prospective measures
7 the ~~state board~~ *State Air Resources Board* plans to adopt to reduce
8 ~~the emissions of~~ greenhouse ~~gas emissions~~ *gases* from other
9 greenhouse gas emission sources as ~~that term is~~ defined in
10 subdivision (i) of Section 38505 of the Health and Safety Code
11 and consistent with the regulations ~~promulgated~~ *adopted* pursuant
12 to the California Global Warming Solutions Act of 2006 (Division
13 25.5 (commencing with Section 38500) of the Health and Safety
14 Code), including Section 38566 of the Health and Safety Code.

15 (iv) The ~~state board~~ *State Air Resources Board* shall update the
16 regional greenhouse gas emission reduction targets every eight
17 years consistent with each metropolitan planning organization's
18 timeframe for updating its regional transportation plan under
19 federal law until 2050. The ~~state board~~ *State Air Resources Board*
20 may revise the targets every four years based on changes in the
21 factors considered under clause (iii). The ~~state board~~ *State Air*
22 *Resources Board* shall exchange technical information with the
23 Department of Transportation, metropolitan planning organizations,
24 local governments, and affected air districts and engage in a
25 consultative process with public and private stakeholders, before
26 updating these targets.

27 (v) The greenhouse gas emission reduction targets may be
28 expressed in gross tons, tons per capita, tons per household, or in
29 any other metric deemed appropriate by the ~~state board~~. *State Air*
30 *Resources 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 use the most
35 recent planning assumptions considering local general plans and
36 other factors. The sustainable communities strategy shall ~~(i)~~
37 ~~identify~~ *do all of the following:*

38 (i) *Identify* the general location of uses, residential densities,
39 and building intensities within the ~~region~~, ~~(ii)~~ *identify* *region*.

- 1 (ii) *Identify* areas within the region sufficient to house all the
2 population of the region, including all economic segments of the
3 population, over the course of the planning period of the regional
4 transportation plan taking into account net migration into the
5 region, population growth, household formation and employment
6 ~~growth, (iii) identify growth.~~
- 7 (iii) *Identify* areas within the region sufficient to house an
8 eight-year projection of the regional housing need for the region
9 pursuant to Section ~~65584, (iv) identify 65584.~~
- 10 (iv) *Identify* a transportation network to service the transportation
11 needs of the ~~region, (v) gather region.~~
- 12 (v) *Gather* and consider the best practically available scientific
13 information regarding resource areas and farmland in the region
14 as defined in subdivisions (a) and (b) of Section ~~65080.01, (vi)~~
15 ~~consider 65080.01.~~
- 16 (vi) *Consider* the state housing goals specified in Sections 65580
17 and ~~65581, (vii) set 65581.~~
- 18 (vii) *Set* forth a forecasted development pattern for the region,
19 which, when integrated with the transportation network, and other
20 transportation measures and policies, will reduce the *emissions of*
21 ~~greenhouse gas emissions~~ *gases* from automobiles and light trucks
22 to achieve, if there is a feasible way to do so, the greenhouse gas
23 emission reduction targets approved by the ~~state board, and (viii)~~
24 ~~allow State Air Resources Board.~~
- 25 (viii) *Allow* the regional transportation plan to comply with
26 Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).
- 27 (C) (i) Within the jurisdiction of the Metropolitan
28 Transportation Commission, as defined by Section 66502, the
29 Association of Bay Area Governments shall be responsible for
30 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the
31 Metropolitan Transportation Commission shall be responsible for
32 clauses (iv) and (viii) of subparagraph (B); and the Association of
33 Bay Area Governments and the Metropolitan Transportation
34 Commission shall jointly be responsible for clause (vii) of
35 subparagraph (B).
- 36 (ii) Within the jurisdiction of the Tahoe Regional Planning
37 Agency, as defined in Sections 66800 and 66801, the Tahoe
38 Metropolitan Planning Organization shall use the Regional Plan
39 for the Lake Tahoe Region as the sustainable communities strategy,

1 provided that it complies with clauses (vii) and (viii) of
2 subparagraph (B).

3 (D) In the region served by the Southern California Association
4 of Governments, a subregional council of governments and the
5 county transportation commission may work together to propose
6 the sustainable communities strategy and an alternative planning
7 strategy, if one is prepared pursuant to subparagraph (I), for that
8 subregional area. The metropolitan planning organization may
9 adopt a framework for a subregional sustainable communities
10 strategy or a subregional alternative planning strategy to address
11 the intraregional land use, transportation, economic, air quality,
12 and climate policy relationships. The metropolitan planning
13 organization shall include the subregional sustainable communities
14 strategy for that subregion in the regional sustainable communities
15 strategy to the extent consistent with this section and federal law
16 and approve the subregional alternative planning strategy, if one
17 is prepared pursuant to subparagraph (I), for that subregional area
18 to the extent consistent with this section. The metropolitan planning
19 organization shall develop overall guidelines, create a public
20 participation plan pursuant to subparagraph (F), ensure
21 coordination, resolve conflicts, make sure that the overall plan
22 complies with applicable legal requirements, and adopt the plan
23 for the region.

24 (E) The metropolitan planning organization shall conduct at
25 least two informational meetings in each county within the region
26 for members of the board of supervisors and city councils on the
27 sustainable communities strategy and alternative planning strategy,
28 if any. The metropolitan planning organization may conduct only
29 one informational meeting if it is attended by representatives of
30 the county board of supervisors and city council members
31 representing a majority of the cities representing a majority of the
32 population in the incorporated areas of that county. Notice of the
33 meeting or meetings shall be sent to the clerk of the board of
34 supervisors and to each city clerk. The purpose of the meeting or
35 meetings shall be to discuss the sustainable communities strategy
36 and the alternative planning strategy, if any, including the key land
37 use and planning assumptions with the members of the board of
38 supervisors and the city council members in that county and to
39 solicit and consider their input and recommendations.

1 (F) Each metropolitan planning organization shall adopt a public
2 participation plan, for development of the sustainable communities
3 strategy and an alternative planning strategy, if any, that includes
4 all of the following:

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

13 (ii) Consultation with congestion management agencies,
14 transportation agencies, and transportation commissions.

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

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

28 (v) At least three public hearings on the draft sustainable
29 communities strategy in the regional transportation plan and
30 alternative planning strategy, if one is prepared. If the metropolitan
31 transportation organization consists of a single county, at least two
32 public hearings shall be held. To the maximum extent feasible, the
33 hearings shall be in different parts of the region to maximize the
34 opportunity for participation by members of the public throughout
35 the region.

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

38 (G) In preparing a sustainable communities strategy, the
39 metropolitan planning organization shall consider spheres of

1 influence that have been adopted by the local agency formation
2 commissions within its region.

3 (H) Before adopting a sustainable communities strategy, the
4 metropolitan planning organization shall quantify the reduction in
5 ~~the emissions of greenhouse gas emissions~~ *gases* projected to be
6 achieved by the sustainable communities strategy and set forth the
7 difference, if any, between the amount of that reduction and the
8 target for the region established by the ~~state board~~. *State Air*
9 *Resources Board*.

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

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

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

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

33 (iv) An alternative development pattern set forth in the
34 alternative planning strategy shall comply with Part 450 of Title
35 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
36 except to the extent that compliance will prevent achievement of
37 the greenhouse gas emission reduction targets approved by the
38 ~~state board~~. *State Air Resources Board*.

39 (v) For purposes of the California Environmental Quality Act
40 (Division 13 (commencing with Section 21000)) of the Public

1 Resources Code), an alternative planning strategy shall not
2 constitute a land use plan, policy, or regulation, and the
3 inconsistency of a project with an alternative planning strategy
4 shall not be a consideration in determining whether a project may
5 have an environmental effect.

6 (J) (i) ~~Before~~ *At least 60 days before* starting the public
7 participation process adopted pursuant to subparagraph (F), the
8 metropolitan planning organization shall submit a description to
9 ~~the state board~~ *State Air Resources Board* of the technical
10 methodology it intends to use to estimate the *emissions of*
11 ~~greenhouse gas emissions~~ *gases* from its sustainable communities
12 strategy and, if appropriate, its alternative planning ~~strategy~~
13 *strategy, for State Air Resources Board approval.* ~~The state board~~
14 *State Air Resources Board* shall respond to the metropolitan
15 planning organization in a timely manner with written comments
16 about the technical methodology, including specifically describing
17 any aspects of that methodology it concludes will not yield accurate
18 estimates of *the emissions of* ~~greenhouse gas emissions, gases~~ and
19 ~~suggested~~ *suggesting* remedies. The metropolitan planning
20 organization ~~is encouraged to~~ *shall* work with the ~~state board~~ *State*
21 *Air Resources Board* until the ~~state board~~ *State Air Resources*
22 *Board* concludes that the technical methodology operates
23 ~~accurately.~~ *accurately and approves its use.*

24 (ii) ~~After~~ *Within 120 business days after* adoption, a metropolitan
25 planning organization shall submit a sustainable communities
26 strategy or an alternative planning strategy, if one has been adopted,
27 to the ~~state board~~ *State Air Resources Board* for ~~review,~~ *review*
28 *and approval,* including the quantification of the *reductions of*
29 ~~emissions of greenhouse gas emission reductions~~ *gases* the strategy
30 would achieve and a description of the technical methodology used
31 to obtain that result. Review by the ~~state board~~ *State Air Resources*
32 *Board* shall ~~be limited to~~ *include* acceptance or rejection of the
33 metropolitan planning organization's determination that the strategy
34 submitted would, if implemented, achieve the greenhouse gas
35 emission reduction targets established by the ~~state board.~~ *State Air*
36 *Resources Board.* ~~The state board~~ *State Air Resources Board* shall
37 complete its review within ~~60~~ *180* days.

38 (iii) If the ~~state board~~ *State Air Resources Board* determines
39 that the strategy submitted would not, if implemented, achieve the
40 greenhouse gas emission reduction targets, the metropolitan

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

9 (iv) On or before September 1, 2018, and every four years
 10 thereafter to align with target setting, notwithstanding Section
 11 10231.5, the ~~state board~~ *State Air Resources Board* shall prepare
 12 a report that assesses progress made by each metropolitan planning
 13 organization in meeting the regional greenhouse gas emission
 14 reduction targets set by the ~~state board~~ *State Air Resources Board*.
 15 The report shall include changes to *the emissions of* greenhouse
 16 ~~gas emissions~~ *gases* in each region and data-supported metrics for
 17 the strategies used to meet the targets. The report shall also include
 18 a discussion of best practices and the challenges faced by the
 19 metropolitan planning organizations in meeting the targets,
 20 including the effect of state policies and funding. The report shall
 21 be developed in consultation with the metropolitan planning
 22 organizations and affected stakeholders. The report shall be
 23 submitted to the Assembly Committee on Transportation and the
 24 Assembly Committee on Natural Resources, and to the Senate
 25 Committee on Transportation, the Senate Committee on Housing,
 26 and the Senate Committee on Environmental Quality.

27 (K) Neither a sustainable communities strategy nor an alternative
 28 planning strategy regulates the use of land, nor, except as provided
 29 by subparagraph (J), shall either one be subject to any state
 30 approval. ~~Nothing in a~~ A sustainable communities strategy ~~shall~~
 31 ~~be interpreted as superseding~~ *does not supersede* the exercise of
 32 the land use authority of cities and counties within the region.
 33 ~~Nothing in this~~ *This section shall be interpreted to does not* limit
 34 the ~~state board's~~ *State Air Resources Board's* authority under any
 35 other law. ~~Nothing in this~~ *This section shall be interpreted to does*
 36 *not* authorize the abrogation of any vested right whether created
 37 by statute or by common law. ~~Nothing in this~~ *This section shall*
 38 *does not* require a city's or county's land use policies and
 39 regulations, including its general plan, to be consistent with the
 40 regional transportation plan or an alternative planning strategy.

1 ~~Nothing in this~~ *This section requires does not require* a
2 metropolitan planning organization to approve a sustainable
3 communities strategy that would be inconsistent with Part 450 of
4 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
5 Regulations and any administrative guidance under those
6 regulations. ~~Nothing in this~~ *This section relieves does not relieve*
7 a public or private entity or any person from compliance with any
8 other local, state, or federal law.

9 (L) ~~Nothing in this~~ *This section requires does not require*
10 projects programmed for funding on or before December 31, 2011,
11 to be subject to ~~the provisions of~~ this paragraph if they (i) are
12 contained in the 2007 or 2009 Federal Statewide Transportation
13 Improvement Program, (ii) are funded pursuant to the Highway
14 Safety, Traffic Reduction, Air Quality, and Port Security Bond
15 Act of 2006 (Chapter 12.49 (commencing with Section 8879.20)
16 of Division 1 of Title 2), or (iii) were specifically listed in a ballot
17 measure before December 31, 2008, approving a sales tax increase
18 for transportation projects. ~~Nothing in this~~ *This section shall does*
19 *not* require a transportation sales tax authority to change the
20 funding allocations approved by the voters for categories of
21 transportation projects in a sales tax measure adopted before
22 December 31, 2010. For purposes of this subparagraph, a
23 transportation sales tax authority is a district, as defined in Section
24 7252 of the Revenue and Taxation Code, that is authorized to
25 impose a sales tax for transportation purposes.

26 (M) A metropolitan planning organization, or a regional
27 transportation planning agency not within a metropolitan planning
28 organization, that is required to adopt a regional transportation
29 plan not less than every five ~~years~~, *years* may elect to adopt the
30 plan not less than every four years. This election shall be made by
31 the board of directors of the metropolitan planning organization
32 or regional transportation planning agency no later than June 1,
33 2009, or thereafter 54 months before the statutory deadline for the
34 adoption of housing elements for the local jurisdictions within the
35 region, after a public hearing at which comments are accepted
36 from members of the public and representatives of cities and
37 counties within the region covered by the metropolitan planning
38 organization or regional transportation planning agency. Notice
39 of the public hearing shall be given to the general public and by
40 mail to cities and counties within the region no later than 30 days

1 before the date of the public hearing. Notice of election shall be
2 promptly given to the Department of Housing and Community
3 Development. The metropolitan planning organization or the
4 regional transportation planning agency shall complete its next
5 regional transportation plan within three years of the notice of
6 election.

7 (N) Two or more of the metropolitan planning organizations
8 for Fresno County, Kern County, Kings County, Madera County,
9 Merced County, San Joaquin County, Stanislaus County, and
10 Tulare County may work together to develop and adopt
11 multiregional goals and policies that may address interregional
12 land use, transportation, economic, air quality, and climate
13 relationships. The participating metropolitan planning organizations
14 may also develop a multiregional sustainable communities strategy,
15 to the extent consistent with federal law, or an alternative planning
16 strategy for adoption by the metropolitan planning organizations.
17 Each participating metropolitan planning organization shall
18 consider any adopted multiregional goals and policies in the
19 development of a sustainable communities strategy and, if
20 applicable, an alternative planning strategy for its region.

21 (3) An action element that describes the programs and actions
22 necessary to implement the plan and assigns implementation
23 responsibilities. The action element may describe all transportation
24 projects proposed for development during the 20-year or greater
25 life of the plan. The action element shall consider congestion
26 management programming activities carried out within the region.

27 (4) (A) A financial element that summarizes the cost of plan
28 implementation constrained by a realistic projection of available
29 revenues. The financial element shall also contain
30 recommendations for allocation of funds. A county transportation
31 commission created pursuant to the County Transportation
32 Commissions Act (Division 12 (commencing with Section 130000)
33 of the Public Utilities Code) shall be responsible for recommending
34 projects to be funded with regional improvement funds, if the
35 project is consistent with the regional transportation plan. The first
36 five years of the financial element shall be based on the five-year
37 estimate of funds developed pursuant to Section 14524. The
38 financial element may recommend the development of specified
39 new sources of revenue, consistent with the policy element and
40 action element.

1 (B) The financial element of transportation planning agencies
2 with populations that exceed 200,000 persons may include a project
3 cost breakdown for all projects proposed for development during
4 the 20-year life of the plan that includes total expenditures and
5 related percentages of total expenditures for all of the following:
6 (i) State highway expansion.
7 (ii) State highway rehabilitation, maintenance, and operations.
8 (iii) Local road and street expansion.
9 (iv) Local road and street rehabilitation, maintenance, and
10 operation.
11 (v) Mass transit, commuter rail, and intercity rail expansion.
12 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
13 maintenance, and operations.
14 (vii) Pedestrian and bicycle facilities.
15 (viii) Environmental enhancements and mitigation.
16 (ix) Research and planning.
17 (x) Other categories.
18 (C) The metropolitan planning organization or county
19 transportation agency, whichever entity is appropriate, shall
20 consider financial incentives for cities and counties that have
21 resource areas or farmland, as defined in Section 65080.01, for
22 the purposes of, for example, transportation investments for the
23 preservation and safety of the city street or county road system
24 and farm-to-market and interconnectivity transportation needs.
25 The metropolitan planning organization or county transportation
26 agency, whichever entity is appropriate, shall also consider
27 financial assistance for counties to address countywide service
28 responsibilities in counties that contribute toward the greenhouse
29 gas emission reduction targets by implementing policies for growth
30 to occur within their cities.
31 (c) Each transportation planning agency may also include other
32 factors of local significance as an element of the regional
33 transportation plan, including, but not limited to, issues of mobility
34 for specific sectors of the community, including, but not limited
35 to, senior citizens.
36 (d) (1) Except as otherwise provided in this subdivision, each
37 transportation planning agency shall adopt and submit, every four
38 years, an updated regional transportation plan to the California
39 Transportation Commission and the Department of Transportation.
40 A transportation planning agency located in a federally designated

1 air quality attainment area or that does not contain an urbanized
2 area may at its option adopt and submit a regional transportation
3 plan every five years. When applicable, the plan shall be consistent
4 with federal planning and programming requirements and shall
5 conform to the regional transportation plan guidelines adopted by
6 the California Transportation Commission. Before adoption of the
7 regional transportation plan, a public hearing shall be held after
8 the giving of notice of the hearing by publication in the affected
9 county or counties pursuant to Section 6061.

10 (2) (A) Notwithstanding subdivisions (b) and (c), and paragraph
11 (1), ~~inclusive~~, the regional transportation plan, sustainable
12 communities strategy, and environmental impact report adopted
13 by the San Diego Association of Governments on October 9, 2015,
14 shall remain in effect for all purposes, including for purposes of
15 consistency determinations and funding eligibility for the San
16 Diego Association of Governments and all other agencies relying
17 on those documents, until the San Diego Association of
18 Governments adopts its next update to its regional transportation
19 plan.

20 (B) The San Diego Association of Governments shall adopt and
21 submit its update to the 2015 regional transportation plan on or
22 before December 31, 2021.

23 (C) After the update described in subparagraph (B), the time
24 period for San Diego Association of Governments' updates to its
25 regional transportation plan shall be reset and shall be adopted and
26 submitted every four years.

27 (D) Notwithstanding clause (iv) of subparagraph (A) of
28 paragraph (2) of subdivision (b), the State Air Resources Board
29 shall not update the greenhouse gas emission reduction targets for
30 the region within the jurisdiction of the San Diego Association of
31 Governments before the adoption of the update to the regional
32 transportation plan pursuant to subparagraph (B).

33 (E) The update to the regional transportation plan adopted by
34 the San Diego Association of Governments on October 9, 2015,
35 which will be prepared and submitted to federal agencies for
36 purposes of compliance with federal laws applicable to regional
37 transportation plans and air quality conformity and which is due
38 in October 2019, shall not be considered a regional transportation
39 plan pursuant to this section and shall not constitute a project for
40 purposes of the California Environmental Quality Act (Division

1 13 (commencing with Section 21000) of the Public Resources
2 Code).

3 (F) In addition to meeting the other requirements to nominate
4 a project for funding through the Solutions for Congested Corridors
5 Program (Chapter 8.5 (commencing with Section 2390) of Division
6 3 of the Streets and Highways Code), the San Diego Association
7 of Governments, until December 31, 2021, shall only nominate
8 projects for funding through the Solutions for Congested Corridors
9 Program that are consistent with the eligibility requirements for
10 projects under any of the following programs:

11 (i) The Transit and Intercity Rail Capital Program (Part 2
12 (commencing with Section 75220) of Division 44 of the Public
13 Resources Code).

14 (ii) The Low Carbon Transit Operations Program (Part 3
15 (commencing with Section 75230) of Division 44 of the Public
16 Resources Code).

17 (iii) The Active Transportation Program (Chapter 8
18 (commencing with Section 2380) of Division 3 of the Streets and
19 Highways Code).

20 (G) Commencing January 1, 2020, and every two years
21 thereafter, the San Diego Association of Governments shall begin
22 developing an implementation report that tracks the implementation
23 of its most recently adopted sustainable communities strategy. The
24 report shall discuss the status of the implementation of the strategy
25 at the regional and local level, and any successes and barriers that
26 have occurred since the last report. The San Diego Association of
27 Governments shall submit the implementation report to the ~~state~~
28 ~~board~~ *State Air Resources Board* by including it in its sustainable
29 communities strategy implementation review pursuant to clause
30 (ii) of subparagraph (J) of paragraph (2) of subdivision (b).

31 ~~(e) This section shall become operative on January 1, 2023.~~

32 *SEC. 2. Section 2393 of the Streets and Highways Code is*
33 *amended to read:*

34 2393. A project nomination shall include documentation
35 regarding the quantitative and qualitative measures validating the
36 project's consistency with the policy objectives of the program as
37 set forth in this chapter. *A project nomination shall demonstrate*
38 *how the project would contribute to achieving the state's*
39 *greenhouse gas emission reduction targets.* In addition to being
40 included in a corridor plan, a nominated project shall also be

1 included in the region’s regional transportation plan. Projects
2 within the boundaries of a metropolitan planning organization
3 ~~must~~ shall be included in an adopted regional transportation plan
4 that includes a sustainable communities strategy determined by
5 the State Air Resources Board to achieve the region’s greenhouse
6 gas emissions reduction targets.

7 *SEC. 3. If the Commission on State Mandates determines that*
8 *this act contains costs mandated by the state, reimbursement to*
9 *local agencies and school districts for those costs shall be made*
10 *pursuant to Part 7 (commencing with Section 17500) of Division*
11 *4 of Title 2 of the Government Code.*

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~subsequent legislation that would require regional transportation~~
14 ~~agencies to prioritize and fund transportation projects, including~~
15 ~~those funded by a local sales tax measure, that significantly~~
16 ~~contribute towards the goals outlined in a region’s sustainable~~
17 ~~communities strategy and the state’s climate goals.~~