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TO: The Honorable Board of Supervisors

FROM: Mike Boyle, Assistant County Executive Officer
Rick Dondro, Assistant Director, Public Works
By: Mary Herdegen, Senior Management Analyst

DATE: June 26, 2007

SUBJECT: Discussion of Senate Bill 375 (Steinberg) - Transportation Planning - and the Potential Ramifications to Placer County

Action Requested

Discuss SB 375 (Steinberg) and provide staff with appropriate direction concerning this proposed legislation.

Background

Senate Bill 375 (Attached) authored by Darrell Steinberg (D-SAC) was introduced in February 2007. Sponsored by the California League of Conservation Voters and the Natural Resources Defense Council, the bill is complex, multi-disciplinary, and far reaching in scope. The bill passed the Senate (21-15) along partisan lines.

SB 375 dictates a major restructuring of current procedures in the areas of Air Quality, Land Use, Transportation Planning, Housing, Open Space, Resource Lands, Farming and CEQA. The goal of the bill is to effect greenhouse gas emissions reductions by way of "changed land use patterns and improved transportation". The bill would re-structure the Transportation Planning and Land Use processes to achieve the goal.

Preliminary Analysis

The centerpiece of the legislation is to create a 'preferred growth scenario' (PGS), such as the SACOG Board adopted 'Preferred Blueprint Scenario'. The PGS would be applied through the Regional Transportation Plans and Improvement Programs (RTP/RTIP). Funding for major transportation projects is tied to the RTP/RTIP which are linked to the PGS.

SB 375 also contains a CEQA section, that according to review by the County's Department of Public Works, requires much and gives little. If a jurisdiction amends its General Plan to be in compliance with PGS in the areas of Land Use, Circulation, Housing and Open Space, then in the

case of infill projects (and with many other restrictions), certain non-significant land development project impacts would not need to be studied in an EIR.

In the Sacramento region, the PGS would put SACOG in much greater control of land use, transportation and resource lands in Placer County than is currently the case. SACOG (staff) is formally on record as supporting the bill (in concept); however a position has not yet been taken by the SACOG Board.

While the concept of using transportation and land use planning to achieve the goal of reducing greenhouse gases is laudable, SB 375 as the vehicle to achieve this goal is overly complex and unclear on the roles and responsibilities of the State, SACOG, PCTPA and the County. In addition, the bill establishes new procedures and grants new authority without a clear explanation of how it would work. The bill may also lead to a new area for legally challenging projects based upon compliance with the PGS and this would be made worse because of the vague nature of the proposed legislation.

Recommendation

Please provide staff with your Board's direction regarding this bill.

Fiscal Impact

It is not possible to determine the definitive fiscal impact of this bill. However, if passed, the implication is clear that a jurisdiction that does not adhere to a PGS may be denied funding for projects.

MB:KG:RD/mh

Attachment: Senate Bill 375 Text (June 4 version)

Cc: Ken Grehm, Director of Public Works
Anthony LaBouff, County Counsel
Michael Johnson, Director of Planning

BILL NUMBER: SB 375 AMENDED
BILL TEXT

AMENDED IN SENATE JUNE 4, 2007
AMENDED IN SENATE MAY 2, 2007
AMENDED IN SENATE APRIL 17, 2007

INTRODUCED BY Senator Steinberg

FEBRUARY 21, 2007

An act to amend Sections 65070, 65074, 65080, 65080.5, 65081.3, 65082, 65088.1, and 65088.4 of, and to add Sections 14522.1, 14522.2, 14522.5, and 65086.6 to the Government Code, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Steinberg. Transportation planning: travel demand models: preferred growth scenarios: environmental review.

(1) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation.

This bill would require the commission, by April 1, 2009, to adopt guidelines for the use of travel demand models used in the development of regional transportation plans by certain regional transportation planning agencies. ~~The bill would require a regional transportation planning agency for a region with a population of 800,000 or more to use those guidelines.~~ The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements.

This bill would also require the regional transportation plan to include a preferred growth scenario, as specified, designed to achieve certain goals for the reduction of vehicle miles traveled in a region. The bill would require the State Air Resources Board to provide each region with greenhouse gas emission reduction targets for 2020 and 2050 by an unspecified date, and would require the preferred growth scenario to inventory the region's emission of those ~~gases~~ gases and establish measures to reduce those emissions consistent with the targets. The bill would require certain transportation planning and programming activities by regional agencies to be consistent with the preferred growth scenario, including the programming of transportation projects in the regional transportation improvement program and the implementation of infill opportunity zones, among other things.

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative

declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would require the environmental document prepared pursuant to CEQA to only examine the significant or potentially significant project specific impacts of a project located in a local jurisdiction that has amended its general plan so that the land use, circulation, housing, and open-space elements of the general plan are consistent with the preferred growth scenario most recently adopted by the metropolitan planning organization, pursuant to the requirements specified in the bill, if the project is a residential project or a residential or mixed use project, ~~a project~~ and is on an infill site ~~and located within an urbanized area~~.

The bill would provide that no additional review is required pursuant to CEQA for a project if the legislative body of a local jurisdiction that has amended its general plan, as provided above, finds, after conducting a public hearing, that the project meets certain criteria and is declared to be a sustainable communities project.

The bill would also authorize the legislative body of such a local jurisdiction within an urbanized area to adopt traffic mitigation ~~policies~~ measures for all future residential projects. The bill would exempt a residential project seeking a land use approval from compliance with additional ~~mitigation~~ measures for traffic impacts, if the local jurisdiction that has adopted ~~that~~ those traffic mitigation ~~policies~~ measures.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The transportation sector contributes over 40 percent of the greenhouse gas emissions in the State of California; vehicles alone contribute 35 percent. The transportation sector is the single largest contributor of greenhouse gases of any sector.

(b) In 2006, the Legislature passed and the Governor signed Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter AB 32), which requires the State of California to reduce its greenhouse gas emissions to 1990 levels no later than 2020. In 1990, greenhouse gas emissions from vehicles were approximately 73 million metric tons, but by 2006 these emissions had increased to approximately 100 million metric tons.

(c) Greenhouse gas emissions from vehicles can be substantially

reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without significant changes in land use and transportation policy, California will not be able to achieve the goals of AB 32.

(d) In addition, vehicles account for 50 percent of air pollution in California and __ percent of its consumption of petroleum. Changes in land use and transportation policy will provide significant assistance to California's goals to implement the federal and state Clean Air Acts and to reduce its dependence on petroleum.

(e) Current planning models and analytical techniques used for making transportation infrastructure decisions and for air quality planning should be able to assess the effects of policy choices, such as residential development patterns, expanded transit service and accessibility, the walkability of communities, and the use of economic incentives and disincentives ~~such as tolls, transit pricing, and parking charges~~.

SEC. 2. Section 14522.1 is added to the Government Code, to read:

14522.1. (a) (1) The commission, in consultation with the State Air Resources Board, shall adopt guidelines for the use of travel demand models used in the development of regional transportation plans by regional transportation planning agencies designated pursuant to Section 29532 ~~The~~ for (A) federally designated metropolitan planning organizations, (B) county transportation agencies in areas that have been designated as nonattainment areas under the federal Clean Air Act, and (C) in the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, the agency described in Section 130004 of the Public Utilities Code.

(2) The preparation of the guidelines shall include the formation of an advisory committee that shall include representatives of the regional transportation planning agencies, the department, organizations knowledgeable in the creation and use of travel demand models, local governments, and organizations concerned with the impacts of transportation investments on communities and the environment. The commission shall hold two workshops on the guidelines, one in northern ~~california~~ California and one in ~~Southern~~ southern California. The workshops shall be incorporated into regular commission meetings.

(b) The department shall assist the commission in the preparation of the guidelines, if requested to do so by the commission.

(c) The guidelines shall, at a minimum and to the extent practicable, ~~require that the models do~~ account for all of the following:

(1) ~~Account for the~~ The relationship between land use density and household vehicle ownership and vehicle miles traveled in a way that is consistent with statistical research.

(2) ~~Account for the~~ The impact of enhanced transit service levels on household vehicle ownership and vehicle miles traveled.

(3) ~~Account for induced~~ Induced travel and induced land development resulting from highway or passenger rail expansion.

(4) ~~Include mode-split models that allocate~~ Mode splitting that allocates trips between

automobile, transit, carpool, and bicycle and pedestrian trips. If a travel demand model is unable to forecast bicycle and pedestrian trips, another means may be used to estimate those trips.

(d) The guidelines shall be adopted on or before April 1, 2008.

SEC. 3. Section 14522.2 is added to the Government Code, to read:

~~14522.2. (a) The guidelines adopted pursuant to Section 14522.1 shall apply to a regional transportation planning agency for a region with a population of 800,000 or more as of the most recent decennial census. In the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, that agency shall be the agency described in Section 130004 of the Public Utilities Code.~~

~~(b) A regional transportation planning agency for a region with a population of less than 800,000 as of the most recent decennial census may, at its discretion, follow the guidelines.~~

~~(c)~~

14522.2. (a) A regional transportation planning agency shall disseminate the methodology, results, and key assumptions of whichever travel demand model it uses in a way that would be useable and understandable to the public.

(b) Transportation planning agencies other than those identified in paragraph (1) of subdivision (a) of Section 14522.1 are encouraged to utilize the guidelines.

SEC. 4. Section 14522.5 is added to the Government Code, to read:

14522.5. A regional transportation planning agency described in ~~subdivision (a) of Section 14522.2~~ paragraph (1) of subdivision (a) of Section 14522.1 shall report to the commission on how the regional travel demand model supports corridor planning and small area planning, at the time the regional transportation plan is submitted to the commission and department pursuant to Section 65080.

SEC. 5. Section 65070 of the Government Code is amended to read:

65070. (a) The Legislature finds and declares, consistent with Section 65088, that it is in the interest of the State of California to have an integrated state and regional transportation planning process. It further finds that federal law mandates the development of a state and regional long-range transportation plan as a prerequisite for receipt of federal transportation funds. It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, members of the public, transit operators, congestion management agencies, and the goods movement industry and that the process be a continuation of activities performed by each entity and be performed without any additional cost.

(b) The Legislature further finds and declares that the last attempt to prepare a California Transportation Plan occurred between 1973 and 1977 and resulted in the expenditure of over eighty million dollars (\$80,000,000) in public funds and did not produce a usable document. As a consequence of that, the Legislature delegated responsibility for long-range transportation planning to the regional planning agencies and adopted a seven-year programming cycle instead of a longer range planning process for the state.

(c) The Legislature further finds and declares that the Transportation Blueprint for the Twenty-First Century (Chapters 105 and 106 of the Statutes of 1989) is a long-range state transportation plan that includes a financial plan and a continuing planning process through the preparation of congestion management plans and

regional transportation plans, and identifies major interregional road networks and passenger rail corridors for the state.

SEC. 6. Section 65074 of the Government Code is amended to read:

65074. The Department of Transportation shall prepare, in cooperation with the metropolitan planning agencies, a federal transportation improvement program in accordance with subsection (f) of Section 135 of Title 23 of the United States Code. The federal transportation improvement program shall be submitted by the department to the United States Secretary of Transportation, by October 1 of each even-numbered year. The projects and improvements identified in that plan shall be consistent with the regional transportation plans adopted by the metropolitan planning organizations pursuant to Section 65080.

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

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

(b) The regional transportation plan shall include all of the following:

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

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

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

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

- (i) Single occupant vehicle.
- (ii) Multiple occupant vehicle or carpool.
- (iii) Public transit including commuter rail and intercity rail.
- (iv) Walking.
- (v) Bicycling.

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

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

transit service, with a breakdown by income bracket.

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

(2) (A) A preferred growth scenario that (i) identifies areas within the region sufficient to house all the population of the region including all economic segments of the population over the course of the planning period taking into account net migration into the region, population growth, household formation and employment growth; (ii) identifies significant resource ~~land~~ areas and significant farmland and excludes from development areas in the preferred growth scenario ~~all publicly owned parks, open space, and easement lands; open space or habitat areas protected by natural community conservation plans, habitat conservation plans, or other adopted natural resource protection plans; and, to the greatest extent feasible, other significant resource lands~~ the significant resource areas defined in paragraphs (1) and (2) of subdivision (a) of Section 65086.6 and other adopted natural resource protection plans, and, pursuant to the requirements of subparagraph (E), the significant resource areas defined in paragraphs (3), (4), (5), and (6) of subdivision (a) of Section 65086.6 and significant farmlands; and (iii) will allow the plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

(B) No later than _____, the State Air Resources Board shall provide each region with greenhouse gas emission targets for 2020 and 2050, respectively, in order to implement Chapter 488 of the Statutes of 2006. In making these determinations, the board shall consider greenhouse gas reductions that will be achieved by improved vehicle emission standards, changes in fuel consumption, and other measures it has approved that will reduce greenhouse gas emissions in the regions. Consistent with data provided by the board, a preferred growth scenario shall inventory the region's emission of greenhouse gases and establish measures to reduce these emissions by an amount consistent with targets developed by the board.

(C) A preferred growth scenario shall be consistent with the state planning priorities specified pursuant to Section 65041.1.

(D) A preferred growth scenario does not regulate the use of land, nor shall it be subject to any state review or approval. Nothing in a preferred growth scenario shall be interpreted as superseding or interfering with the exercise of the land use authority of cities and counties within the region.

(E) Before identifying either a significant resource area defined in paragraph (3), (4), (5), or (6) of subdivision (a) of Section 65086.6 or significant farmlands as a development area, the transportation planning agency shall adopt findings that (i) the area is adjacent to an existing developed area or is within an infill area as defined in Division 13 (commencing with Section 21000) of the Public Resources Code; (ii) the area is served by all necessary utilities; (iii) there is no feasible alternative to identifying the area as a development area; (iv) the loss of a significant resource area will be fully mitigated; and (v) the area will be efficiently utilized for development with a density of at least 10 dwelling units per acre.

(3) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all projects proposed for development during the 20-year life of the plan. Proposed projects shall be consistent with the preferred growth scenario.