



Association of Bay Area Governments
Bay Area Air Quality Management District
Bay Conservation and Development Commission
Metropolitan Transportation Commission

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JOINT POLICY COMMITTEE — REGIONAL PLANNING PROGRAM

JOINT POLICY COMMITTEE

Friday, March 21, 2014
10:00 a.m. to 12:00 p.m.

MetroCenter, 101 8th Street, Auditorium
Oakland, California

MEETING NOTICE AND AGENDA

- 1. Call to Order**
- 2. Approval of the Joint Policy Committee Minutes of November 15, 2013**
Action
Attachment: Draft November 15, 2013 Minutes
- 3. Report of the Executive Committee (John Gioia)**
Information
- 4. Report on JPC Climate Program**
Information
 - A. Report on Key Findings from County Meetings - the Bay Area Climate and Energy Resilience Project (Bruce Riordan and Aleka Seville, JPC)
 - B. Climate Readiness Institute (CRI) Launch
- 5. Senate Bill 792**
 - A. Overview of JPC proposed amendments to Senate Bill 792 (Allison Brooks, JPC)
 - B. Overview of ABAG proposed amendments to Senate Bill 792 (Ezra Rapport, ABAG)
Discussion
Attachments: Brooks memo dated March 18, 2014; SB 792 with JPC Executive Committee Changes; Rapport memo dated March 13, 2014
- 6. Presentation on California Cap-and-Trade Program (Richard Corey, Executive Officer, California Air Resources Board)**
Information
- 7. Committee Comment**
Information

8. Public Comment

Information

9. Adjournment

Next Joint Policy Committee Meeting:
May 16, 2014

The Joint Policy Committee may take action on any item listed in the agenda.

This meeting is scheduled to end promptly at 12:00 p.m. Agenda items not considered by that time may be deferred.

The public is encouraged to comment on agenda items by completing a request-to-speak card and giving it to JPC staff or the chairperson.

Although a quorum of the Metropolitan Transportation Commission may be in attendance at this meeting, the Joint Policy Committee may take action only on those matters delegated to it. The Joint Policy Committee may not take any action as the Metropolitan Transportation Commission unless this meeting has been previously noticed as a Metropolitan Transportation Commission meeting.

JOINT POLICY COMMITTEE
Memorandum

To: Joint Policy Committee

From: Director, Joint Policy Committee (JPC)

Date: March 14, 2014

Re: Agenda Item #5, JPC Recommended Amendments to SB792

Senate Bill 792 was introduced by Senator Mark DeSaulnier on February 22, 2013 and currently includes Senators Loni Hancock, Jerry Hill and Mark Leno as co-authors.

The bill is focused on amending the roles of the Bay Area Joint Policy Committee (JPC) and its four member agencies — the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC) — in the development and implementation of the Bay Area's Regional Transportation Plan/Sustainable Communities Strategy, as required through Section 65080 of the Government Code (commonly known as SB 375).

On February 26, 2014, the JPC agencies executive directors and I met with Senator DeSaulnier's staff to discuss key points of interest in the current draft of the bill and identify areas where the JPC member agencies believe amended language is needed. Senator DeSaulnier's staff invited the JPC and its member agencies to submit recommended amendments by mid to late-March, 2014 in order to be considered as the bill moves through the Assembly. Subsequently, the JPC agencies executive directors, their deputies and I met to determine points of consensus on recommended amendments for consideration by the JPC Executive Committee and the full JPC, with the goal of recommending consensus amendments to Senator DeSaulnier after the JPC meeting on March 21, 2014. On March 13, 2014, the JPC Executive Committee met with the JPC Agency's Executive Directors to provide initial feedback in advance of the full JPC meeting on March 21, 2014.

Per the instructions provided by the JPC Executive Committee on March 13, 2014, this memo includes details on the points of consensus among the JPC member agencies on recommended amendments to SB792. Also included are key points made and issues raised at the JPC Executive Committee meeting on March 13, regarding the proposed amendments to SB792 provide by Ezra Rapport, ABAG Executive Director.

A draft of the strikeout version of the bill that includes the consolidated consensus comments of the JPC member agencies is attached. In summary, the points of consensus reached by the JPC member agencies and addressed through recommended amendments to SB792 include:

1. ***MTC and ABAG should remain the adopting agencies for the Sustainable Communities Strategy.*** The recommended language regarding the roles of the BAAQMD and BCDC in the development of the SCS can be found on page 8, and it states: “The Bay Area Air Quality Management District and the San Francisco Bay Conservation and Development Commission shall provide technical and policy analysis, recommendations, and other forms of consultation as requested by the Joint Policy Committee created pursuant to subdivision (d) of section 66536.”

Additionally, in reference to the role of the Joint Policy Committee on the issue of economic development, as outlined on page 18 in the attached draft of the bill, the JPC member agencies are recommending the language be modified to say, “The joint policy committee, in consultation with the advisory committee, shall recommend goals and performance measures related to the inclusion of economic development opportunities in the sustainable communities strategy”.

2. ***MTC, ABAG and BAAQMD are conducting a consolidation study in preparation for moving into 375 Beale Street in San Francisco that should meet the goals outlined in the draft bill regarding a plan for the consolidation of functions*** The JPC member agencies are recommending modified language starting on page 15 of the attached draft bill. This modified language states: “(a) The member agencies of the joint policy committee created pursuant to subdivision (d) of Section 66536 shall complete an analysis of common functions and identify opportunities to save costs, reduce redundancies and further the goals of the member agencies. The analysis shall also include a statement as to the expected reduction in the cost of overhead and in the cost of operation and management of the member agencies.”
3. ***MTC shall conduct an inclusive community engagement process within a reasonable and manageable timeframe.*** The JPC member agencies are recommending modified language starting on page 15 of the attached draft bill regarding MTC’s role in community engagement. The timeframe and meeting requirements outlined in the current draft of the bill for community engagement would actually have the adverse effect of truncating the time the public has to review and respond at key milestones in the process to various policy and funding elements proposed for inclusion in the next RTP/SCS.

The modified language states:

“Prior to issuing the draft under subdivision (a), the Metropolitan Transportation Commission shall convene a public engagement advisory group to meet as needed before the draft is issued for public comment. The public engagement

advisory group shall include, but not be limited to, persons representing low-income communities, communities of color, seniors, persons with disabilities, business and environmental organizations. Meetings of the public engagement advisory group shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) The public engagement advisory group shall be charged with all of the following tasks:

(A) Reviewing the public participation process in connection with the development and adoption of the previous regional transportation plan and sustainable communities strategy and addressing both of the following:

(i) Strengths and weaknesses.

(ii) The degree to which the public participation plans were implemented, and the degree to which specific implementation actions contributed to a robust, inclusive, and transparent process.

(B) Providing recommendations to the Metropolitan Transportation Commission in developing a draft public participation plan that seeks to do all of the following:

(i) Provides a clear process map, timeline, and description of all key decision points.

(ii) Sets forth outreach activities designed to meaningfully inform and engage San Francisco bay area residents, including activities targeting populations traditionally underrepresented in regional planning, such as minority and low-income populations.

(iii) Sets forth the role of advisory committees in the development and approval of the regional transportation plan update and sustainable communities strategy.

(iv) Sets forth the role of other agencies and local jurisdictions in the planning process, and prescribes requirements for inclusive public engagement and transparency.

(v) Seeks to address any other priority concerns raised by the public engagement advisory group.”

4. ***The Sustainable Communities Strategy shall include performance indicators on a broader set of issues.*** This JPC Agency Executive Directors proposed new bill language starting on page 6 of the attached draft bill, which states: “(C) (i) Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, a sustainable communities strategy adopted on or after January 1, 2015 shall include a brief needs assessment of economic development, environmental, social equity, and governance indicators as needed to guide the development of future plans. These indicators shall include, but not be limited to, air quality, sea level rise, climate change and other hazard readiness, including shoreline resilience and long-term recovery from major earthquakes.

This work will be completed to the extent financial resources are available to the agencies that comprise the Joint Policy Committee to perform such work. The member agencies of the Joint Policy Committee created pursuant to subdivision (d) Section 66536 shall be responsible for undertaking any work related to the sustainable communities strategy at the regional scale. Such coordination, collaboration, and partnership, shall include outreach and consultation with:

Federal, state, regional, special district, and local government stakeholders; and a wide variety of individuals and organizations from the private and nonprofit sectors with subject matter expertise in the focus areas included in the sustainable communities strategy.”

In addition to the consensus amendments outlined above, Mr. Ezra Rapport, the Executive Director of ABAG, has provided a Memo to the JPC proposing two additional amendments to SB792 for consideration. One amendment involves a water supply assessment and a second amendment is intended to clarify that the ABAG population and employment forecast should include inter-regional commuting. For the detailed language regarding these proposed amendments, please refer to Mr. Rapport’s memo.

In regards to the amendments related to the water supply assessment and the inter-regional commuting issues provided by Mr. Rapport, there were some key comments and questions raised during the JPC Executive Committee to be considered by the full JPC.

On the water supply assessment amendment:

- Will the inclusion of this issue require that the bill go to a different committee in the legislature and therefore potentially threaten the passage of the bill?
- Does the inclusion of this highly politicized issue, with many stakeholders, open us up to further litigation risk for the sustainable communities strategy (SCS), even if this informs the SCS, and is not a part of the SCS?
- Why shouldn’t the water issue apply to every SCS across the state? Why just in the Bay Area SCS?
- Isn’t a water supply assessment implicit in any land use decision? Why does it need to be called out in this legislation?

On the inter-regional commuting amendment:

- MTC and ABAG just settled a lawsuit on this exact provision in the law.
- External stakeholders have raised the point on this issue that we should freeze analysis of inter-regional commuting and population growth to current levels. This proposal would do otherwise.

Staff believes that the consensus amendments to SB 792 can help to improve the region’s next RTP/SCS development process. We seek the JPC’s guidance on the additional amendments raised by ABAG’s Executive Director. We welcome your comments and suggestions.

Allison Brooks

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AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 13, 2014

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 792

Introduced by Senator DeSaulnier

(Coauthors: Senators ~~Hancock and~~ Hancock, Hill, and Leno)

February 22, 2013

An act to amend Section 65080 of, and to add Sections 66537.1, 66537.2, 66537.3, 66537.4, 66537.6, and 66537.7 to, the Government Code, relating to planning.

legislative counsel's digest

SB 792, as amended, DeSaulnier. Regional entities: San Francisco Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created under existing law as a joint powers agency comprised of cities and counties with regional planning responsibilities. Existing law provides for a joint policy committee of certain member agencies in this 9-county area to collaborate on regional coordination. Existing law

requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy, coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the member agencies of the joint policy committee to prepare a plan for consolidating certain functions that are common to the member agencies. The bill would require the plan to also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require a member agency affected by the plan to submit a copy of the plan to its board on or before December 31, 2015, and would require the member agencies to report to the Senate Committee on Transportation and Housing on the adoption and implementation of the plan on or before December 31, 2016. The bill would also require the joint policy committee to maintain an Internet Web site containing information relevant to the committee's activities and to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the sustainable ~~committees~~ *communities* strategy.

~~The bill would require the San Francisco Bay Conservation and Development Commission to relocate to a specified location.~~

The bill would also establish additional requirements for a sustainable communities strategy adopted on or after January 1, 2015, within the jurisdiction of the Metropolitan Transportation Commission, and would impose additional duties relating to that sustainable communities strategy on the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Among those additional duties, the bill would require the Metropolitan Transportation Commission to convene a public engagement advisory group to assist in the development of a draft public participation plan, as specified. The bill would also require the commission to report biannually to the Legislature and the public on the progress in implementing the policies and programs of the sustainable communities strategy.

By imposing new duties on the Metropolitan Transportation Commission and other regional entities, the 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 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:

1 SECTION 1. Section 65080 of the Government Code is
2 amended to read:

3 65080. (a) Each transportation planning agency designated
4 under Section 29532 or 29532.1 shall prepare and adopt a regional
5 transportation plan directed at achieving a coordinated and balanced
6 regional transportation system, including, but not limited to, mass
7 transportation, highway, railroad, maritime, bicycle, pedestrian,
8 goods movement, and aviation facilities and services. The plan
9 shall be action-oriented and pragmatic, considering both the
10 short-term and long-term future, and shall present clear, concise
11 policy guidance to local and state officials. The regional
12 transportation plan shall consider factors specified in Section 134
13 of Title 23 of the United States Code. Each transportation planning
14 agency shall consider and incorporate, as appropriate, the
15 transportation plans of cities, counties, districts, private
16 organizations, and state and federal agencies.

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

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

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

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

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

10 (i) Single occupant vehicle.

11 (ii) Multiple occupant vehicle or carpool.

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

13 (iv) Walking.

14 (v) Bicycling.

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

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

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

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

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

32 (i) No later than January 31, 2009, the state board shall appoint
33 a Regional Targets Advisory Committee to recommend factors to
34 be considered and methodologies to be used for setting greenhouse
35 gas emission reduction targets for the affected regions. The
36 committee shall be composed of representatives of the metropolitan
37 planning organizations, affected air districts, the League of
38 California Cities, the California State Association of Counties,
39 local transportation agencies, and members of the public, including
40 homebuilders, environmental organizations, planning organizations,

1 environmental justice organizations, affordable housing
2 organizations, and others. The advisory committee shall transmit
3 a report with its recommendations to the state board no later than
4 September 30, 2009. In recommending factors to be considered
5 and methodologies to be used, the advisory committee may
6 consider any relevant issues, including, but not limited to, data
7 needs, modeling techniques, growth forecasts, the impacts of
8 regional jobs-housing balance on interregional travel and
9 greenhouse gas emissions, economic and demographic trends, the
10 magnitude of greenhouse gas reduction benefits from a variety of
11 land use and transportation strategies, and appropriate methods to
12 describe regional targets and to monitor performance in attaining
13 those targets. The state board shall consider the report prior to
14 setting the targets.

15 (ii) Prior to setting the targets for a region, the state board shall
16 exchange technical information with the metropolitan planning
17 organization and the affected air district. The metropolitan planning
18 organization may recommend a target for the region. The
19 metropolitan planning organization shall hold at least one public
20 workshop within the region after receipt of the report from the
21 advisory committee. The state board shall release draft targets for
22 each region no later than June 30, 2010.

23 (iii) In establishing these targets, the state board shall take into
24 account greenhouse gas emission reductions that will be achieved
25 by improved vehicle emission standards, changes in fuel
26 composition, and other measures it has approved that will reduce
27 greenhouse gas emissions in the affected regions, and prospective
28 measures the state board plans to adopt to reduce greenhouse gas
29 emissions from other greenhouse gas emission sources as that term
30 is defined in subdivision (i) of Section 38505 of the Health and
31 Safety Code and consistent with the regulations promulgated
32 pursuant to the California Global Warming Solutions Act of 2006
33 (Division 25.5 (commencing with Section 38500) of the Health
34 and Safety Code).

35 (iv) The state board shall update the regional greenhouse gas
36 emission reduction targets every eight years consistent with each
37 metropolitan planning organization's timeframe for updating its
38 regional transportation plan under federal law until 2050. The state
39 board may revise the targets every four years based on changes in
40 the factors considered under clause (iii). The state board shall

1 exchange technical information with the Department of
2 Transportation, metropolitan planning organizations, local
3 governments, and affected air districts and engage in a consultative
4 process with public and private stakeholders prior to updating these
5 targets.

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

9 (B) Each metropolitan planning organization shall prepare a
10 sustainable communities strategy, subject to the requirements of
11 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
12 Federal Regulations, including the requirement to utilize the most
13 recent planning assumptions considering local general plans and
14 other factors. The sustainable communities strategy shall (i)
15 identify the general location of uses, residential densities, and
16 building intensities within the region, (ii) identify areas within the
17 region sufficient to house all the population of the region, including
18 all economic segments of the population, over the course of the
19 planning period of the regional transportation plan taking into
20 account net migration into the region, population growth, household
21 formation and employment growth, (iii) identify areas within the
22 region sufficient to house an eight-year projection of the regional
23 housing need for the region pursuant to Section 65584, (iv) identify
24 a transportation network to service the transportation needs of the
25 region, (v) gather and consider the best practically available
26 scientific information regarding resource areas and farmland in
27 the region as defined in subdivisions (a) and (b) of Section
28 65080.01, (vi) consider the state housing goals specified in Sections
29 65580 and 65581, (vii) set forth a forecasted development pattern
30 for the region, which, when integrated with the transportation
31 network, and other transportation measures and policies, will
32 reduce the greenhouse gas emissions from automobiles and light
33 trucks to achieve, if there is a feasible way to do so, the greenhouse
34 gas emission reduction targets approved by the state board, and
35 (viii) allow the regional transportation plan to comply with Section
36 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

37 (C) (i) Within the jurisdiction of the Metropolitan
38 Transportation Commission, as defined by Section 66502, a
39 sustainable communities strategy adopted on or after January 1,
40 2015, shall include, a brief needs assessment of economic
development, environmental, social equity, and governance indicators
as needed to guide the development of future plans. These indicators
shall include, but not be limited to, air quality, sea level rise, climate
change and other hazard readiness, including shoreline resilience and
long-term recovery from major earthquakes. This work will be
completed to the extent financial resources are
available to the agencies that comprise the Joint
Policy Committee to perform such work.

The member agencies of the Joint Policy Committee
created pursuant to subdivision (d) Section 66536
shall be responsible for undertaking any work related
to the sustainable communities strategy at the
regional scale. Such coordination, collaboration, and

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partnership, shall include outreach and consultation with:
Federal, state, regional, special district, and local government stakeholders; and
A wide variety of individuals and organizations from the private and nonprofit sectors with subject matter expertise in the focus areas included in the sustainable communities strategy.

~~shall also include consideration of local and regional air~~

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1 ~~quality, sea level rise, priority infrastructure needs, and the goals~~
 2 ~~and policies related to economic development opportunities and~~
 3 ~~social equity goals pursuant to subdivision (b) of Section 66537.6.~~
 4 ~~The sustainable communities strategy may also include~~
 5 ~~consideration of sea level rise.~~ The Association of Bay Area
 6 Governments shall be responsible for clauses (i), (ii), (iii), (v), and
 7 (vi) of subparagraph (B). The Metropolitan Transportation
 8 Commission shall be responsible for clauses (iv) and (viii) of
 9 subparagraph (B), priority infrastructure needs, and the goals and
 10 policies related to economic development opportunities and social
 11 equity goals pursuant to subdivision (b) of Section 66537.6. The
 12 Bay Area Air Quality Management District shall be responsible
 13 for criteria pollutants and toxic air contaminants. ~~The San Francisco~~
 14 ~~Bay Conservation and Development Commission shall be~~
 15 ~~responsible for sea level rise.~~ The Association of Bay Area
 16 Governments, ~~the Bay Area Air Quality Management District, the~~
 17 ~~San Francisco Bay Conservation and Development Commission,~~
 18 and the Metropolitan Transportation Commission shall jointly be
 19 responsible for clause (vii) of subparagraph (B) and the adoption
 20 of the strategy as a whole. The Bay Area Air Quality Management District and the San
Francisco Bay Conservation and Development Commission shall provide technical and policy
analysis, recommendations and other forms of consultation as requested by the Joint Policy
Committee created pursuant to subdivision (d) of Section 66536.

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21 (ii) Within the jurisdiction of the Tahoe Regional Planning
 22 Agency, as defined in Sections 66800 and 66801, the Tahoe
 23 Metropolitan Planning Organization shall use the Regional Plan
 24 for the Lake Tahoe Region as the sustainable community strategy,
 25 provided that it complies with clauses (vii) and (viii) of
 26 subparagraph (B).

27 (D) In the region served by the multicounty transportation
 28 planning agency described in Section 130004 of the Public Utilities
 29 Code, a subregional council of governments and the county
 30 transportation commission may work together to propose the
 31 sustainable communities strategy and an alternative planning
 32 strategy, if one is prepared pursuant to subparagraph (I), for that
 33 subregional area. The metropolitan planning organization may
 34 adopt a framework for a subregional sustainable communities
 35 strategy or a subregional alternative planning strategy to address
 36 the intraregional land use, transportation, economic, air quality,
 37 and climate policy relationships. The metropolitan planning
 38 organization shall include the subregional sustainable communities
 39 strategy for that subregion in the regional sustainable communities
 40 strategy to the extent consistent with this section and federal law

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1 and approve the subregional alternative planning strategy, if one
2 is prepared pursuant to subparagraph (I), for that subregional area
3 to the extent consistent with this section. The metropolitan planning
4 organization shall develop overall guidelines, create public
5 participation plans pursuant to subparagraph (F), ensure
6 coordination, resolve conflicts, make sure that the overall plan
7 complies with applicable legal requirements, and adopt the plan
8 for the region.

9 (E) The metropolitan planning organization shall conduct at
10 least two informational meetings in each county within the region
11 for members of the board of supervisors and city councils on the
12 sustainable communities strategy and alternative planning strategy,
13 if any. The metropolitan planning organization may conduct only
14 one informational meeting if it is attended by representatives of
15 the county board of supervisors and city council members
16 representing a majority of the cities representing a majority of the
17 population in the incorporated areas of that county. Notice of the
18 meeting or meetings shall be sent to the clerk of the board of
19 supervisors and to each city clerk. The purpose of the meeting or
20 meetings shall be to discuss the sustainable communities strategy
21 and the alternative planning strategy, if any, including the key land
22 use and planning assumptions to the members of the board of
23 supervisors and the city council members in that county and to
24 solicit and consider their input and recommendations.

25 (F) Each metropolitan planning organization shall adopt a public
26 participation plan, for development of the sustainable communities
27 strategy and an alternative planning strategy, if any, that includes
28 all of the following:

29 (i) Outreach efforts to encourage the active participation of a
30 broad range of stakeholder groups in the planning process,
31 consistent with the agency's adopted Federal Public Participation
32 Plan, including, but not limited to, affordable housing advocates,
33 transportation advocates, neighborhood and community groups,
34 environmental advocates, home builder representatives,
35 broad-based business organizations, landowners, commercial
36 property interests, and homeowner associations.

37 (ii) Consultation with congestion management agencies,
38 transportation agencies, and transportation commissions.

39 (iii) Workshops throughout the region to provide the public with
40 the information and tools necessary to provide a clear

1 understanding of the issues and policy choices. At least one
2 workshop shall be held in each county in the region. For counties
3 with a population greater than 500,000, at least three workshops
4 shall be held. Each workshop, to the extent practicable, shall
5 include urban simulation computer modeling to create visual
6 representations of the sustainable communities strategy and the
7 alternative planning strategy.

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

12 (v) At least three public hearings on the draft sustainable
13 communities strategy in the regional transportation plan and
14 alternative planning strategy, if one is prepared. If the metropolitan
15 transportation organization consists of a single county, at least two
16 public hearings shall be held. To the maximum extent feasible, the
17 hearings shall be in different parts of the region to maximize the
18 opportunity for participation by members of the public throughout
19 the region.

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

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

26 (H) Prior to adopting a sustainable communities strategy, the
27 metropolitan planning organization shall quantify the reduction in
28 greenhouse gas emissions projected to be achieved by the
29 sustainable communities strategy and set forth the difference, if
30 any, between the amount of that reduction and the target for the
31 region established by the state board.

32 (I) If the sustainable communities strategy, prepared in
33 compliance with subparagraph (B) or (D), is unable to reduce
34 greenhouse gas emissions to achieve the greenhouse gas emission
35 reduction targets established by the state board, the metropolitan
36 planning organization shall prepare an alternative planning strategy
37 to the sustainable communities strategy showing how those
38 greenhouse gas emission targets would be achieved through
39 alternative development patterns, infrastructure, or additional
40 transportation measures or policies. The alternative planning

1 strategy shall be a separate document from the regional
2 transportation plan, but it may be adopted concurrently with the
3 regional transportation plan. In preparing the alternative planning
4 strategy, the metropolitan planning organization:

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

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

9 (iii) Shall describe how the greenhouse gas emission reduction
10 targets would be achieved by the alternative planning strategy, and
11 why the development pattern, measures, and policies in the
12 alternative planning strategy are the most practicable choices for
13 achievement of the greenhouse gas emission reduction targets.

14 (iv) An alternative development pattern set forth in the
15 alternative planning strategy shall comply with Part 450 of Title
16 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
17 except to the extent that compliance will prevent achievement of
18 the greenhouse gas emission reduction targets approved by the
19 state board.

20 (v) For purposes of the California Environmental Quality Act
21 (Division 13 (commencing with Section 21000) of the Public
22 Resources Code), an alternative planning strategy shall not
23 constitute a land use plan, policy, or regulation, and the
24 inconsistency of a project with an alternative planning strategy
25 shall not be a consideration in determining whether a project may
26 have an environmental effect.

27 (J) (i) Prior to starting the public participation process adopted
28 pursuant to subparagraph (F), the metropolitan planning
29 organization shall submit a description to the state board of the
30 technical methodology it intends to use to estimate the greenhouse
31 gas emissions from its sustainable communities strategy and, if
32 appropriate, its alternative planning strategy. The state board shall
33 respond to the metropolitan planning organization in a timely
34 manner with written comments about the technical methodology,
35 including specifically describing any aspects of that methodology
36 it concludes will not yield accurate estimates of greenhouse gas
37 emissions, and suggested remedies. The metropolitan planning
38 organization is encouraged to work with the state board until the
39 state board concludes that the technical methodology operates
40 accurately.

1 (ii) After adoption, a metropolitan planning organization shall
2 submit a sustainable communities strategy or an alternative
3 planning strategy, if one has been adopted, to the state board for
4 review, including the quantification of the greenhouse gas emission
5 reductions the strategy would achieve and a description of the
6 technical methodology used to obtain that result. Review by the
7 state board shall be limited to acceptance or rejection of the
8 metropolitan planning organization's determination that the strategy
9 submitted would, if implemented, achieve the greenhouse gas
10 emission reduction targets established by the state board. The state
11 board shall complete its review within 60 days.

12 (iii) If the state board determines that the strategy submitted
13 would not, if implemented, achieve the greenhouse gas emission
14 reduction targets, the metropolitan planning organization shall
15 revise its strategy or adopt an alternative planning strategy, if not
16 previously adopted, and submit the strategy for review pursuant
17 to clause (ii). At a minimum, the metropolitan planning
18 organization must obtain state board acceptance that an alternative
19 planning strategy would, if implemented, achieve the greenhouse
20 gas emission reduction targets established for that region by the
21 state board.

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. The first five years
 27 of the financial element shall be based on the five-year estimate
 28 of funds developed pursuant to Section 14524. The financial
 29 element may recommend the development of specified new sources
 30 of revenue, consistent with the policy element and action element.

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

- 36 (i) State highway expansion.
- 37 (ii) State highway rehabilitation, maintenance, and operations.
- 38 (iii) Local road and street expansion.
- 39 (iv) Local road and street rehabilitation, maintenance, and
 40 operation.

1 (v) Mass transit, commuter rail, and intercity rail expansion.
2 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
3 maintenance, and operations.
4 (vii) Pedestrian and bicycle facilities.
5 (viii) Environmental enhancements and mitigation.
6 (ix) Research and planning.
7 (x) Other categories.

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

21 (c) Each transportation planning agency may also include other
22 factors of local significance as an element of the regional
23 transportation plan, including, but not limited to, issues of mobility
24 for specific sectors of the community, including, but not limited
25 to, senior citizens.

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

1 SEC. 2. Section 66537.1 is added to the Government Code, to
2 read:

3 66537.1. (a) The member agencies of the joint policy
4 committee created pursuant to subdivision (d) of Section 66536
5 ~~shall prepare a plan for consolidating the functions that are common~~
6 ~~to the member agencies, including, but not limited to, personnel~~
7 ~~and human resources, budget and financial services, electronic~~
8 ~~data and communications systems, legal services, contracting and~~
9 ~~procurement of goods and services, public information and~~
10 ~~outreach services, intergovernmental relations, transportation, land~~
11 ~~use, economic, and related forecasting models, and other related~~
12 ~~activities, as deemed appropriate and feasible, that will further the~~
13 ~~goals of the member agencies and reduce redundancy. The plan~~

14 shall complete an analysis of common functions and identify
opportunities to save costs, reduce redundancies and further the goals
of the member agencies. The analysis shall also include a statement as

to the expected reduction in the
15 cost of overhead and in the cost of operation and management of
16 the member agencies.

17 ~~(b) On or before December 31, 2015, a member agency affected~~
18 ~~by the plan shall submit a copy of the plan to its board.~~

19 ~~(c) On or before December 31, 2016, the member agencies shall~~
20 ~~report to the Senate Committee on Transportation and Housing on~~
21 ~~the adoption and implementation of the plan.~~

22 SEC. 3. Section 66537.2 is added to the Government Code, to
23 read:

24 66537.2. (a) Prior to initiating public outreach and participation
25 efforts for a regional transportation plan update, including the
26 sustainable communities strategy pursuant to subparagraphs (B)
27 and (C) of paragraph (2) of subdivision (b) of Section 65080, the
28 Metropolitan Transportation Commission, in consultation with the
29 Association of Bay Area Governments, the Bay Area Air Quality
30 Management District, and the San Francisco Bay Conservation
31 and Development Commission, shall issue, for public comment,
32 a draft public participation plan to meet the public participation
33 requirements under federal law and Section 65080.

34 (b) (1) ~~At least 180 days before~~ Prior to issuing the
draft under

35 subdivision (a), the Metropolitan Transportation Commission shall
36 convene a public engagement advisory group to meet ~~at least six~~
37 ~~times~~ as needed before the draft is issued for public comment.

The public engagement advisory(group shall include, but not be
limited to, persons representing low-income communities, communities
of color, seniors, persons with disabilities, business and environmental
organizations. Meetings of

38 the public engagement advisory group shall be subject to the Ralph
39 M. Brown Act (Chapter 9 (commencing with Section 54950) of
40 Part 1 of Division 2 of Title 5 of the Government Code).

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1 ~~(2) The Metropolitan Transportation Commission shall accept~~
 2 ~~(2) The Metropolitan Transportation Commission shall accept~~
 3 ~~nominations for membership on the public engagement advisory~~
 4 ~~group from community-based organizations representing~~
 5 ~~populations that are traditionally underrepresented in~~
 6 ~~decisionmaking, including minority and low-income populations.~~
 7 ~~Not less than 60 percent of the members of the public engagement~~
 8 ~~advisory group shall be affiliated with those community-based~~
 9 ~~groups.~~

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9 (23) The public engagement advisory group shall be charged
 10 with all of the following tasks:

11 (A) Reviewing the public participation process in connection
 12 with the development and adoption of the previous regional
 13 transportation plan and sustainable communities strategy and
 14 assessing both of the following:

- 15 (i) Strengths and weaknesses.
- 16 (ii) The degree to which the public participation plans were
 17 implemented, and the degree to which specific implementation
 18 actions contributed to a robust, inclusive, and transparent process.

19 ~~(B) Identifying key decision points in the process by which the~~
 20 ~~previous regional transportation plan and sustainable communities~~
 21 ~~strategy was developed and adopted, including all of the following:~~

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- 22 ~~(i) Decision points relating to public outreach.~~
- 23 ~~(ii) Participation and process needs assessment and prioritization.~~
- 24 ~~(iii) Goals and objectives.~~
- 25 ~~(iv) Targets and performance measures.~~
- 26 ~~(v) Equity metrics and equity analysis.~~
- 27 ~~(vi) Scenario development and evaluation.~~
- 28 ~~(vii) Selection of a preferred alternative.~~
- 29 ~~(viii) Regional housing needs assessment methodology and~~
 30 ~~allocation.~~
- 31 ~~(ix) Scoping of the environmental impact report.~~
- 32 ~~(x) Response to comments.~~
- 33 ~~(xi) Investment and planning tradeoffs.~~
- 34 ~~(xii) Relevant decision points of other public agencies, such as~~
 35 ~~county congestion management agencies, transit operators, the~~
 36 ~~Bay Area Partnership Board, cities, and counties.~~

37 ~~(BC) Assisting staff~~ Providing recommendations to the Metropolitan
 38 Transportation Commission in developing a draft public participation
 39 plan that ~~does~~ seeks to do all of the following:

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1 (i) Provides a clear process map, timeline, and description of
2 all key decision points, including those described in subparagraph
3 (B).

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4 (ii) Sets forth outreach activities designed to meaningfully
5 inform and engage *San Francisco bay-Area area* residents,
6 including activities targeting populations traditionally
7 underrepresented in regional planning, such as minority and
8 low-income populations.

9 (iii) Sets forth the role of advisory committees in the
10 development and approval of the regional transportation plan
11 update and sustainable-community *communities* strategy.

12 (iv) Sets forth the role of other agencies and local jurisdictions
13 in the planning process, and prescribes requirements for inclusive
14 public engagement and transparency, to which the Metropolitan
15 Transportation Commission will hold those agencies and
16 jurisdictions accountable.

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17 (v) ~~Addresses~~ **Seeks to address** any other priority concerns raised by the public
18 engagement advisory group.

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19 SEC. 4. Section 66537.3 is added to the Government Code, to
20 read:

21 66537.3. The joint policy committee shall maintain an Internet
22 Web site containing relevant information pertaining to the joint
23 policy committee’s activities.

24 SEC. 5. Section 66537.4 is added to the Government Code, to
25 read:

26 66537.4. The joint policy committee shall be subject to the
27 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
28 of Part 1 of Division 2 of Title 5).

29 SEC. 6. Section 66537.6 is added to the Government Code, to
30 read:

31 66537.6. (a) The joint policy committee shall appoint an
32 advisory committee on economic competitiveness with members
33 from the business community, including representatives of small
34 businesses and the technology and manufacturing sectors,
35 community colleges, public and private universities, labor, local
36 governments, community organizations with an interest in
37 expanding economic opportunity for low-income populations and
38 communities, and other organizations involved with the private
39 economy.

1 (b) The joint policy committee, in consultation with the advisory
 2 committee, shall ~~adopt-recommend~~ goals and ~~performance~~
~~measures~~policies related to the inclusion
 3 of economic development opportunities in the sustainable
 4 communities strategy. The goals and policies shall also promote
 5 amenities that are special to the region and contribute to the
 6 region’s quality of life. Social equity goals and considerations shall
 7 be integrated throughout to ensure that low-income populations
 8 and populations of color share fairly in the benefits and burdens
 9 of the economic development goals and policies and their
 10 implementation and include strategies to improve the economic
 11 conditions and opportunities for all residents with special attention
 12 given to opportunities available for low-income residents and
 13 populations of color.

14 SEC. 7. Section 66537.7 is added to the Government Code, to
 15 read:

16 66537.7. The Metropolitan Transportation Commission shall
 17 report biannually to the Legislature and the public at large on
 18 progress in implementing the policies and programs of the
 19 sustainable communities strategy required pursuant to subparagraph
 20 (B) of paragraph (2) of subdivision (b) of Section 65080 and in
 21 preparing the subsequent sustainable communities strategy.

22 ~~SEC. 8. The San Francisco Bay Conservation and Development~~
 23 ~~Commission shall relocate to 390 Main Street in San Francisco,~~
 24 ~~California.~~

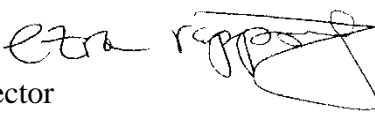
25 ~~SEC. 9.~~
 26 SEC. 8. If the Commission on State Mandates determines that
 27 this act contains costs mandated by the state, reimbursement to
 28 local agencies and school districts for those costs shall be made
 29 pursuant to Part 7 (commencing with Section 17500) of Division
 30 4 of Title 2 of the Government Code.

O



Date: March 13, 2014

To: Executive Committee
Joint Policy Committee

From: Ezra Rapport 
Executive Director
Association of Bay Area Governments

Subject: **Proposed Amendments to SB 792**

ABAG is proposing two additional amendments to SB 792, one involving a water supply assessment and a second to clarify that the ABAG population and employment forecast should include inter-regional commuting.

ABAG proposes an amendment to SB 792 requiring ABAG to conduct a water supply assessment to inform the Sustainable Communities Strategy (SCS). The reason for this request is:

1. water assessment has been repeatedly requested of ABAG during Plan Bay Area presentations;
2. ABAG agrees that the analysis is appropriate and necessary;
3. ABAG has expertise on staff relative to water issues and a relationship with the Department of Water Resources (DWR);
4. the water assessment will inform ABAG's statutory requirement to make long term growth projections for the region;
5. the proposed inclusion in the bill does not require the adoption of water information by any other agencies and is not a JPC task.

This is draft language subject to revision, and would appear in the bill after (b) which requires the JPC to adopt economic opportunity goals:

SEC. 6. Section 66537.6 is added to the Government Code, to read:

(c) The Association of Bay Area Governments (ABAG) shall undertake a water supply review based on the region's existing Urban Water Management Plans that may be used to inform the forecasted development pattern of the sustainable

Proposed Amendments to SB 792

March 13, 2014

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communities strategy. The review will include an assessment of the region's planned water supply and conservation programs in relation to the forecasted growth of the region, in coordination and collaboration with the water districts, federal, state, and regional agencies, special districts, and local government stakeholders, and interested nonprofit organizations with subject matter expertise. Nothing in this section shall be binding on water districts, local governments or special districts, nor shall the work undertaken by ABAG be interpreted as superseding the exercise of the land use authority of cities and counties within the region.

The second proposed amendment is incorporated into the SCS which clarifies a task required of ABAG in SB 375. This amendment would clarify that ABAG should take into account the effects of inter-regional commuting when performing the forecast of population, employment, and housing. This amendment is consistent with how ABAG performed the analysis for the current forecast in the SCS, and does not impose any specific methodology for forecasting inter-regional commuting. The reason for this amendment is to clarify that the effects of inter-regional commuting should be undertaken in the overall forecast.

The proposed language is as follows:

(C) (i) Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, a sustainable communities strategy adopted on or after January 1, 2015, under (ii) of subparagraph (B) above, the sustainable communities strategy shall identify 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 of the regional transportation plan taking into account net migration into the region, including the effects of inter-regional commuting, population growth, household formation and employment growth.

Cc: JPC Agency Directors
Kenneth Moy
Brad Paul
Miriam Chion
Judy Kelly