

Date of Hearing: April 25, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2367 (Ward) – As Amended March 24, 2022

**SUBJECT:** Regional transportation plans: implementation authority: San Diego Association of Governments

**SUMMARY:** Specifies that the San Diego Association of Government (SANDAG) may implement every component of its regional transportation plan (RTP), as specified. Specifically, **this bill:**

- 1) Provides that SANDAG implement every component of the RTP as well as subsequent updates of the RTP. This implementation authority shall include, but is not limited to, the authority to plan, engineer, design, and seek funding sources for applicable projects.
- 2) Specifies that implementing an RTP shall include, but is not limited to, the authority to seek resources and fund projects identified in the sustainable communities strategy (SCS), including habitat conservation projects, water quality improvement projects, and other environmental mitigation projects.
- 3) Provides the authority may exercise its bonding authority to implement any component of the RTP, as well as subsequent updates to the plan.

**EXISTING LAW:**

- 1) Creates a consolidated transportation agency in San Diego, including the SANDAG, the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD), and authorized that agency to assume certain responsibilities, including the development of a regional transportation plan.
- 2) Defines the governance structure of the SANDAG, MTS, and NCTD boards, including membership and voting.
- 3) Requires certain transportation planning agencies to prepare and adopt an RTP 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.
- 4) Specifies the RTP 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, and shall consider and incorporate the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.
- 5) Requires the RTP to include numerous components including a SCS designed to achieve the California Air Resource Board (CARB) targets for greenhouse gas (GHG) emission reduction.

- 6) Requires each Metropolitan Planning Organization (MPO) to adopt a public participation plan for development of the SCS that includes at least one public workshop and, depending on the number of counties within the MPO's region, two or three public hearings.
- 7) Requires each transportation planning agency to adopt and submit to the California Transportation Commission (CTC) and the Department of Transportation (Caltrans) an updated RTP every four or five years, as specified, and before adoption of the RTP, a public hearing shall be held.

**FISCAL EFFECT:** Unknown

**COMMENTS:** SANDAG is the regional transportation planning agency for San Diego County and under federal law is the MPO for the region and is responsible for many public transit and long-term transportation planning and programming responsibilities. Existing federal and state law requires each of California's 18 MPOs and 26 regional transportation planning agencies to prepare a long-range (20-year) plan. This plan, known as the RTP, identifies the region's vision and goals and how to implement them. The RTP also supports the state's goals for transportation, environmental quality, economic growth, and social equity. Federal law requires that they be updated at least every four years, and state law requires that these plans be updated every four years. CARB publishes a schedule for updates of each of these RTPs.

Existing law requires coordination of transportation and land use planning to help achieve the state's climate action goals by requiring that each RTP include an SCS. The SCS demonstrates how the region will meet its GHG emissions reduction targets through land use, housing, and transportation strategies. CARB must review the adopted SCS to confirm that it will indeed meet the regional GHG targets. If not, the MPO must prepare an alternative planning strategy, separate from the RTP.

Despite the intent of SCSs to reduce GHG production, the changes in local planning and project delivery have been mainly incremental, for a myriad of reasons.

*SCS Evaluations:* Recent studies have begun to identify the disconnection between MPO authority, land use, and achieving the state's GHG emission reduction goals. In a report to the Legislature in 2018, CARB concluded that "California is not on track to meet GHG reductions expected under SB 375," with a particularly worrisome trend being an observed rise in VMT and associated GHGs from cars and light trucks starting after 2013.

The Strategic Growth Council's AB 285 report required by AB 285 (Friedman), Chapter 605, Statutes of 2019 includes a series of white papers prepared by UC ITS. "MPO Planning and Implementation of State Policy Goals," includes an analysis of the most-recent adopted RTP/SCSs, which indicates that most MPO plans allocate more funds toward roadways than transit, but most allocate more roadway funding toward maintenance and operations than new facilities.

One key conclusion causing SCS misalignment, stated at the local and state level, is that MPOs cannot mandate local land use policy changes, and they have only limited discretion for initiating transportation projects, most of which are controlled by other levels of government, with the MPO role being to coordinate and prioritize project spending within regions. This results in

RTP/SCSs in alignment with the state's climate goals, with localities in charge of what projects go where, and how land is organized (i.e. greenfield vs. infill development).

Another similar study of transportation funding streams in California concluded that decision-making, "happens at multiple, often uncoordinated levels, without requirement that those dollars are spent to align with AB 32 or SB 375 implementation." MPOs are working towards more stringent GHG reduction targets, yet they have no choice but to bank on more ambitious state and local action to be able to achieve these more ambitious mandated goals, even though they cannot ensure that desired policies will actually be implemented.

*SANDAG's success:* Despite broad misalignment of MPO planning and funding with the state's climate goals, SANDAG stands apart as a leader in transformative transportation planning. SANDAG's recently approved 2021 Regional Plan strives to preserve land and design communities for both quality of life, and the costs of building and maintaining the infrastructure needed for 3.75 million people by 2050. The 2021 Regional Plan outlines "5 Big Moves," of technology, mobility hubs, first and last mile options, multimodal roads, and flexible transit, and includes over \$270 million in Climate Action Plan implementation grants and \$37 million in Climate Action Plan Monitoring Programs.

The recently approved 2021 Regional plan also includes a robust enhanced habitat conservation vision that anticipates \$3 billion in habitat-related projects over the 30-year period. This includes over \$2 billion for an enhanced habitat conservation, management, and monitoring program, a \$565 million Nature-Based Climate Solutions Program that will promote habitat restoration and carbon sequestration, and \$300–\$500 million of land acquisition and restoration for habitat mitigation of transportation projects.

SANDAG's 2021 Regional plan also includes The Stormwater and Resilience Plan, which includes objectives related to mitigating stormwater runoff and enhancing the resilience and reliability of the transportation system and regional connectivity as it confronts the consequences of climate change and natural hazards. Included are over \$500 million in Nature-Based climate solutions and nearly \$190 million in resilient capital grants and innovative solutions.

Including a Habitat Conservation Vision and Stormwater and Resilience Plan is not a statutory requirement of an SCS. This bill provides needed clarity to ensure SANDAG can implement planning goals and secure funding for a conservation plan that goes beyond the statutory requirement. CARB's implementation of SB 375 has focused on strategies just as these to maximize the "co-benefits" of emissions reductions, such as create economic opportunity, improve public health, or preserve sensitive habitat and ecosystems.

*According to the author,* "The San Diego Association of Governments recently finalized its 2021 Regional Plan, a planning document that considers how the regional will grow, where people will live, and how people will move around the region. This plan must meet state and federal legal obligations in order to be considered compliant and keep the region eligible for funding. AB 2367 provides the clarity necessary for SANDAG to achieve its SCS goals and implement its robust habitat conservation vision and stormwater and resilience plan as outlined in its recently approved 2021 Regional Plan."

*In support*, the San Diego Association of Governments writes, “AB 2367 seeks to align the governing statutes of SANDAG originally put in place by SB 1703 with its current roles and responsibilities as mandated by current state law and clarifies that SANDAG has the authority to implement these planning goals through project development.”

**Double referral:** This bill passed the Assembly Local Government Committee on April 20, 2022 with a XX-XX vote. The author has agreed to a few technical amendments in the Assembly Local Government Committee however, due to timing of committee hearing, the amendments will need to be adopted in this committee. The amendments are as follows:

- a) Page 2, line 7 add “transportation”
- b) Page 2, line 17 change “authority” to “consolidated agency”
- c) Page 2, line 21 add “regional transportation”

*Previous legislation:* SB 32 (Pavley), Chapter 249, Statutes of 2016 extended the GHG target for California by codifying a portion of Executive Order B-30-15, issued by Governor Brown, to reduce GHG emissions 40% below 1990 levels by 2030.

SB 743 (Steinberg), Chapter 386, Statutes of 2013 establishes special administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for the City of Sacramento’s (City’s) proposed entertainment and sports center project (i.e., Sacramento Kings arena) intended to decrease potential impediments to construction of the project. Also revises a previous CEQA streamlining bill (AB 900) to correct legal defects and extend its operation.

SB 375 (Steinberg), Chapter 728 Statutes of 2008 requires RTPs to include an SCS designed to achieve state targets for greenhouse gas reduction and various sustainability goals requires.

SB 1685 (Kehoe), Chapter 83, Statutes of 2008 expands the purposes for which revenues from a countywide, voter-approved retail transaction and use tax (local sales tax) in San Diego County may be used.

AB 32 (Núñez), Chapter 488, Statutes of 2006 requires California to reduce GHG emissions to 1990 levels no later than 2020.

SB 1703 (Peace), Chapter 743, Statutes of 2002 created a consolidated transportation agency in San Diego from existing agencies, including the SANDAG, MTS, and the NCTD, and authorized that agency to assume certain responsibilities.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

San Diego Association of Governments (Sponsor)

### **Opposition**

None on file.

**Analysis Prepared by:** Julia Kingsley / TRANS. / (916) 319-2093