

SB 375 – Transportation Planning-Sustainable Communities Strategy Legislation Potential Issues

As identified by entities throughout the state
(Not necessarily SCCRTC's position)*

General Concerns:

- Land use approval processes need to be streamlined so housing and transportation projects can proceed more quickly.
- Economic vitality and sustainability could be significantly worsened by imposition of further bureaucratic requirements and subsequent delays in the approval processes for housing and transportation projects.
- Efforts to address greenhouse gas emissions should be equitable, coordinated, and effective.

Sustainable Communities Strategy (SCS) Impacts Local Autonomy

- Although the bill specifically states that it does not in any way diminish the authority of local government over land use, it effectively requires local agencies to make planning decisions consistent with a regional 'sustainable communities strategy' (SCS) in order for their transportation projects to be eligible for inclusion into the RTP and, therefore, for state and federal transportation funds. *Suggested amendment: Remove the link between the SCS and eligibility for transportation funding.*
- Regional Transportation Plans are not the appropriate place to regulate land use.
- Requires mandatory SCS, which is different than the voluntary blueprint process many planning agencies are pursuing.
- Potential for creating conflicting State mandates.
- SB 375 creates another layer of land use planning that may not be consistent with local land use plans and priorities.
- SB 375 introduces regional (AMBAG) and state (CTC, ARB, CT) entities into what would otherwise be a local project selection process. *Suggested amendment: Require the regional agency to present the SCS to local officials for discussion and approval prior to adoption as part of the RTP.*
- AMBAG would be granted broader authority to select projects eligible for funding based on the SCS, superceding the RTC's authority to program transportation funds;
- Should amend to allow a county (and the cities within the county) to adopt the SCS for that county – in regions with a multicounty MPO
- Makes no connection between the sustainable community strategy designed by the transportation agencies and the adopted policies, spheres of influence and boundaries of the LAFCoS. Should the bill become law, this will likely result in confusion and conflicting growth policies. *Suggested Amendment: Require the RTPA to consider existing spheres of influence and the LAFCo's most recent municipal service reviews.*
- Does not consider the availability or feasibility of providing efficient local services—other than transportation—in determining growth scenarios or potential boundary changes of local agencies. On numerous occasions, LAFCoS have encountered situations around the state where a city or other applicant sought to increase a sphere for growth but was unable to show how services would be provided. *The requirement for the sustainable community strategy should be consistent with and completed in collaboration with the LAFCo and the state-mandated Municipal Service Reviews.*

**Sources Include: Contra Costa Transportation Authority, Los Angeles Metropolitan Transportation Authority, California State Association of Counties, California Council of Governments, League of Cities, RTC Interagency Technical Advisory Committee members*

- It is not clear in the bill that an SCS is to be based on local land use development assumptions. Although the bill originally provided for a ‘top-down’ land use scenario, that provision has been amended to comply with federal law. However, the implication remains that the regional agency will determine the appropriate land use patterns for the future and that funding for transportation projects will be contingent upon local agencies conforming to the regional plan.
- Does not address inconsistency between the RTP/SCS and the regional housing needs allocation (RHNA) to cities and counties with particular emphasis towards recognition of the designated growth areas
 - The Regional Housing Needs Allocation (RHNA) process is already complicated, mandates growth which increases VMT.
- Nothing requires the SCS to direct growth to existing urbanized areas. Provides no specific protection for resource lands or farmlands since they are to be avoided only if "feasible"
- Should include a rural sustainability element to the RTP/SCS to provide incentives to cities and counties that have designated farmland and resource lands. Also support consideration of financial assistance to counties that contribute towards the SCS goal by adopting city oriented growth policies.
- Needs to allow consistency with habitat conservation plans and required resource protection areas
- Support a definition of urbanized area that recognizes the need for infrastructure investment for new growth within existing urban communities and rural towns, in addition to cities.
- Absence of any entity to determine if general plans or amendments are consistent with the SCS;
- No enforceable standard to counteract the largely economic pressures that lead to sprawl, and may actually be sprawl inducing

Restricts Transportation Projects/Threat of Litigation

- This bill could make GHG emissions reduction the deciding factor in terms of determining where transportation investments will be made. The more conventional factors inherent in transportation planning, such as economic vitality, enhancing mobility, or full consideration of financial, social and political forces largely out of the control of regional transportation planning agencies may become secondary.
- The transportation modeling requirements, particularly the reference to ‘induced growth’ impacts, appears intended to make any capacity-enhancing project (highway, roadway or rail) a potential target of litigation if someone decides it contributes to the ‘wrong’ kind of growth.
- The bill creates significant increased litigation exposure for Regional Transportation Plans (RTPs) and transportation projects. It further complicates the process requirements for delivering infrastructure projects.
- Possible weakening of current CEQA exemptions.
 - Some language may expose local jurisdictions to future CEQA lawsuits on their general plan or at a minimum serve as the statutory template for legislation to require all general plans to comply with the sustainable community strategy.
 - The CEQA relief provided for in the bill, based on ‘tiering’ of environmental analyses in specific instances, does little to benefit more dense, infill projects. For example, it does not prohibit causes of action under CEQA against specified infill developments that meet appropriate criteria (e.g., 20 units per acre, infill within an existing urbanized area, some mix of uses, transit accessibility) at least in the areas of air quality and traffic impacts.
- Strike the language that requires the action element of the RTP to be consistent with the SCS (this language opens the door for litigation against an RTP based on specific projects that may be viewed as negatively impacting GHG emissions reduction);

- Could prohibit delivery of voter-mandated and/or previously approved projects. *Suggested amendment: Exempt projects funded from Proposition 1B, projects in specific future programming cycles and projects which have been specifically included in an expenditure plan for a local sales tax. Broaden the exemption language to exempt sales taxes passed through 2010, and projects funded from a categorical sales taxes, such as those implemented by Metro.*
- ARB targets may be impossible to achieve. Language needed to ensure that any ARB targets are truly the result of a collaborative process with a broad group of stakeholders and not arbitrary. Targets should be advisory rather than mandatory.
- Could affect many parcels of land. Much litigation can be expected in the future over land use definitions used in the legislation. Example: "Floodplains"
- Given the vagueness of definitions in the bill, it may require certain environmental findings to be made on hundreds of parcels. Environmental groups and NIMBYs can be expected to challenge all of these findings in the EIR completed on the regional transportation plan. Count on political gridlock and transportation dollars being held up in lawsuits.
- Lack of clarity about how SB 375 will accomplish VMT reduction

New Models

- Mandates use of new models, as determined by CTC – without funding for new models. *Suggested amendment: Recognize the California Transportation Commission (CTC) RTP guidelines with respect to computer models and reinforce that the guideline are advisory only*
- Need to ensure RTPAs are given the flexibility to apply modeling techniques consistent with their size and resources;
- Modeling tools and data necessary to perform the proposed studies is not uniformly available and that the legislative expectations may exceed practical abilities of many regions.
- Provide that models should review changes in land use patterns likely to result from new transportation infrastructure, rather than the 'induced growth' resulting from highway and rail expansions (this amendment could be expected to reduce exposure to litigation)

Does Not Fully Address Causes of Vehicle Travel/GHG

- The bill only targets new housing development and transportation projects. Broad-based approaches and incentives are needed for both new and existing housing to reduce their "carbon footprint."
- Land use and transportation initiatives to reduce emissions should be coordinated and integrated with other activities and be consistent with the overall framework for implementation of AB 32; they should not be done in isolation.

Supported Elements SB 375:

- Acknowledge the need to address the targets to reduce greenhouse gas emissions (GHG) from the transportation sector through regional approaches.
- Support regional planning (over a one-size-fits all statewide approach) as a means of achieving more efficient growth and effective infrastructure investments in California.
- SB 375 recognizes the need to rely upon member cities and counties within the regions to develop strategic growth plans referred to as sustainable communities strategies within the context of long-range transportation plans to strive towards accomplishing the voluntary regional GHG targets

Note: The bill's author has considered and rejected proposed amendments that address many of these concerns, however discussion of these issues continues.