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Impacts of SB 375 on Transportation

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Division of Transportation Planning

Overview

This paper summarizes the transportation related statutory changes as a result of SB 375, which was signed into law by the Governor on September 30, 2008. The paper is intended to provide information to Caltrans staff and others in the transportation sector on the impacts of this bill. A chaptered copy of SB 375 can be found at the link below:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.pdf

Several other organizations such as the California State Association of Counties (CSAC) and the League of California Cities have prepared summaries of SB 375 as well.

The summary below is formatted just as the bill itself is laid out to allow the reader to review the actual details of SB 375 if desired. The language in SB 375 addresses three primary areas:

1. Requires the California Air Resources Board (ARB) to develop regional greenhouse gas (GHG) emission reduction targets for cars and light trucks for each of the 18 Metropolitan Planning Organizations (MPOs).
2. Through their planning processes, each of the MPOs are required to develop plans to meet their regional GHG reduction target. This would be accomplished through either the financially constrained sustainable communities strategy as part of their regional transportation plan (RTP) or an unconstrained alternative planning strategy.
3. Provides streamlining of California Environmental Quality Act (CEQA) requirements for specific residential and mixed-use developments.

SB 375 is directed towards the MPOs in California. This bill does not impact counties located outside an MPO boundary. A map identifying the MPO boundaries is located on page 17. California MPOs are:

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| 1. Southern California Assoc. of Governments (SCAG) | 10. Tulare County Assoc. of Governments (TCAG) |
| 2. Metropolitan Transportation Commission (MTC) | 11. Santa Barbara County Assoc. of Governments (SBCAG) |
| 3. San Diego Assoc. of Governments (SANDAG) | 12. Merced County Assoc. of Governments (MCAG) |
| 4. Sacramento Area Council of Governments (SACOG) | 13. San Luis Obispo Council of Governments (SLOCOG) |
| 5. Council of Fresno County Governments (COFCG) | 14. Butte County Assoc. of Governments (BCAG) |
| 6. Kern Council of Governments (KCOG) | 15. Kings County Assoc. of Governments (KCAG) |
| 7. San Joaquin Council of Governments (SJCOG) | 16. Shasta County Reg. Trans. Planning Agency (SCRTPA) |
| 8. Assoc. of Monterey Bay Area Governments (AMBAG) | 17. Madera County Transportation Commission (MCTC) |
| 9. Stanislaus Council of Governments (StanCOG) | 18. Tahoe Metropolitan Planning Organization (TMPO) |



Added Government Code Section 14522.1:**Changes to the RTP Guidelines and Development of RTPs**

1. The CTC in consultation with Caltrans and ARB shall ensure the RTP Guidelines addresses travel demand models used by MPOs in the development of their RTPs.
2. Whenever the RTP Guidelines are revised, the CTC shall convene an advisory committee that includes the following representatives: MPOs, Caltrans, organizations familiar with travel demand models, local governments, and representatives of environmental and community groups.
3. Prior to adopting the amended RTP Guidelines, during regular CTC meetings, CTC shall hold two workshops – one on northern and the other in the southern part of the state.
4. The RTP Guidelines shall, at a minimum and to the extent practicable (taking into account MPO size and resources available) account for all of the following: A) relationship between land use density/vehicle ownership and VMT; B) Impact of enhanced transit service levels on vehicle ownership and VMT; C) Changes in travel and land development likely to develop as a result of highway and passenger rail expansion; D) Mode split (including bicycle and pedestrian) within the region; E) Transit operations (frequency, speed, days, hours, etc.).

Added Government Code Section 14522.2:

1. MPOs are required to disseminate the methodologies used in the development of their regional models in an understandable format.
2. Other transportation agencies, cities and counties are encouraged to use the same transportation models as the MPOs.

Amended Government Code 65080:

1. The RTP shall be “internally consistent”. All required elements of the RTP must be consistent with one another.
2. MPOs are required to prepare a sustainable communities strategy (SCS) as part of their RTP. RTPAs (rural areas) outside of an MPO boundary are not required to prepare an SCS or address greenhouse gas (GHG) reduction issues in their RTPs.



Amended Government Code 65080:**Regional Greenhouse Gas Emission Reduction Targets**

1. No later than Sept. 30, 2010, the ARB shall provide each MPO with a regional GHG emission reduction targets for car and light trucks for the years 2020 and 2035.
2. No later than Jan. 31, 2009, ARB shall appoint a Regional Targets Advisory Committee. This committee will recommend the methodologies and factors to be used in the development of regional GHG reduction targets. The committee is composed of representatives of MPOs, air quality management districts (AQMD), League of Calif. Cities, Calif. Assoc. of Counties, local transportation agencies, members of the public, homebuilders, environmental groups, planning organizations, EJ groups, affordable housing organizations and others.
3. The committee must submit a report to the ARB by Sept. 30, 2009. This report would include any relevant issues such as: data needs; modeling techniques; growth forecasts; jobs-housing balance; interregional travel; various land use/transportation issues impacting GHG emissions; and overall issues relating to setting these targets.
4. Prior to setting the GHG emission reduction target for each MPO, the ARB shall exchange technical information with the specific MPO and AQMD. The MPO may recommend a target.
5. The ARB must release draft targets by June 30, 2010. Each MPO is required to hold at least one public workshop regarding their draft target and the report prepared by the Regional Targets Advisory Committee.
6. When developing these targets, ARB must factor in improved vehicle emission standards; changes in fuel composition; other measures that will reduce GHG emissions; and prospective measures that ARB plans on adopting to reduce GHG emissions.
7. ARB must update the regional targets every eight years, however they may update the targets every four years. The update of the targets will be consistent with each MPOs update of their RTPs. During these updates, ARB shall exchange information with Caltrans, MPOs, local governments, AQMDs and also consult with public and private stakeholders.
8. The regional targets may be expressed in gross tons, tons per capita, tons per household, or any other metric deemed appropriate by the ARB.

Amended Government Code 65080:**Sustainable Communities Strategy (SCS)**

1. As part of its RTP, each MPO shall prepare a SCS subject to the requirements of 23 CFR Part 450 (Planning Assistance & Standards) and 40 CFR Part 93 (Determining Conformity of Federal Actions to State or Federal Implementation Plans). It should also use the most recent



local general plans and other planning assumptions. The SCS would identify how to reduce regional GHG emissions from cars and light trucks taking into account future land use and planned transportation projects.

Note: The SCS must be financially constrained, meaning any transportation project the MPO includes in the RTP to address GHG emission reductions must be within the 20-year estimate of funds available.

2. Over the course of the 20 plus years of the RTP, the SCS shall identify general land use assumptions such as residential densities; identify areas within the region sufficient to house all the regional population – including low income; population growth, number of persons per household; employment growth.
3. The SCS must identify the areas within the region sufficient to house an eight-year projection of the regional housing need developed by HCD. The state housing goals are specified in Government Codes 65580 and 65581.
4. The SCS must also identify the transportation network needed to accommodate the transportation needs of the region.
5. It must also address the best information available regarding resource areas and farmland within the region.
6. Within the San Francisco Bay Area, ABAG has the designated responsibility to address the land use/housing portions of the SCS and MTC shall address the transportation portions.
7. Role of RTPAs – When a council of governments or county transportation commission is located within the boundaries of an MPO, that sub region may work with the MPO in preparing the SCS or the alternative planning strategy (APS). (More details on the APS later.) If the MPO chooses, a sub regional SCS or APS may be prepared. For example, the Riverside County Transportation Commission may prepare their portion of the SCS or APS for the SCAG region. The MPO must develop the SCS or APS guidelines and public participation criteria for their sub regions in order to ensure region wide consistency. However, the MPO is still responsible for the overall GHG reduction attainment.
8. Informing locally elected officials – In order to inform locally elected officials on the draft SCS or APS, the MPO must hold one or two meetings with those groups. The MPO shall conduct a minimum of two informational meetings within each of its counties for members of the board of supervisors and city councils on the SCS and APS. One meeting would be ok if a majority of board of supervisors and city council representatives are in attendance. The MPO would obtain input and comments on the SCS and APS.
9. Public participation – Input from the public is an important component of the SCS/APS process. Each MPO must adopt a public participation plan (PPP) prior to the adoption of an SCS/APS. The existing PPP used for the RTP may be modified to include the SCS/APS. However the PPP must address the following: A) Identify efforts to include a wide range of



groups such as environmental, community, building and business representatives; B) Consultation with congestion management agencies and transportation commissions; C) Workshops providing the public with clear understanding of the issues and how they would be addressed in the SCS/APS. At least one workshop will be held in each county – three workshops must be held for counties with a greater than 500,000 population. Visualization techniques such as maps and computer graphics shall be used at these workshops; D) The PPP will also discuss how draft and final SCS/APS will be prepared and circulated; E) If the MPO is comprised of a single county, two public hearings on the SCS/APS will be held, at least three will be held in a multi-county MPO, these hearings should be held in different parts of the MPO to ensure the maximum amount of participation. Notices of these public hearings should be distributed to the public in a manner to allow for the wide scale notification.

10. When preparing the SCS, the MPO shall consider spheres of influence that have been adopted by local agency formation commissions within its region.
11. The MPO shall quantify the reduction in GHG emissions projected to be achieved in the SCS. The SCS will also identify the difference between the regional GHG target set forth by the ARB and the target identified in the SCS.
12. Two or more of the eight MPOs located in the San Joaquin Valley may have multi-county goals and policies contained in their SCS or APS. They may also have one SCS or APS for the entire San Joaquin Valley.

Note: Per current language, other MPOs outside of the San Joaquin Valley are not specifically identified allowing them to collaborate on a multi-region SCS as well.

Alternative Planning Strategy (APS)

1. If the SCS is unable to reduce GHG emission to achieve ARB's regional target, the MPO must prepare an APS. The APS is a separate from the SCS and RTP, but it may be adopted by the MPO at the same time as the RTP.
2. The APS would specify how the MPO could achieve the GHG target through alternative development patterns, infrastructure, or additional transportation measures or policies.
3. The APS shall address the following: A) The principle impediments to achieving the GHG reduction targets identified by the ARB; B) The APS may include an alternative land use development pattern other to what was addressed in the SCS; C) The APS would also describe how GHG emission reduction targets could be achieved by implementing the APS, and why the land use development pattern, measures and policies are the most practicable to achieve these reduction targets; D) To the extent possible, the APS would comply with federal regulations except to the extent that compliance will prevent achievement of the GHG reduction targets; E) Unlike the RTP, the APS will not be financially constrained and not identify specific transportation projects to be programmed in the MPOs TIP, therefore it is exempt from any CEQA requirements



Note: The APS is not financially constrained – this means the MPO can identify transportation projects that would reduce their regional GHG emissions IF additional funds were ever made available. This allows the MPO to identify various land use/transportation scenarios they can't afford to pay for.

MPOs Communication With ARB on its Assumptions to Achieve the Target

1. Prior to starting its public participation process for the SCS or APS, the MPO must submit its technical methodology (such as modeling) on how it's going to estimate the regional GHG emissions. The ARB must respond back to the MPO in a "timely manner" with written comments. The MPO is encouraged to work with ARB until the ARB concludes this technological methodology operates accurately.

Submitting SCS/APS to ARB for Review

1. After adoption of an SCS or APS, the MPO will submit the document to the ARB for review. This would include projected GHG emission reductions and the modeling methodology used to achieve these reductions. ARB has 60 days to review the document and provide comments back to the MPO. ARB is limited to either accepting or rejecting the SCS/APS.
2. If the ARB determines the SCS/APS would not achieve the GHG reduction targets, the MPO would have to revise the SCS or prepare an APS that would achieve these targets, this would have to be resubmitted to ARB. The MPO must obtain ARB's acceptance of their SCS/APS.

State Approval of SCS/APS Not Necessary – Continued Control of Local Land Use Authority

1. Neither the SCS nor APS are subject to any state approval.

Note: This seems to somewhat contradict the requirement earlier where the MPO must submit their SCS or APS to ARB for review and comment.

2. Government Code Section 65080 will be very explicit that neither the SCS nor APS can supersede the land use authority of a city or county. There is no requirement that a city's or counties general plan must conform to the RTP.

Programmed Projects

1. Any transportation projects contained in the 2007 or 2009 FSTIP and have been programmed by December 31, 2011 are not required to conform to the SCS or included in any regional GHG modeling.
2. Projects funded by locally funded sales tax measures – Transportation projects are also exempt from the SCS if the projects contain any local sales tax funds listed on the ballot measure prior to December 31, 2008. If a local sales tax measure to fund transportation projects is approved by the voters prior to December 31, 2010, those projects shall also be exempt from any SCS requirements.



RTP Update Cycle

1. MPOs located in federally designated air quality attainment areas and all RTPAs must update their RTP at least every 5 years. This bill states they may update every 4 years. If these MPOs or impacted RTPAs decide to update their RTPs every 4 years, they must make that decision by June 1, 2009, or 4.5 years (54 months) prior to the statutory deadline for adoption of the housing elements.

Note: The U.S. EPA may be re-designating AMBAG, Santa Barbara and Shasta as nonattainment in 2010.

Financial Incentives

1. The MPO or RTPA preparing the RTP and SCS/APS shall consider “financial incentives” that have resource areas or farmland as defined in G.C. Section 65080.01. These incentives would be in the form of transportation funds for city and county roads. The MPO or RTPA shall also consider financial assistance for counties that contribute towards GHG reduction targets by implementing policies for growth to occur in their cities.

Note: This language allows MPOs to reward cities or counties with transportation funds that implement GHG reduction policies such as in-fill housing projects. Preferential treatment could be given to those cities or counties.

Added Government Code Section 65080.01

Several Terms are Defined

These are summaries of the terms:

- Resource Areas – Essentially parks and open spaces protected by various conservation plans. Ag easements are also included.
- Farmland – Land classified as prime or unique farmland outside of city limits and spheres.
- Feasible – Capable of being accomplished in a successful manner within a reasonable amount of time, taking into account economic, environmental, legal, social and technical factors.
- Consistent – Same meaning that is used in 23 U.S.C. Section 134 (Metropolitan Planning)
- Internally Consistent – All the contents of the RTP are consistent with one another. The SCS must be consistent with the other sections of the RTP.

Note: See any analysis prepared by the Dept. of Housing and Community Development (HCD) for changes to the below Government Code impacting housing issues.

- Amended Government Code Section 65400 (Administration of General Plans)
- Amended Government Code Section 65583 (Housing Elements)
- Amended Government Code Section 65584.01 (Housing Elements)



- Amended Government Code Section 65584.02 (Housing Elements)
 - Amended Government Code Section 65584.04 (Housing Elements)
 - Amended Government Code Section 65587 (Housing Elements)
 - Amended Government Code Section 65588 (Housing Elements)
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Amended Public Resources Code Section 21061.3

1. The definition of an “infill site” is expanded to include that the site has not been previously developed for urban uses.
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Added Chapter 4.2 of Division 13 (commencing with Section 21155) to the Public Resources Code

1. This chapter only applies to transit priority projects that are consistent with the general use designation, density, building intensity and applicable policies in either the SCS or APS.
Note: Chapter 42 however, in Public Resources Code Section 21159.28, includes CEQA exemptions for “75% residential-use projects” that are not transit priority projects.
2. A transit priority project shall contain:
 - A) At least 50% residential use, based on total building square footage and if the project contains between 26% and 50% nonresidential uses, plus a floor ratio of not less than 0.75. (Along with some further specifications);
 - B) Provide a minimum net density of at least 20 dwelling units per acre;
 - C) Be within one-half mile of a major transit stop or high-quality transit corridor included in an RTP (a transit stop is defined as a site that has an existing rail transit station or ferry terminal served by transit, or an intersection of two or more major bus routes with 15 minute headways during peak commute periods). The major transit stop must also be included in the RTP.
3. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25% of their area farther than one-half mile from the stop or corridor and if not more than 10% of the residential units or 100 units whichever is less in the project are further than one-half mile from the stop or corridor.
4. After conducting a public hearing, if the city or county determines a project meets the criteria for a transit priority project it will be declared a sustainable communities project and shall be exempt from further CEQA considerations.



5. The transit priority project must comply with the following environmental criteria:
 - A) The transit priority project and other projects approved prior to the approval of the transit priority project but not yet built can be adequately served by existing utilities and the project applicant has paid, or has committed to pay, all applicable in-lieu development fees;
 - B) The site of the transit priority project does not contain wetlands or environmentally sensitive areas;
 - C) The site of the transit priority project is not included in any list of facilities and sites compiled pursuant to Government Code Section 65962.5.
6. The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to ensure the site will not endanger future occupants of the site. If contaminants are found on the site, they must be mitigated to acceptable State and federal criteria.
7. In order to be exempt from CEQA requirements, the transit priority project must not have a significant impact on historical resources.
8. To be exempt, the project must also not be subject to any of the following:
 - A) A wild land fire hazard – as determined by the California Department of Forestry and Fire Protection, unless the general plan contains provisions to mitigate the risk of a wild land fire hazard;
 - B) If there is a high risk of fire or explosion from materials stored on a nearby site;
 - C) Public health risk;
 - D) Seismic risk;
 - E) Landslide, flood risks.
9. “Wetlands” - “riparian areas” – “wildlife habitat” and “habitat of significant value” are defined.
10. “Developed open space” means land that meets all of the following:
 - A) The land is publicly owned, or financed in whole or in part by public funds;
 - B) Its generally open and available for public use;
 - C) The land does not currently have any structural development other than playgrounds, pools, park facilities, etc;
 - D) “Developed open space” includes land that has been designated for acquisition by a public agency for open space, but does not include lands acquired with public funds dedicated to the acquisition of land for housing purposes;
 - E) Any buildings in the transit priority project are 15% more energy efficient than required by current statute and use 25% less water than the average household in the region.
11. The transit priority project must also meet all of the following land use criteria:
 - A) The site of the transit priority project is not more than 8 acres in total area;
 - B) The project does not contain more than 200 residential units;
 - C) The project does not result in any net loss in the number of affordable housing units within the project area;



- D) The transit priority project does not include any single level building that exceeds 75,000 square feet;
- E) Must include any applicable mitigation measures, performance measures, or criteria set forth in prior EIR's;
- F) The project does not conflict with nearby operating industrial uses;
- G) The project is located within one-half mile of a rail station or ferry terminal included in an RTP or within one-quarter mile of a high-quality

12. The transit priority project must meet at least one of the following three criteria:

- A) At least 20% of the housing will be sold to families of moderate income, or not less than 10% of the housing will be rented to families of low income, or not less than 5% of the housing is rented to families of very low income. The project developer must also provide legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low and moderate income with an affordable rent as defined in Health and Safety Code Section 50052.5 – this would last for the period required by the applicable financing, and rental units for 55 years.
- B) The project developer has or will pay in-lieu fees according to local ordinance in an amount sufficient to pay for low income housing in another area;
- C) The project provides public open space equal or greater than 5 acres per 1,000 residents of the project.

Adds Public Resources Code Section 21155.2

1. A transit priority project that has incorporated all feasible mitigation measures, performance standards, or criteria identified in the EIR will be eligible for either one of the following:

- A) A transit priority project that satisfies the land use criteria identified in #11 above may be reviewed through a sustainable communities environmental assessment as follows:
 - An initial study shall be prepared to identify all potentially or significant impacts of the transit priority project other than those that do not need to be reviewed pursuant to Public Resources Code Section 21159.28 (summarized later in this paper) based on the entire project.
 - The sustainable communities environmental assessment shall be circulated for a 30-day public comment period.
 - The sustainable communities environmental assessment shall contain measures that either avoid or mitigate all potential significant effects of the project.
 - Prior to acting on the sustainable communities environmental assessment, the lead agency shall consider all comments received on the EIR.
 - The environmental assessment may be approved by the lead agency after conducting a public hearing, reviewing the comments received and: all potentially significant required to be identified in the initial study has been analyzed.
 - The lead agency may only charge up to \$500 fees to the developer for review of the EIR.



- The lead agency decision to review and approve a transit priority project with a sustainable communities environmental assessment shall be reviewed under the substantial evidence standard.

B) A transit priority project that satisfies the land use requirements identified in #11 above may be reviewed by an EIR with all of the following:

- An initial study shall be prepared to identify all significant or potentially significant effects of the transit priority project other than those that do not need to be reviewed pursuant to Public Resources Code 21159.28 (summarized later). The initial study shall identify any cumulative effects that have been adequately addressed and mitigated in prior certified EIRs.
- An EIR prepared according to this section need only address the significant or potentially significant effects of the transit priority project on the environment. It is not required to analyze off-site alternatives to the transit priority project.

Adds Public Resources Code Section 21155.3

1. A city or county may adopt traffic mitigation measures that would apply to transit priority projects. The measures shall be adopted or amended after a public hearing and may include requirements for the installation of traffic control improvements, street or road improvements, and contributions to road improvements or transit funds, transit passes for future residents, or other measures that will avoid or mitigate the traffic impacts of those transit priority projects.
2. A transit priority project that is seeking a discretionary approval is not required to comply with any additional mitigation measures required by paragraph (1) or (2) of subdivision (a) of Public Resources Code Section 21081 for traffic impacts of the project on intersections, streets, highways, freeways, or mass transit if the local jurisdiction issuing the discretionary approval has adopted traffic mitigation measures as specified in Section 21155.3 are addressed. The local jurisdiction is allowed to adopt feasible mitigation measures for impacts on public health, pedestrian or bicycle safety of the project.
3. The cities and counties shall review their traffic mitigation measures every five years and update them as necessary.

Adds Public Resources Code Section 21159.28

1. If a residential or mixed-use residential project is consistent with either the sustainable communities strategy or alternative planning strategy prepared by the MPO and approved by the ARB; the project incorporates the mitigation measures as required by an applicable prior environmental document, that any further environmental documentation shall not be required to address growth inducing impacts or any project specific or cumulative impacts from cars and light-duty trucks on global warming or the regional transportation network.

Note: “Applicable prior environmental documentation” is unclear.



2. Any EIR prepared for a project described above in this Section shall not be required to address a reduced residential density alternative to address the effects of car or light truck trips generated by the project
3. “Regional transportation network” means all existing and proposed transportation system improvements, including the state transportation system that was included in the RTPs transportation and air quality conformity model, but shall not include local streets and roads. The project developer is NOT relieved from the requirement to comply with any conditions, exactions, or fees for the mitigation of the project’s impacts on the structure, safety or operations of the regional transportation network or local streets and roads.
4. A residential or mixed-use residential project is a project where 75% of the total building square footage of the project consists of residential use or a project that is a transit priority project as defined in Public Resources Code Section 21155.
5. Local agencies and schools may apply for reimbursement from the Commission on State Mandates to recover costs associated with implementation of this bill. MPOs and Councils of Governments (COGs) are not eligible for reimbursement.



SB 375 – Transportation Related FAQ's

General

1. **Does SB 375 impact all regional transportation planning agencies in California?**

No, the language in the bill specifically states that only federally designated Metropolitan Transportation Organizations (MPOs) are required to comply with the provisions of the bill. That means the MPO must address how they are going to reach their regional GHG reduction target as set by the California Air Resources Board (ARB). Regional transportation agencies located outside of a federally designated MPO will not have an ARB regional GHG emission reduction target.

2. **How many MPOs are there in California?**

There are 18 MPOs in the state; they are identified on page 1 of this summary paper

3. **What would be a very short description of the impacts of this bill?**

SB 375 primarily addresses three issues:

- By 2010, requires ARB to set regional GHG reduction targets, each MPO would have to develop plans to achieve those targets.
- As part of their RTP, each MPO would be required to prepare a financially constrained “sustainable communities strategy” to outline how the region would achieve their regional GHG reduction target. If the MPO were able to determine they could not meet their regional target, the MPO would prepare a financially unconstrained “alternative planning strategy”. The alternative planning strategy would not be part of the RTP.
- Specific residential and mixed-use developments would be exempt from a number of CEQA requirements. These projects would have to be consistent with either the sustainable communities strategy or alternative planning strategy. This provision was included to make in-fill developments more attractive to developers rather than on the expansion in open space in the urban periphery.

4. **How does the passage of SB 375 affect Corridor System Management Plans (CSMPs)? Should all CSMPs have a "Green House Gas" component or is it enough to be integrated into the Regional analysis?**

A "green house component" could be added in the CSMP, as the larger regional models might not be able to capture or are not adequate (sensitive) to quantify localized benefits provided by a project or ITS strategies along a corridor. Current thinking is the first generation of CSMPs will not have an analysis of localized GHG impacts. This may vary by corridor based upon availability of analysis capabilities.

5. **Does SB 375 contain any penalties if an MPO is unable to meet their regional GHG reduction target?**

No. The bill did not identify any penalties that ARB could levy against an MPO if the regional target was not met.



SB 375 Transportation Related FAQ's (cont.)

6. **When will SB 375, as currently written, begin to affect the Caltrans LD-IGR Program?**

Although this bill takes effect as of January 1, 2009, changes to local agency general plans and regional transportation plans (RTPs) may take years to create due to all the steps that must be taken. As we usually stress, it will be important for local development program staff to provide early coordination evaluations and data to both local agencies and Caltrans internal functions, prior to the CEQA clearance stages for approval of RTPs and general, specific and community plans. These revised documents will (hopefully) be prepared in conjunction with Air Resources Board (ARB) targets. The ARB will be releasing draft emission reduction targets by June 30, 2010. Each MPO is required to hold at least one public workshop regarding their draft target and the report prepared by the Regional Targets Advisory Committee. In addition, each MPO must adopt a public participation plan (PPP) prior to the adoption of an SCS/APS. In the nearer future however, Caltrans traffic modelers may be seeking our assistance to develop revised regional approaches to travel demand forecasting.

7. **Is the approval of the SCS/APS subject to CEQA?**

Yes, in that the RTP must obtain CEQA clearance prior to adoption. However, since there is no requirement that a city or county general plan must conform to the RTP, and since neither the SCS nor APS can supersede the land use authority of a city or county, that CEQA clearance may not be the last word on whether a local development project can proceed.

8. **How will SB 375 impact Caltrans in its role as Responsible Agency under CEQA for the review of SCS projects that will require Caltrans Encroachment permits?**

Caltrans District Planning Branches will continue to conduct Responsible Agency review of CEQA documents prepared by Lead Agencies for projects that will require a Caltrans encroachment permit. The environmental documents that could be sent for our review might include standard documents (NDs, MNDs, and EIRs) or, for certain qualifying infill residential and mixed-use SCS or APS projects consistent with an approved RTP, a "Sustainable Communities Environmental Assessment"(SCEA) documents. Under the SCEA streamlined review, two types of projects may qualify for either a full exemption (size and location constrained transit priority projects) or less stringent evaluation (minimum 75% residential). If significant site specific traffic impacts are identified to the State Highway System (SHS) as a result of an SCS/APS project that is not needing a Caltrans encroachment permit, Caltrans will not be able to require project-level mitigation for those traffic impacts beyond what has already been approved by the city or county. The potential for both direct and indirect traffic impacts to the SHS by these SCS/APS projects exists, and the bill does not provide a clear method for Caltrans to ensure significant impacts are fully mitigated at the project level.



SB 375 Transportation Related FAQ's (cont.)

9. If a project proposal has been addressed in an RTP that has developed an SCS or an APS, is it exempt from CEQA?

Perhaps yes. Future proposed infill developments may be subject to only a 'streamlined' review under a sustainable communities environmental assessment if they are 'consistent' with the SCS/APS, and are either a transit priority project (subject to defined size and other constraints), or any size mixed-use project that has at least 75% of its building square footage as residential. As long as the ARB compliant RTP has been CEQA cleared, and any identified (and lead agency acceptable) mitigation has been adopted with it, neither growth impacts, nor site specific and cumulative impacts on global warming or the regional transportation network will need to be additionally referenced, discussed, analyzed or mitigated. However, since project developers are not relieved from the requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety or operations of the regional transportation network (including state highways) or local streets and roads, an encroachment permit may be needed and the project could be subject to an adopted transportation impact mitigation fee program.

Financial and Caltrans/MPO Resource Issues

10. Is there any funding available for costs incurred for either MPOs or Caltrans in order to implement SB 375?

The bill did not contain any funding to reimburse MPOs for costs incurred for their regional GHG reduction planning efforts. Caltrans staff will continue their level of participation on this effort that begun under the Regional Blueprint Planning Program.

11. What are the incentives and enforcement aspects of SB 375 that MPOs have in order to ensure that cities and counties comply with the sustainable communities strategy?

SB 375 states that MPOs should consider "financial incentives" to encourage cities and counties comply with regional growth patterns as identified by the MPO. This means the MPO could only fund local transportation projects in cities and counties that adhere to MPOs regional plan. However given that MPO board members is usually made up of locally elected officials, it is unsure if MPOs would in fact withhold transportation funds from non-compliant cities and counties.

12. How will SB 375 affect future funding of transportation planning efforts and projects?

Proposed transportation projects that may increase GHG emissions have come under increased scrutiny as a result of AB 32 – the California Global Warming Solutions Act of 2006. The realization that any future transportation projects must consider GHG issues came to the forefront prior to the passage of SB 375. SB 375 just further confirms that global warming issues must be addressed during the transportation planning process. All transportation agencies (including MPOs) that program transportation projects will have to consider GHG impacts.



SB 375 Transportation Related FAQ's (cont.)

13. Will implementing all the facets of SB 375 require additional Caltrans staffing resources?

The ultimate staffing impacts to Caltrans is unknown. However Caltrans staff statewide has been participating in the Regional Blueprint Planning Program, this level of staff participation will carryover to SB 375 implementation. The ultimate IGR/CEQA impacts to Caltrans staff still needs to be determined.

14. Are there additional tasks required due to SB 375 for Caltrans' project specific capital delivery?

Additional analysis and consideration to possible increased GHG emissions will have to given during the transportation planning/programming process. Specific information is being developed to provide guidance to Caltrans staff on these issues.

CALIFORNIA

Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)



- AMBAG¹ Association of Monterey Bay Area Governments
- BCAG Butte County Association of Governments
- COFCG Council of Fresno County of Governments
- KCAG Kings County Association of Governments
- KCOG Kern Council of Governments
- MCAG Merced County Association of Governments
- MCTC Madera County Transportation Commission
- MT² Metropolitan Transportation Commission
- SACOG³ Sacramento Area Council of Governments
- SANDAG San Diego Association of Governments
- SJCOC San Joaquin Council of Governments
- SLOCOG San Luis Obispo Council of Governments
- SBCAG Santa Barbara County Association of Governments
- SCRTPA Shasta County Regional Transportation Planning Agency
- SCAG⁴ Southern California Association of Governments
- StanCOG Stanislaus Council of Governments
- TCAG Tulare County Association of Governments
- TMPO Tahoe Metropolitan Planning Organization

¹AMBAG includes SCRTTC, TAMC, and SBtCOG. All retain RTPA status.

²MTC covers a nine county region.

³SACOG is the RTPA for Sacramento, Sutter, Yolo, and Yuba Counties. It is the MPO for the federally designated ozone non-attainment area in Sacramento, Yolo, Yuba, Sutter, Placer, and El Dorado Counties. Placer and El Dorado Counties retain RTPA status up to the crest of the Sierras.

⁴SCAG covers a six county region. Five of which are County Transportation Commissions: LACMTA, OCTA, RCTC, SBCTC, and VCTC.

RTPAs within MPOs
 MPO Areas
 Non-MPO Rural RTPA Areas

