

Date of Hearing: April 20, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, 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 may 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 the implementation authority described in 1) above, 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 authorize that agency to assume certain responsibilities, including the development of a RTP.
- 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 an SCS designed to achieve the California Air Resource Board (ARB) targets for greenhouse gas (GHG) emission reductions.
- 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 and the Department of Transportation an updated RTP every four or five years, as specified, and before adoption of the RTP, a public hearing shall be held.

FISCAL EFFECT: None.

COMMENTS:

- 1) **SANDAG.** SB 1703 (Peace), Chapter 743, Statutes of 2002, created a consolidated transportation agency in San Diego from existing agencies, including SANDAG, MTS, and NCTD, and authorized that agency to assume certain responsibilities. SANDAG is now the consolidated agency responsible for many public transit and long-term transportation planning and programming responsibilities that formerly resided with MTS and NCTD boards. SB 1703 established the general authority and powers of the revamped SANDAG in an attempt to create an agency with the power to develop a comprehensive regional public transportation system. In addition to the planning functions, SB 1703 transferred project development and construction activities to SANDAG, except on certain existing projects, and sought to refocus MTS and NCTD primarily as agencies operating public transit services.

SANDAG is the regional transportation planning agency for San Diego County and under federal law is the MPO for the region. SANDAG also manages a local, voter approved half-percent transportation sales tax. SANDAG has a broad scope of authority.

- 2) **RTPs and SCSs.** The Global Warming Solutions Act, AB 32 (Núñez), Chapter 488, Statutes of 2006, required California to reduce GHG emissions to 1990 levels no later than 2020. 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.

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.

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. ARB 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.

- 3) **Bill Summary and Author's Statement.** This bill specifies that SANDAG may implement every component of its RTP, and it may exercise its bonding authority to implement any component of the RTP. SANDAG is the sponsor of this bill.

According to the author, “The San Diego Association of Governments recently finalized its 2021 Regional Plan, a planning document that considers how the region 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.

“Within the regional plan, the Sustainable Communities Strategy (SCS) details how the region will meet its greenhouse gas reduction targets set by the California Air Resources Board, SB 375 Areas for transit priority projects, SB 743 transit priority areas, and a resource management plan. Among the projects and programs included in the SCS are 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.

“The Stormwater and Resilience Plan within the resource management plan 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.

“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.”

- 4) **Previous Legislation.** SB 375 (Steinberg), Chapter 728, Statutes of 2008, required MPOs to include SCSs, as defined, in their RTPs for the purpose of reducing greenhouse gas emissions, aligned planning for transportation and housing, and created specified incentives for the implementation of the strategies.

SB 743 (Steinberg), Chapter 386, Statutes of 2013, established a new CEQA exemption for residential, mixed-use, and "employment center" projects, as defined, located within "transit priority areas," as defined, if the project is consistent with an adopted specific plan and specified elements of a sustainable communities strategy or alternative planning strategy adopted pursuant to SB 375 (Steinberg), among other provisions.

- 5) **Arguments in Support.** According to the sponsors, “The bill would provide statutory clarity and authorization for SANDAG to implement critical aspects of its Sustainable Communities Strategy (SCS), Stormwater and Resilience Plan, and Habitat Conservation Vision, in accordance with state mandates and as included in SANDAG’s 2021 Regional Plan (Plan). The approved Plan includes a robust enhanced habitat conservation vision that anticipates \$3 billion in habitat-related projects over the 30-year period.

“SANDAG is unique among Metropolitan Planning Organizations in that it is created in state statute, and changes to governance require an act of the legislature. However, while the role and responsibilities of Metropolitan Planning Organizations have been enhanced over time, the original governing statutes of SANDAG have not yet been fully updated.

“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. The legislation 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.”

- 6) **Arguments in Opposition.** None on file.
- 7) **Technical Amendments.** The author has agreed to a few technical amendments. However, due to timing of committee hearings, the amendments will need to be adopted in the Assembly Transportation 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”
- 8) **Double-Referred.** This bill has been double-referred to the Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

SANDAG [SPONSOR]

Opposition

None on file

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