

Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1147 (Friedman) – As Amended March 18, 2021

**SUBJECT:** Regional transportation plan: Active Transportation Program

**SUMMARY:** Requires each Metropolitan Planning Organization (MPO) to submit a 2035 target action plan by July 1, 2023, to identify barriers in meeting regional greenhouse gas (GHG) emissions reduction targets and establishes the Sustainable Communities Strategy (SCS) Block Grant Program.

**EXISTING LAW:**

- 1) Pursuant to Federal law, requires any urbanized area with a population greater than 50,000 to establish an MPO that is responsible for ensuring that regional transportation planning is cohesive across local jurisdictions.
- 2) Establishes the statewide goal of reducing GHG emissions to 40% below 1990 level by December 31, 2030.
- 3) Requires transportation planning agencies to prepare and adopt regional transportation plans (RTP) that, with specifications, achieve a coordinated and balanced regional transportation system.
- 4) Requires each MPO to prepare an SCS as a part of the RTP. SCS forecasts a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from automobiles and light trucks to achieve, if feasible, the GHG emissions reduction targets approved by the Air Resources Board (ARB).
- 5) Requires ARB, every four to eight years, to work with the MPOs to set regional GHG emission reduction targets.
- 6) Requires ARB to prepare a report, every four years, which assesses progress made by each MPO in meeting the regional GHG emissions reduction targets set by ARB.
- 7) Requires ARB to prepare a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions.
- 8) Requires the Strategic Growth Council (SGC) to submit, by January 31, 2022, a report containing an overview of the California Transportation Plan (CTP) and all SCSs and alternative planning strategies (APS) and an assessment of how the implementation of all these plans will influence the configuration of the statewide integrated multimodal transportation system.
- 9) Establishes the Active Transportation Program (ATP) in the California Department of Transportation (Caltrans) for the purposes of encouraging increased use of active modes of transportation, such as biking and walking. ATP is funded by state and federal funds appropriated to Caltrans, for allocation by the California Transportation Commission (CTC).

**THIS BILL:**

- 1) Requires each MPO to submit data every four years to the ARB that delineates how transportation funds have been spent in relation to the SCS, including the amount of transportation funding committed and spent for each transportation mode and the correlation between transportation spending and any increase or decrease in vehicle miles traveled (VMT) and allows ARB to require, by regulation, any additional data it deems necessary to satisfy the above requirement.
- 2) Requires, on or before July 1, 2023, ARB to determine:
  - a) Whether each MPO is on track to meet its regional GHG emissions reduction target for 2035;
  - b) Whether there is any discrepancy between regional emissions reduction targets and any relevant targets contained within ARB's most recent scoping plan; and,
  - c) What actions are necessary for each MPO to meet its regional GHG emissions reduction target for 2035 and what actions are necessary to align regional GHG emissions reduction targets for the MPO with ARB's scoping plan.
- 3) Requires, on or before July 1, 2023, each MPO to submit a 2035 target action plan to ARB for review and approval that includes the following:
  - a) Identification of elements within its most recent SCS or APS that need modification or acceleration to achieve its 2035 GHG emissions reduction target;
  - b) A summary of feedback from outreach to disadvantaged communities;
  - c) Identification of measures to improve equity in actions taken to meet the region's GHG emissions reduction targets, including air pollution reduction benefits, public health benefits, job-housing fit benefits, and anti-displacement benefits;
  - d) Identification of significant local land use decisions that interfere with the region's GHG emissions reduction targets, including zoning or other ordinances or policies that would prevent the land use plan from being implemented;
  - e) Designation of high priority investment areas that will result in infill, transit-oriented, or walkable development or will significantly contribute to the achievement of the 2035 regional GHG emissions reduction target;
  - f) Corrective actions to get the MPO on track to meet its GHG emissions reduction targets for 2035, including near-term actions and a priority list of transformative projects that need additional federal or state funding; and,
  - g) Establish that the 2035 target action plan is not a project for purposes of the California Environmental Quality Act.
- 4) Requires a city or county to make a good faith effort to take actions that support its region's SCS or APS, including when amending or developing its general plan.

- 5) Authorizes an MPO to request a consultation with the board of supervisors or city council to discuss actions the local agency is authorized to take to assist in meeting the regional GHG emissions reduction targets, if the MPO concludes that a local agency's land use decisions are interfering with the region's achievement of the targets. Requires consultation to occur within 30 days of the MPO's request and requires results to be reported back to the governing body of the MPO.
- 6) Requires that the RTP developed by each transportation planning agency include using an electric bicycle as a means of travel whose percentage share of all trips are counted in each transportation planning agencies' regional transportation plan and requires each MPO's public participation plan to include outreach efforts to disadvantaged communities to encourage comments and active participation.
- 7) Extends the due date for the SGC review of the CTP from January 31, 2022 to January 1, 2023, and requires the following:
  - a) SGC to convene key state agencies, MPOs, and local governments to assist in the completion of the report;
  - b) A description of key state agencies', MPOs', and local governments' assessments of barriers to the achievement of state and regional GHG emissions reduction targets related to the CTP and all SCSs and APSs; and,
  - c) Requires recommendations for actions at the state, regional, and local level to achieve state and regional GHG emissions reduction targets related to the CTP and all SCSs and APSs, including the necessary resources and tools that are still needed.
- 8) Creates the SCS Block Grant Program, administered by SGC, to provide block grants, upon appropriation by the Legislature, to each MPO with an approved 2035 target action plan to support efforts to meet each region's GHG emissions reduction targets.
- 9) Requires SGC develop guidelines for the SCS Block Grant and post them and the schedule for allocation of block grants on its internet website. Requires the guidelines to include all of the following:
  - a) Prioritize funding for MPOs to assist in identifying and developing projects that will provide significant and transformative emissions reduction benefits that are not ready to begin construction, such as those identified in the 2035 target action plans;
  - b) Ensure the SCS Block Grant Program will assist in the implementation of each MPO's 2035 target action plan;
  - c) Consider comments from local governments, MPOs, and other stakeholders;
  - d) Conduct outreach to disadvantaged communities to encourage comments on the draft guidelines; and,
  - e) Establish reporting requirements for each block grant recipient to evaluate the block grant's outcomes.

- 10) Authorizes an MPO to consider whether a city or county has made a good faith effort to take actions that support its region's SCS or APS when allocating its block grant.
- 11) Adds piloting innovative and transformative active transportation projects, including, but not limited to, bicycle highways and the facilitation of 15-minute cities to the Legislature's intent for the Active Transportation Program (ATP).
- 12) Defines "15-minute city" as a portion of a city or unincorporated county where every resident has access to essential services, such as restaurants, grocery stores, medical care facilities, outdoor recreation, employment, childcare, and educational opportunities, within a 15-minute bicycle ride.
- 13) Requires, on or before July 1, 2023, the CTC, in consultation with the Active Transportation Program Workgroup, revise ATP guidelines and project selection criteria to include provisions for pilot innovative and transformative active transportation projects, including the proposal submitted by Caltrans, as a part of this bill, and that facilitate the creation of 15-minute cities through active transportation investments.
- 14) Requires, on or before July 1, 2023, Caltrans submit to CTC a proposal for approval and potential ATP funding for a pilot program establishing branded networks of bicycle highways that are numbered and signed within two of California's major metropolitan areas in different regions of the state. Requires the proposal for the pilot to include the following:
  - a) Restrict use of a network to bicyclists and ensure it contains intermittent entrances and exits, serves trips of five miles or more, and supports speed travel of up to 25 miles per hour; and
  - b) Select sites for the pilot based on regional support, connectivity to other bike routes, and the potential to maximize active transportation and its associated benefits.
- 15) Requires, on or before July 1, 2026, Caltrans report to the Legislature on the status of the pilot program and recommendations for the development of additional networks of bicycle highways.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

AB 1147 takes a multifaceted approach to set California on the course to meet its GHG emission reduction targets expected under SB 375 by making changes at the state, local, and regional levels to provide tools, accountability, and incentives for MPOs to meet their 2035 regional GHG emission target. AB 1147 requires each MPO to create a 2035 Target Action Plan, develops a new block grant program to ensure MPOs achieve their 2035 goals, and requires local governments to make a good faith effort to take actions that support their MPO's SCS.

Active transportation must play a vital role in California's goal to reduce GHG and VMT. Walking and bicycling also have many positive benefits associated

with public health, strong local economies, and sustainable and equitable development. AB 1147 assists in the development of transformative active transportation projects that other cities and countries have embraced, but have not been done in California, such as bicycle highways and 15 minute cities. AB 1147 will improve the sustainability and quality of California's communities.

- 2) **Background.** Emissions from the transportation sector, the state's largest source of GHGs, are still on the rise despite statewide GHG emission reduction efforts and increasingly ambitious targets. According to ARB's GHG emission inventory, transportation sector emissions have grown to 41% of California's total emissions as of 2017. A 2018 Legislative Analyst's Office report found that 90% of the transportation sector's emissions were from on-road sources – 69% from passenger vehicles and 22% from heavy-duty vehicles.

GHG emissions from transportation are the product of two factors: the total distance the state's vehicle fleet travels and the GHG emissions associated with that travel. California only considers the first factor using the unit of VMT. In October of 2019, a report from Next 10 looked at transportation emission trends in 2016-2017 and found that despite the state's intention to rein in VMT and GHG emissions, both had increased.

SB 375 (Steinberg) Chapter 728, Statutes of 2008, also known as the Sustainable Communities and Climate Protection Act, requires ARB to set regional targets for GHG emissions reductions from passenger vehicles. In 2010, ARB established targets for 2020 and 2035 for each region covered by one of the state's MPOs. MPOs, as part of their RTPs, develop an SCS that contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emissions reduction targets. Once adopted by the MPO, the RTP guides the transportation policies and investments for the region. ARB reviews each adopted SCS to determine if it agrees that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, existing law requires the MPO to prepare a separate APS to meet the targets.

SB 150 (Allen) Chapter 646, Statutes of 2017 requires ARB to report to the Legislature on the progress of SB 375 implementation every four years. The 2018 report found that GHG emission reductions under SB 375 are not being achieved and that VMT per capita is not declining, despite every MPO preparing an SCS as required. This suggests that SCS plans are not being implemented as envisioned and/or are not yielding the expected results. Due to data gaps, this finding is based on statewide total GHG emissions and VMT data, rather than by region, so it is difficult to see how each region is performing.

However, there is no evidence that any MPO achieved its 2020 GHG emission reduction goals. There is also concern that MPO's will not achieve the 2035 goals either. Many of the strategies to reduce VMT involve changes to land use and transportation projects that have cumulative GHG emissions for every year they are delayed. In addition, when land use decision and transportation projects that increase VMT go forward they usually affect GHG emission for significant time spans, which can increase GHGs for decades. Therefore, there is urgency to achieving the GHG targets expected under SB 375.

- 3) **Mind the gap.** Placing the lack of progress in VMT reductions solely on SCS implementation is a point of contention for regions that say that many VMT reduction

strategies fall outside the authority of MPOs. According to comments on ARB's Draft Mobile Source Strategy by the California Association of Councils of Governments, "ARB's Scoping Plan calls for a 25% decrease in GHG emissions (per capita) from reduced use of cars and light trucks. [Regional] strategies to meet the 2010 regional targets address 13% of these reductions. [Regional] strategies to meet the 2018 targets account for another 5%. That leaves 7% in state-initiated VMT reduction strategies unaddressed (which MPOs refer to as the gap)." This bill seeks to address this issue by requiring ARB to determine whether there is any discrepancy between regional GHG emissions reduction targets and any relevant targets contained within CARB's most recent scoping plan. This bill also requires ARB to determine what is necessary for each MPO to meet its regional GHG emissions reduction target for 2035 and what actions are necessary to align regional GHG emissions reduction targets for the MPO with ARB's scoping plan.

- 4) **Coordination required.** In the SB 150 report, ARB recommends that an interagency body involving the Secretaries and Chairs of key California agencies and commissions, and representatives from regional and local governments produce and implement a new "State Mobility Action Plan for Healthy Communities" that responds to this report's findings on challenges, opportunities, and data gaps. This bill addresses that recommendation and calls upon SGC, as a part of its overview of CTP, SCSs, and APS, to assess barriers to the achievement of state and regional GHG emissions reduction targets. In performing the assessment, the bill requires SGC to convene key state agencies, MPOs, and local governments to assist in completing the report. It is important that local, regional, and state agencies, who all play a role in achieving SB 375 GHG emission reduction, work together collaboratively to address the challenges the state is facing in achieving VMT reductions.
- 5) **Implementation challenges.** SCS's are reviewed by ARB to ascertain whether or not they will meet the regional GHG reduction goals if they are implemented. However, MPO's often do not have the funding or local support to implement their SCS.

A 2018 Legislative Analyst's Office report, "Assessing California's Climate Policies – Transportation," noted a possible reason why SB 375 is not reducing driving is because SCS plans might not be getting implemented at the local level. Cities and counties retain authority over land use decisions and are not obligated to make decisions that are consistent with their regional SCS plan. For example, a city might have zoning requirements that limit housing density or require minimum amounts of parking for new housing development that are at odds with the travel demand model assumptions used by their MPO in the regional SCS plan. A recent survey of local governments by University of California, Davis researchers found that, on average, respondents had adopted only about half of the eight most common land use assumptions found in SCS plans. Moreover, one-quarter of respondents were unaware of the state grant programs available to support SB 375 implementation. This bill attempts to address this problem by requiring a city or county to make a good faith effort to take actions that support its region's SCS or APS when amending or developing its general plan and authorizes an MPO to meet with the governing local body regarding taking actions to assist in meeting the SB 375 targets.

Some regions have identified challenges with obtaining state funding for projects to reduce VMT and implementing their SCS. While the state offers a number of competitive grant programs for housing and infill infrastructure, they are typically focused on individual projects already planned by a developer. In infill areas, challenges with existing

infrastructure create an immediate barrier to potential development and therefore those individual housing projects never materialize. To address this problem, this bill creates the SCS Block Grant Program to provide grants to each MPO with an approved 2035 target action plan. As an accountability measure, this bill requires MPOs to consider if cities and counties have made good faith efforts when allocating its block grant. The SCS Block Grant Program attempts to provide the MPO flexibility in funding projects that will help them implement their SCS and meet their 2035 regional GHG reduction target. However, it is important that funding serves historically underserved and low-income communities. Should the bill move forward, the author may wish to consider amending the SCS Block Grant Program to ensure investments advance equity and benefit all Californians.

- 6) **Active Transportation Program.** As a strategy for reducing VMT and shifting transportation modes toward bicycles, this bill adds the 15-minute city and bicycle highways as innovative and transformative projects within the ATP.

The concept of a 15-minute city envisions neighborhoods in which almost all residents' needs can be met within 15 minutes of their homes on foot, by bike, or on public transit. Cities could accomplish such a vision with greater deployment of mixed-use development. Portland, Oregon's 2013 plan calls for "complete neighborhoods," but even in a city that already has the highest rate of biking in the nation, it will take years to achieve these goals. In the Bay Area, Google is planning for mixed-use development near transit stations which could help to foster the development of 15-minute cities there. This bill states legislative intent that ATP pilot innovative and transformative active transportation projects, including, but not limited to, bicycle highways (see below) and the facilitation of 15-minute cities. Active transportation infrastructure is just one of the components of a 15-minute city and must be accompanied by mixed-use development to truly offer the benefits. Many SCS call for increased mixed-use development, which will complement any 15-minute city active transportation infrastructure investment.

In its 2017 "Toward an Active California: State Bicycle and Pedestrian Plan" Caltrans proposed exploring opportunities to develop a network of separated "bicycle highways" to serve regional and interregional travel. Specifically, the strategy recommended pursuing development of branded (e.g., numbered, signed, and legible) networks of bicycle highways within California's major metropolitan areas, potentially through a pilot study. This bill, similar to the Caltrans proposal, requires the pilot to restrict the use of the network to bicyclists, and ensure the network has intermittent entrances and exits, serves longer distance trips (five miles or more), and supports higher-speed travel up to 20-25 miles per hour.

Recently, Caltrans Bay Area (District 4) initiated a study to understand where bicycle highways could be installed alongside state highway corridors. The first survey was open between January and March 2021. A design of what bicycle highways should look like in the Bay Area is expected in fall of 2021, and a final report of how bicycle highways can be implemented will follow in winter of 2021-2022.

The ATP is currently oversubscribed and funds many other important projects such as projects to improve the safety of routes to schools. Should the bill move forward, the author may wish to clarify that these new innovative ATP projects will not come at the expense of currently eligible projects and are contingent on additional funding.

7) **Double referral.** This bill passed Assembly Transportation Committee by a vote of 10-3 on April 5, 2021.

8) **Related and previous legislation.**

SB 261 (Allen) requires that SCS be developed to additionally achieve GHG emission reduction targets for the passenger vehicle sector for 2045 and 2050 and VMT reduction targets for 2035, 2045, and 2050 established by CARB. SB 261 passed out of the Senate Environmental Quality Committee on a 5-2 vote and is awaiting hearing in the Senate Transportation Committee.

SB 475 (Cortese) requires CARB to issue new guidelines on SCS every four years and tasks a State-Regional Collaborative for Climate, Equity, and Resilience with developing tools for MPOs to use to determine consistency of RTPs with long-range GHG emission reduction targets. SB 475 is currently awaiting hearing in the Senate Environmental Quality Committee.

SB 526 (Allen) of 2019 would have required CARB to adopt a regulation that requires MPOs to provide any data that CARB determines is necessary to fulfill the requirements of the SB 150 Progress Report, and to determine if the MPO is on track to meet its 2035 GHG emissions reduction target. SB 526 would have also established an interagency working group, to be administered by the SGC and comprised of specified membership, to develop and implement a State Mobility Action Plan for Health Communities. SB 526 was held in the Senate Appropriations Committee.

AB 285 (Friedman), Chapter 605, Statutes of 2019 updates the requirements of CTP to reflect the state's recent environmental legislation and requires SGC to review implementation of CTP.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Lung Association in California  
California Yimby  
Coalition for Clean Air  
Elders Climate Action, NorCal and SoCal Chapters

**Opposition**

None on file

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