

GOVERNOR'S VETO  
AB 1147 (Friedman)  
As Enrolled September 7, 2021  
2/3 vote

## SUMMARY

Makes numerous substantive changes to the required elements of metropolitan planning organizations' (MPO) regional transportation plans (RTPs) to ensure effective implementation of sustainable communities strategies (SCSs) and alternative planning strategies (APSs), as specified. This bill also requires the Governor's Office of Planning and Research (OPR) to develop a guidance document to provide best practices for establishing "15-minute communities," as defined, and requires the California Department of Transportation (Caltrans) to develop a bicycle highway pilot program, as specified.

### *Senate Amendments*

- 1) Add requirements to a Strategic Growth Council (SGC) report analyzing the California Transportation Plan, SCSs, and APSs, as specified.
- 2) Adjust the process by which MPOs can request a consultation with the governing body of a local agency whose land use decisions and transportation projects interfere with the region's achievement of regional GHG emissions reduction targets.
- 3) Require OPR to develop a guidance document to provide best practices for establishing a 15-minute community.
- 4) Shift new requirements to align with, and be incorporated into, California Air Resources Board's (CARB's) existing SCS update progress report.
- 5) Remove provisions related to the proposed Sustainable Communities Strategy Block Grant Program.
- 6) Delete the requirement that each MPO submits a 2035 target action plan to the CARB for review and approval.
- 7) Delete the requirement that cities and counties make a good faith effort to take actions that support its region's sustainable community strategy.

### **Governor's Veto Message**

This bill adds new and modified reporting at the local and regional levels on compatibility of land use and transportation planning with greenhouse gas reduction goals and a proposal for a pilot program to create a network of bicycle highways.

Although the bill seeks to improve transparency to the Sustainable Community Strategies process, it does not require or incentivize regional and local governments to make land use decisions that change development and transportation patterns.

While I share the author's goal to align policies and promote the use of active transportation modes such as walking and biking, the bill is not necessary because state agencies are already collaborating on these policies and updating local requirements.

I proposed \$7.6 billion to make key investments in a wide variety of critically necessary projects including high speed rail, transit connectivity projects in advance of the 2028 Los Angeles Olympics, active transportation, and a variety of other rail system improvements. Not only will these projects improve safety and access for bicyclists and pedestrians, they will significantly reduce greenhouse gas emissions and are key to meeting our state's climate objectives. I look forward to re-engaging with the Legislature to finalize and pass a comprehensive transportation package early next year.

## COMMENTS

SB 375 (Steinberg) Chapter 728, Statutes of 2008, also known as the Sustainable Communities and Climate Protection Act, requires CARB to set regional targets for GHG emissions reductions from passenger vehicles. In 2010, CARB 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. CARB 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.

*Progress towards SB 375 goals:* SB 150 (Allen) Chapter 646, Statutes of 2017, requires CARB 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. This finding is based on statewide total GHG emissions and VMT data, rather than by region, due to data gaps, so it is difficult to see how each region is performing.

*SB 375 emissions gap explained:* 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 CARB's Draft Mobile Source Strategy by the California Association of Councils of Governments, "CARB'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." This bill seeks to address this issue by requiring CARB 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 CARB 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 CARB's scoping plan.

*Coordination required:* In the report required by SB 150, CARB 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, this bill requires SGC to convene key state agencies, MPOs, and local governments to assist in completing the report.

*Efforts by cities and counties:* A 2018 Legislative Analyst's Office report, "Assessing California's Climate Policies – Transportation," noted a 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 addresses this problem by authorizing an MPO to meet with the governing local body regarding taking actions take to meet the SB 375 targets.

*Bicycle highways:* 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.

Please see the policy committee analysis for a full discussion of this bill.

### **According to the Author**

"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."

### **Arguments in Support**

In support the American Lung Association in California writes, "AB 1147 would address the fact that SB 375 is not yielding intended climate, health, equity, conservation and other goals. This

bill would bring local, regional and state agencies together to identify barriers to achieving regional climate goals, add a 2035 target action plan to identify key barriers, areas of investment that support or detract from target achievement, outreach to – and reports of input from – disadvantaged communities, and corrective actions for an MPO to meet its 2035 regional GHG target. The bill would also create a block grant program for regional agencies to distribute in order to achieve the target action plan."

### **Arguments in Opposition**

No opposition on file.

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee:

- 1) OPR estimates costs of approximately \$377,000 in 2022-23 for 2.0 personnel years (PY) of temporary staff to develop a 15-minute community guidance document, and for SGC to manage the extended report on the California Transportation Plan (CTP). In addition, the SGC would incur approximately \$240,000 in one-time consulting costs to assist with the supplemental assessments required as part of the updated report. (General Fund)
- 2) Caltrans estimates costs in the range of \$75,000 to \$150,000 for 0.5 to 1.0 PY of staff time to prepare a bicycle highway pilot program proposal. Caltrans would incur additional administrative costs to implement a bicycle highway pilot program, although the bill does not explicitly require implementation. (State Highway Account)
- 3) Unknown, potentially significant cost pressures for Caltrans to implement a bicycle highway pilot project, including planning, design, and construction of networks of bicycle highways in two of California's major metropolitan areas, as specified. (various special funds, federal funds, local funds, General Fund)
- 4) Unknown, potentially significant local mandate costs for cities and counties to report specified information to MPOs regarding actions taken to implement SCS and identified barriers to further implementation. Local costs could be reimbursable from the state General Fund, subject to a determination by the Commission on State Mandates. (General Fund)
- 5) The California Transportation Commission (CTC) and CARB both report minor and absorbable costs related to specified duties in the bill. (special funds)

## **VOTES**

### **ASM TRANSPORTATION: 10-3-2**

**YES:** Friedman, Berman, Daly, Gipson, Kalra, Lee, Medina, Nazarian, O'Donnell, Ward

**NO:** Fong, Davies, Nguyen

**ABS, ABST OR NV:** Cunningham, Wicks

### **ASM NATURAL RESOURCES: 8-3-0**

**YES:** Luz Rivas, Chau, Friedman, Cristina Garcia, McCarty, Muratsuchi, Stone, Wood

**NO:** Flora, Mathis, Seyarto

### **ASM APPROPRIATIONS: 12-4-0**

**YES:** Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

**NO:** Bigelow, Megan Dahle, Davies, Fong

**ASSEMBLY FLOOR: 56-19-4**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Friedman, Gabriel, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wood, Rendon

**NO:** Bigelow, Chen, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Smith, Valladares, Voepel, Waldron

**ABS, ABST OR NV:** Frazier, Cristina Garcia, Maienschein, Mayes

**SENATE FLOOR: 29-10-1**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Rubio, Skinner, Umberg, Wieckowski, Wiener

**NO:** Bates, Borgeas, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Roth, Wilk

**ABS, ABST OR NV:** Stern

**ASSEMBLY FLOOR: 57-17-5**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wood

**NO:** Bigelow, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Patterson, Seyarto, Smith, Valladares, Voepel, Waldron

**ABS, ABST OR NV:** Chen, Frazier, Mayes, Nguyen, Rendon

**UPDATED**

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