

Date of Hearing: May 10, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 350 (Aguiar-Curry) – As Amended March 30, 2023

Policy Committee: Transportation

Vote: 14 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill requires the regional transportation plan (RTP), sustainable communities strategy (SCS), and environmental impact report (EIR) adopted by the Sacramento Area Council of Governments (SACOG) in 2019 to remain in effect until SACOG adopts its next update to its RTP, which this bill requires it to do by December 31, 2025.

Specifically, this bill, among other things:

- 1) Requires SACOG, by December 31, 2025, to adopt and submit its update to its 2020 RTP adopted on November 18, 2019, to the California Transportation Commission (CTC) and the Department of Transportation (Caltrans), and, after adoption, requires SACOG to submit its SCS to the Air Resources Board (ARB).
- 2) After the extension in 1), resets the time period for SACOG's updates to its RTP and requires updates to be adopted and submitted every four years.
- 3) States that the update to the RTP that SACOG will prepare and submit to federal agencies for purposes of compliance with federal laws applicable to RTPs and air quality conformity due in November 2023 shall not be considered an RTP under California law.
- 4) Prohibits ARB from updating the greenhouse gas (GHG) emission reduction targets for the SACOG region before SACOG adopts the update to its RTP.

**FISCAL EFFECT:**

Minor and absorbable direct costs to ARB and Caltrans.

**COMMENTS:**

- 1) **Purpose.** According to the author:

SACOG, MTC, and SJCOG comprise the Northern California Megaregion, which includes 16 counties, 136 and a population of nearly 11 million. Each of these entities is required to develop an SCS but each entity has different deadlines. This bill will facilitate greater interregional collaboration and the development of shared transportation priorities throughout the Megaregion by better aligning SACOG's next SCS update with those of MTC and SJCOG. It will

also enhance public outreach in the regional planning process by allowing SACOG's RAISE planning grant work to inform the SCS update.

- 2) **Background.** In California, regional planning is primarily conducted by 18 metropolitan planning organizations (MPOs) in urban areas and 26 regional transportation planning agencies (RTPAs) in rural areas. One of the key planning documents that both MPOs and RTPAs must prepare is the RTP. The RTP has a long-term horizon of at least 20 years and identifies existing and future transportation needs in the region. The RTP must also conform to federal air quality requirements in nonattainment or maintenance areas. Federal law requires MPOs and RTPAs to submit an RTP at least every four years.

The Sustainable Communities and Climate Protection Act, SB 375 (Steinberg), Chapter 728, Statutes of 2008, adds a new element to regional planning and requires MPOs to develop SCSs, or long-range plans, which align transportation, housing, and land use decisions toward achieving greenhouse gas (GHG) emission reduction targets set by ARB. As part of the SB 375 process, ARB establishes regional GHG emission reduction targets for each jurisdiction.

According to SACOG, the bill's sponsor, this bill is necessary to more closely align its RTP submission date with the RTP due dates of the other members of the Northern California Megaregion whose goals are to advance interregional projects impacting the quality of life, transportation, and commerce throughout Northern California. According to SACOG, this bill would also provide additional time to incorporate results from newly funded initiatives, including community-based engagement and planning, in the next RTP. Specifically, SACOG intends to work more closely with underrepresented communities within the communities it serves. SACOG received a planning grant in August 2022 through the federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program to establish a model for equity-centered, community co-created infrastructure project development that attempts to reinvent how regional transportation projects are prioritized for state and federal investment.

This bill would maintain compliance with the federal requirement of submission of the RTP every four years by having SACOG update its 2019 RTP with minor modifications for its 2023 submission. To avoid process and procedural complications, this bill specifies that this 2023 RTP update will be done exclusively to meet federal requirements and would not be an RTP for purposes of state requirements.

Current law requires ARB to update regional GHG emission targets every eight years, but allows ARB to update regional targets every four years. ARB's last regional GHG target update was in 2018, meaning ARB could update targets anytime between now and 2026. This bill prohibits ARB from updating GHG emissions reduction targets for the region within the SACOG jurisdiction until SACOG adopts the updated RTP. According to the Assembly Transportation Committee analysis of this bill, this could delay ARB from setting targets for the region. Of potentially greater significance, this provision has impacts beyond the SACOG region. Prior to updating targets, ARB must exchange technical information with Caltrans, MPOs, local governments, and affected air districts, and engage in a consultative process with public and private stakeholders. This process happens concurrently with all regions.

Limiting ARB's ability to set a target for the SACOG region could potentially disrupt the entire process for all regions.

In 2019, with the enactment of AB 1730 (Gonzalez), Chapter 634, Statutes of 2019, the San Diego Association of Governments (SANDAG) received an extension of the due date for its RTP and SCS to allow for "additional time to plan and be ambitious in reducing greenhouse gas emissions, in order to ensure the region is doing the most it can in the best way possible." The Assembly Transportation Committee analysis of this bill notes that, by this reasoning, every region could benefit from having more time for planning. This raises the question for the Legislature of whether it should require a higher standard and a demonstrated urgent need and anticipated benefits before it grants MPOs extensions, particularly because extensions come at the potential cost of nearer term goals not being established and met.

AB 1730, as a condition of granting the above mentioned extension, imposed specific requirements on SANDAG during the time period in which its RTP and SCS were delayed. For example, AB 1730 required SANDAG to only nominate projects for funding that reduce vehicle miles traveled as well as to develop an implementation report of its SCS. This bill does not include similar requirements for SACOG.

Finally, Caltrans notes that a two-year delay in the submission of SACOG's RTP and SCS could lead to a lapse in federal air quality conformity, which could delay Caltrans projects in the region or result in projects needing revisions to their scope or design, which could result in additional project costs. Any delays could potentially implicate state and federal funds, but these impacts would depend on the type of project and its funding source.

**Analysis Prepared by:** Nikita Koraddi / APPR. / (916) 319-2081