

CONCURRENCE IN SENATE AMENDMENTS

AB 350 (Aguiar-Curry)

As Amended September 8, 2023

Majority vote

SUMMARY

Provides a two-year extension for the Sacramento Area Council of Governments (SACOG) to adopt and submit its regional transportation plan (RTP), sustainable communities strategy (SCS), and environmental impact report.

Major Provisions

- 1) Require SACOG to adopt and submit its update to the 2020 RTP adopted on November 18, 2019, to the California Transportation Commission (CTC) and the Department of Transportation (Caltrans) on or before December 31, 2025.
- 2) Require SACOG to submit its SCS, after adoption, to the State Air Resources Board (CARB).
- 3) State that the updated RTP that SACOG will prepare and submit to federal agencies for purposes of federal compliance shall not be considered an RTP.
- 4) Prohibit CARB from updating the greenhouse gas (GHG) emission reduction targets for the SACOG region before SACOG adopts the December 2025 update to its RTP.

Senate Amendments

- 1) Require SACOG's December 31, 2025, RTP update to include information related to implementation of a grant awarded to SACOG through the federal Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant program.
- 2) Until December 31, 2025, authorize a project within the SACOG region to be nominated for funding through the Solutions for Congested Corridors Program only if the project satisfies the eligibility requirements of at least one of the following programs: the Transit and Intercity Rail Capital Program, the Low Carbon Transit Operations Program, or the Active Transportation Program.
- 3) Require SACOG, on or before July 1, 2026, and biennially after, to extensively report on the regional implementation of its most recently adopted SCS, as specified.
- 4) Require SACOG to adopt and submit its next RTP update (after the December 2025 update) on or before November 15, 2027, and adopt and submit subsequent updates to its RTP every four years following.
- 5) State legislative intent that SACOG continue to work with the Legislature to revise and update the schedule by which its RTP/SCS are updated in order to more closely align with the updates of its interregional partners from the Metropolitan Transportation Commission and the San Joaquin Council of Governments.

COMMENTS

In California, regional planning is primarily conducted by 18 Metropolitan MPOs in urban areas and 26 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. It includes rough cost estimates for transportation projects and is fiscally constrained. The RTP must conform with federal air quality requirements in nonattainment or maintenance areas. Federal law requires MPOs/ RTPAs submit an RTP at least every four years.

The Legislature has set a number of goals to reduce GHG emissions and address climate change. The Global Warming Solutions Act of 2006, AB 32 (Nuñez), Chapter 488, Statutes of 2006, and subsequent companion legislation SB 32 (Pavley), Chapter 249, Statutes of 2016, requires California to reduce statewide GHG emissions to 40% below the 1990 level by 2030. AB 1279 (Muratsuchi), Chapter 337, Statutes of 2022, establishes the state policy to achieve carbon neutrality no later than 2045.

Nearly 40% of California's GHG emissions are generated by the transportation sector, which includes both the light-duty (passenger) and medium- and heavy-duty fleets. Heavy-duty diesel trucks also contribute to unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, oxides of nitrogen (NO_x), and sulfur dioxide, affecting local air quality. In the transportation sector, measures to reduce GHG emissions include requiring the use of low carbon fuels, cleaner vehicles, and strategies to promote sustainable communities and improved transportation choices that reduce growth in number of vehicle miles traveled.

The Sustainable Communities and Climate Protection Act, SB 375 (Steinberg), Chapter 728, Statutes of 2008, requires MPOs to develop Sustainable Communities Strategies (SCS), or long-range plans, which align transportation, housing, and land use decisions toward achieving GHG emissions reduction targets set by CARB. As part of the SB 375 process, CARB establishes regional GHG emissions reduction targets for each jurisdiction. MPOs must produce a SCS that 1) identifies the general location of uses, residential densities, and building intensities within the region; 2) identifies areas sufficient to house all the population of the region; 3) identifies areas sufficient to house an eight-year projection of the regional housing need for the region; 4) identifies a transportation network to service the transportation needs of the region; 5) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region; 6) considers the state housing goals; 7) sets forth a forecasted 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 the GHG emission reduction targets approved by CARB.

In 2018, CARB adopted more aggressive SB 375 targets to support progress towards achieving the 2017 Scoping Plan goals. These targets aim to get SCSs to achieve, in aggregate, a 19% reduction in statewide per capita GHG emissions reductions relative to 2005 by 2035 from passenger vehicles. The figure below shows the updated targets for the "Northern California Megaregion" which includes SACOG, Metropolitan Planning Commission (MTC), and the San Joaquin Council of Governments (SJCOG).

SB 375 Regional Plan Climate Targets, 2018

MPO	Targets through September 30, 2018		Targets Beginning October 1, 2018	
	2020	2035	2020	2035
MTC	-7%	-15%	-10%	-19%
SACOG	-7%	-16%	-7%	-19%
SJCOG	-5%	-10%	-12%	-16%

According to SACOG, this 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.

Current and Proposed Due Dates for RTP/SCS of the Megaregion MPOs

Region (MPO)	Current due date	Due date under this bill
SACOG	November 2023	December 31, 2025
MTC	October 2025	October 2025
SJCOG	August 2026	August 2026

According to SACOG, this bill would 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 with underrepresented communities within the communities it serves. In addition, 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 unnecessary 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 the state requirements.

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

In 2019, with the enactment of AB 1730 (Gonzalez), Chapter 634, Statutes of 2019, SANDAG received an extension of the due date of their RTP/SCS to allow for "additional time to plan and be ambitious in reducing GHG emissions, in order to ensure the region is doing the most it can in

the best way possible." AB 1730 imposed specific requirements of SANDAG during the time period in which its RTP/SCS was delayed and required SANDAG to only nominate projects for funding through the Solutions for Congested Corridors Program that reduce vehicle miles traveled. AB 1730 also required SANDAG to develop an implementation report of its SCS.

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."

Arguments in Support

Sacramento Regional Transit writes, "As a leading voice for transit agencies in the Northern California Megaregion, we support efforts like [this bill], which ensure effective interregional planning that supports our increasingly interconnected economy."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill has minor and absorbable direct costs to CARB and Caltrans.

VOTES:

ASM TRANSPORTATION: 14-0-1

YES: Friedman, Joe Patterson, Berman, Juan Carrillo, Davies, Gipson, Hart, Jackson, Lowenthal, Stephanie Nguyen, Sanchez, Wallis, Ward, Wicks

ABS, ABST OR NV: Kalra

ASM APPROPRIATIONS: 14-0-2

YES: Holden, Megan Dahle, Calderon, Wendy Carrillo, Dixon, Mike Fong, Addis, Lowenthal, Papan, Pellerin, Robert Rivas, Sanchez, Weber, Wilson

ABS, ABST OR NV: Bryan, Mathis

ASSEMBLY FLOOR: 74-0-6

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Wallis, Ward, Weber, Wicks, Wood, Zbur, Rendon

ABS, ABST OR NV: Cervantes, Vince Fong, Friedman, Villapudua, Waldron, Wilson

SENATE FLOOR: 31-6-3

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener

NO: Dahle, Grove, Nguyen, Niello, Ochoa Bogh, Seyarto

ABS, ABST OR NV: Caballero, Jones, Wilk

UPDATED

VERSION: September 8, 2023

CONSULTANT: Christine Casey / TRANS. / (916) 319-2093

FN: 0002314