



Association of Bay Area Governments  
Bay Area Air Quality Management District  
Bay Conservation and Development Commission  
Metropolitan Transportation Commission

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## JOINT POLICY COMMITTEE — REGIONAL PLANNING PROGRAM

### JPC EXECUTIVE COMMITTEE

Friday, January 17, 2014  
10:00 a.m. to 12:00 p.m.

MetroCenter, 101 8<sup>th</sup> Street, Auditorium  
Oakland, California

### MEETING NOTICE AND AGENDA—REVISED

1. **Call to Order**
2. **Report on Bay Area Commuter Benefits Program (BAAQMD)**  
Information  
*Attachment: Staff memo on Bay Area Commuter Benefits Program*
3. **Initial Report on Developing 2017 Plan Bay Area/Sustainable Communities Strategy Update (Allison Brooks)**  
Information
4. **Report on Bay Area Council Economic Institute (BACEI) Project Proposal (MTC/ABAG)**  
Information
5. **Report on SB 792**  
Information  
*Attachment: SB 792*
6. **Committee Comment**  
Information/Discussion
  - A. **Discussion on Governor's Budget**  
*<http://www.ebudget.ca.gov/FullBudgetSummary.pdf>*
  - B. **Other**
7. **Public Comment**  
Information
8. **Adjournment**

Next JPC Executive Committee Meeting:  
Thursday, March 13, 2013, 2:00 p.m. to 4:00 p.m.

The JPC Executive Committee may take action on any item listed in the agenda.

This meeting is scheduled to end promptly at 12:00 p.m. Agenda items not considered by that time may be deferred.

The public is encouraged to comment on agenda items by completing a request-to-speak card and giving it to JPC staff or the chairperson.

Although a quorum of the Metropolitan Transportation Commission may be in attendance at this meeting, the Executive Committee of the Joint Policy Committee may take action only on those matters delegated to it. The Executive Committee of the Joint Policy Committee may not take any action as the Metropolitan Transportation Commission unless this meeting has been previously noticed as a Metropolitan Transportation Commission meeting.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: JPC Executive Committee

From: Jack P. Broadbent, Executive Officer/APCO

Date: January 13, 2014

Re: Agenda Item #2: Bay Area Commuter Benefits Program (Senate Bill 1339)

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Senate Bill 1339, signed into law in fall 2012, authorizes the Bay Area Air Quality Management District (Air District) and the Metropolitan Transportation Commission (MTC) to adopt and implement a regional commuter benefits ordinance on a pilot basis through the end of year 2016. The bill is modeled on local commuter benefit ordinances that have already been adopted by several Bay Area cities in recent years, including the cities of Berkeley, Richmond, and San Francisco (as well as San Francisco International Airport). In response to Senate Bill 1339, the Air District is proposing adoption of Regulation 14, Rule 1: *Mobile Source Emissions Reduction Measures, Bay Area Commuter Benefits Program*.

The proposed rule will serve as the foundation for the Bay Area Commuter Benefits Program (Program). The Program seeks to expand the number of employers who make existing federal commuter tax benefits available to their employees. These tax benefits can provide significant savings by reducing payroll and income taxes for both employers and employees.

The Program would require employers with 50 or more full-time employees in the Bay Area (at all Bay Area worksites combined) to select one of four commuter benefit options to offer their employees:

- **Option 1: Pre-Tax Option:** The employer allows employees to exclude their transit or vanpool costs from taxable wages, to the maximum amount allowed by federal law (\$130 per month in 2014).
- **Option 2: Employer-Provided Subsidy:** The employer provides a subsidy to cover the employee's monthly transit or vanpool cost. For purposes of the Program, the required subsidy would be capped at \$75 per month.
- **Option 3: Employer-Provided Transportation:** The employer provides free or low-cost commuter transportation service for its employees. This could include bus or vanpool service from the employee's home community to the worksite, or a shuttle service from a nearby transit station(s) to the worksite.
- **Option 4: Alternative Commuter Benefit:** The Air District and MTC may approve an alternative commuter benefit proposed by the employer that would be as effective in reducing single-occupant vehicle trips as any of the three options described above. To facilitate this option, staff will define several "pre-approved" alternative options.

The Program is designed to provide flexibility to employers and to minimize reporting and administrative requirements. The Program will neither establish numerical performance targets for employers, nor will it require any employee to change his/her commute mode. By promoting the use of alternative commute modes, the Program will decrease drive-alone commute trips to

Bay Area worksites, thus reducing emissions of greenhouse gases (GHGs) and criteria air pollutants. In addition to these environmental benefits, the Program is expected to decrease traffic congestion during peak commute periods, provide financial savings to employers and employees, and improve employee productivity. The Program would help to implement the Transportation Control Measures in the *Bay Area 2010 Clean Air Plan*, and to achieve GHG reduction goals in the *Plan Bay Area* “sustainable communities strategy” as well as help implement the climate protection resolution adopted by the Air District Board of Directors in November 2013.

In working to develop the proposed Program, Air District and MTC staff met with many business groups and other stakeholders, including Chambers of Commerce and economic development associations, as well as Congestion Management Agencies and Transportation Management Associations in cities and counties throughout the region. Staff held public workshops to solicit input on a draft version of the Program in all nine counties in October 2013.

Staff is preparing to issue several documents for a 30-day public review and comment period, including the proposed rule (Regulation 14, Rule 1); a Staff Report; an Initial Study and proposed Negative Declaration for CEQA; and an analysis of the potential socio-economic impacts of the Program. The proposed rule will be presented to the Air District Board of Directors for adoption, and to the MTC Commission for concurrence, in March 2014. If the Program is approved by the governing boards of both agencies, Program implementation would begin in April. Employers will have six months to select a commuter benefit, register with the Program (by submitting a web-based registration form), notify employees about the commuter benefit and how to apply for it, and implement the commuter benefit.

The Program will be implemented as a collaboration between the Air District and MTC. Staff of the two agencies have been working together closely to develop the proposed rule, as well as the administrative structure to support and implement the Program. The agencies will focus on educating employers and employees about the financial and environmental benefits of the Program as the most effective means to ensure employer compliance with the Program. Guidelines and educational materials will be provided to help employers understand the Program and develop effective commuter benefit programs for their employees. Employer assistance will be provided through MTC’s 511 Regional Rideshare Program.

As required by Senate Bill 1339, the agencies will provide a report to the Legislature by July 2016 to describe the results of the Program in terms of expanding commuter benefits by Bay Area employers and reducing motor vehicle trips and vehicle emissions.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Burch  
Reviewed by: Henry Hilken

AMENDED IN SENATE JANUARY 13, 2014

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 792**

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**Introduced by Senator DeSaulnier**  
**(Coauthors: Senators Hancock and Hill)**

February 22, 2013

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An act to amend Section 65080 of, and to add Sections 66537.1, 66537.2, 66537.3, 66537.4, 66537.6, and 66537.7 to, the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, DeSaulnier. Regional entities: *San Francisco Bay Area*.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created *under existing law* as a joint powers agency comprised of cities and counties ~~under existing law~~ with regional planning responsibilities. Existing law provides for a joint policy committee of certain member agencies in this 9-county area to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a

sustainable communities strategy pursuant to Senate Bill 375 of the 2007–08 Regular Session *strategy*, coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the Metropolitan Transportation Commission to report biannually to the Legislature and the public at large on the progress in implementing the policies and programs of the sustainable communities strategy. The bill would also require the *member agencies of the* joint policy committee to prepare a regional organization plan for the affected member agencies. The regional organization plan would include a plan for consolidating certain functions that are common to the member agencies. The regional organization bill would require the plan would to also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require a member agency affected by the plan to submit a copy of the plan to its board on or before December 31, 2014, 2015, and would require the member agencies to report to the Senate Transportation and Housing Committee on *Transportation and Housing* on the adoption and implementation of the plan on or before December 31, 2015 2016. The bill would also require the joint policy committee to develop and adopt public and community outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee *site containing information relevant to the committee's activities* and to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the member agencies. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program. *sustainable committees strategy.*

~~This~~

~~The bill would require the San Francisco Bay Conservation and Development Commission to relocate to a specified location.~~

~~This~~

~~The bill would also establish additional requirements for a sustainable communities strategy adopted on or after January 1, 2014, 2015, within the jurisdiction of the Metropolitan Transportation Commission, and would impose additional duties relating to a that sustainable communities strategy on the Metropolitan Transportation Commission, the San Francisco Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Among~~

*those additional duties, the bill would require the Metropolitan Transportation Commission to convene a public engagement advisory group to assist in the development of a draft public participation plan, as specified. The bill would also require the commission to report biannually to the Legislature and the public on the progress in implementing the policies and programs of the sustainable communities strategy.*

*By imposing new duties on the Metropolitan Transportation Commission and other regional entities, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65080 of the Government Code is
- 2 amended to read:
- 3 65080. (a) Each transportation planning agency designated
- 4 under Section 29532 or 29532.1 shall prepare and adopt a regional
- 5 transportation plan directed at achieving a coordinated and balanced
- 6 regional transportation system, including, but not limited to, mass
- 7 transportation, highway, railroad, maritime, bicycle, pedestrian,
- 8 goods movement, and aviation facilities and services. The plan
- 9 shall be action-oriented and pragmatic, considering both the
- 10 short-term and long-term future, and shall present clear, concise
- 11 policy guidance to local and state officials. The regional
- 12 transportation plan shall consider factors specified in Section 134
- 13 of Title 23 of the United States Code. Each transportation planning
- 14 agency shall consider and incorporate, as appropriate, the
- 15 transportation plans of cities, counties, districts, private
- 16 organizations, and state and federal agencies.
- 17 (b) The regional transportation plan shall be an internally
- 18 consistent document and shall include all of the following:

1 (1) A policy element that describes the transportation issues in  
2 the region, identifies and quantifies regional needs, and describes  
3 the desired short-range and long-range transportation goals, and  
4 pragmatic objective and policy statements. The objective and policy  
5 statements shall be consistent with the funding estimates of the  
6 financial element. The policy element of transportation planning  
7 agencies with populations that exceed 200,000 persons may  
8 quantify a set of indicators including, but not limited to, all of the  
9 following:

10 (A) Measures of mobility and traffic congestion, including, but  
11 not limited to, daily vehicle hours of delay per capita and vehicle  
12 miles traveled per capita.

13 (B) Measures of road and bridge maintenance and rehabilitation  
14 needs, including, but not limited to, roadway pavement and bridge  
15 conditions.

16 (C) Measures of means of travel, including, but not limited to,  
17 percentage share of all trips (work and nonwork) made by all of  
18 the following:

19 (i) Single occupant vehicle.

20 (ii) Multiple occupant vehicle or carpool.

21 (iii) Public transit including commuter rail and intercity rail.

22 (iv) Walking.

23 (v) Bicycling.

24 (D) Measures of safety and security, including, but not limited  
25 to, total injuries and fatalities assigned to each of the modes set  
26 forth in subparagraph (C).

27 (E) Measures of equity and accessibility, including, but not  
28 limited to, percentage of the population served by frequent and  
29 reliable public transit, with a breakdown by income bracket, and  
30 percentage of all jobs accessible by frequent and reliable public  
31 transit service, with a breakdown by income bracket.

32 (F) The requirements of this section may be met utilizing  
33 existing sources of information. No additional traffic counts,  
34 household surveys, or other sources of data shall be required.

35 (2) A sustainable communities strategy prepared by each  
36 metropolitan planning organization as follows:

37 (A) No later than September 30, 2010, the State Air Resources  
38 Board shall provide each affected region with greenhouse gas  
39 emission reduction targets for the automobile and light truck sector  
40 for 2020 and 2035, respectively.

1 (i) No later than January 31, 2009, the state board shall appoint  
2 a Regional Targets Advisory Committee to recommend factors to  
3 be considered and methodologies to be used for setting greenhouse  
4 gas emission reduction targets for the affected regions. The  
5 committee shall be composed of representatives of the metropolitan  
6 planning organizations, affected air districts, the League of  
7 California Cities, the California State Association of Counties,  
8 local transportation agencies, and members of the public, including  
9 homebuilders, environmental organizations, planning organizations,  
10 environmental justice organizations, affordable housing  
11 organizations, and others. The advisory committee shall transmit  
12 a report with its recommendations to the state board no later than  
13 September 30, 2009. In recommending factors to be considered  
14 and methodologies to be used, the advisory committee may  
15 consider any relevant issues, including, but not limited to, data  
16 needs, modeling techniques, growth forecasts, the impacts of  
17 regional jobs-housing balance on interregional travel and  
18 greenhouse gas emissions, economic and demographic trends, the  
19 magnitude of greenhouse gas reduction benefits from a variety of  
20 land use and transportation strategies, and appropriate methods to  
21 describe regional targets and to monitor performance in attaining  
22 those targets. The state board shall consider the report prior to  
23 setting the targets.

24 (ii) Prior to setting the targets for a region, the state board shall  
25 exchange technical information with the metropolitan planning  
26 organization and the affected air district. The metropolitan planning  
27 organization may recommend a target for the region. The  
28 metropolitan planning organization shall hold at least one public  
29 workshop within the region after receipt of the report from the  
30 advisory committee. The state board shall release draft targets for  
31 each region no later than June 30, 2010.

32 (iii) In establishing these targets, the state board shall take into  
33 account greenhouse gas emission reductions that will be achieved  
34 by improved vehicle emission standards, changes in fuel  
35 composition, and other measures it has approved that will reduce  
36 greenhouse gas emissions in the affected regions, and prospective  
37 measures the state board plans to adopt to reduce greenhouse gas  
38 emissions from other greenhouse gas emission sources as that term  
39 is defined in subdivision (i) of Section 38505 of the Health and  
40 Safety Code and consistent with the regulations promulgated

1 pursuant to the California Global Warming Solutions Act of 2006  
2 (Division 25.5 (commencing with Section 38500) of the Health  
3 and Safety Code).

4 (iv) The state board shall update the regional greenhouse gas  
5 emission reduction targets every eight years consistent with each  
6 metropolitan planning organization's timeframe for updating its  
7 regional transportation plan under federal law until 2050. The state  
8 board may revise the targets every four years based on changes in  
9 the factors considered under clause (iii). The state board shall  
10 exchange technical information with the Department of  
11 Transportation, metropolitan planning organizations, local  
12 governments, and affected air districts and engage in a consultative  
13 process with public and private stakeholders prior to updating these  
14 targets.

15 (v) The greenhouse gas emission reduction targets may be  
16 expressed in gross tons, tons per capita, tons per household, or in  
17 any other metric deemed appropriate by the state board.

18 (B) Each metropolitan planning organization shall prepare a  
19 sustainable communities strategy, subject to the requirements of  
20 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of  
21 Federal Regulations, including the requirement to utilize the most  
22 recent planning assumptions considering local general plans and  
23 other factors. The sustainable communities strategy shall (i)  
24 identify the general location of uses, residential densities, and  
25 building intensities within the region, (ii) identify areas within the  
26 region sufficient to house all the population of the region, including  
27 all economic segments of the population, over the course of the  
28 planning period of the regional transportation plan taking into  
29 account net migration into the region, population growth, household  
30 formation and employment growth, (iii) identify areas within the  
31 region sufficient to house an eight-year projection of the regional  
32 housing need for the region pursuant to Section 65584, (iv) identify  
33 a transportation network to service the transportation needs of the  
34 region, (v) gather and consider the best practically available  
35 scientific information regarding resource areas and farmland in  
36 the region as defined in subdivisions (a) and (b) of Section  
37 65080.01, (vi) consider the state housing goals specified in Sections  
38 65580 and 65581, (vii) set forth a forecasted development pattern  
39 for the region, which, when integrated with the transportation  
40 network, and other transportation measures and policies, will

1 reduce the greenhouse gas emissions from automobiles and light  
2 trucks to achieve, if there is a feasible way to do so, the greenhouse  
3 gas emission reduction targets approved by the state board, and  
4 (viii) allow the regional transportation plan to comply with Section  
5 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

6 (C) (i) Within the jurisdiction of the Metropolitan  
7 Transportation Commission, as defined by Section 66502, a  
8 sustainable communities strategy adopted on or after January 1,  
9 2014, 2015, shall also include consideration of local and regional  
10 air quality, sea level rise, priority infrastructure needs, and the  
11 goals and policies related to economic development opportunities  
12 and social equity goals pursuant to subdivision (b) of Section  
13 66537.6. The Association of Bay Area Governments shall be  
14 responsible for clauses (i), (ii), (iii), (v), and (vi) of subparagraph  
15 (B). The Metropolitan Transportation Commission shall be  
16 responsible for clauses (iv) and (viii) of subparagraph (B), priority  
17 infrastructure needs, and the goals and policies related to economic  
18 development opportunities and social equity goals pursuant to  
19 subdivision (b) of Section 66537.6. The Bay Area Air Quality  
20 Management District shall be responsible for criteria pollutants  
21 and toxic air contaminants. The San Francisco Bay Conservation  
22 and Development Commission shall be responsible for sea level  
23 rise. The Association of Bay Area Governments, the Bay Area Air  
24 Quality Management District, the San Francisco Bay Conservation  
25 and Development Commission, and the Metropolitan  
26 Transportation Commission shall jointly be responsible for clause  
27 (vii) of subparagraph (B) and the adoption of the strategy as a  
28 whole.

29 (ii) Within the jurisdiction of the Tahoe Regional Planning  
30 Agency, as defined in Sections 66800 and 66801, the Tahoe  
31 Metropolitan Planning Organization shall use the Regional Plan  
32 for the Lake Tahoe Region as the sustainable community strategy,  
33 provided that it complies with clauses (vii) and (viii) of  
34 subparagraph (B).

35 (D) In the region served by the multicounty transportation  
36 planning agency described in Section 130004 of the Public Utilities  
37 Code, a subregional council of governments and the county  
38 transportation commission may work together to propose the  
39 sustainable communities strategy and an alternative planning  
40 strategy, if one is prepared pursuant to subparagraph (I), for that

1 subregional area. The metropolitan planning organization may  
2 adopt a framework for a subregional sustainable communities  
3 strategy or a subregional alternative planning strategy to address  
4 the intraregional land use, transportation, economic, air quality,  
5 and climate policy relationships. The metropolitan planning  
6 organization shall include the subregional sustainable communities  
7 strategy for that subregion in the regional sustainable communities  
8 strategy to the extent consistent with this section and federal law  
9 and approve the subregional alternative planning strategy, if one  
10 is prepared pursuant to subparagraph (I), for that subregional area  
11 to the extent consistent with this section. The metropolitan planning  
12 organization shall develop overall guidelines, create public  
13 participation plans pursuant to subparagraph (F), ensure  
14 coordination, resolve conflicts, make sure that the overall plan  
15 complies with applicable legal requirements, and adopt the plan  
16 for the region.

17 (E) The metropolitan planning organization shall conduct at  
18 least two informational meetings in each county within the region  
19 for members of the board of supervisors and city councils on the  
20 sustainable communities strategy and alternative planning strategy,  
21 if any. The metropolitan planning organization may conduct only  
22 one informational meeting if it is attended by representatives of  
23 the county board of supervisors and city council members  
24 representing a majority of the cities representing a majority of the  
25 population in the incorporated areas of that county. Notice of the  
26 meeting or meetings shall be sent to the clerk of the board of  
27 supervisors and to each city clerk. The purpose of the meeting or  
28 meetings shall be to discuss the sustainable communities strategy  
29 and the alternative planning strategy, if any, including the key land  
30 use and planning assumptions to the members of the board of  
31 supervisors and the city council members in that county and to  
32 solicit and consider their input and recommendations.

33 (F) Each metropolitan planning organization shall adopt a public  
34 participation plan, for development of the sustainable communities  
35 strategy and an alternative planning strategy, if any, that includes  
36 all of the following:

37 (i) Outreach efforts to encourage the active participation of a  
38 broad range of stakeholder groups in the planning process,  
39 consistent with the agency's adopted Federal Public Participation  
40 Plan, including, but not limited to, affordable housing advocates,

1 transportation advocates, neighborhood and community groups,  
2 environmental advocates, home builder representatives,  
3 broad-based business organizations, landowners, commercial  
4 property interests, and homeowner associations.

5 (ii) Consultation with congestion management agencies,  
6 transportation agencies, and transportation commissions.

7 (iii) Workshops throughout the region to provide the public with  
8 the information and tools necessary to provide a clear  
9 understanding of the issues and policy choices. At least one  
10 workshop shall be held in each county in the region. For counties  
11 with a population greater than 500,000, at least three workshops  
12 shall be held. Each workshop, to the extent practicable, shall  
13 include urban simulation computer modeling to create visual  
14 representations of the sustainable communities strategy and the  
15 alternative planning strategy.

16 (iv) Preparation and circulation of a draft sustainable  
17 communities strategy and an alternative planning strategy, if one  
18 is prepared, not less than 55 days before adoption of a final regional  
19 transportation plan.

20 (v) At least three public hearings on the draft sustainable  
21 communities strategy in the regional transportation plan and  
22 alternative planning strategy, if one is prepared. If the metropolitan  
23 transportation organization consists of a single county, at least two  
24 public hearings shall be held. To the maximum extent feasible, the  
25 hearings shall be in different parts of the region to maximize the  
26 opportunity for participation by members of the public throughout  
27 the region.

28 (vi) A process for enabling members of the public to provide a  
29 single request to receive notices, information, and updates.

30 (G) In preparing a sustainable communities strategy, the  
31 metropolitan planning organization shall consider spheres of  
32 influence that have been adopted by the local agency formation  
33 commissions within its region.

34 (H) Prior to adopting a sustainable communities strategy, the  
35 metropolitan planning organization shall quantify the reduction in  
36 greenhouse gas emissions projected to be achieved by the  
37 sustainable communities strategy and set forth the difference, if  
38 any, between the amount of that reduction and the target for the  
39 region established by the state board.

1 (I) If the sustainable communities strategy, prepared in  
2 compliance with subparagraph (B) or (D), is unable to reduce  
3 greenhouse gas emissions to achieve the greenhouse gas emission  
4 reduction targets established by the state board, the metropolitan  
5 planning organization shall prepare an alternative planning strategy  
6 to the sustainable communities strategy showing how those  
7 greenhouse gas emission targets would be achieved through  
8 alternative development patterns, infrastructure, or additional  
9 transportation measures or policies. The alternative planning  
10 strategy shall be a separate document from the regional  
11 transportation plan, but it may be adopted concurrently with the  
12 regional transportation plan. In preparing the alternative planning  
13 strategy, the metropolitan planning organization:

14 (i) Shall identify the principal impediments to achieving the  
15 targets within the sustainable communities strategy.

16 (ii) May include an alternative development pattern for the  
17 region pursuant to subparagraphs (B) to (G), inclusive.

18 (iii) Shall describe how the greenhouse gas emission reduction  
19 targets would be achieved by the alternative planning strategy, and  
20 why the development pattern, measures, and policies in the  
21 alternative planning strategy are the most practicable choices for  
22 achievement of the greenhouse gas emission reduction targets.

23 (iv) An alternative development pattern set forth in the  
24 alternative planning strategy shall comply with Part 450 of Title  
25 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
26 except to the extent that compliance will prevent achievement of  
27 the greenhouse gas emission reduction targets approved by the  
28 state board.

29 (v) For purposes of the California Environmental Quality Act  
30 (Division 13 (commencing with Section 21000) of the Public  
31 Resources Code), an alternative planning strategy shall not  
32 constitute a land use plan, policy, or regulation, and the  
33 inconsistency of a project with an alternative planning strategy  
34 shall not be a consideration in determining whether a project may  
35 have an environmental effect.

36 (J) (i) Prior to starting the public participation process adopted  
37 pursuant to subparagraph (F), the metropolitan planning  
38 organization shall submit a description to the state board of the  
39 technical methodology it intends to use to estimate the greenhouse  
40 gas emissions from its sustainable communities strategy and, if

1 appropriate, its alternative planning strategy. The state board shall  
2 respond to the metropolitan planning organization in a timely  
3 manner with written comments about the technical methodology,  
4 including specifically describing any aspects of that methodology  
5 it concludes will not yield accurate estimates of greenhouse gas  
6 emissions, and suggested remedies. The metropolitan planning  
7 organization is encouraged to work with the state board until the  
8 state board concludes that the technical methodology operates  
9 accurately.

10 (ii) After adoption, a metropolitan planning organization shall  
11 submit a sustainable communities strategy or an alternative  
12 planning strategy, if one has been adopted, to the state board for  
13 review, including the quantification of the greenhouse gas emission  
14 reductions the strategy would achieve and a description of the  
15 technical methodology used to obtain that result. Review by the  
16 state board shall be limited to acceptance or rejection of the  
17 metropolitan planning organization's determination that the strategy  
18 submitted would, if implemented, achieve the greenhouse gas  
19 emission reduction targets established by the state board. The state  
20 board shall complete its review within 60 days.

21 (iii) If the state board determines that the strategy submitted  
22 would not, if implemented, achieve the greenhouse gas emission  
23 reduction targets, the metropolitan planning organization shall  
24 revise its strategy or adopt an alternative planning strategy, if not  
25 previously adopted, and submit the strategy for review pursuant  
26 to clause (ii). At a minimum, the metropolitan planning  
27 organization must obtain state board acceptance that an alternative  
28 planning strategy would, if implemented, achieve the greenhouse  
29 gas emission reduction targets established for that region by the  
30 state board.

31 (K) Neither a sustainable communities strategy nor an alternative  
32 planning strategy regulates the use of land, nor, except as provided  
33 by subparagraph (J), shall either one be subject to any state  
34 approval. Nothing in a sustainable communities strategy shall be  
35 interpreted as superseding the exercise of the land use authority  
36 of cities and counties within the region. Nothing in this section  
37 shall be interpreted to limit the state board's authority under any  
38 other provision of law. Nothing in this section shall be interpreted  
39 to authorize the abrogation of any vested right whether created by  
40 statute or by common law. Nothing in this section shall require a

1 city's or county's land use policies and regulations, including its  
2 general plan, to be consistent with the regional transportation plan  
3 or an alternative planning strategy. Nothing in this section requires  
4 a metropolitan planning organization to approve a sustainable  
5 communities strategy that would be inconsistent with Part 450 of  
6 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
7 Regulations and any administrative guidance under those  
8 regulations. Nothing in this section relieves a public or private  
9 entity or any person from compliance with any other local, state,  
10 or federal law.

11 (L) Nothing in this section requires projects programmed for  
12 funding on or before December 31, 2011, to be subject to the  
13 provisions of this paragraph if they (i) are contained in the 2007  
14 or 2009 Federal Statewide Transportation Improvement Program,  
15 (ii) are funded pursuant to Chapter 12.49 (commencing with  
16 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically  
17 listed in a ballot measure prior to December 31, 2008, approving  
18 a sales tax increase for transportation projects. Nothing in this  
19 section shall require a transportation sales tax authority to change  
20 the funding allocations approved by the voters for categories of  
21 transportation projects in a sales tax measure adopted prior to  
22 December 31, 2010. For purposes of this subparagraph, a  
23 transportation sales tax authority is a district, as defined in Section  
24 7252 of the Revenue and Taxation Code, that is authorized to  
25 impose a sales tax for transportation purposes.

26 (M) A metropolitan planning organization, or a regional  
27 transportation planning agency not within a metropolitan planning  
28 organization, that is required to adopt a regional transportation  
29 plan not less than every five years, may elect to adopt the plan not  
30 less than every four years. This election shall be made by the board  
31 of directors of the metropolitan planning organization or regional  
32 transportation planning agency no later than June 1, 2009, or  
33 thereafter 54 months prior to the statutory deadline for the adoption  
34 of housing elements for the local jurisdictions within the region,  
35 after a public hearing at which comments are accepted from  
36 members of the public and representatives of cities and counties  
37 within the region covered by the metropolitan planning  
38 organization or regional transportation planning agency. Notice  
39 of the public hearing shall be given to the general public and by  
40 mail to cities and counties within the region no later than 30 days

1 prior to the date of the public hearing. Notice of election shall be  
2 promptly given to the Department of Housing and Community  
3 Development. The metropolitan planning organization or the  
4 regional transportation planning agency shall complete its next  
5 regional transportation plan within three years of the notice of  
6 election.

7 (N) Two or more of the metropolitan planning organizations  
8 for Fresno County, Kern County, Kings County, Madera County,  
9 Merced County, San Joaquin County, Stanislaus County, and  
10 Tulare County may work together to develop and adopt  
11 multiregional goals and policies that may address interregional  
12 land use, transportation, economic, air quality, and climate  
13 relationships. The participating metropolitan planning organizations  
14 may also develop a multiregional sustainable communities strategy,  
15 to the extent consistent with federal law, or an alternative planning  
16 strategy for adoption by the metropolitan planning organizations.  
17 Each participating metropolitan planning organization shall  
18 consider any adopted multiregional goals and policies in the  
19 development of a sustainable communities strategy and, if  
20 applicable, an alternative planning strategy for its region.

21 (3) An action element that describes the programs and actions  
22 necessary to implement the plan and assigns implementation  
23 responsibilities. The action element may describe all transportation  
24 projects proposed for development during the 20-year or greater  
25 life of the plan. The action element shall consider congestion  
26 management programming activities carried out within the region.

27 (4) (A) A financial element that summarizes the cost of plan  
28 implementation constrained by a realistic projection of available  
29 revenues. The financial element shall also contain  
30 recommendations for allocation of funds. A county transportation  
31 commission created pursuant to Section 130000 of the Public  
32 Utilities Code shall be responsible for recommending projects to  
33 be funded with regional improvement funds, if the project is  
34 consistent with the regional transportation plan. The first five years  
35 of the financial element shall be based on the five-year estimate  
36 of funds developed pursuant to Section 14524. The financial  
37 element may recommend the development of specified new sources  
38 of revenue, consistent with the policy element and action element.

39 (B) The financial element of transportation planning agencies  
40 with populations that exceed 200,000 persons may include a project

1 cost breakdown for all projects proposed for development during  
2 the 20-year life of the plan that includes total expenditures and  
3 related percentages of total expenditures for all of the following:

- 4 (i) State highway expansion.
- 5 (ii) State highway rehabilitation, maintenance, and operations.
- 6 (iii) Local road and street expansion.
- 7 (iv) Local road and street rehabilitation, maintenance, and  
8 operation.
- 9 (v) Mass transit, commuter rail, and intercity rail expansion.
- 10 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,  
11 maintenance, and operations.
- 12 (vii) Pedestrian and bicycle facilities.
- 13 (viii) Environmental enhancements and mitigation.
- 14 (ix) Research and planning.
- 15 (x) Other categories.

16 (C) The metropolitan planning organization or county  
17 transportation agency, whichever entity is appropriate, shall  
18 consider financial incentives for cities and counties that have  
19 resource areas or farmland, as defined in Section 65080.01, for  
20 the purposes of, for example, transportation investments for the  
21 preservation and safety of the city street or county road system  
22 and farm-to-market and interconnectivity transportation needs.  
23 The metropolitan planning organization or county transportation  
24 agency, whichever entity is appropriate, shall also consider  
25 financial assistance for counties to address countywide service  
26 responsibilities in counties that contribute toward the greenhouse  
27 gas emission reduction targets by implementing policies for growth  
28 to occur within their cities.

29 (c) Each transportation planning agency may also include other  
30 factors of local significance as an element of the regional  
31 transportation plan, including, but not limited to, issues of mobility  
32 for specific sectors of the community, including, but not limited  
33 to, senior citizens.

34 (d) Except as otherwise provided in this subdivision, each  
35 transportation planning agency shall adopt and submit, every four  
36 years, an updated regional transportation plan to the California  
37 Transportation Commission and the Department of Transportation.  
38 A transportation planning agency located in a federally designated  
39 air quality attainment area or that does not contain an urbanized  
40 area may at its option adopt and submit a regional transportation

1 plan every five years. When applicable, the plan shall be consistent  
2 with federal planning and programming requirements and shall  
3 conform to the regional transportation plan guidelines adopted by  
4 the California Transportation Commission. Prior to adoption of  
5 the regional transportation plan, a public hearing shall be held after  
6 the giving of notice of the hearing by publication in the affected  
7 county or counties pursuant to Section 6061.

8 SEC. 2. Section 66537.1 is added to the Government Code, to  
9 read:

10 66537.1. (a) The member agencies of the joint policy  
11 committee created pursuant to subdivision (d) of Section 66536  
12 shall prepare a plan for consolidating the functions that are common  
13 to the member agencies, including, but not limited to, personnel  
14 and human resources, budget and financial services, electronic  
15 data and communications systems, legal services, contracting and  
16 procurement of goods and services, public information and  
17 outreach services, intergovernmental relations, transportation, land  
18 use, economic, and related forecasting models, and other related  
19 activities, as deemed appropriate and feasible, that will further the  
20 goals of the member agencies and reduce redundancy. The plan  
21 shall also include a statement as to the expected reduction in the  
22 cost of overhead and in the cost of operation and management of  
23 the member agencies.

24 (b) On or before December 31, ~~2014~~, 2015, a member agency  
25 affected by the plan shall submit a copy of the plan to its board.

26 (c) On or before December 31, ~~2015~~, 2016, the member agencies  
27 shall report to the Senate ~~Transportation and Housing~~ Committee  
28 on *Transportation and Housing* on the adoption and  
29 implementation of the plan.

30 ~~SEC. 3. Section 66537.2 is added to the Government Code, to~~  
31 ~~read:~~

32 ~~66537.2. The joint policy committee shall develop and adopt~~  
33 ~~public and community outreach and inclusive public participation~~  
34 ~~policies to govern the development and adoption of the regional~~  
35 ~~organization plan as well as regular joint policy committee~~  
36 ~~meetings. These policies shall also govern the meetings of member~~  
37 ~~agencies, the meetings of standing committees, and meetings of~~  
38 ~~ad-hoc or other temporary committees. In developing the policies,~~  
39 ~~the joint policy committee shall ensure that outreach programs are~~  
40 ~~inclusive of limited-English-proficient populations, and utilize all~~

1 ~~available communication technologies, including webcasting and~~  
2 ~~social media, print, radio, and television. The joint policy~~  
3 ~~committee shall also establish policies for the holding workshops~~  
4 ~~of the joint policy committee and the member agencies in the cities~~  
5 ~~and counties of the region. The joint policy committee shall provide~~  
6 ~~an opportunity for the public to comment on the draft and the final~~  
7 ~~recommended policies. The policies shall be adopted on or before~~  
8 ~~October 31, 2014.~~

9 *SEC. 3. Section 66537.2 is added to the Government Code, to*  
10 *read:*

11 *66537.2. (a) Prior to initiating public outreach and*  
12 *participation efforts for a regional transportation plan update,*  
13 *including the sustainable communities strategy pursuant to*  
14 *subparagraphs (B) and (C) of paragraph (2) of subdivision (b) of*  
15 *Section 65080, the Metropolitan Transportation Commission, in*  
16 *consultation with the Association of Bay Area Governments, the*  
17 *Bay Area Air Quality Management District, and the San Francisco*  
18 *Bay Conservation and Development Commission, shall issue, for*  
19 *public comment, a draft public participation plan to meet the public*  
20 *participation requirements under federal law and Section 65080.*

21 *(b) (1) At least 180 days before issuing the draft under*  
22 *subdivision (a), the Metropolitan Transportation Commission shall*  
23 *convene a public engagement advisory group to meet at least six*  
24 *times before the draft is issued for public comment. Meetings of*  
25 *the public engagement advisory group shall be subject to the Ralph*  
26 *M. Brown Act (Chapter 9 (commencing with Section 54950) of*  
27 *Part 1 of Division 2 of Title 5 of the Government Code).*

28 *(2) The Metropolitan Transportation Commission shall accept*  
29 *nominations for membership on the public engagement advisory*  
30 *group from community-based organizations representing*  
31 *populations that are traditionally under represented in decision*  
32 *making, including minority and low-income populations. Not less*  
33 *than 60 percent of the members of the public engagement advisory*  
34 *group shall be affiliated with those community-based groups.*

35 *(3) The public engagement advisory group shall be charged*  
36 *with all of the following tasks:*

37 *(A) Reviewing the public participation process in connection*  
38 *with the development and adoption of the previous regional*  
39 *transportation plan and sustainable communities strategy and*  
40 *assessing both of the following:*

- 1 (i) *Strengths and weaknesses.*
- 2 (ii) *The degree to which the public participation plans were*
- 3 *implemented, and the degree to which specific implementation*
- 4 *actions contributed to a robust, inclusive, and transparent process.*
- 5 (B) *Identifying key decision points in the process by which the*
- 6 *previous regional transportation plan and sustainable communities*
- 7 *strategy was developed and adopted, including all of the following:*
- 8 (i) *Decision points relating to public outreach.*
- 9 (ii) *Participation and process needs assessment and*
- 10 *prioritization.*
- 11 (iii) *Goals and objectives.*
- 12 (iv) *Targets and performance measures.*
- 13 (v) *Equity metrics and equity analysis.*
- 14 (vi) *Scenario development and evaluation.*
- 15 (vii) *Selection of a preferred alternative.*
- 16 (viii) *Regional housing needs assessment methodology and*
- 17 *allocation.*
- 18 (ix) *Scoping of the environmental impact report.*
- 19 (x) *Response to comments.*
- 20 (xi) *Investment and planning tradeoffs.*
- 21 (xii) *Relevant decision points of other public agencies, such as*
- 22 *county congestion management agencies, transit operators, the*
- 23 *Bay Area Partnership Board, cities, and counties.*
- 24 (C) *Assisting staff in developing a draft public participation*
- 25 *plan that does all of the following:*
- 26 (i) *Provides a clear process map, timeline, and description of*
- 27 *all key decision points, including those described in subparagraph*
- 28 *(B).*
- 29 (ii) *Sets forth outreach activities designed to meaningfully inform*
- 30 *and engage Bay Area residents, including activities targeting*
- 31 *populations traditionally under represented in regional planning,*
- 32 *such as minority and low-income populations.*
- 33 (iii) *Sets forth the role of advisory committees in the development*
- 34 *and approval of the regional transportation plan update and*
- 35 *sustainable community strategy.*
- 36 (iv) *Sets forth the role of other agencies and local jurisdictions*
- 37 *in the planning process, and prescribes requirements for inclusive*
- 38 *public engagement and transparency, to which the Metropolitan*
- 39 *Transportation Commission will hold those agencies and*
- 40 *jurisdictions accountable.*

1 (v) *Addresses any other priority concerns raised by the public*  
2 *engagement advisory group.*

3 SEC. 4. Section 66537.3 is added to the Government Code, to  
4 read:

5 66537.3. The joint policy committee shall maintain an Internet  
6 Web site containing relevant information pertaining to the joint  
7 policy committee's activities.

8 SEC. 5. Section 66537.4 is added to the Government Code, to  
9 read:

10 66537.4. The joint policy committee shall be subject to the  
11 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)  
12 of Part 1 of Division 2 of Title 5).

13 SEC. 6. Section 66537.6 is added to the Government Code, to  
14 read:

15 66537.6. (a) The joint policy committee shall appoint an  
16 advisory committee on economic competitiveness with members  
17 from the business community, including representatives of small  
18 businesses and the technology and manufacturing sectors,  
19 community colleges, public and private universities, labor, local  
20 governments, community organizations with an interest in  
21 expanding economic opportunity for low-income populations and  
22 communities, and other organizations involved with the private  
23 economy.

24 (b) The joint policy committee, in consultation with the advisory  
25 committee, shall adopt goals and policies related to the inclusion  
26 of economic development opportunities in the sustainable  
27 communities strategy. The goals and policies shall also promote  
28 amenities that are special to the region and contribute to the  
29 region's quality of life. Social equity goals and considerations shall  
30 be integrated throughout to ensure that low-income populations  
31 and populations of color share fairly in the benefits and burdens  
32 of the economic development goals and policies and their  
33 implementation and include ~~strategies~~ *strategies* to improve the  
34 economic conditions and opportunities for all residents with special  
35 attention given to opportunities available for low-income residents  
36 and populations of color.

37 SEC. 7. Section 66537.7 is added to the Government Code, to  
38 read:

39 66537.7. The Metropolitan Transportation Commission shall  
40 report biannually to the Legislature and the public at large on

1 progress in implementing the policies and programs of the  
2 sustainable communities strategy required pursuant to subparagraph  
3 (B) of paragraph (2) of subdivision (b) of Section 65080 and in  
4 preparing the subsequent sustainable communities strategy.

5 SEC. 8. The San Francisco Bay Conservation and Development  
6 Commission shall relocate to 390 Main Street in San Francisco,  
7 California.

8 SEC. 9. If the Commission on State Mandates determines  
9 that this act contains costs mandated by the state, reimbursement  
10 to local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

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