

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

455 Golden Gate Avenue, Suite 10600 • San Francisco, California 94102 (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

April 25, 2014

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 lgoldzband@bcdc.ca.gov)
Steve Goldbeck, Chief Deputy Director (415/352-3611 steveg@bcdc.ca.gov)

SUBJECT: Staff Report and Recommendation on SB 792, and AB 2516
(For Commission consideration on May 1, 2014)

Summary and Recommendation

The staff recommends that the Commission take a position of “support if amended” on: (1) Senate Bill 792 (attached) introduced by Senator Mark DeSaulnier regarding the Joint Policy Committee (JPC) and the Sustainable Communities Strategy; and (2) Assembly Bill AB 2516 (attached) introduced by Assembly Member Rich Gordon that directs the state Natural Resources Agency to establish and maintain a database of rising sea level projects in the state.

Background

SB 792. In February 2013 Senator Mark DeSaulnier introduced SB 792 (attached) *Regional entities: San Francisco Bay Area* that would mandate various activities by the Joint Policy Committee. The Commission voted at its May 2, 2013 meeting to request that the bill be amended as suggested by the Metropolitan Transportation Commission to focus instead on how the JPC agencies prepare the next Sustainable Communities Strategy (SCS) for the Bay Area. The suggested amendments considered then required the Bay Area Air Quality Management District (BAAQMD) to include in the SCS greater consideration of priority air pollutants and BCDC to address rising sea level. The amendments also directed BCDC to join the other JPC agencies at the new regional headquarters building in San Francisco. Senator DeSaulnier subsequently amended the bill to largely address these suggestions. However, the bill was then held in the Senate Appropriations Committee due to the BCDC-related amendments that were considered unfunded state mandates. Senator DeSaulnier amended the bill to remove those provisions, and the bill moved out of Appropriations, was passed by the Senate, and is now in the Assembly.

JPC agencies’ executive staff are discussing further amendments with Senator DeSaulnier’s staff. These amendments would require that BAAQMD and BCDC “provide technical and policy analysis, recommendations, and other forms of consultation as requested by the Joint Policy Committee” but would not mandate BAAQMD’s and BCDC’s approval of the SCS. Further amendments are under discussion that would simplify and clarify the bill’s requirements for the JPC and preparation of the SCS. Staff believes that these amendments clarify BAAQMD and BCDC’s roles in preparation of the SCS.



Making San Francisco Bay Better

AB 2516. Assembly Member Rich Gordon introduced AB 2516 (attached) *Sea level rise planning: database*, after chairing the Assembly's Select Committee on Sea Level Rise and the California Economy. The committee found that while California is taking strong leadership and many cities, counties and regions are beginning to address rising sea level, there is no centralized location through which to gain information on these efforts or learn what programs could lead to organizations coordinating, collaborating, and partnering on these initiatives.

The bill requires that the Natural Resources Agency create a statewide database to serve as a source of information on those efforts. The database would include a wide range of information on each project. State agencies and other public and private entities would be required to report monthly on projects within their control or jurisdiction. The organizations that fall under the bill's provisions include: BCDC, California Coastal Commission, State Coastal Conservancy, State Lands Commission, State Energy Resources Conservation and Development Commission, State Water Resources Control Board, Regional Water Quality Control Boards, State Department of Transportation, ports, airports, and publicly owned electric and natural gas utilities located along the coast or in the San Francisco Bay Area.

AB 2516 will be heard in the Assembly Natural Resources Committee April 28, 2014.

Staff believes that a database of projects addressing rising sea level can serve a useful purpose. However, updating it monthly is unwarranted and will not provide significant benefits in relation to the time and expense that the agencies would need to expend. State agencies are recommending that the legislation be amended to include a requirement that three or four updates be required per year.

Recommendation. Staff recommends that the Commission support SB 792 and AB 2516 with the amendments suggested by staff.

AMENDED IN SENATE JANUARY 27, 2014

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

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

February 22, 2013

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 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, coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the member agencies of the joint policy committee to prepare a plan for consolidating certain functions that are common to the member agencies. The bill would require the plan 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, 2015, and would require the member agencies to report to the Senate Committee on Transportation and Housing on the adoption and implementation of the plan on or before December 31, 2016. The bill would also require the joint policy committee to maintain an Internet Web 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 sustainable ~~committees~~ *communities* strategy.

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

The bill would also establish additional requirements for a sustainable communities strategy adopted on or after January 1, 2015, within the jurisdiction of the Metropolitan Transportation Commission, and would impose additional duties relating to that sustainable communities strategy on the Metropolitan Transportation Commission, the 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:

19 (1) A policy element that describes the transportation issues in
20 the region, identifies and quantifies regional needs, and describes
21 the desired short-range and long-range transportation goals, and
22 pragmatic objective and policy statements. The objective and policy
23 statements shall be consistent with the funding estimates of the
24 financial element. The policy element of transportation planning
25 agencies with populations that exceed 200,000 persons may
26 quantify a set of indicators including, but not limited to, all of the
27 following:

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

4 (B) Measures of road and bridge maintenance and rehabilitation
5 needs, including, but not limited to, roadway pavement and bridge
6 conditions.

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

10 (i) Single occupant vehicle.

11 (ii) Multiple occupant vehicle or carpool.

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

13 (iv) Walking.

14 (v) Bicycling.

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

18 (E) Measures of equity and accessibility, including, but not
19 limited to, percentage of the population served by frequent and
20 reliable public transit, with a breakdown by income bracket, and
21 percentage of all jobs accessible by frequent and reliable public
22 transit service, with a breakdown by income bracket.

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

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

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

32 (i) No later than January 31, 2009, the state board shall appoint
33 a Regional Targets Advisory Committee to recommend factors to
34 be considered and methodologies to be used for setting greenhouse
35 gas emission reduction targets for the affected regions. The
36 committee shall be composed of representatives of the metropolitan
37 planning organizations, affected air districts, the League of
38 California Cities, the California State Association of Counties,
39 local transportation agencies, and members of the public, including
40 homebuilders, environmental organizations, planning organizations,

1 environmental justice organizations, affordable housing
2 organizations, and others. The advisory committee shall transmit
3 a report with its recommendations to the state board no later than
4 September 30, 2009. In recommending factors to be considered
5 and methodologies to be used, the advisory committee may
6 consider any relevant issues, including, but not limited to, data
7 needs, modeling techniques, growth forecasts, the impacts of
8 regional jobs-housing balance on interregional travel and
9 greenhouse gas emissions, economic and demographic trends, the
10 magnitude of greenhouse gas reduction benefits from a variety of
11 land use and transportation strategies, and appropriate methods to
12 describe regional targets and to monitor performance in attaining
13 those targets. The state board shall consider the report prior to
14 setting the targets.

15 (ii) Prior to setting the targets for a region, the state board shall
16 exchange technical information with the metropolitan planning
17 organization and the affected air district. The metropolitan planning
18 organization may recommend a target for the region. The
19 metropolitan planning organization shall hold at least one public
20 workshop within the region after receipt of the report from the
21 advisory committee. The state board shall release draft targets for
22 each region no later than June 30, 2010.

23 (iii) In establishing these targets, the state board shall take into
24 account greenhouse gas emission reductions that will be achieved
25 by improved vehicle emission standards, changes in fuel
26 composition, and other measures it has approved that will reduce
27 greenhouse gas emissions in the affected regions, and prospective
28 measures the state board plans to adopt to reduce greenhouse gas
29 emissions from other greenhouse gas emission sources as that term
30 is defined in subdivision (i) of Section 38505 of the Health and
31 Safety Code and consistent with the regulations promulgated
32 pursuant to the California Global Warming Solutions Act of 2006
33 (Division 25.5 (commencing with Section 38500) of the Health
34 and Safety Code).

35 (iv) The state board shall update the regional greenhouse gas
36 emission reduction targets every eight years consistent with each
37 metropolitan planning organization's timeframe for updating its
38 regional transportation plan under federal law until 2050. The state
39 board may revise the targets every four years based on changes in
40 the factors considered under clause (iii). The state board shall

1 exchange technical information with the Department of
2 Transportation, metropolitan planning organizations, local
3 governments, and affected air districts and engage in a consultative
4 process with public and private stakeholders prior to updating these
5 targets.

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

9 (B) Each metropolitan planning organization shall prepare a
10 sustainable communities strategy, subject to the requirements of
11 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
12 Federal Regulations, including the requirement to utilize the most
13 recent planning assumptions considering local general plans and
14 other factors. The sustainable communities strategy shall (i)
15 identify the general location of uses, residential densities, and
16 building intensities within the region, (ii) identify areas within the
17 region sufficient to house all the population of the region, including
18 all economic segments of the population, over the course of the
19 planning period of the regional transportation plan taking into
20 account net migration into the region, population growth, household
21 formation and employment growth, (iii) identify areas within the
22 region sufficient to house an eight-year projection of the regional
23 housing need for the region pursuant to Section 65584, (iv) identify
24 a transportation network to service the transportation needs of the
25 region, (v) gather and consider the best practically available
26 scientific information regarding resource areas and farmland in
27 the region as defined in subdivisions (a) and (b) of Section
28 65080.01, (vi) consider the state housing goals specified in Sections
29 65580 and 65581, (vii) set forth a forecasted development pattern
30 for the region, which, when integrated with the transportation
31 network, and other transportation measures and policies, will
32 reduce the greenhouse gas emissions from automobiles and light
33 trucks to achieve, if there is a feasible way to do so, the greenhouse
34 gas emission reduction targets approved by the state board, and
35 (viii) allow the regional transportation plan to comply with Section
36 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

37 (C) (i) Within the jurisdiction of the Metropolitan
38 Transportation Commission, as defined by Section 66502, a
39 sustainable communities strategy adopted on or after January 1,
40 2015, shall also include consideration of local and regional air

1 quality, ~~sea level rise~~, priority infrastructure needs, and the goals
2 and policies related to economic development opportunities and
3 social equity goals pursuant to subdivision (b) of Section 66537.6.
4 *The sustainable communities strategy may also include*
5 *consideration of sea level rise.* The Association of Bay Area
6 Governments shall be responsible for clauses (i), (ii), (iii), (v), and
7 (vi) of subparagraph (B). The Metropolitan Transportation
8 Commission shall be responsible for clauses (iv) and (viii) of
9 subparagraph (B), priority infrastructure needs, and the goals and
10 policies related to economic development opportunities and social
11 equity goals pursuant to subdivision (b) of Section 66537.6. The
12 Bay Area Air Quality Management District shall be responsible
13 for criteria pollutants and toxic air contaminants. ~~The San Francisco~~
14 ~~Bay Conservation and Development Commission shall be~~
15 ~~responsible for sea level rise.~~ The Association of Bay Area
16 Governments, the Bay Area Air Quality Management District, the
17 San Francisco Bay Conservation and Development Commission,
18 and the Metropolitan Transportation Commission shall jointly be
19 responsible for clause (vii) of subparagraph (B) and the adoption
20 of the strategy as a whole.

21 (ii) Within the jurisdiction of the Tahoe Regional Planning
22 Agency, as defined in Sections 66800 and 66801, the Tahoe
23 Metropolitan Planning Organization shall use the Regional Plan
24 for the Lake Tahoe Region as the sustainable community strategy,
25 provided that it complies with clauses (vii) and (viii) of
26 subparagraph (B).

27 (D) In the region served by the multicounty transportation
28 planning agency described in Section 130004 of the Public Utilities
29 Code, a subregional council of governments and the county
30 transportation commission may work together to propose the
31 sustainable communities strategy and an alternative planning
32 strategy, if one is prepared pursuant to subparagraph (I), for that
33 subregional area. The metropolitan planning organization may
34 adopt a framework for a subregional sustainable communities
35 strategy or a subregional alternative planning strategy to address
36 the intraregional land use, transportation, economic, air quality,
37 and climate policy relationships. The metropolitan planning
38 organization shall include the subregional sustainable communities
39 strategy for that subregion in the regional sustainable communities
40 strategy to the extent consistent with this section and federal law

1 and approve the subregional alternative planning strategy, if one
2 is prepared pursuant to subparagraph (I), for that subregional area
3 to the extent consistent with this section. The metropolitan planning
4 organization shall develop overall guidelines, create public
5 participation plans pursuant to subparagraph (F), ensure
6 coordination, resolve conflicts, make sure that the overall plan
7 complies with applicable legal requirements, and adopt the plan
8 for the region.

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

25 (F) Each metropolitan planning organization shall adopt a public
26 participation plan, for development of the sustainable communities
27 strategy and an alternative planning strategy, if any, that includes
28 all of the following:

29 (i) Outreach efforts to encourage the active participation of a
30 broad range of stakeholder groups in the planning process,
31 consistent with the agency's adopted Federal Public Participation
32 Plan, including, but not limited to, affordable housing advocates,
33 transportation advocates, neighborhood and community groups,
34 environmental advocates, home builder representatives,
35 broad-based business organizations, landowners, commercial
36 property interests, and homeowner associations.

37 (ii) Consultation with congestion management agencies,
38 transportation agencies, and transportation commissions.

39 (iii) Workshops throughout the region to provide the public with
40 the information and tools necessary to provide a clear

1 understanding of the issues and policy choices. At least one
2 workshop shall be held in each county in the region. For counties
3 with a population greater than 500,000, at least three workshops
4 shall be held. Each workshop, to the extent practicable, shall
5 include urban simulation computer modeling to create visual
6 representations of the sustainable communities strategy and the
7 alternative planning strategy.

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

12 (v) At least three public hearings on the draft sustainable
13 communities strategy in the regional transportation plan and
14 alternative planning strategy, if one is prepared. If the metropolitan
15 transportation organization consists of a single county, at least two
16 public hearings shall be held. To the maximum extent feasible, the
17 hearings shall be in different parts of the region to maximize the
18 opportunity for participation by members of the public throughout
19 the region.

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

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

26 (H) Prior to adopting a sustainable communities strategy, the
27 metropolitan planning organization shall quantify the reduction in
28 greenhouse gas emissions projected to be achieved by the
29 sustainable communities strategy and set forth the difference, if
30 any, between the amount of that reduction and the target for the
31 region established by the state board.

32 (I) If the sustainable communities strategy, prepared in
33 compliance with subparagraph (B) or (D), is unable to reduce
34 greenhouse gas emissions to achieve the greenhouse gas emission
35 reduction targets established by the state board, the metropolitan
36 planning organization shall prepare an alternative planning strategy
37 to the sustainable communities strategy showing how those
38 greenhouse gas emission targets would be achieved through
39 alternative development patterns, infrastructure, or additional
40 transportation measures or policies. The alternative planning

1 strategy shall be a separate document from the regional
2 transportation plan, but it may be adopted concurrently with the
3 regional transportation plan. In preparing the alternative planning
4 strategy, the metropolitan planning organization:

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

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

9 (iii) Shall describe how the greenhouse gas emission reduction
10 targets would be achieved by the alternative planning strategy, and
11 why the development pattern, measures, and policies in the
12 alternative planning strategy are the most practicable choices for
13 achievement of the greenhouse gas emission reduction targets.

14 (iv) An alternative development pattern set forth in the
15 alternative planning strategy shall comply with Part 450 of Title
16 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
17 except to the extent that compliance will prevent achievement of
18 the greenhouse gas emission reduction targets approved by the
19 state board.

20 (v) For purposes of the California Environmental Quality Act
21 (Division 13 (commencing with Section 21000) of the Public
22 Resources Code), an alternative planning strategy shall not
23 constitute a land use plan, policy, or regulation, and the
24 inconsistency of a project with an alternative planning strategy
25 shall not be a consideration in determining whether a project may
26 have an environmental effect.

27 (J) (i) Prior to starting the public participation process adopted
28 pursuant to subparagraph (F), the metropolitan planning
29 organization shall submit a description to the state board of the
30 technical methodology it intends to use to estimate the greenhouse
31 gas emissions from its sustainable communities strategy and, if
32 appropriate, its alternative planning strategy. The state board shall
33 respond to the metropolitan planning organization in a timely
34 manner with written comments about the technical methodology,
35 including specifically describing any aspects of that methodology
36 it concludes will not yield accurate estimates of greenhouse gas
37 emissions, and suggested remedies. The metropolitan planning
38 organization is encouraged to work with the state board until the
39 state board concludes that the technical methodology operates
40 accurately.

1 (ii) After adoption, a metropolitan planning organization shall
2 submit a sustainable communities strategy or an alternative
3 planning strategy, if one has been adopted, to the state board for
4 review, including the quantification of the greenhouse gas emission
5 reductions the strategy would achieve and a description of the
6 technical methodology used to obtain that result. Review by the
7 state board shall be limited to acceptance or rejection of the
8 metropolitan planning organization's determination that the strategy
9 submitted would, if implemented, achieve the greenhouse gas
10 emission reduction targets established by the state board. The state
11 board shall complete its review within 60 days.

12 (iii) If the state board determines that the strategy submitted
13 would not, if implemented, achieve the greenhouse gas emission
14 reduction targets, the metropolitan planning organization shall
15 revise its strategy or adopt an alternative planning strategy, if not
16 previously adopted, and submit the strategy for review pursuant
17 to clause (ii). At a minimum, the metropolitan planning
18 organization must obtain state board acceptance that an alternative
19 planning strategy would, if implemented, achieve the greenhouse
20 gas emission reduction targets established for that region by the
21 state board.

22 (K) Neither a sustainable communities strategy nor an alternative
23 planning strategy regulates the use of land, nor, except as provided
24 by subparagraph (J), shall either one be subject to any state
25 approval. Nothing in a sustainable communities strategy shall be
26 interpreted as superseding the exercise of the land use authority
27 of cities and counties within the region. Nothing in this section
28 shall be interpreted to limit the state board's authority under any
29 other provision of law. Nothing in this section shall be interpreted
30 to authorize the abrogation of any vested right whether created by
31 statute or by common law. Nothing in this section shall require a
32 city's or county's land use policies and regulations, including its
33 general plan, to be consistent with the regional transportation plan
34 or an alternative planning strategy. Nothing in this section requires
35 a metropolitan planning organization to approve a sustainable
36 communities strategy that would be inconsistent with Part 450 of
37 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
38 Regulations and any administrative guidance under those
39 regulations. Nothing in this section relieves a public or private

1 entity or any person from compliance with any other local, state,
2 or federal law.

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

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

39 (N) Two or more of the metropolitan planning organizations
40 for Fresno County, Kern County, Kings County, Madera County,

1 Merced County, San Joaquin County, Stanislaus County, and
2 Tulare County may work together to develop and adopt
3 multiregional goals and policies that may address interregional
4 land use, transportation, economic, air quality, and climate
5 relationships. The participating metropolitan planning organizations
6 may also develop a multiregional sustainable communities strategy,
7 to the extent consistent with federal law, or an alternative planning
8 strategy for adoption by the metropolitan planning organizations.
9 Each participating metropolitan planning organization shall
10 consider any adopted multiregional goals and policies in the
11 development of a sustainable communities strategy and, if
12 applicable, an alternative planning strategy for its region.

13 (3) An action element that describes the programs and actions
14 necessary to implement the plan and assigns implementation
15 responsibilities. The action element may describe all transportation
16 projects proposed for development during the 20-year or greater
17 life of the plan. The action element shall consider congestion
18 management programming activities carried out within the region.

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

31 (B) The financial element of transportation planning agencies
32 with populations that exceed 200,000 persons may include a project
33 cost breakdown for all projects proposed for development during
34 the 20-year life of the plan that includes total expenditures and
35 related percentages of total expenditures for all of the following:

- 36 (i) State highway expansion.
- 37 (ii) State highway rehabilitation, maintenance, and operations.
- 38 (iii) Local road and street expansion.
- 39 (iv) Local road and street rehabilitation, maintenance, and
40 operation.

- 1 (v) Mass transit, commuter rail, and intercity rail expansion.
- 2 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
- 3 maintenance, and operations.
- 4 (vii) Pedestrian and bicycle facilities.
- 5 (viii) Environmental enhancements and mitigation.
- 6 (ix) Research and planning.
- 7 (x) Other categories.
- 8 (C) The metropolitan planning organization or county
- 9 transportation agency, whichever entity is appropriate, shall
- 10 consider financial incentives for cities and counties that have
- 11 resource areas or farmland, as defined in Section 65080.01, for
- 12 the purposes of, for example, transportation investments for the
- 13 preservation and safety of the city street or county road system
- 14 and farm-to-market and interconnectivity transportation needs.
- 15 The metropolitan planning organization or county transportation
- 16 agency, whichever entity is appropriate, shall also consider
- 17 financial assistance for counties to address countywide service
- 18 responsibilities in counties that contribute toward the greenhouse
- 19 gas emission reduction targets by implementing policies for growth
- 20 to occur within their cities.
- 21 (c) Each transportation planning agency may also include other
- 22 factors of local significance as an element of the regional
- 23 transportation plan, including, but not limited to, issues of mobility
- 24 for specific sectors of the community, including, but not limited
- 25 to, senior citizens.
- 26 (d) Except as otherwise provided in this subdivision, each
- 27 transportation planning agency shall adopt and submit, every four
- 28 years, an updated regional transportation plan to the California
- 29 Transportation Commission and the Department of Transportation.
- 30 A transportation planning agency located in a federally designated
- 31 air quality attainment area or that does not contain an urbanized
- 32 area may at its option adopt and submit a regional transportation
- 33 plan every five years. When applicable, the plan shall be consistent
- 34 with federal planning and programming requirements and shall
- 35 conform to the regional transportation plan guidelines adopted by
- 36 the California Transportation Commission. Prior to adoption of
- 37 the regional transportation plan, a public hearing shall be held after
- 38 the giving of notice of the hearing by publication in the affected
- 39 county or counties pursuant to Section 6061.

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

3 66537.1. (a) The member agencies of the joint policy
4 committee created pursuant to subdivision (d) of Section 66536
5 shall prepare a plan for consolidating the functions that are common
6 to the member agencies, including, but not limited to, personnel
7 and human resources, budget and financial services, electronic
8 data and communications systems, legal services, contracting and
9 procurement of goods and services, public information and
10 outreach services, intergovernmental relations, transportation, land
11 use, economic, and related forecasting models, and other related
12 activities, as deemed appropriate and feasible, that will further the
13 goals of the member agencies and reduce redundancy. The plan
14 shall also include a statement as to the expected reduction in the
15 cost of overhead and in the cost of operation and management of
16 the member agencies.

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

19 (c) On or before December 31, 2016, the member agencies shall
20 report to the Senate Committee on Transportation and Housing on
21 the adoption and implementation of the plan.

22 SEC. 3. Section 66537.2 is added to the Government Code, to
23 read:

24 66537.2. (a) Prior to initiating public outreach and participation
25 efforts for a regional transportation plan update, including the
26 sustainable communities strategy pursuant to subparagraphs (B)
27 and (C) of paragraph (2) of subdivision (b) of Section 65080, the
28 Metropolitan Transportation Commission, in consultation with the
29 Association of Bay Area Governments, the Bay Area Air Quality
30 Management District, and the San Francisco Bay Conservation
31 and Development Commission, shall issue, for public comment,
32 a draft public participation plan to meet the public participation
33 requirements under federal law and Section 65080.

34 (b) (1) At least 180 days before issuing the draft under
35 subdivision (a), the Metropolitan Transportation Commission shall
36 convene a public engagement advisory group to meet at least six
37 times before the draft is issued for public comment. Meetings of
38 the public engagement advisory group shall be subject to the Ralph
39 M. Brown Act (Chapter 9 (commencing with Section 54950) of
40 Part 1 of Division 2 of Title 5 of the Government Code).

1 (2) The Metropolitan Transportation Commission shall accept
2 nominations for membership on the public engagement advisory
3 group from community-based organizations representing
4 populations that are traditionally underrepresented in
5 decisionmaking, including minority and low-income populations.
6 Not less than 60 percent of the members of the public engagement
7 advisory group shall be affiliated with those community-based
8 groups.

9 (3) The public engagement advisory group shall be charged
10 with all of the following tasks:

11 (A) Reviewing the public participation process in connection
12 with the development and adoption of the previous regional
13 transportation plan and sustainable communities strategy and
14 assessing both of the following:

15 (i) Strengths and weaknesses.

16 (ii) The degree to which the public participation plans were
17 implemented, and the degree to which specific implementation
18 actions contributed to a robust, inclusive, and transparent process.

19 (B) Identifying key decision points in the process by which the
20 previous regional transportation plan and sustainable communities
21 strategy was developed and adopted, including all of the following:

22 (i) Decision points relating to public outreach.

23 (ii) Participation and process needs assessment and prioritization.

24 (iii) Goals and objectives.

25 (iv) Targets and performance measures.

26 (v) Equity metrics and equity analysis.

27 (vi) Scenario development and evaluation.

28 (vii) Selection of a preferred alternative.

29 (viii) Regional housing needs assessment methodology and
30 allocation.

31 (ix) Scoping of the environmental impact report.

32 (x) Response to comments.

33 (xi) Investment and planning tradeoffs.

34 (xii) Relevant decision points of other public agencies, such as
35 county congestion management agencies, transit operators, the
36 Bay Area Partnership Board, cities, and counties.

37 (C) Assisting staff in developing a draft public participation
38 plan that does all of the following:

1 (i) Provides a clear process map, timeline, and description of
2 all key decision points, including those described in subparagraph
3 (B).

4 (ii) Sets forth outreach activities designed to meaningfully
5 inform and engage *San Francisco bay*—~~Area area~~ residents,
6 including activities targeting populations traditionally
7 underrepresented in regional planning, such as minority and
8 low-income populations.

9 (iii) Sets forth the role of advisory committees in the
10 development and approval of the regional transportation plan
11 update and sustainable-~~community~~ *communities* strategy.

12 (iv) Sets forth the role of other agencies and local jurisdictions
13 in the planning process, and prescribes requirements for inclusive
14 public engagement and transparency, to which the Metropolitan
15 Transportation Commission will hold those agencies and
16 jurisdictions accountable.

17 (v) Addresses any other priority concerns raised by the public
18 engagement advisory group.

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

21 66537.3. The joint policy committee shall maintain an Internet
22 Web site containing relevant information pertaining to the joint
23 policy committee's activities.

24 SEC. 5. Section 66537.4 is added to the Government Code, to
25 read:

26 66537.4. The joint policy committee shall be subject to the
27 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
28 of Part 1 of Division 2 of Title 5).

29 SEC. 6. Section 66537.6 is added to the Government Code, to
30 read:

31 66537.6. (a) The joint policy committee shall appoint an
32 advisory committee on economic competitiveness with members
33 from the business community, including representatives of small
34 businesses and the technology and manufacturing sectors,
35 community colleges, public and private universities, labor, local
36 governments, community organizations with an interest in
37 expanding economic opportunity for low-income populations and
38 communities, and other organizations involved with the private
39 economy.

1 (b) The joint policy committee, in consultation with the advisory
 2 committee, shall adopt goals and policies related to the inclusion
 3 of economic development opportunities in the sustainable
 4 communities strategy. The goals and policies shall also promote
 5 amenities that are special to the region and contribute to the
 6 region’s quality of life. Social equity goals and considerations shall
 7 be integrated throughout to ensure that low-income populations
 8 and populations of color share fairly in the benefits and burdens
 9 of the economic development goals and policies and their
 10 implementation and include strategies to improve the economic
 11 conditions and opportunities for all residents with special attention
 12 given to opportunities available for low-income residents and
 13 populations of color.

14 SEC. 7. Section 66537.7 is added to the Government Code, to
 15 read:

16 66537.7. The Metropolitan Transportation Commission shall
 17 report biannually to the Legislature and the public at large on
 18 progress in implementing the policies and programs of the
 19 sustainable communities strategy required pursuant to subparagraph
 20 (B) of paragraph (2) of subdivision (b) of Section 65080 and in
 21 preparing the subsequent sustainable communities strategy.

22 ~~SEC. 8. The San Francisco Bay Conservation and Development~~
 23 ~~Commission shall relocate to 390 Main Street in San Francisco,~~
 24 ~~California.~~

25 ~~SEC. 9.~~

26 SEC. 8. If the Commission on State Mandates determines that
 27 this act contains costs mandated by the state, reimbursement to
 28 local agencies and school districts for those costs shall be made
 29 pursuant to Part 7 (commencing with Section 17500) of Division
 30 4 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2516

**Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Achadjian, Lowenthal, Muratsuchi,
Skinner, and Ting)**

February 21, 2014

An act to add Division 20.6 (commencing with Section 30961) to the Public Resources Code, relating to sea level rise.

LEGISLATIVE COUNSEL'S DIGEST

AB 2516, as amended, Gordon. Sea level rise planning: database.

Existing law establishes the Natural Resources Agency consisting of various entities, departments, and boards, including the Department of Water Resources, the California Coastal Commission, the State Energy Resources Conservation and Development Commission, the State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy.

This bill would require, on or before January 1, 2016, the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update monthly, and post on its Internet Web site a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. The bill would require various public *agencies* and private entities to provide, by July 1, 2015, and, *beginning January 1, 2016*, on a monthly basis thereafter, information to the Natural Resources Agency to be included in the database, including descriptions of projects that address or prepare for sea level rise that are ~~within~~ *under the control or jurisdiction of the entity's control or jurisdiction public agency or private entity*. The bill

would require the ~~agency~~ *Natural Resources Agency* to organize the database by geographic region and provide an entry for each city, county, and city and county within the coastal zone and San Francisco Bay area.

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

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

1 SECTION 1. Division 20.6 (commencing with Section 30961)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 20.6. PLANNING FOR SEA LEVEL RISE
5 DATABASE
6

7 30961. On or before January 1, 2016, the Natural Resources
8 Agency, in collaboration with the Ocean Protection Council, shall
9 create and post on its Internet Web site a Planning for Sea Level
10 Rise Database describing steps being taken throughout the state
11 to prepare for, and adapt to, sea level rise. To be an effective
12 inventory of sea level rise planning in the state, the Natural
13 Resources Agency shall update the database on a monthly basis
14 with information provided by the entities described in Section
15 30964.

16 30962. The Planning for Sea Level Rise Database shall include,
17 but shall not be limited to, the following information:

18 (a) Title and description of all state and local private and public
19 projects addressing or preparing for sea level rise, including
20 information described in Section 30963. For purposes of this
21 division, “projects” includes studies, programs, modeling, mapping,
22 cost-benefit analyses, vulnerability assessments, and adaptation
23 assessments.

24 (b) Information regarding which cities, counties, and cities and
25 counties have implemented a local coastal program, including all
26 of the following information:

- 27 (1) When the local coastal program was created.
- 28 (2) All dates on which the local coastal program was updated,
29 if updated.
- 30 (3) Whether the local coastal program addresses sea level rise.

- 1 (c) Cities, counties, and cities and counties that do not have a
2 local coastal program in place.
3 30963. To the extent applicable, the following information
4 shall be included in the description of a project:
5 (a) Purpose.
6 (b) The person or entity charged with carrying out the project
7 and other contributors or collaborators.
8 (c) Whether the project is required to be completed by local,
9 state, or federal law.
10 (d) Geographic location of the project.
11 (e) Geographic scope of the project.
12 (f) If the project is an assessment, whether it is a risk or
13 vulnerability assessment.
14 (g) Whether the project has governance, environmental,
15 economic, social equity, or public education objectives, or any
16 combination thereof.
17 (h) Whether the project results are measurable.
18 (i) Whether the project is replicable and, if it is replicable,
19 whether the project can be adjusted to apply to different sized
20 regions.
21 (j) Source of funding for the project.
22 (k) Cost of the project.
23 (l) Any scientific considerations or science-based facts that are
24 involved in the project.
25 (m) Relevant maps.
26 (n) The project's estimated date of completion.
27 (o) Links to other Internet Web site materials that provide further
28 information.
29 30964. (a) The following *public agencies and private* entities
30 shall provide information described in Sections 30962 and 30963
31 for projects and local coastal programs that are ~~within~~ *under the*
32 *control or the jurisdiction of the entity's control public agency or*
33 *private entity or jurisdiction*, as applicable, to the Natural Resources
34 Agency by July 1, 2015, and, *beginning January 1, 2016*, shall
35 continue to provide updated information to the Natural Resources
36 Agency on a monthly basis:
37 (a)
38 (1) Airports within the California coastal zone or San Francisco
39 Bay area.
40 (b)

- 1 (2) California Coastal Commission.
- 2 ~~(e)~~
- 3 (3) State Energy Resources Conservation and Development
- 4 Commission.
- 5 ~~(d) California ports.~~
- 6 (4) *Ports located in the California coastal zone or San Francisco*
- 7 *Bay area.*
- 8 ~~(e)~~
- 9 (5) Department of Transportation.
- 10 ~~(f) Utilities within the~~
- 11 (6) *Investor-owned utilities located in the California coastal*
- 12 *zone or the San Francisco Bay area.*
- 13 (7) *Publicly owned electric and natural gas utilities located in*
- 14 *the California coastal zone or San Francisco Bay area.*
- 15 ~~(g)~~
- 16 (8) Regional water quality control boards.
- 17 ~~(h)~~
- 18 (9) San Francisco Bay Conservation and Development
- 19 Commission.
- 20 ~~(i)~~
- 21 (10) State Coastal Conservancy.
- 22 ~~(j)~~
- 23 (11) State Lands Commission.
- 24 ~~(k)~~
- 25 (12) State Water Resources Control Board.
- 26 (b) *This section does not require a project to be developed,*
- 27 *adopted, or updated by a public agency or private entity listed in*
- 28 *subdivision (a).*
- 29 30965. The Natural Resources Agency, in developing the
- 30 Planning for Sea Level Rise Database, shall organize the database
- 31 by geographic regions, provide an entry for each city, county, and
- 32 city and county within the coastal zone and San Francisco Bay
- 33 area, and include information described in Sections 30962 and
- 34 30963 under each entry. ~~The agency~~ *Natural Resources Agency*
- 35 shall organize the database in a manner it determines best to
- 36 provide the public with clear, useful, and readily accessible
- 37 information.
- 38 30966. It is the intent of the Legislature that the Planning for
- 39 Sea Level Rise Database provide the public with an educational
- 40 tool that will enable parties to view up-to-date information from

1 a single, centrally located source about actions taken by cities,
2 counties, cities and counties, regions, and public and private entities
3 to address sea level rise.
4 30967. Nothing in this division shall alter the duties,
5 responsibilities, and jurisdiction of state agencies that provide
6 information pursuant to this division.

O