



San Joaquin Valley Regional Planning Agencies Policy Council Meeting Agenda

**Friday, May 5, 2023
8:30 a.m.**

The meeting will be held via video teleconference at the following locations:

Kern Council of Governments
1401 19th Street, Suite 300
Bakersfield, CA 93301

Fresno Council of Governments
2035 Tulare St., Suite 201
Fresno, CA 93721

Stanislaus Council of Governments
1111 I St., Suite 308
Modesto, CA 95354

Tulare County Association of Governments
210 N. Church St., Suite B
Visalia, CA 93291

Madera County Transportation Commission
2001 Howard Rd., Suite 201
Madera, CA 93637

San Joaquin Council of Governments
555 E. Weber Ave., Suite 400
Stockton, CA 95202

Kings County Association of Governments
339 W. D St., Suite B
Lemoore, CA 93245

Merced County Association of Governments
369 W. 18th St.
Merced, CA 95340

Members of the public may participate in-person at any of the above referenced locations or remotely via Zoom.

Zoom Meeting Information

<https://us02web.zoom.us/j/88680898202?pwd=Rm1xWkdtdZ3YxeVFxL3NKNVFtNOIRUT09>

Meeting ID: 886 8089 8202

Password: 000531

Phone only: (669) 900-9128

Enclosure

A. CALL TO ORDER


Chair Poythress


B. APPROVAL OF MINUTES

Chair Poythress




January 27, 2023, Regular Meeting

 (559) 266-6222

 (559) 314-6015

 555 E. Weber Avenue
Stockton, CA 95202

 <http://sjvcogs.org/>

Chair
Supervisor Robert Poythress
Madera County

Vice-Chair
Mayor Rudy Mendoza
City of Woodlake

San Joaquin
Council of
Governments

Tulare County
Association of
Governments

Fresno
Council of
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Transportation
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Merced County
Association of
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Stanislaus
Council of
Governments

San Joaquin Valley
Air Pollution
Control District

San Joaquin
Joint Powers
Authority

C. ACTION/DISCUSSION ITEMS

Pending Legislative Bills

1. Approve oppose position for AB 985
2. Approve oppose, unless amended, position for AB 6
3. Approve oppose, unless amended, position for AB 7

D. OTHER ITEMS

1. Regional Policy Council Member Comments

E. PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Council on items within its jurisdiction but NOT on this agenda. Public Comment will be allowed during the Discussion/Action Items above.

Next Regular Regional Policy Council Meeting: Friday, June 23, 2023.

Americans with Disabilities Act (ADA) Accommodations

The public meeting location and restrooms are ADA accessible. Representatives or individuals with disabilities should contact the SJV Regional Planning Agencies at 559.266.6222, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting.



ITEM B

Meeting Minutes

Friday, January 27, 2023


Time: 10:00 a.m.


Meeting Location:
Fresno Council of Governments/Zoom Hybrid


Policy Council Member Attendees:


MEMBER	MPO/COG	TITLE	JURISDICTION
Robert Poythress (Chair)	MCTC	Supervisor	Madera County
Cathy Prout	Kern COG	Mayor Pro Tem	City of Shafter
Gary Yep	Fresno COG	Councilmember	City of Kerman
Alma Beltran	Fresno COG	Mayor	City of Parlier
Joe Neves	KCAG	Supervisor	Kings County
Jose Rodriguez	MCTC	Councilmember	City of Madera
Daron McDaniel	MCAG	Supervisor	Merced County
Pat Nagy	MCAG	Mayor	City of Gustine
Dan Wright	SJ COG	Councilmember	City of Stockton
Gary Singh	SJ COG	Mayor	City of Manteca
Vito Chiesa	StanCOG	Supervisor	Stanislaus County
Dennis Townsend	TCAG	Supervisor	Tulare County
Rudy Mendoza (Vice)	TCAG	Mayor	City of Woodlake
Linda Launer (alternate)	TCAG	Councilmember	City of Dinuba
Samir Sheikh	SJVAPCD	Executive Director	SJVAPCD
Dan Leavitt (for Mortensen)	SJIPA	Regional Manager	SJIPA

Please see Appendix A for a list of other attendees

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A. CALL TO ORDER AND INTRODUCTIONS

Chair Poythress

SPECIAL MEETING AB 361 RESOLUTION. THERE WAS A SEPARATE SPECIAL MEETING BEFORE THE BEGINNING OF THIS MEETING TO APPROVE AN AB 361 RESOLUTION (#012723) FOR CONTINUING TO MEET VIA TELECONFERENCE FROM JANUARY 27, 2023, THROUGH FEBRUARY 26, 2023.

First Motion: Vito Chiesa
Second Motion: Doug Verboon
No Nays
Motion Carried

B. ELECTION OF CHAIR AND VICE-CHAIR

There was a motion to re-elect Robert Poythress as Chair:

First Motion: Daron McDaniel
Second Motion: Gary Yep
No Nays
Motion Carried

There was a motion to elect Daron McDaniel as Vice-Chair:

First Motion: Gary Yep
Second Motion: Vito Chiesa
No Nays
Motion Carried

C. APPROVAL OF MINUTES

There was a motion to approve the June 24, 2022, regular meeting, and November 4, 2022, special meeting Regional Policy Council minutes.

First Motion: Dennis Townsend
Second Motion: Jose Rodriguez
No Nays
Motion Carried

D. DISCUSSION/ACTION ITEMS

1. Valley Voice Sacramento

Gus Khouri

Gus Khouri, legislative advocate, provided a brief summary of the new legislative class. He reported a 75 percent democratic representation in both houses. The FY 2023-24 state budget has been released. There is a \$22.5 billion shortfall anticipated, but the rainy-day fund should cover this deficit. Mr. Khouri proceeded to review the draft legislative platform that was included in the agenda packet: 1) building out the system; 2) pragmatically addressing air quality; 3) transit funding reform; and 4) passenger rail. Samir Sheikh asked that re-instatement of the funding for the Farmer Program be included in the platform. Gary Yep asked about water issues for the platform. Rudy Mendoza noted the need to meet with our new legislators and new staff members in Sacramento. Gus Khouri responded that the Farmer Program funding item would fit into the Air Quality section of the platform. For water, it was suggested to have separate meetings after Valley Voice to further discuss water with legislators, perhaps an in-person meeting in the valley. There was a motion to approve the legislative platform, with the modification of adding funding for the Farmer Program.

First Motion: Rudy Mendoza
Second Motion: Gary Singh
No Nays

Motion Carried

The itinerary and logistics of Valley Voice (March 29th) was then discussed.

2. Federal Legislation and Budget

Jen Covino

Jen Covino, legislative advocate, noted the updated FTA apportionment tables, and funding for the Bus and Bus Facilities and Low and No-Emissions program. RAISE program is deadline is due at the end of February. The RAISE program is funded at \$800M program this year. The Federal budget looks complicated with the new divided congress. Community Project funding requests, the process is delayed this year and there may be new regulations about the requests. Mrs. Covino reported that the new Congressman Duarte is interested in working with the Council. Samir Sheikh noted the clean air act highway funding sanctions that might impact the valley this year.

E. INFORMATIONAL ITEMS

1. State Route 99 and Major Highways, Caltrans

Diana Gomez and Dennis Agar

Diana Gomez, Executive Director of Caltrans District 6, reported on the impact of the recent storms on state roadways. The RFP for the SR 99 Corridor Plan is still under process. The TCEP application for Tulare SR 99 has been submitted, with awards to be announced in June. Projects and funding for Clean California was also noted. Marlon Regisford, Deputy Director Caltrans District 10, noted road damage due to storms, Clean California events on March 25th, and I-5 Stockton was not funded by RAISE.

The Chair noted a RAISE letter of support by the Policy Council for the Madera County SR 41 south expressway and asked for motion to approve.

First Motion: Rudy Mendoza
Second Motion: Dan Wright
No Nays
Motion Carried

2. Trade Port California

Tony Boren

Simran Jhutti reported a name change, formally inland port. Ms. Jhutti noted the \$49M CalSTA application has been submitted.

3. CA High Speed Rail

Toni Tinoco

Toni Tinoco announced community outreach for the Merced station. Design contracts for all Central Valley stations are executed. February 16, 2023, is the next HSR board meeting.

4. ACE/SJIPA

Dan Leavitt

Dan Leavitt noted the San Joaquins rail service is showing improvement post pandemic. A board meeting was held this morning with new board appointments noted.

The Chair noted a TIRCP letter of support by the Policy Council for the SJIPA and requested a motion to approved.

First Motion: Gary Yep
Second Motion: Dan Wright
No Nays
Motion Carried

F. OTHER ITEMS

1. **Executive Directors’ Report**

Diane Nguyen

Diane Nguyen noted several projects supported by the Policy Council that were included in the omnibus bill including projects that secured community project funding. The San Joaquin Council of Governments will be hosting the annual Valley Policy conference, April 24 – 26. We do expect to send out registration information and hotel room block very soon. The track record of partnering, collaboration, and the leadership of the Policy Council has set the stage for the Valley to be poised for the funding opportunities that are being released at a state and federal level. Today’s adoption of the legislative and policy principles by the Policy Council provides, to us as your respective staff, a comprehensive road map of the technical efforts we need to accomplish together under your policy direction.

2. **Policy Council Member Comments**

Samir Sheikh noted clean air sanctions related to the SIP. Mr. Sheikh noted the need to work with EPA to get the SIPs approved, or the valley would be facing sanctions for the project funding. He encouraged this to be a priority for our 2023 DC Valley Voice advocacy trip, and that we better understand the quantification of the impacts to valley projects.

G. PUBLIC COMMENT

No public comment.

Meeting Adjourned at 11:37 am.

Appendix: A – List of other meeting attendees.

Individual(s)	Organization
Michael Sigala	SJV Coordinator, Sigala Inc.
Rosa Park	Stan COG
Patricia Taylor	MCTC
Diane Nguyen	SJ COG
Terri King	KCAG
Tony Boren	Fresno COG
Stacey Guzman	MCAG
David Gellman	Simon & Co.
Jen Covino	Simon & Co.
Bonique Emerson	Precision Engineering
Elizabeth Forte	MCAG
Robert Phipps	Fresno COG
Kristine Cai	Fresno COG
Jay Halva	SJ COG
Ryan Niblock	SJ COG
Meg Prince	MCAG
Kristine Cai	Fresno COG
Monica Streeter	StanCOG
Gus Khouri	Khouri Consulting
Marlon Regisford	Caltrans District 10
Steve Dial	SJ COG
Simran Jhutti	Fresno COG
Randy Hatch	Hatch Planning Consultation



May 4, 2023

ITEM C.1

The Honorable Chris R. Holden
Chair, Assembly Appropriations Committee
1021 O Street, Suite 8220
Sacramento, California 95814


RE: AB 985 (Arambula) – San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system – OPPOSE


Dear Chair Holden:


On behalf of the San Joaquin Valley Regional Planning Agencies Policy Council, I am writing to respectfully inform you of our strong opposition to AB 985 (Arambula), which would make significant and unsustainable changes to the San Joaquin Valley Air Pollution Control District's (SJVAPCD or District) offsets program and require an extremely resource-intensive review of emission reduction credits (ERCs) held by facilities in the District.


AB 985 would require CARB to conduct an extensive analysis of the Valley's ERC banks for particulate matter below 10 microns (PM10), carbon monoxide (CO), and oxides of sulfur (SOx). This requirement does not recognize that ERCs are publicly noticed, and that CARB and US EPA review and approve every ERC prior to their issuance. Repeating work that has already taken place will not improve air quality. AB 985 also requires CARB to conduct an analysis for all permits in the District that use ERCs for oxides of nitrogen (NOx) or volatile organic compounds (VOCs). Per bill language, this review is required to identify emission reduction opportunities at each source, including the availability of Best Available Retrofit Control Technology (BARCT). Consistent with existing state and federal regulations, the District is already required to constantly re-evaluate emission reduction opportunities to satisfy BARCT, Best Available Control Measures (BACM), and Most Stringent Measures (MSM). As a result of these efforts, CARB and US EPA have repeatedly found that the District's rules and regulations not only meet these requirements but are among the most stringent requirements in the nation. The significant amount of resources in time, staffing, and costs required to meet these new provisions will not provide improved air quality and could instead be better invested in other activities like providing incentives for much-needed reductions in mobile source emissions which make up the majority of emissions in the San Joaquin Valley and other parts of California.

Additionally, the changes that AB 985 proposes to the District's rules governing how ERCs are calculated and utilized would also unnecessarily limit the availability of ERCs which are required for the permitting of essential public services such as hospitals, wastewater treatment facilities, electric power generation, composting facilities as well as new and expanded businesses.

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For the reasons above, we must oppose AB 985. In addition to being costly to implement, this bill will not assist in meeting air quality and public health protection goals. If signed into law, the precedent AB 985 sets is untenable, and will encourage other special interest groups to pursue similar, ill-conceived approaches that distort public health programs, undermine local control, and weaken the process through which California has realized decades of success reducing air pollution and protecting public health, while at the same time ensuring economic viability. We respectfully urge you to hold this bill in the Appropriations Committee. If you have any questions, please contact our legislative advocate, Gus Khouri, at (916) 605-8975 or gus@khouriconsult.com.

Sincerely,



Robert Poythress

Chair of the San Joaquin Valley Regional Planning Agencies Policy Council
Madera County Supervisor

cc: The Honorable Joaquin Arambula, Assembly Member, 31st District
Members of the Appropriations Committee



DATE: May 5, 2023

TO: San Joaquin Valley Regional Planning Agencies Policy Council

SUBJECT: AB 6 and AB 7, approve oppose, unless amended, position

AB 6 (Friedman)

Transportation Planning: regional transportation plans: Solutions for Congested Corridors

This bill would require the State Air Resources Board, after January 1, 2024, and not later than September 30, 2026, to establish additional greenhouse gas emission targets for automobiles and light trucks, for 2035 and 2045, respectively. This bill would additionally require each Solutions for Congested Corridors project nomination to demonstrate how the project would contribute to achieving the state's greenhouse gas emission reduction targets.

AB 7 (Friedman)

Transportation funding: capacity projects

This bill would require, on and after January 1, 2025, the project selection process for each transportation project that would be funded, at least partially, from specified funding sources, including the State Highway Account, the Road Maintenance and Rehabilitation Account, and the Trade Corridor Enhancement Account, to incorporate specified principles. Principles include improving safety and resilience of highway system, accelerating environmental review through the One Federal Decision framework, making streets accessible compliant with the Americans with Disabilities Act, addressing storm runoff, electric vehicle charging stations, and reconnecting disadvantaged communities in the planning, projects election, and design process. The bill would require the agency, on or before January 1, 2026, and annually thereafter, to submit a report to the Legislature on how those transportation projects that were completed during the prior year incorporated those principles.

Requested Action:

1. Approve an oppose, unless amended, position for AB 6
2. Approve an oppose, unless amended, position for AB 7

AMENDED IN ASSEMBLY APRIL 10, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 985

Introduced by Assembly Member Arambula

February 15, 2023

An act to add Sections 40714 and 40714.2 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 985, as amended, Arambula. San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

Existing law requires the board of every air district to establish by regulation a system by which all reductions in the emission of air contaminants that are to be used to offset certain future increases in the emission of air contaminants be banked prior to use to offset future increases in emissions, except as specified. Existing law requires the state board to develop and adopt a methodology for use by air districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources when those credits are used interchangeably, consistent with certain requirements. Existing

law also requires the state board to periodically update the methodology as it applies to future transactions, if necessary.

Existing law provides for the establishment of the San Joaquin Valley Unified Air Pollution Control District vested with the authority to regulate air emissions from stationary sources located in the San Joaquin Valley Air Basin.

This bill would require the district to revise the regulation establishing its emission reduction credit system ~~by requiring to require~~ existing and future emission reduction credits to expire after a specified time period ~~and by requiring an emission reduction credit to be valued at its time of use.~~ *period*. The bill would provide that this revision of the emission reduction credit system is subject to disapproval by the state board within 60 days after adoption by the district.

~~This bill would require the state board and the district, in collaboration with community groups and the federal Environmental Protection Agency, to conduct an analysis of each emission reduction credit included in the district's registry. As part of the analysis, the bill would require the state board to ensure that emission reduction credits are deemed invalid if they do not meet certain requirements. The bill would require the analysis to be completed no later than January 1, 2027, and would require, upon completion of the analysis, the state board to submit a report to the Legislature that includes a summary of the results of the analysis and other specified information.~~

~~This bill would require the district to prepare a map of, and make available on a publicly accessible and searchable database, the locations of the original source of emissions of all active emission reduction credits in its registry.~~

This bill would require the state board, except as provided, to conduct an analysis of the San Joaquin Valley Unified Air Pollution Control District's emission reduction credit banks for particulate matter below 10 microns (PM10), carbon monoxide (CO), and oxides of sulfur (SOx) and to complete the analysis no later than January 1, 2027. As part of the analysis, the bill would require the state board to ensure that emission reduction credits are deemed invalid if they were issued in violation of state, local, or district laws, rules, regulations, or procedures in place at the time of original issuance. If the invalidation of those credits leads, or would have led, to the district's program failing to meet applicable federal emission reduction requirements, the bill would require current and future credits to be valued at the time of use. The bill would also require the state board to conduct a

stationary source analysis for all permits in the district that use a credit for oxides of nitrogen (NOx) or volatile organic compounds (VOCs), as provided. The bill would require, upon completion of the analyses, the state board to submit a report to the Legislature that includes a summary of the results of the analyses.

By adding to the duties of the district, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Joaquin Valley Air Basin.

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 no reimbursement is required by this act for a specified reason.

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. The Legislature finds and declares all of the~~
2 ~~following:~~
3 ~~(a) The United States Environmental Protection Agency is~~
4 ~~responsible for establishing national ambient air quality standards~~
5 ~~for a number of pollutants, including ozone and particulate matter~~
6 ~~below 10 microns (PM10) and below 2.5 microns (PM2.5) in size.~~
7 ~~(b) Poor air quality is intimately linked with negative health~~
8 ~~impacts, including respiratory illness and premature deaths, with~~
9 ~~recent studies estimating air pollution as the cause of over 100,000~~
10 ~~premature deaths in the United States in 2011.~~
11 ~~(c) The distribution of premature deaths is not equal.~~
12 ~~Low-socioeconomic status communities are at higher risk than~~
13 ~~higher income communities. Additionally, Hispanic, Asian, and~~
14 ~~Black individuals experience higher risk of premature death than~~
15 ~~White individuals.~~
16 ~~(d) Specific to PM2.5, research has found that for elderly~~
17 ~~individuals enrolled in Medicare, it is estimated that reaching the~~
18 ~~World Health Organization's standards, which are only slightly~~
19 ~~more stringent than the most recent national standards, would~~
20 ~~prevent nearly 140,000 early deaths of elderly individuals over the~~
21 ~~next decade. For the San Joaquin Valley, data suggests that PM2.5~~

1 exposure is responsible for 1,200 cases of premature death in the
2 valley each year.

3 ~~(e) Addressing this problem continues to be elusive. The San~~
4 ~~Joaquin Valley Unified Air Pollution Control District (district) is~~
5 ~~sandwiched among mountains that trap pollutants and weaken the~~
6 ~~flow of air and dispersion of pollution, has a growing population,~~
7 ~~and is crisscrossed by major transportation routes.~~

8 ~~(f) In the midst of intensive industrial and agricultural~~
9 ~~development, socioeconomic vulnerability and health exposure~~
10 ~~hazards are interlinked and persistent.~~

11 ~~(g) According to the district, the primary causes of the region's~~
12 ~~particle and ozone pollution are motor vehicles, plant and animal~~
13 ~~agriculture, oil production, wood burning, and fugitive dust.~~

14 ~~(h) While oil and gas production is on a downward trend in both~~
15 ~~California and the district, operators continue to drill, plan for~~
16 ~~more production, and hope that shifting market forces will work~~
17 ~~in their favor going forward.~~

18 ~~(i) As persistently poor air quality and the push for more~~
19 ~~industrial development converge in the San Joaquin Valley, the~~
20 ~~effectiveness of voluntary emission reduction credits in actually~~
21 ~~reducing pollution is increasingly debated.~~

22 ~~(j) The primary goal is to support companies wishing to pursue~~
23 ~~industrial projects, not to prohibit the creation of pollution.~~

24 ~~(k) The volume of emissions offset is based on estimates~~
25 ~~developed for the purpose of obtaining a permit, which may or~~
26 ~~may not represent a facility's actual emissions.~~

27 ~~(l) Emission reduction credit banking is based on a static view~~
28 ~~of air quality and its impacts, with the volume of reduction at one~~
29 ~~point in time or in one location carried over to the future or a~~
30 ~~different location, regardless of actual, changing conditions or~~
31 ~~localized impacts.~~

32 ~~(m) Emission reduction credits allow operators to release~~
33 ~~pollution even in areas where air quality standards are not being~~
34 ~~met.~~

35 ~~(n) Despite an active emission reduction credit program,~~
36 ~~localized pollution impacts and regional pollution problems can~~
37 ~~persist and even increase.~~

38 *SECTION 1. The Legislature finds and declares all of the*
39 *following:*

1 (a) Poor air quality is intimately linked with negative health
2 impacts, including respiratory illness and premature deaths, with
3 recent studies estimating air pollution as the cause of over 100,000
4 premature deaths in the United States in 2011. However, the
5 distribution of premature deaths is not equal.

6 (b) Rural communities, farmworker communities, disadvantaged
7 communities, tribal nations, young people, and those living at or
8 below the poverty level often live adjacent to transportation
9 corridors or commercial and industrial facilities with highly
10 localized and severe pollution levels and are at the highest risk of
11 adverse health outcomes.

12 (c) The United States Environmental Protection Agency is
13 responsible for establishing national ambient air quality standards
14 for a number of criteria pollutants, including oxides of nitrogen
15 (NOx), volatile organic compounds (VOCs), carbon monoxide
16 (CO), oxides of sulfur (SOx), and particulate matter below 10
17 microns (PM10).

18 (d) When facilities voluntarily control emissions to levels beyond
19 current or future regulatory requirements, they earn emission
20 reduction credits that new sources of pollution purchase to offset
21 the pollution resulting from their operations. Unused emission
22 reduction credits are stored by the San Joaquin Valley Unified Air
23 Pollution Control District in banks organized by pollutant.

24 (e) In 2020, the State Air Resources Board discovered errors
25 that invalidated some of the credits within the banks for oxides of
26 nitrogen (NOx) and volatile organic compounds (VOCs). This
27 caused the San Joaquin Valley Unified Air Pollution Control
28 District to fail the equivalency demonstrations for these two banks
29 and triggered the federal requirement that all credits in these two
30 banks be valued at the time of use.

31 (f) It is likely that a similar analysis of the other three major
32 banks, which are for particulate matter below 10 microns (PM10),
33 carbon monoxide (CO), and oxides of sulfur (SOx), will reveal
34 similar errors and should be reviewed.

35 SEC. 2. Section 40714 is added to the Health and Safety Code,
36 to read:

37 40714. (a) The ~~Valley~~ district shall revise its regulation
38 adopted pursuant to Section ~~40709~~ by doing both of the following:

39 (1) ~~Requiring~~ 40709 to require existing and future emission
40 reduction credits in all banks to expire after a time period that is

1 equal to, or less than, the shortest expiration period in effect as of
2 January 1, 2024, for emission reduction credits issued by any state
3 or any other district.

4 ~~(2) Requiring an emission reduction credit to be valued at its~~
5 ~~time of use rather than its time of issuance.~~

6 (b) The revision of the system made pursuant to subdivision (a)
7 shall be subject to disapproval by the state board pursuant to
8 Chapter 1 (commencing with Section 41500) of Part 4 within 60
9 days after adoption by the Valley district.

10 ~~(e) The Valley district shall prepare a map of, and make~~
11 ~~available on a publicly accessible and searchable database, the~~
12 ~~locations of the original source of emissions of all active emission~~
13 ~~reduction credits in its registry.~~

14 ~~(d)~~

15 (c) For purposes of this section, ~~“Valley district”~~ “*district*”
16 means the San Joaquin Valley Unified Air Pollution Control
17 District.

18 SEC. 3. Section 40714.2 is added to the Health and Safety
19 Code, to read:

20 40714.2. (a) ~~The state board and the Valley district, in~~
21 ~~collaboration with community groups and the federal~~
22 ~~Environmental Protection Agency, Except as provided in~~
23 ~~subdivision (c), the state board, building on the June 2020 report,~~
24 ~~shall conduct an analysis of each emission reduction credit included~~
25 ~~in the Valley district’s registry established pursuant to Section~~
26 ~~40709: the district’s emission reduction credit banks for particulate~~
27 ~~matter below 10 microns (PM10), carbon monoxide (CO), and~~
28 ~~oxides of sulfur (SOx) established pursuant to Section 40709 to~~
29 ~~determine if any credits for those pollutants were issued in violation~~
30 ~~of state, local, or district laws, rules, regulations, or procedures~~
31 ~~in place at the time of original issuance. The analysis shall be~~
32 ~~completed no later than January 1, 2027.~~

33 (b) As part of the analysis conducted pursuant to subdivision
34 (a), the state board shall ensure all of the following:

35 (1) An emission reduction credit issued in violation of state,
36 local, or district laws, rules, regulations, or procedures in place at
37 the time of original issuance shall be deemed invalid.

38 ~~(2) If an emission reduction credit cannot be traced back to its~~
39 ~~original source of emission reduction, then the credit shall be~~
40 ~~deemed invalid.~~

1 ~~(3) If an emission reduction credit is deemed invalid pursuant~~
2 ~~to paragraph (1) or (2), the credit shall be permanently removed~~
3 ~~from the Valley district's registry.~~

4 *(2) If an emission reduction credit is deemed invalid pursuant*
5 *to paragraph (1), the credit shall be removed from the bank.*

6 *(3) If removal of credits from the banks for particulate matter*
7 *below 10 microns (PM10), carbon monoxide (CO), or oxides of*
8 *sulfur (SOx) leads, or would have led, to failing an equivalency*
9 *demonstration for any of these banks, current and future credits*
10 *in the bank or banks with the failed equivalency demonstration*
11 *shall be valued at the time of use.*

12 *(c) The state board is not required to conduct the analysis*
13 *described in subdivision (a) if it requires the district to value at*
14 *the time of use all current and future emission reduction credits*
15 *in the banks established pursuant to Section 40709 for particulate*
16 *matter below 10 microns (PM10), carbon monoxide (CO), and*
17 *oxides of sulfur (SOx).*

18 *(d) The state board shall conduct a stationary source analysis*
19 *for all permits in the district that use a credit for oxides of nitrogen*
20 *(NOx) or volatile organic compounds (VOCs). The review shall*
21 *identify all of the following:*

22 *(1) The amount and source of emissions of oxides of nitrogen*
23 *(NOx) and volatile organic compounds (VOCs).*

24 *(2) The type of pollution control equipment currently being used*
25 *at each source.*

26 *(3) The emission reduction opportunities at each source,*
27 *including the availability of a retrofit using best available retrofit*
28 *control technology, and the cost.*

29 ~~(e)~~

30 *(e) (1) Upon completion of the analysis, analyses pursuant to*
31 *subdivision (a) and subdivision (d), the state board shall submit a*
32 *report to the Legislature summarizing the results of the analysis.*
33 *The report shall also include, but is not limited to, information*
34 *regarding the quantification of additional emissions caused by*
35 *overvalued or fake credits, including credits issued during the*
36 *timeframe when the banks for oxides of nitrogen and volatile*
37 *organic compounds would have failed the equivalency*
38 *demonstrations if the emission reduction credit system had been*
39 *managed properly, which resulted in permits being issued that*
40 *used emission reduction credits at an inflated value. analyses.*

1 (2) The report to be submitted pursuant to this subdivision shall
2 be submitted in compliance with Section 9795 of the Government
3 Code.

4 ~~(d)~~

5 (f) For purposes of this section, the following definitions apply:

6 (1) “June 2020 report” means the report published by the state
7 board ~~in~~ on June 4, 2020, reviewing the ~~Valley~~ district’s emission
8 reduction credit system.

9 (2) ~~“Valley district”~~ “District” means the San Joaquin Valley
10 Unified Air Pollution Control District.

11 SEC. 4. The Legislature finds and declares that a special statute
12 is necessary and that a general statute cannot be made applicable
13 within the meaning of Section 16 of Article IV of the California
14 Constitution because of the unique need to address air pollution
15 and environmental injustices in the San Joaquin Valley Air Basin.

16 SEC. 5. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.



AB-6 Transportation planning: regional transportation plans: Solutions for Congested Corridors Program

As Amends the Law Today

SECTION 1. *Section 65080 of the Government Code is amended to read:*

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

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

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

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

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

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

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

(iv) Walking.

(v) Bicycling.

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

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

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

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

(A) No later than September 30, 2010, the State Air Resources Board shall provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035, respectively. *After January 1, 2024, and no later than September 30, 2026, the State Air Resources Board shall provide each affected region with greenhouse gas emissions targets for the automobile and light truck sector for 2035 and 2045, respectively, which shall be updated as provided in clause (iv).*

(i) No later than January 31, 2009, the ~~state-board~~ *State Air Resources Board* shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction

targets for the affected regions. The committee shall be composed of representatives of the metropolitan planning organizations, affected air districts, the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public, including homebuilders, environmental organizations, planning organizations, environmental justice organizations, affordable housing organizations, and others. The advisory committee shall transmit a report with its recommendations to the ~~state board~~ *State Air Resources Board* no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and greenhouse gas emissions, economic and demographic trends, the magnitude of greenhouse gas reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets. The ~~state board~~ *State Air Resources Board* shall consider the report before setting the targets.

(ii) Before setting the targets for a region, the ~~state board~~ *State Air Resources Board* shall exchange technical information with the metropolitan planning organization and the affected air district. The metropolitan planning organization may recommend a target for the region. The metropolitan planning organization shall hold at least one public workshop within the region after receipt of the report from the advisory committee. The ~~state board~~ *State Air Resources Board* shall release draft targets for each region no later than June 30, 2010.

(iii) In establishing these targets, the ~~state board~~ *State Air Resources Board* shall take into account greenhouse gas emission reductions that will be achieved by improved vehicle emission standards, changes in fuel composition, and other measures it has approved that will reduce ~~greenhouse gas emissions~~ *the emissions of greenhouse gases* in the affected regions, and prospective measures the ~~state board~~ *State Air Resources Board* plans to adopt to reduce ~~greenhouse gas emissions~~ *the emissions of greenhouse gases* from other greenhouse gas emission sources as ~~that term is~~ defined in subdivision (i) of Section 38505 of the Health and Safety Code and consistent with the regulations ~~promulgated~~ *adopted* pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), including Section 38566 of the Health and Safety Code.

(iv) The ~~state board~~ *State Air Resources Board* shall update the regional greenhouse gas emission reduction targets every eight years consistent with each metropolitan planning organization's timeframe for updating its regional transportation plan under federal law until 2050. The ~~state board~~ *State Air Resources Board* may revise the targets every four years based on changes in the factors considered under clause (iii). The ~~state board~~ *State Air Resources Board* shall exchange technical information with the Department of Transportation, metropolitan planning organizations, local governments, and affected air districts and engage in a consultative process with public and private stakeholders, before updating these targets.

(v) The greenhouse gas emission reduction targets may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by the ~~state board~~ *State Air Resources Board*.

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

(i) Identify the general location of uses, residential densities, and building intensities within the region.

(ii) Identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth.

(iii) Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584.

(iv) Identify a transportation network to service the transportation needs of the region.

(v) Gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01.

(vi) Consider the state housing goals specified in Sections 65580 and 65581.

(vii) Set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the emissions of greenhouse gases from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the State Air Resources Board.

(viii) Allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

(C) (i) — Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, the Association of Bay Area Governments shall be responsible for clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the Metropolitan Transportation Commission shall be responsible for clauses (iv) and (viii) of subparagraph (B); and the Association of Bay Area Governments and the Metropolitan Transportation Commission shall jointly be responsible for clause (vii) of subparagraph (B).

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

(D) In the region served by the Southern California Association of Governments, a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area. The metropolitan planning organization may adopt a framework for a subregional sustainable communities strategy or a subregional alternative planning strategy to address the intraregional land use, transportation, economic, air quality, and climate policy relationships. The metropolitan planning organization shall include the subregional sustainable communities strategy for that subregion in the regional sustainable communities strategy to the extent consistent with this section and federal law and approve the subregional alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area to the extent consistent with this section. The metropolitan planning organization shall develop overall guidelines, create a public participation plan pursuant to subparagraph (F), ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region.

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

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

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

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

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

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

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

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

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

(H) Before adopting a sustainable communities strategy, the metropolitan planning organization shall quantify the reduction in ~~greenhouse gas emissions~~ *the emissions of greenhouse gases* projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the target for the region established by the ~~state board~~: *State Air Resources Board*.

(I) If the sustainable communities strategy, prepared in compliance with subparagraph (B) or (D), is unable to reduce ~~greenhouse gas emissions~~ *the emissions of greenhouse gases* to achieve the greenhouse gas emission reduction targets established by the ~~state board~~ *State Air Resources Board*, the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission *reduction* targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The alternative planning strategy shall be a separate document from the regional transportation plan, but it may be adopted concurrently with the regional transportation plan. In preparing the alternative planning strategy, the metropolitan planning organization:

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

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

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

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

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

(J) (i) ~~—Before~~ *At least 60 days before* starting the public participation process adopted pursuant to subparagraph (F), the metropolitan planning organization shall submit a description to the ~~state board~~ *State Air Resources Board* of the technical methodology it intends to use to estimate the ~~greenhouse gas emissions~~ *emissions of greenhouse gases* from its sustainable communities strategy and, if appropriate, its alternative planning ~~strategy~~ *strategy, for State Air Resources Board approval. The State Air Resources Board* shall respond to the metropolitan planning organization in a timely manner with written comments about the technical methodology, including specifically describing any aspects of that methodology it concludes will not yield accurate estimates of ~~greenhouse gas emissions, and suggested~~ *the emissions of greenhouse gases and suggesting* remedies. The metropolitan planning organization ~~is encouraged to~~ *shall* work with the ~~state board until the state board~~ *State Air Resources Board until the State Air Resources Board* concludes that the technical methodology operates ~~accurately~~ *accurately and approves its use*.

(ii) ~~After~~ *Within 120 business days after* adoption, a metropolitan planning organization shall submit a sustainable communities strategy or an alternative planning strategy, if one has been adopted, to the ~~state board for review~~ *State Air Resources Board for review and approval*, including the quantification of the ~~greenhouse gas emission reductions~~ *reductions of emissions of greenhouse gases* the strategy would achieve and a description of the technical methodology used to obtain that result. Review by the ~~state board shall be limited to~~ *State Air Resources Board shall include* acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the ~~state board~~ *State Air Resources Board. The State Air Resources Board* shall complete its review within ~~60~~ *180* days.

(iii) If the ~~state board~~ *State Air Resources Board* determines that the strategy submitted would not, if implemented, achieve the greenhouse gas emission reduction targets, the metropolitan planning organization shall revise its strategy or adopt an alternative planning strategy, if not previously adopted, and submit the strategy for review pursuant to clause (ii). At a minimum, the metropolitan planning organization ~~must obtain state board~~ *shall obtain State Air Resources Board* acceptance that an alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established for that region by the ~~state board~~ *State Air Resources Board*.

(iv) On or before September 1, 2018, and every four years thereafter to align with target setting, notwithstanding Section 10231.5, the ~~state board~~ *State Air Resources Board* shall prepare a report that assesses progress made by each metropolitan planning organization in meeting the regional greenhouse gas emission reduction targets set by the ~~state board~~ *State Air Resources Board*. The report shall include changes to ~~greenhouse gas emissions~~ *the emissions of greenhouse gases* in each region and data-supported metrics for the strategies used to meet the targets. The report shall also include a discussion of best practices and the challenges faced by the metropolitan planning organizations in meeting the targets, including the effect of state policies and funding. The report shall be developed in consultation with the metropolitan planning organizations and affected stakeholders. The report shall be submitted to the Assembly Committee on Transportation and the Assembly Committee on Natural Resources, and to the Senate Committee on Transportation, the Senate Committee on Housing, and the Senate Committee on Environmental Quality.

(K) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (J), shall either one be subject to any state approval. ~~Nothing in a~~ *A* sustainable communities strategy ~~shall be interpreted as superseding~~ *does not supersede* the exercise of the land use authority of cities and counties within the region. ~~Nothing in this section shall be interpreted to limit the state board's~~ *This section does not limit the State Air Resources Board's* authority under any other law. ~~Nothing in this section shall be interpreted to~~ *This section does not* authorize the abrogation of any vested right whether created by statute or by common law. ~~Nothing in this section shall~~ *This section does*

~~not~~ require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. ~~Nothing in this section requires~~ *This section does not require* a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. ~~Nothing in this section relieves~~ *This section does not relieve* a public or private entity or any person from compliance with any other local, state, or federal law.

(L) ~~Nothing in this section requires~~ *This section does not require* projects programmed for funding on or before December 31, 2011, to be subject to ~~the provisions of~~ this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2), or (iii) were specifically listed in a ballot measure before December 31, 2008, approving a sales tax increase for transportation projects. ~~Nothing in this section shall~~ *This section does not* require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted before December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

(M) A metropolitan planning organization, or a regional transportation planning agency not within a metropolitan planning organization, that is required to adopt a regional transportation plan not less than every five ~~years;~~ *years* may elect to adopt the plan not less than every four years. This election shall be made by the board of directors of the metropolitan planning organization or regional transportation planning agency no later than June 1, 2009, or thereafter 54 months before the statutory deadline for the adoption of housing elements for the local jurisdictions within the region, after a public hearing at which comments are accepted from members of the public and representatives of cities and counties within the region covered by the metropolitan planning organization or regional transportation planning agency. Notice of the public hearing shall be given to the general public and by mail to cities and counties within the region no later than 30 days before the date of the public hearing. Notice of election shall be promptly given to the Department of Housing and Community Development. The metropolitan planning organization or the regional transportation planning agency shall complete its next regional transportation plan within three years of the notice of election.

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

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

(4) (A) ~~—~~ A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to the County Transportation Commissions Act (Division 12 (commencing with Section 130000) of the Public Utilities Code) shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first five years of the financial element shall be based on the five-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

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

- (i) State highway expansion.
- (ii) State highway rehabilitation, maintenance, and operations.
- (iii) Local road and street expansion.
- (iv) Local road and street rehabilitation, maintenance, and operation.
- (v) Mass transit, commuter rail, and intercity rail expansion.
- (vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.
- (vii) Pedestrian and bicycle facilities.
- (viii) Environmental enhancements and mitigation.
- (ix) Research and planning.

(x) Other categories.

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

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

(d) (1) — Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Before adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

(2) (A) — Notwithstanding subdivisions (b) and (c), and paragraph (1), ~~inclusive,~~ the regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the San Diego Association of Governments on October 9, 2015, shall remain in effect for all purposes, including for purposes of consistency determinations and funding eligibility for the San Diego Association of Governments and all other agencies relying on those documents, until the San Diego Association of Governments adopts its next update to its regional transportation plan.

(B) The San Diego Association of Governments shall adopt and submit its update to the 2015 regional transportation plan on or before December 31, 2021.

(C) After the update described in subparagraph (B), the time period for San Diego Association of Governments' updates to its regional transportation plan shall be reset and shall be adopted and submitted every four years.

(D) Notwithstanding clause (iv) of subparagraph (A) of paragraph (2) of subdivision (b), the State Air Resources Board shall not update the greenhouse gas emission reduction targets for the region within the jurisdiction of the San Diego Association of Governments before the adoption of the update to the regional transportation plan pursuant to subparagraph (B).

(E) The update to the regional transportation plan adopted by the San Diego Association of Governments on October 9, 2015, which will be prepared and submitted to federal agencies for purposes of compliance with federal laws applicable to regional transportation plans and air quality conformity and which is due in October 2019, shall not be considered a regional transportation plan pursuant to this section and shall not constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(F) In addition to meeting the other requirements to nominate a project for funding through the Solutions for Congested Corridors Program (Chapter 8.5 (commencing with Section 2390) of Division 3 of the Streets and Highways Code), the San Diego Association of Governments, until December 31, 2021, shall only nominate projects for funding through the Solutions for Congested Corridors Program that are consistent with the eligibility requirements for projects under any of the following programs:

(i) The Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code).

(ii) The Low Carbon Transit Operations Program (Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code).

(iii) The Active Transportation Program (Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code).

(G) Commencing January 1, 2020, and every two years thereafter, the San Diego Association of Governments shall begin developing an implementation report that tracks the implementation of its most recently adopted sustainable communities strategy. The report shall discuss the status of the implementation of the strategy at the regional and local level, and any successes and barriers that have occurred since the last report. The San Diego Association of Governments shall submit the implementation report to the ~~state board~~ *State Air Resources Board* by including it in its sustainable communities strategy implementation review pursuant to clause (ii) of subparagraph (J) of paragraph (2) of subdivision (b).

~~(e) This section shall become operative on January 1, 2023.~~

SEC. 2. *Section 2393 of the Streets and Highways Code is amended to read:*

2393. A project nomination shall include documentation regarding the quantitative and qualitative measures validating the project's consistency with the policy objectives of the program as set forth in this chapter. *A project nomination shall demonstrate how the project would contribute to achieving the state's greenhouse gas emission reduction targets.* In addition to being included in a corridor plan, a nominated project shall also be included in the region's regional transportation plan. Projects within the boundaries of a metropolitan planning organization ~~must~~ *shall* be included in an adopted regional transportation plan that includes a sustainable communities strategy determined by the State Air Resources Board to achieve the region's greenhouse gas emissions reduction targets.

SEC. 3. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

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AB-7 Transportation: project selection processes. (2023-2024)

As Amends the Law Today

SECTION 1. *Section 13985 is added to the Government Code, to read:*

13985. (a) *On and after January 1, 2025, the project selection process for each transportation project that would be funded, at least partially, from a funding source specified in subdivision (b) shall incorporate the principles specified in subdivision (c).*

(b) *This section shall only apply to a transportation project funded, at least partially, from one or more of the following sources:*

(1) *The State Highway Account described in Section 182 of the Streets and Highways Code.*

(2) *The Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.*

(3) *A local transportation fund established by a county pursuant to Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3.*

(4) *The Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 created pursuant to Section 8879.23.*

(5) *The Highway Users Tax Account described in Section 2100 of the Streets and Highways Code.*

(6) *The Trade Corridor Enhancement Account created pursuant to Section 2192.4 of the Streets and Highways Code.*

(c) *The following principles shall be incorporated into the project selection processes described in subdivision (a):*

(1) *Improving the condition, resilience, and safety of road and bridge assets consistent with asset management plans, including investing in preservation of those assets, consistent with Section 119 of Title 23 of the United States Code.*

(2) *Promoting and improving safety for all road users, particularly vulnerable users, and supporting major actions and goals consistent with the federal Department of Transportation's January 2022 National Roadway Safety Strategy for safer people, safer roads, safer vehicles, safer speeds, and enhanced post-crash care, consistent with Section 148 of Title 23 of the United States Code.*

(3) *Supporting accelerated project delivery and an efficient environmental review process through the One Federal Decision framework and by continuing to coordinate with other federal partners to ensure that the benefits of projects are realized as soon as possible, consistent with Section 139 of Title 23 of the United States Code.*

(4) *Making streets and other transportation facilities accessible to all users and compliant with the Americans with Disabilities Act, consistent with Part 37 (commencing with Section 37.1) of Title 49 of the Code of Federal Regulations.*

(5) *Addressing environmental impacts ranging from storm water runoff to the emissions of greenhouse gases, consistent with Sections 175 and 176 of Title 23 of the United States Code.*

(6) Prioritizing infrastructure that is less vulnerable and more resilient to a changing climate, consistent with Sections 101, 119, 176, and 520 of Title 23 of the United States Code.

(7) Future-proofing transportation infrastructure by accommodating new and emerging technologies such as electric vehicle charging stations, renewable energy generation, and broadband deployment in transportation rights-of-way, consistent with Part 645 (commencing with Section 645.101) of Title 23 of the Code of Federal Regulations and Section 151 of Title 23 of the United States Code.

(8) Reconnecting communities and reflecting the inclusion of disadvantaged and underrepresented groups in the planning, project selection, and design process, consistent with Section 11509 of the federal Infrastructure Investment and Jobs Act (Public Law 117-58).

(d) (1) On or before January 1, 2026, and annually thereafter, the agency shall submit a report to the Legislature on how each transportation project described in subdivision (a) that was completed during the prior year incorporated the principles specified in subdivision (c).

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

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