

In response to an email from the Bay Area Building Industry Association (BABIA) dated September 14 questioning ABAG's authority over the SCS for the Bay Area, ABAG's Legal Counsel sent the following response. The attachments and the part of SB 375 referenced in the email are also included.

First, SB 375 provides ABAG clear statutory authority. Government Code Section 65080(b)(2)(B) provides that a MPO must 'prepare' a SCS. Subsections (i) through (viii) describe the eight mandatory elements of a SCS. These elements consist of regional land use planning activities and tasks [subsection (i), (ii), (iii) and (v)] regional transportation planning activities and tasks [subsections (iv) and (viii)] and one combined land use and transportation element [subsection (vii)]. These provisions reflect conditions in the other three major metropolitan areas of the State where the regional Council of Governments (COG) has both the regional land use planning authority conferred upon them by their respective joint powers agreements and State law and the regional transportation authority conferred upon them by State law.

The other major metropolitan MPOs: SCAG, SANDAG and SACOG 'prepared' the SCS for their respective regions and indicated that they have done so by adopting or approving it by a resolution of their respective governing bodies. I have attached the approving resolutions by SCAG and SANDAG for your reference. (I was unable to locate a copy of the SACOG resolution.)

As you are well aware, the legal structure and circumstances in the San Francisco Bay region is different. When interpreting legislation such as SB 375, it is presumed that the Legislature was aware of contemporaneous laws and facts pertinent to that legislation. ABAG, the region's COG, is not the MPO and has regional land use planning authority under its joint powers agreement and State law. MTC is the region's regional transportation planning agency and MPO with only regional transportation planning authority. Therefore, section 65080(b)(2)(C)(i) (which immediately follows the section requiring the preparation of a SCS and listing the required elements) divides the responsibility for the eight elements of the SCS between ABAG and MTC in accordance with their pre-existing statutory powers and responsibilities: the land use element [subsections (i), (ii), (iii) and (v)] to ABAG, the transportation elements to MTC [subsections (v) and (viii)] and the combined land use and transportation element [subsection (vii)] to ABAG and MTC.

Since the SCS must be comprised of the eight elements listed in subsection (i) – (viii), both ABAG and MTC must implement their respective statutory responsibilities to complete an SCS. Just as ABAG cannot implement subsections (v) or (vii), MTC cannot implement subsections (i), (ii), (iii) or (v), and neither agency can implement subsection (vii) by itself. In 2013, ABAG and MTC chose to indicate that we have completed our respective responsibilities by our having our respective policy bodies adopt Plan Bay Area. See the attached PDF comprised of MTC's resolution 4111 and ABAG's resolution 06-13. It is worth noting that in their adopting resolutions both ABAG and MTC explicitly recognized their respective responsibilities for the elements of the SCS assigned to them under SB 375.

Second, please refer to the attached Executive Order by CARB accepting the SCS jointly prepared and adopted by ABAG and MTC.

Third, please refer to the attached petitions filed by various groups, including the Bay Area Building Industry Association (BABIA), wherein they state that SB 375 requires ABAG to prepare or approve the SCS. Significantly, none of these entities, including BABIA, challenged ABAG's authority to adopt the SCS:

- Verified Petition by BABIA, see paragraphs 1 and 34
- Verified Petition by Communities for a Better Environment, see paragraphs 4, 24 and 25
- Verified Petition by Bay Area Citizens, see paragraphs 17 and 23
- Verified Petition by Post Sustainability Institute, see paragraphs 14 and 15

Third, in my opinion, one may choose among the words/phrases 'approve', 'adopt', 'ratify', 'accept responsibility for', 'authorize for transmittal to CARB' and the like to indicate that ABAG has completed its assigned statutory responsibilities under SB 375 in the form of a published SCS. The end result is the same, for the SCS to be complete, ABAG must place its *imprimatur* on the portions for which it is responsible under State law.

In the future, if you wish to direct any questions, requests or petitions to my attention, it would be most helpful if you were to send it to my correct email address: [kennethm@abag.ca.gov](mailto:kennethm@abag.ca.gov)

# RESOLUTION

## RESOLUTION NO. 12-538-2

### **A RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS APPROVING THE 2012–2035 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY (2012–2035 RTP/SCS); RELATED CONFORMITY DETERMINATION; AND RELATED CONSISTENCY AMENDMENT #11-24 TO THE 2011 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**

**WHEREAS**, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to California Government Code §6500 et seq.; and

**WHEREAS**, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(d) for the counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial, and as such, is responsible for preparing and updating the Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP) pursuant to 23 U.S.C. §134 et seq., 49 U.S.C. §5303 et seq., and 23 C.F.R. §450.312; and

**WHEREAS**, SCAG is the designated Regional Transportation Planning Agency (RTPA) under state law, and as such, is responsible for preparing, adopting and updating the RTP and Sustainable Communities Strategy every four years pursuant to Government Code §65080 et seq., and

for preparing and adopting the FTIP (regional transportation improvement program, under state law) every two years pursuant to Government Code §§ 14527 and 65082, and Public Utilities Code §130301 et seq.; and

**WHEREAS**, pursuant to Senate Bill (SB) 375 (Steinberg, 2008) as codified in Government Code §65080(b) et seq., SCAG must prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets as set forth by the California Air Resources Board (ARB) and that will be incorporated into the RTP. As provided by Government Code §65080(d), the subregional Sustainable Communities Strategy for the subregions of Orange County Council of Governments and Gateway Cities Council of Governments are incorporated in their entirety into the Final 2012–2035 RTP/SCS; and

**WHEREAS**, pursuant to SB 375, ARB set the per capita GHG emission reduction targets from passenger vehicles for the SCAG region at 8% below 2005 per capita emissions levels by 2020 and 13% below 2005 per capita emissions levels by 2035; and

**WHEREAS**, pursuant to Government Code §65080(b)(2)(B), the SCS must: (1) identify the general location of uses, residential densities, and building intensities within the region; (2) 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; (3) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584; (4) identify a transportation network to service the transportation needs of the region; (5) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (1) and (b) of the Government Code Sections 65080 and 65581; and (6) consider the statutory housing goals specified in Sections 65580 and 65581, (7) 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 GHG emissions from automobiles and light trucks to achieve the GHG reduction targets, and (8) allow the RTP to comply with air quality conformity requirements under the federal Clean Air Act; and

**WHEREAS**, SCAG is further required to comply with the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code § 21000 et seq.) in preparing the 2012–2035 RTP/SCS; and

**WHEREAS**, the 2012–2035 RTP/SCS must be consistent with all other applicable provisions of federal and state law including:

- (1) The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (23 U.S.C. §134 et seq.);
- (2) The metropolitan planning regulations at 23 C.F.R. Part 450, Subpart C;

- (3) California Government Code §65080 et seq.; Public Utilities Code §130058 and 130059; and Public Utilities Code §44243.5;
- (4) §§174 and 176(c) and (d) of the federal Clean Air Act [(42 U.S.C. §§7504 and 7506(c) and (d))] and EPA Transportation Conformity Rule, 40 C.F.R. Parts 51 and 93;
- (5) Title VI of the 1964 Civil Rights Act and the Title VI assurance executed by the State pursuant to 23 U.S.C. §324;
- (6) The Department of Transportation’s Final Environmental Justice Strategy (60 Fed. Reg. 33896; June 29, 1995) enacted pursuant to Executive Order 12898, which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment;
- (7) Title II of the 1990 Americans with Disabilities Act (42 U.S.C. §§12101 et seq.) and accompanying regulations at 49 C.F.R. §27, 37, and 38;
- (8) Senate Bill 375 (Steinberg, 2008) as codified in California Government Code §65080(b) et seq.; and

**WHEREAS**, in non-attainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA), must make a conformity determination on any updated or amended RTP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project

activities conform to the purpose of the State Implementation Plan (SIP); and

**WHEREAS**, transportation conformity is based upon a positive conformity finding with respect to the following tests: (1) regional emissions analysis, (2) timely implementation of Transportation Control Measures, (3) financial constraint, and (4) interagency consultation and public involvement; and

**WHEREAS**, on May 8, 2008, the SCAG Regional Council found the 2008 RTP to be in conformity with the State Implementation Plans for air quality, pursuant to the federal Clean Air Act and Environmental Protection Agency (EPA) Transportation Conformity Rule. Thereafter, FHWA and FTA made a conformity determination on the 2008 RTP with said determination to expire on June 5, 2012; and

**WHEREAS**, on September 2, 2010, in accordance with federal and state requirements, the SCAG Regional Council approved the 2010/11–2015/16 Federal Transportation Improvement Program (2011 FTIP), which was federally approved on December 14, 2010. The 2011 FTIP represents a staged, multi-year, intermodal program of transportation projects which covers six fiscal years and includes a priority list of projects to be carried out in the first four fiscal years; and

**WHEREAS**, SCAG staff has engaged in the continuing, cooperative, and comprehensive transportation planning process mandated by 23 U.S.C. §134(c) (3) and 23 C.F.R. §450.312, resulting in the development of the 2012–2035 RTP/SCS; and

**WHEREAS**, pursuant to Government Code §65080(b)(2)(F) and federal public

participation requirements, including 23 C.F.R. §450.316(b)(1)(iv), SCAG must prepare the RTP, including its SCS, by providing adequate public notice of public involvement activities and time for public review. In March 2007, SCAG approved and adopted a Public Participation Plan, to serve as a guide for SCAG's public involvement process. SCAG staff further enhanced the outreach program by incorporating the public participation requirements of SB 375 and adding strategies to better serve the underrepresented segments of the region. As a result of this process, the SCAG Regional Council adopted Amendments #2 and #3 to the Public Participation Plan on December 3, 2009 and January 5, 2012, respectively; and

**WHEREAS**, pursuant to Government Code §65080(b)(2)(F)(iii), during the summer 2011, SCAG held a series of Sustainable Communities Strategy public workshops throughout the region, with over 700 attendees, including residents, elected officials, representatives of public agencies, community organizations, and environmental, housing and business stakeholders; and

**WHEREAS**, in accordance with the interagency consultation requirements, 40 C.F.R. 93.105, SCAG consulted with the respective transportation and air quality planning agencies, including but not limited to, extensive discussion of the Draft Conformity Report before the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements) throughout the 2012–2035 RTP/SCS update process; and

**WHEREAS**, SCAG released the Draft 2012–2035 RTP/SCS and the associated Draft Amendment #11-24 to the 2011 FTIP

and issued a Notice of Availability, for a 55-day public review and comment period that began on December 20, 2011 and ended on February 14, 2012; and

**WHEREAS**, the Draft Program Environmental Impact Report for the 2012–2035 RTP/SCS (PEIR), was released on December 30, 2011 for a 45-day public review and comment period ending on February 14, 2012; and

**WHEREAS**, as part of a “bottom up” planning process, SCAG followed the provisions of its adopted Public Participation Plan regarding public involvement activities for the Draft 2012–2035 RTP/SCS. Public outreach efforts included publication of the Draft 2012–2035 RTP/SCS on an interactive web site, distribution of public information materials, six duly-noticed public hearings, and twelve sub-regional workshops within the SCAG region to allow stakeholders, elected officials and the public to comment on the Draft 2012–2035 RTP/SCS and the Draft PEIR; and

**WHEREAS**, during the public review and comment period, SCAG received over 260 individual communications (over 1,800 separate comments) in total, regarding either the Draft 2012–2035 RTP/SCS or Draft PEIR, or both; and approximately 2 comments on the Draft Amendment 11-24 to the 2011 FTIP; and

**WHEREAS**, SCAG staff presented an overview of the comments received on the Draft PEIR, and a proposed approach to the responses, to the Policy Committees and Regional Council at a joint meeting on February 21, 2012; and

**WHEREAS**, SCAG staff further presented an overview of the comments received on the Draft 2012–2035 RTP/SCS, and a proposed approach to the responses, to the RTP Subcommittee on February 28, 2012 and to the Policy Committees and Regional Council at a joint meeting on March 1, 2012. Each of the comments, letters, and e-mails received was made available on the SCAG web page on March 1, 2012; and

**WHEREAS**, SCAG staff responses to each comment are provided in the Final 2012–2035 RTP/SCS, Public Participation and Consultation Appendix; and

**WHEREAS**, in accordance with the interagency consultation requirements, 40 C.F.R. 93.105, SCAG consulted with the respective transportation and air quality planning agencies, including but not limited to, extensive discussion of the Draft 2012–2035 RTP/SCS Conformity Report before the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements) throughout the update process; and

**WHEREAS**, the Final 2012–2035 RTP/SCS includes a financially constrained plan and a strategic plan. The constrained plan includes transportation projects that have committed, available or reasonably available revenue sources, and thus are probable for implementation. The strategic plan is an illustrative list of additional transportation investments that the region would pursue if additional funding and regional commitment were secured; and such investments are potential candidates for inclusion in the constrained RTP/SCS through future amendments or updates. The strategic plan is provided for information purposes only and is not part of the financially constrained

and conforming Final 2012–2035 RTP/SCS; and

**WHEREAS**, the Final 2012–2035 RTP/SCS includes a financial plan identifying the revenues committed, available or reasonably available to support the SCAG region’s surface transportation investments. The financial plan was developed following basic principles including incorporation of county and local financial planning documents in the region where available, and utilization of published data sources to evaluate historical trends and augment local forecasts as needed; and

**WHEREAS**, the Transportation Conformity Report contained in the Final 2012–2035 RTP/SCS makes a positive transportation conformity determination. Using the final motor vehicle emission budgets released by ARB and found to be adequate by the U.S. Environmental Protection Agency (EPA), this conformity determination is based upon staff’s analysis of the applicable transportation conformity tests; and

**WHEREAS**, each project or project phase included in the FTIP must be consistent with the approved RTP, pursuant to 23 C.F.R. §450.324(g). Amendment #11-24 to the 2011 FTIP has been prepared to ensure consistency with the Final 2012–2035 RTP/SCS; and

**WHEREAS**, conformity of Amendment #11-24 to the FTIP has been determined simultaneously with the 2012 Final RTP/SCS in order to address the consistency requirement of federal law; and

**WHEREAS**, prior to the adoption of this resolution, the Regional Council certified the

Final PEIR prepared for the 2012–2035 RTP/SCS to be in compliance with CEQA; and

**WHEREAS**, the Regional Council has had the opportunity to review the 2012 Final RTP/SCS and its related appendices as well as the staff report related to the 2012 Final RTP/SCS, and consideration of the 2012 Final RTP/SCS was made by the Regional Council as part of a public meeting held on April 4, 2012.

**NOW, THEREFORE BE IT RESOLVED**, by the Regional Council of the Southern California Association of Governments, as follows:

1. The Regional Council approves and adopts the Final 2012–2035 RTP/SCS for the purpose of complying with the requirements of SAFETEA-LU and all other applicable laws and regulations as referenced in the above recitals. In adopting this Final 2012–2035 RTP/SCS, the Regional Council finds as follows:
  - a. The Final 2012–2035 RTP/SCS complies with all applicable federal and state requirements, including the SAFETEA-LU planning provisions. Specifically, the Final 2012–2035 RTP/SCS fully addresses the requirements relating to the development and content of metropolitan transportation plans as set forth in 23 C.F.R. §450.322 et seq., including issues relating to: transportation demand, operational and management strategies, safety and security, environmental mitigation, the need for a financially constrained plan, consultation and public participation, and transportation conformity; and
  - b. The Final 2012–2035 RTP/SCS complies with the emission reduction targets established by the California Air Resources Board and meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in Government Code §65080(b) et seq. by achieving per capita GHG emission reductions relative to 2005 of 9% by 2020 and 16% by 2035; and
2. The Regional Council hereby makes a positive transportation conformity determination of the Final 2012–2035 RTP/SCS and Amendment #11-24 to the 2011 FTIP. In making this determination, the Regional Council finds as follows:
  - a. The Final 2012–2035 RTP/SCS and Amendment #11-24 to the 2011 FTIP passes the four tests and analyses required for conformity, namely: regional emissions analysis; timely implementation of Transportation Control Measures; financial constraint analysis; and interagency consultation and public involvement; and
  3. In approving the Final 2012–2035 RTP/SCS, the Regional Council also approves and adopts Amendment #11-24 to the 2011 FTIP, in compliance with the federal requirement of consistency with the RTP; and
  4. In approving the Final 2012–2035 RTP/SCS, the Regional Council incorporates all of the foregoing recitals into this Resolution; and
  5. SCAG’s Executive Director or his designee is authorized to transmit the Final 2012–2035 RTP/SCS and its conformity findings to the FTA and the FHWA to make the final conformity determination in accordance

with the Federal Clean Air Act and EPA Transportation Conformity Rule, 40 C.F.R. Parts 51 and 93.

**APPROVED AND ADOPTED** by the Regional Council of the Southern California Association of Governments at its regular meeting on the 4th day of April, 2012.



Pam O'Connor  
President  
Council Member, City of Santa Monica

Attested by:



Hasan Ikhtrata  
Executive Director



Joann Africa  
Chief Counsel



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# **RESOLUTION**

## **NO. 2012-09**

A RESOLUTION OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) BOARD OF DIRECTORS ADOPTING THE AIR QUALITY CONFORMITY DETERMINATION, FINDING THE SUSTAINABLE COMMUNITIES STRATEGY ACHIEVES THE REGIONAL GREENHOUSE GAS REDUCTION TARGETS, AND ADOPTING THE FINAL 2050 REGIONAL GROWTH FORECAST, AND THE 2050 SAN DIEGO REGIONAL TRANSPORTATION PLAN, INCLUDING ITS SUSTAINABLE COMMUNITIES STRATEGY

WHEREAS, SANDAG is the federally designated metropolitan planning organization (MPO), pursuant to Title 23 United States Code Sections 134(a) and (g), and the state designated Regional Transportation Planning Agency (RTPA) for the San Diego County region pursuant to California Public Utilities Code Section 132005; and

WHEREAS, Title 23, Part 450 and Title 49 of the Code of Federal Regulations (CFR), require SANDAG as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, Section 65080 et seq. of the California Government Code requires SANDAG as the RTPA to prepare and update a long-range RTP and Sustainable Communities Strategy (SCS) every four years; and

WHEREAS, on November 30, 2007, the SANDAG Board of Directors found the 2030 Revenue Constrained Regional Transportation Plan: Pathways for the Future in conformance with the State Implementation Plans (SIPs) for air quality, in accordance with the transportation conformity requirements contained in 40 CFR Part 51 and Part 93, as required by the 1990 Clean Air Act Amendments; and with the 2009 Regional Air Quality Strategy (RAQS), in accordance with California law; and

WHEREAS, from April 2009 through October 2011, through the conduct of a continuing, comprehensive, and coordinated transportation planning process in conformance with all applicable federal and state requirements, SANDAG developed its latest RTP with a 2050 horizon year (the "2050 RTP"), which incorporates an SCS for the San Diego region; and

WHEREAS, the 2050 RTP, including its SCS, contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Diego region through the year 2050 and calls for development of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, the 2050 RTP considers, analyzes, and reflects, as appropriate, the metropolitan transportation planning process as identified in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 as well as the National Highway System Designation Act of 1995, and is based on reasonably available funding provisions; and

WHEREAS, the 2050 RTP serves as a Congestion Management Process identifying the most serious congestion problems and evaluating and incorporating, as appropriate, all reasonably available actions to reduce congestion, such as travel demand management and operational management strategies for all corridors with any proposed capacity increase; and

WHEREAS, SANDAG has conducted an air quality analysis of the 2050 RTP utilizing the latest planning assumptions, emissions model, and consultation provisions, including a quantitative regional emissions analysis that meets emissions budget requirements of the U. S. Environmental Protection Agency transportation conformity rule, and the 2050 RTP contributes to all required emissions reductions; and

WHEREAS, conformity of the proposed 2010 Regional Transportation Improvement Program Amendment No. 13 has been determined simultaneously with the 2050 RTP for consistency purposes; and

WHEREAS, transportation control measures (TCMs) from the 2009 RAQS and 1982 SIP for air quality have been given emphasis in the 2050 RTP Revenue Constrained Plan, which provides for the expeditious implementation of all applicable TCMs; and

WHEREAS, the Regional Growth Forecast was developed for planning purposes by working with local jurisdictions, and projects growth based on existing land use plans and policies, and demographic and economic trends; and

WHEREAS, the Preliminary 2050 Regional Growth Forecast was accepted by the SANDAG Board of Directors on February 26, 2010, for planning purposes; and

WHEREAS, a Technical Update to the 2050 Regional Growth Forecast (which is now the proposed Final 2050 Regional Growth Forecast) was accepted by the SANDAG Board of Directors on April 22, 2011, for release with the 2050 RTP and its SCS; and

WHEREAS, pursuant to Government Code Section 65080(b)(2)((E) and federal public participation requirements, the 2050 RTP, including its SCS, was developed through a strategic, proactive, comprehensive public outreach and involvement program, which included: an adopted public participation plan; routine distribution of information to local/regional media to secure media coverage; advertising in local and regional newspapers; distribution of public information materials, such as brochures and newsletters; a robust speakers bureau effort; a dedicated Web site; an interactive Web-based visualization tool called Envision 2050; a community-based outreach program; a meeting on October 8, 2010, with representatives from the County Board of Supervisors and from all city councils, noticed to the clerks of the Board of Supervisors and cities, pursuant to Government Code Section 65080(b)(2)((E); seven noticed public hearings to receive testimony on the Draft 2050 RTP, its SCS, and the Environmental Impact Report; five subregional workshops in June 2011 to facilitate public comment on the Draft 2050 RTP; and interagency coordination and involvement; and

WHEREAS, pursuant to Government Code Section 65080(b)(2)(B), the SANDAG SCS: (i) identifies the general location of uses, residential densities, and building intensities within the region; (ii) identifies 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) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584; (iv) identifies a transportation network to service the transportation needs of the region; (v) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Government Code Section 65080.01; (vi) considers the state housing goals specified in Sections Government Code 65580 and 65581; and (viii) allows the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506); and

WHEREAS, pursuant to Government Code Section 65080(b)(2)(G), the SCS considered spheres of influence adopted by the San Diego Local Agency Formation Commission; and

WHEREAS, pursuant to Government Code Section 65080(b)(2)(B)(vii), the SCS set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and polices, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve the regional greenhouse gas emission targets set by the California Air Resources Board (CARB); and

WHEREAS, the CARB set the per capita greenhouse gas emission reduction targets for automobiles and light trucks for the San Diego region at 7 percent by 2020 and 13 percent by 2035 from a 2005 base year;

NOW THEREFORE

BE IT RESOLVED BY the SANDAG Board of Directors that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED THAT the SANDAG Board of Directors finds the 2050 RTP Revenue Constrained Plan is in conformance with the 2002 and 2004 SIPs for air quality, and the 2007 Eight-Hour Ozone Attainment Plan in accordance with the transportation conformity requirements contained in 40 CFR Part 51 and Part 93, as required by the 1990 Clean Air Act Amendments; and with the 2009 RAQS, in accordance with California law; and

BE IT FURTHER RESOLVED that the SANDAG Board of Directors finds that the 2050 RTP, including its SCS, achieves the regional greenhouse gas reduction targets established by the CARB and meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in Government Code §65080(b) et seq.; and

BE IT FURTHER RESOLVED that the SANDAG Board of Directors does hereby adopt the Final 2050 RTP, including its SCS, and the Final 2050 Regional Growth Forecast for the San Diego region; and

PASSED AND ADOPTED this 28th day of October 2011.

\_\_\_\_\_  
CHAIRPERSON

ATTEST: \_\_\_\_\_  
SECRETARY

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.

ADVISORY MEMBERS: California Department of Transportation, Metropolitan Transit System, North County Transit District, Imperial County, U.S. Department of Defense, San Diego Unified Port District, San Diego County Water Authority, Southern California Tribal Chairmen's Association, and Mexico.

Date: July 18, 2013  
W.I.: 1121  
Referred by: Planning

Re: Adoption of Plan Bay Area, the 2040 Regional Transportation Plan (RTP), including the 2013 Sustainable Communities Strategy (SCS) for the San Francisco Bay Area

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4111

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Part 450 of Title 23 of the Code of Federal Regulations (CFR), require MTC as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, California Government Code § 65080 *et seq.* requires MTC to prepare and update a long-range RTP, including a Sustainable Communities Strategy (SCS) prepared in conjunction with the Association of Bay Area Governments (ABAG), every four years; and

WHEREAS, the RTP is subject to review and revision, pursuant to California Government Code §§ 66513 and 65080; and

WHEREAS, on April 22, 2009, MTC adopted its 2035 RTP and 2009 Federal Transportation Improvement Program (TIP) Amendment and found them to be in conformance with the State Implementation Plan (SIP) as required by the Federal Clean Air Act (42 U.S.C. § 7401 *et seq.*); and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) *Metropolitan Planning Rule*, 23 CFR 450; and the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757), which establish the Air Quality Conformity Procedures for MTC's TIP and RTP; and

WHEREAS, beginning in January, 2011 MTC commenced a comprehensive and coordinated transportation planning process to develop its 2013 RTP with a 2040 horizon year known as Plan Bay Area (Plan), in conformance with all applicable federal and state requirements including Senate Bill 375;

WHEREAS, as required by Senate Bill 375, the Plan incorporates the SCS prepared jointly by MTC and ABAG for the San Francisco Bay Area; and

WHEREAS, the Plan, including its SCS, which is attached hereto as Attachment A as revised pursuant to Attachment B, and incorporated herein as though set forth in length, contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Francisco Bay Area through the year 2040 and calls for development of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, the Plan considers, analyzes, and reflects, as appropriate, the metropolitan transportation planning process as identified in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 as well as the National Highway System Designation Act of 1995, and is based on reasonably available funding provisions; and

WHEREAS, the Plan serves as a Congestion Management Process identifying the most serious congestion problems and evaluating and incorporating, as appropriate, all reasonably available actions to reduce congestion, such as travel demand management and operational management strategies for all corridors with any proposed capacity increase; and

WHEREAS, on October 27, 2010 the T2035 Plan and the 2011 Transportation Improvement Program were found to be in conformance with the State Implementation Plan (MTC Resolution No. 3976); and

WHEREAS, MTC conducted an air quality analysis of the Plan utilizing the latest planning assumptions, emissions model, and consultation provisions, including a quantitative

regional emissions analysis that meets emissions budget requirements of the U. S. Environmental Protection Agency transportation conformity rule, and the Plan contributes to all required emissions reductions; and

WHEREAS, adoption of, and the conformity determination for, the proposed 2013 TIP has been determined simultaneously with the Plan for consistency purposes (MTC Resolution No. 4076); and

WHEREAS, ABAG developed the Regional Growth Forecast for Jobs, Population and Housing planning purposes through 2040 (Forecast) by working with local jurisdictions, and the Forecast projects growth based on existing land use plans and policies, and demographic and economic trends; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(G), in preparing the Plan's SCS MTC and ABAG considered spheres of influence adopted by the Local Agency Formation Commissions within the San Francisco Bay Area; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(E), federal public participation requirements, and MTC's Public Participation Plan (MTC Resolution No. 3821), the Plan, including its SCS, was developed through a strategic, proactive, comprehensive public outreach and involvement program, which included: an adopted public participation plan; routine distribution of information to local/regional media; advertising in local and regional newspapers; distribution of public information materials, such as brochures and newsletters; a robust speakers bureau effort; a dedicated website; meetings with representatives from the each county board of supervisors and all city councils; noticed public hearings to receive testimony on the Plan, its SCS, and the Programmatic Environmental Impact Report (EIR); subregional workshops to facilitate public comment on the Plan; and interagency coordination and involvement; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), the Plan's SCS (i) identifies the general location of uses, residential densities, and building intensities within the

region; (ii) identifies 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 RTP taking into account net migration into the region, population growth, household formation and employment growth; (iii) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; (iv) identifies a transportation network to service the transportation needs of the region; (v) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; (vi) considers the state housing goals specified in California Government Code §§ 65580 and 65581; and (viii) allows the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. § 7506); and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, ABAG was responsible for identifying the general location of uses, residential densities, and building intensities within the region; identifying 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 RTP taking into account net migration into the region, population growth, household formation and employment growth; identifying areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; gathering and considering the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; and considering the state housing goals specified in California Government Code §§ 65580 and 65581; and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC was responsible for identifying a transportation network to service the transportation needs of the region; and allowing the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. Sec. 7506); and

WHEREAS, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC and ABAG were jointly responsible for setting 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 the greenhouse gas emission reduction targets adopted by the California Air Resources Board (CARB) for the San Francisco Bay Area; and

WHEREAS, CARB set the per capita greenhouse gas emission reduction targets for automobiles and light trucks for the San Francisco Bay Area at 7 percent by 2020 and 15 percent by 2035 from a 2005 base year; and

WHEREAS, as demonstrated in the Program EIR certified for the Plan, the SCS sets 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 the regional greenhouse gas emission targets set by CARB for the region; and

WHEREAS, CARB held a meeting on June 27, 2013, in which CARB staff provided an update on the Plan and its staff preliminarily concluded that the Plan complies with the greenhouse gas emission reduction targets established by CARB for the San Francisco Bay Area; and

WHEREAS, prior to taking action on the Plan, MTC has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, Attachment B of this resolution, attached hereto and incorporated herein as though set forth at length, lists major revisions and corrections made to the draft Plan; and

WHEREAS, nothing in the Plan is intended to be a Transportation Control Measure (TCM); and

WHEREAS, MTC and ABAG intend to assist implementing agencies in determining whether a proposed project qualifies for development incentives associated with the Plan by developing advisory guidelines for evaluating consistency; and

WHEREAS, the Legislature did not direct either MTC or ABAG to make Plan consistency determinations on behalf of implementing agencies, MTC and ABAG do not intend to actively participate in the process of determining project consistency with the Plan; and

WHEREAS, while the Plan is intended to promote and provide incentives for development of Priority Development Areas (PDAs) identified in the Plan, the Plan is not intended to create direct or indirect obstacles to a local government's decision to approve development projects that are not included in, or consistent with, PDAs identified in the Plan; and

WHEREAS, the ratio of projected jobs and housing in the Plan is not intended to act as a direct or indirect cap on development locations in the region; and

WHEREAS, the Plan is not intended to dictate local land use policy or development approvals; and

WHEREAS, the Plan is intended to increase housing choices by providing incentives for qualifying development projects; and

WHEREAS, adoption of the Plan is accompanied by adoption of the 2013 TIP (MTC Resolution No. 4075) and certification that the Final Environmental Impact Report for the Plan complies with the California Environmental Quality Act (CEQA) (MTC Resolution No. 4110); now, therefore, be it

RESOLVED, that MTC certifies that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, that MTC finds that the Plan, including its SCS, meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in California Government Code § 65080, subdivision (b); and be it further

RESOLVED, that MTC finds that the Plan, including its SCS, complies with the requirements of all other applicable laws; and be it further

RESOLVED, that MTC does hereby adopt the Plan, including its SCS, and the Final 2040 Regional Growth Forecast for the San Francisco Bay Area, attached hereto as Attachment A, as revised pursuant to Attachment B and subject to additional minor or non-substantive technical corrections and editorial changes (Final Plan); and be it further

RESOLVED, that MTC directs its staff to publish the Final Plan.

METROPOLITAN TRANSPORTATION COMMISSION

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Amy Rein Worth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in Oakland, California on July 18, 2013

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 06-13**

**FINAL PLAN BAY AREA**

**WHEREAS**, the Association of Bay Area Governments (ABAG) is the regional planning agency for the San Francisco Bay Area; and

**WHEREAS**, California Government Code § 65080 et seq. requires ABAG, in conjunction with the Metropolitan Transportation Commission (MTC) to prepare and update a Sustainable Communities Strategy (SCS) every four years; and

**WHEREAS**, the SCS is subject to review and revision, pursuant to California Government Code § 65080; and

**WHEREAS**, beginning in January, 2011 ABAG and MTC commenced a comprehensive and coordinated planning process to develop an SCS as part of MTC's Regional Transportation Plan (RTP) update in conformance with all applicable federal and state requirements including Senate Bill 375; and

**WHEREAS**, as required by Senate Bill 375, the RTP incorporates the SCS prepared jointly by MTC and ABAG for the San Francisco Bay Area and the RTP/SCS is known as Plan Bay Area (Plan); and

**WHEREAS**, the Plan, including its SCS, which is attached hereto as Attachment A as revised pursuant to Attachment B, and incorporated herein as though set forth in length, contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Francisco Bay Area through the year 2040 and calls for development of an integrated land use and intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(J), the Sustainable Communities Strategy shall not be interpreted as superseding the exercise of the land use authority of cities and counties and that nothing in said section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the Regional Transportation Plan; and

**WHEREAS**, ABAG developed the Regional Growth Forecast for Jobs, Population and Housing through 2040 (Forecast) by working with local jurisdictions, and the Forecast projects growth based on existing land use plans and policies, and demographic and economic trends; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-13**

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(G), in preparing the Plan's SCS MTC and ABAG considered spheres of influence adopted by the Local Agency Formation Commissions within the San Francisco Bay Area; and

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(E), federal public participation requirements, and MTC's Public Participation Plan (MTC Resolution No. 3821), the Plan, including its SCS, was developed through a strategic, proactive, comprehensive public outreach and involvement program, which included: an adopted public participation plan; routine distribution of information to local/regional media; advertising in local and regional newspapers; distribution of public information materials, such as brochures and newsletters; a robust speakers bureau effort; a dedicated website; meetings with representatives from the each county board of supervisors and all city councils; noticed public hearings to receive testimony on the Plan, its SCS, and the Programmatic Environmental Impact Report (EIR); subregional workshops to facilitate public comment on the Plan; and interagency coordination and involvement; and

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(B), the Plan's SCS (i) identifies the general location of uses, residential densities, and building intensities within the region; (ii) identifies 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 RTP taking into account net migration into the region, population growth, household formation and employment growth; (iii) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; (iv) identifies a transportation network to service the transportation needs of the region; (v) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; (vi) considers the state housing goals specified in California Government Code §§ 65580 and 65581; and (viii) allows the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. § 7506); and

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, ABAG was responsible for identifying the general location of uses, residential densities, and building intensities within the region; identifying 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 RTP taking into account net migration into the region, population growth, household formation and employment growth; identifying areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to California Government Code § 65584; gathering and considering the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of California Government Code § 65080.01; and considering the state housing goals specified in California Government Code §§ 65580 and 65581; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-13**

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC was responsible for identifying a transportation network to service the transportation needs of the region; and allowing the RTP to comply with Section 176 of the Federal Clean Air Act (42 U.S.C. Sec. 7506); and

**WHEREAS**, pursuant to California Government Code § 65080(b)(2)(B), in preparing the Plan's SCS, MTC and ABAG were jointly responsible for setting 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 the greenhouse gas emission reduction targets adopted by the California Air Resources Board (CARB) for the San Francisco Bay Area; and

**WHEREAS**, CARB set the per capita greenhouse gas emission reduction targets for automobiles and light trucks for the San Francisco Bay Area at 7 percent by 2020 and 15 percent by 2035 from a 2005 base year; and

**WHEREAS**, as demonstrated in the Program EIR certified for the Plan, the SCS sets 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 the regional greenhouse gas emission targets set by CARB for the region; and

**WHEREAS**, CARB held a meeting on June 27, 2013, in which CARB staff provided an update on the Plan and its staff preliminarily concluded that the Plan complies with the greenhouse gas emission reduction targets established by CARB for the San Francisco Bay Area; and

**WHEREAS**, prior to taking action on the Plan, ABAG has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, Attachment B of this resolution, attached hereto and incorporated herein as though set forth at length, lists major revisions and corrections made to the draft Plan; and

**WHEREAS**, MTC and ABAG intend to assist implementing agencies in determining whether a proposed project qualifies for development incentives associated with the Plan by developing advisory guidelines for evaluating consistency; and

**WHEREAS**, the Legislature did not direct either MTC or ABAG to make Plan consistency determinations on behalf of implementing agencies, MTC and ABAG do not intend to actively participate in the process of determining project consistency with the Plan; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-13**

**WHEREAS**, while the Plan is intended to promote and provide incentives for development of Priority Development Areas (PDAs) identified in the Plan, the Plan is not intended to create direct or indirect obstacles to a local government's decision to approve development projects that are not included in, or consistent with, PDAs identified in the Plan; and

**WHEREAS**, the ratio of projected jobs and housing in the Plan is not intended to act as a direct or indirect cap on development locations in the region; and

**WHEREAS**, the Plan is not intended to dictate local land use policy or development approvals; and

**WHEREAS**, the Plan is intended to increase housing choices by providing incentives for qualifying development projects; and

**WHEREAS**, adoption of the Plan is accompanied by certification that the Final Environmental Impact Report for the Plan complies with the California Environmental Quality Act (CEQA) (ABAG Resolution No. 05-13).

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-13**

**NOW, THEREFORE, BE IT RESOLVED** that the Association of Bay Area Governments certifies that the foregoing recitals are true and correct and incorporated by this reference; and be it further

**RESOLVED**, that ABAG finds that the Plan, including its SCS, meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in California Government Code § 65080, subdivision (b); and be it further

**RESOLVED**, that ABAG finds that the Plan, including its SCS, complies with the requirements of all other applicable laws; and be it further

**RESOLVED**, that ABAG does hereby adopt the Plan, including its SCS, and the Final 2040 Regional Growth Forecast for the San Francisco Bay Area, attached hereto as Attachment A, as revised pursuant to Attachment B and subject to additional minor or non-substantive technical corrections and editorial changes (Final Plan); and be it further

**RESOLVED**, that ABAG directs its staff to publish the Final Plan.

The foregoing was adopted by the Executive Board this 18<sup>th</sup> day of July, 2013.

---

Mark Luce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 18<sup>th</sup> day of July, 2013.

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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER G-14-028

Association of Bay Area Governments' (ABAG) and  
Metropolitan Transportation Commission's (MTC)  
Sustainable Communities Strategy (SCS)  
ARB Acceptance of GHG Quantification Determination

WHEREAS, the Sustainable Communities and Climate Protection Act of 2008 ((Chap. 728, Stats. 2008) Senate Bill 375, or SB 375, as amended) requires each California Metropolitan Planning Organization (MPO), as part of its Regional Transportation Plan (RTP) planning process, to develop a Sustainable Communities Strategy (SCS) or an Alternative Planning Strategy (APS) that meets regional greenhouse gas (GHG) emission reduction targets (targets) set by the Air Resources Board (ARB or Board);

WHEREAS, SB 375 also recognizes ARB's target-setting responsibility as a recurring process, requiring ARB to update the targets every eight years and permitting target updates every four years;

WHEREAS, on September 23, 2010, the Board set targets for the ABAG/MTC region of 7 percent per capita reduction from 2005 by 2020, and 15 percent per capita reduction from 2005 by 2035;

WHEREAS, in March 2013, ABAG/MTC published a draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), known as Plan Bay Area, for 2040 that stated it would achieve the region's GHG targets with a 10 percent per capita reduction from 2005 by 2020 and a 16 percent per capita reduction from 2005 by 2035;

WHEREAS, ARB staff performed a technical evaluation of the SCS in the draft Plan Bay Area based on ARB's technical methodology for evaluating an SCS (published in July 2011);

WHEREAS, ARB staff's evaluation showed that ABAG/MTC used technical methodologies that would accurately quantify GHG reductions from the SCS in the draft Plan Bay Area;

WHEREAS, ARB staff evaluated key performance indicators that support ABAG/MTC's determination that the SCS in the draft Plan Bay Area would achieve the region's GHG targets;

WHEREAS, ARB staff's evaluation showed that ABAG/MTC's SCS in the draft Plan Bay Area, if implemented, would meet the GHG targets that the Board established for the region for 2020 and 2035;

WHEREAS, ARB staff presented an informational item on ABAG/MTC's SCS to the Board at its June 27, 2013 public meeting;

WHEREAS, during the public discussion of this item at its June 2013 meeting, the Board acknowledged that several of Plan Bay Area's Climate Policy Initiatives will provide useful data for future analysis;

WHEREAS, in response to comments from the public, stakeholders, ABAG Executive Board members, and MTC Commissioners, ABAG/MTC staff made minor modifications to the draft Plan Bay Area which did not significantly change the GHG emission reduction results;

WHEREAS, these proposed changes were presented at public meetings held by ABAG/MTC on June 14, 2013 and July 12, 2013;

WHEREAS, the ABAG Executive Board and MTC Commissioners adopted the final Plan Bay Area as revised at its public meeting on July 18, 2013;

WHEREAS, ABAG/MTC submitted the final Plan Bay Area containing the final SCS to ARB on January 6, 2014 and provided the final data table on February 18, 2014 in support of its GHG quantification determination of a 10 percent per capita reduction by 2020 and a 16 percent per capita reduction by 2035, as required by California Government Code section 65080(b)(2)(J)(ii);

WHEREAS, ARB staff reviewed both the draft SCS and subsequent modifications to the SCS contained in the adopted 2013-2040 Plan Bay Area;

WHEREAS, the modifications adopted by the ABAG Executive Board and MTC Commissioners as part of the final Plan Bay Area are minor, and do not change the underlying technical land use and transportation assumptions of the SCS or its GHG quantification methodology, and does not significantly change the GHG reduction results demonstrated by the draft SCS for 2020 and 2035;

WHEREAS, ARB staff's technical review of ABAG/MTC's GHG reduction quantification is contained in Attachment A, "Technical Evaluation of Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 Sustainable Communities Strategy" dated April 2014;

WHEREAS, section 65080(b)(2)(J)(ii) of the California Government Code calls for ARB to accept or reject the MPO's determination that the strategy submitted would, if implemented, achieve the GHG emission reduction targets established by the Board;

WHEREAS, the California Health and Safety Code sections 39515 and 39516 delegate to the Board's Executive Officer the authority to act on behalf of the Board in this manner;

NOW, THEREFORE, BE IT RESOLVED that pursuant to section 65080(b)(2)(J)(ii) of the California Government Code, the Executive Officer hereby accepts ABAG/MTC 's quantification of GHG emissions reductions from the final SCS adopted by the ABAG Executive Board and MTC Commissioners on July 18, 2013, and the MPO's determination that the SCS would, if implemented, achieve the 2020 and 2035 GHG emission reduction targets established by ARB.

NOW, THEREFORE, IT IS ORDERED that ARB staff is directed to forward this executive order to the ABAG Executive Board, the MTC Commission, and the ABAG and MTC Executive Directors.

Executed at Sacramento, California, this 10<sup>th</sup> day of April 2014.

  
Richard W. Corey  
Executive Officer

Attachment A:

"Technical Evaluation of Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 Sustainable Communities Strategy" April 2014

By Fax

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Attorneys for Plaintiff and Petitioner  
Building Industry Association Bay Area

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

BUILDING INDUSTRY ASSOCIATION BAY AREA,

Plaintiff and Petitioner,

vs.

ASSOCIATION OF BAY AREA GOVERNMENTS, METROPOLITAN TRANSPORTATION COMMISSION, and DOES 1-25, inclusive,

Defendants and Respondents.

**ENDORSED  
FILED  
ALAMEDA COUNTY**

AUG 16 2013

CLERK OF THE SUPERIOR COURT

**Anita Dhir**

CASE NO. **RG13692098**

**VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

(California Environmental Quality Act (CEQA); Government Code § 65080, et seq. Code of Civil Procedure §§ 1060, 1085/1094.5)

1                   Petitioner and Plaintiff BUILDING INDUSTRY ASSOCIATION BAY AREA  
2 (“Petitioner,” “Plaintiff” or “BIA Bay Area”) hereby alleges as follows:

3                   1.       **SB 375—the Sustainable Communities and Climate Protection Act of 2008—**  
4 **charged Respondents and Defendants Metropolitan Transportation Commission (MTC) and**  
5 **Association of Bay Area Governments (ABAG) (together “Respondents”) with the duty to develop a**  
6 **long-range plan for land use and transportation that would accommodate the region’s projected**  
7 **housing needs while achieving a reduction in the region’s contribution to greenhouse gas (GHG)**  
8 **emissions.** SB 375 contains two primary mandates: (1) an unqualified obligation to plan for housing  
9 the entire population of the region over the planning period; and (2) a qualified obligation to reduce  
10 GHG emissions, if feasible. Pursuant to SB 375, Respondents were asked to adopt a “sustainable  
11 communities strategy” (SCS) based on a realistic assessment of the Bay Area’s land use planning  
12 policies. Instead of delivering a realistic and feasible plan, Respondents have prepared an SCS, called  
13 “Plan Bay Area,” that fails to solve the Bay Area’s bad habit of exporting its housing needs to  
14 outlying areas, condemning more of its workforce to lengthy commutes.

15                   2.       When ABAG and MTC began the process of implementing SB 375, they  
16 acknowledged the basic mandate in SB 375 that the Bay Area’s SCS must accommodate its entire  
17 housing need within the region. Respondents called it one of the “rules of the game” that the Bay  
18 Area could no longer rely on areas outside the region to house the growing Bay Area workforce.  
19 Further increases to the number of in-commuters had to come to an end.

20                   3.       After initially recognizing the clear mandate of SB 375, Respondents  
21 abandoned their duties, giving in to the Bay Area’s longstanding resistance to housing, and instead  
22 adopted a plan that perpetuates the Bay Area’s role as an exporter of housing and an importer of  
23 workers while turning a blind eye to the adverse environmental impacts of condemning more than  
24 100,000 more to commute to Bay Area job centers from outside the region workers (more than 14  
25 million additional inter-regional vehicle trips a year).

26                   4.       The history of Plan Bay Area is essentially a tale of two processes. Initially, the  
27 agencies conducted an open and public process as they wrestled with the Bay Area’s chronic history  
28 of outsourcing the housing needed for its growing workforce. At some point in the Spring of 2012,

1 planning priorities for a 25-year period. For an MPO to receive federal transportation funding, it must  
2 develop an RTP that meets the federal requirements set forth in Part 450 of Title 23 and Part 613 of  
3 Title 49 of the Code of Federal Regulations. The MPO also must show that the RTP is in conformity  
4 with the Clean Air Act air quality goals established by the State Implementation Plan. Because Clean  
5 Air Act conformity hinges on the RTP actually coming to pass, rather than merely setting aspirational  
6 goals, it is critically important that the MPO can show the reasonable likelihood the plan will be  
7 achieved. Respondents' assertion that the Plan is merely advisory and not mandatory suggests that the  
8 required conformity finding cannot be made.

### 9 VIII.

#### 10 FACTUAL AND PROCEDURAL BACKGROUND

##### 11 SB 375 Planning in the Bay Area

12 34. In the Bay Area, MTC and the ABAG are jointly responsible for preparing the  
13 region's SCS. The record will demonstrate that MTC and ABAG made arbitrary assumptions, failed  
14 to comply with their own policies, and deviated from the plain meaning of SB 375 in constructing  
15 their Plan Bay Area SCS. Moreover, before Respondents undertook any CEQA review, they had  
16 already agreed on a preferred project that violates SB 375's basic mandates, foreclosing any real  
17 consideration of alternatives to the project. The CEQA review represented a post hoc rationalization  
18 for decisions already made and partially implemented.

19 35. Before the adoption of SB 375, the regional agencies in the Bay Area  
20 consistently planned for insufficient housing to accommodate projected job growth, and relied on  
21 exporting part of the region's housing needs to other regions, causing significant and persistent in-  
22 commuting with its attendant environmental and other impacts. ABAG conceded that in its prior  
23 analyses, "staff assum[ed] that there will continue to be a regional imbalance of jobs and housing and  
24 an insufficient number of homes to fully accommodate regional employment growth and population  
25 increase."

26 36. The most recent manifestation of this prior approach is the existing RTP  
27 (T2035), which preceded SB 375 and the SCS process. T2035 planned for a 25-year housing increase  
28



1 **INTRODUCTION**

2 1. The Bay Area is experiencing a period of significant growth, and is expected to draw  
3 an additional 2 million people into the area over the next thirty years.

4 2. This projected growth will have myriad effects on the region – from increasing the  
5 need for transportation and housing services, to increasing the size of other economic sectors, like  
6 the “goods movement” sector, which is responsible for shuttling consumer goods around the state  
7 and nation through transportation hubs, such as airports, seaports, highways and railways. Growth in  
8 goods movement—or freight transport—has the potential to increase diesel emissions and other air  
9 pollution from ships, trucks, and trains using these transportation hubs. Though they will affect the  
10 entire region, the health impacts resulting from these emissions will particularly harm those who live  
11 in communities closest to transportation hubs and corridors, the majority of whom are low-income  
12 and people of color.

13 3. Regional growth also has the potential to change the character of historic ethnic  
14 neighborhoods, such as West Oakland, the Chinatown neighborhoods in San Francisco and Oakland,  
15 and San Francisco’s Mission District, displacing low-income and minority residents, as an influx of  
16 white-collar workers drives increasing prices in housing markets. Regional growth has the potential  
17 to spur climate change, if the population continues to rely on greenhouse gas emitting cars and  
18 trucks for its transportation needs. The Bay Area is uniquely vulnerable to the accelerating pace of  
19 climate change, as many of its cities, towns, and transit routes are located in coastal areas vulnerable  
20 to sea-level rise.

21 4. Respondents the Metropolitan Transportation Commission (“MTC”) and the  
22 Association of Bay Area Governments (“ABAG”) serve as the Bay Area’s regional transportation  
23 and land use planning agencies. These agencies are required to create a regional plan (“Plan Bay  
24 Area” or “Plan”) that serves the population’s land use and transportation planning needs,  
25 accommodates goods-movement, integrates transportation systems for people and freight, and moves  
26 the region towards air pollution and greenhouse gas reductions goals. Failure to plan responsibly for  
27 the future and establish a solid foundation to facilitate these goals has the potential to cause serious,  
28 irreparable harm.

1           20.     By this action, CBE seeks to protect the health, welfare, and economic interests of its  
2 members and the general public and to enforce a public duty owed to them by ABAG and MTC.

3           21.     Petitioner the SIERRA CLUB (“Sierra Club”) is a national nonprofit organization of  
4 approximately 600,000 members. The Sierra Club is dedicated to exploring, enjoying, and  
5 protecting the wild places of the earth; practicing and promoting the responsible use of the earth’s  
6 ecosystems and resources; educating and encouraging humanity to protect and restore the quality of  
7 the natural and human environment; and to using all lawful means to carry out these objectives. The  
8 Club’s particular interest in this case and the issues which the case concerns stem from the Club’s  
9 interest in promoting an energy efficient transportation policy, that reduces reliance on fossil fuels;  
10 and protecting the health of vulnerable communities. It has chapters throughout the San Francisco  
11 Bay Area, including its San Francisco Bay, Redwood and Loma Prieta chapters. These chapters  
12 have been active participants in the administrative proceedings leading to the certification of Plan  
13 Bay Area, and have submitted comments in their name and have engaged with the agencies and  
14 other stakeholders in the planning process.

15           22.     Sierra Club has over 52,000 members in the Bay Area. These members live, work,  
16 and recreate in the nine counties that comprise the greater San Francisco Bay Area. They rely on the  
17 public transportation and highway infrastructure that serves the area, and are affected by the air  
18 quality and environment of the area. They have an interest in their health and well-being, and have  
19 conservation, aesthetic, and economic interests in the Bay Area environment. Sierra Club’s  
20 members living and working in the Bay Area have a right to, and a beneficial interest in, ABAG and  
21 MTC performing its duties under CEQA. These interests have been, and continue to be, threatened  
22 by the agencies’ decision to certify the EIR and proceed with the implementation of Plan Bay Area.

23           23.     By this action, Sierra Club seeks to protect the health, welfare, and economic interests  
24 of its members and the general public and to enforce a public duty owed to them by ABAG and  
25 MTC.

26           24.     Respondent METROPOLITAN TRANSPORTATION COMMISSION (“MTC”) is  
27 the transportation planning, coordinating and financing agency for the nine-county San Francisco  
28 Bay Area. It served as the regional transportation planning agency (“RTPA”) under state law, and

1 the metropolitan planning organization (“MPO”) under federal law for the Plan Bay Area. It  
2 conducted the environmental review of the Project and certified the Environmental Impact Report.  
3 MTC acted as the co-lead agency for the purposes of CEQA.

4 25. Respondent ASSOCIATION OF BAY AREA GOVERNMENTS (“ABAG”) is the  
5 comprehensive regional planning agency and Council of Governments for the nine counties and the  
6 101 cities and towns of the San Francisco Bay Area. It conducted the regional population and  
7 employment projects and regional housing needs allocations for the Plan Bay Area. It conducted the  
8 environmental review of the Project and certified the Environmental Impact Report. ABAG acted as  
9 the co-lead agency for the purposes of CEQA.

10 26. The true names and capacities, whether individual, corporate, or otherwise, of DOES  
11 1 through 50 are unknown to Petitioners. Petitioners will amend this Verified Petition for Writ of  
12 Mandate to set forth the true names and capacities of the Doe parties when they have been  
13 ascertained. Petitioners allege that each of the Doe parties 1 through 25 has jurisdiction by law over  
14 one or more aspects of the project and its approval, and that each of the Doe parties 26 through 50  
15 claims an ownership interest in the Project or the property that is the subject of this action or an  
16 interest in the actions of the Respondents challenged herein.

## 17 BACKGROUND

### 18 I. The Community and Environmental Setting.

19 27. The greater Bay Area is comprised of nine counties – Alameda, Contra Costa, Marin,  
20 Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma County. The region is home to a  
21 racially and economically diverse population of approximately 7 million individuals. The  
22 population is distributed through major cities such as San Francisco, Oakland and San Jose, as well  
23 as through a wide range of suburban and rural communities, in counties like Contra Costa, Sonoma  
24 and Napa. Many of the cities and towns in the region have historically ethnic neighborhoods, such  
25 as West Oakland, San Francisco and Oakland Chinatown, and the Mission district.

26 28. Over the coming years, the region is expected to experience economic growth and  
27 expansion, which is projected to result in the growth of freight movement throughout the region, and  
28 to attract new people to the region resulting in over 9 million residents by 2040.

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 FILED**  
 ALAMEDA COUNTY  
 AUG - 6 2013  
 CLERK OF THE SUPERIOR COURT  
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14 BAY AREA CITIZENS, a non-profit corporation,

15 Petitioner,

16 v.

17 ASSOCIATION OF BAY AREA GOVERNMENTS, a  
 joint powers agency; METROPOLITAN  
 18 TRANSPORTATION COMMISSION, a local area  
 planning agency; and DOES 1 through 50,

19 Respondents.

No. **RG13690631**

**VERIFIED PETITION FOR  
 WRIT OF MANDATE**  
 (Code of Civil Procedure § 1085)  
 (California Environmental Quality  
 Act, Pub. Res. Code § 21168.5)

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1 for the region, which, when integrated with the transportation network, and other transportation  
2 measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks  
3 to achieve . . . the greenhouse gas emission reduction targets approved by the state board.” Gov’t  
4 Code § 65080(b)(2)(B)(ii), (iii), (vii).

5 23. If there is no feasible way to meet the greenhouse gas reduction targets, MTC and  
6 ABAG must prepare an “alternative planning strategy,” which is not incorporated into the  
7 transportation plan. Gov’t Code § 65080(b)(2)(I).

8 24. Once the strategy is completed, MTC must submit it to CARB for the latter to  
9 determine whether the strategy will achieve the region’s greenhouse gas reduction targets. Gov’t  
10 Code § 65080(b)(2)(J)(ii). If CARB determines that the strategy will not achieve the targets, MTC  
11 must revise the strategy or adopt an alternative. *Id.* § 65080(b)(2)(J)(iii).

12 *Environmental Impact Assessment Under the California Environmental Quality Act*

13 25. Although it does not itself regulate the use of land, Gov’t Code § 65080(b)(2)(K),  
14 a sustainable communities strategy nevertheless provides powerful tools to coerce a local  
15 government to comply with the strategy’s land-use prescriptions, even over the wishes of local  
16 residents, taxpayers, and their elected representatives. Therefore, the strategy has a significant  
17 impact on the region’s environment, for at least two reasons. First, the strategy is incorporated into  
18 the region’s transportation plan, which largely dictates which transportation projects will be funded  
19 and built. *Cf.* 23 C.F.R. § 450.308. Second, the region’s housing need allocation (formulated by  
20 the Department of Housing and Community Development in conjunction with ABAG pursuant to  
21 the Planning and Zoning Law), to which local governments must conform their general plans, must  
22 be consistent with the strategy. *See* Gov’t Code § 65584.4(i). Because of these impacts, the  
23 promulgation of a strategy triggers CEQA.

24 26. CEQA’s principal purpose is to ensure that “major consideration is given to  
25 preventing environmental damage, while providing a decent home and satisfying living  
26 environment for every Californian.” Pub. Res. Code § 21000(g). *See id.* § 21001(d); Cal. Code  
27 Regs. tit. 14, § 15021(d).

28 ///



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FILED  
ALAMEDA COUNTY

OCT 15 2013

CLERK OF THE SUPERIOR COURT  
By *[Signature]* Deputy

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11 THE POST SUSTAINABILITY  
12 INSTITUTE; ROSA KOIRE; MICHAEL  
13 SHAW,

14 Plaintiffs and Petitioners,

15 v.

16 ASSOCIATION OF BAY AREA  
17 GOVERNMENTS; METROPOLITAN  
18 TRANSPORTATION COMMISSION; and  
19 DOES 1 to 25,

20 Defendants and Respondents.

Case No: **RG13699215**

VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

[Code Civ. Proc. Sections 1060; 526; 526a;  
1085; 1094.5]

21 Plaintiffs and Petitioners The Post Sustainability Institute, Rosa Koire, and Michael Shaw  
22 (collectively Plaintiffs and Petitioners) allege as follows:

23 1. Plaintiffs and Petitioners bring this action against Defendants and Respondents  
24 the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation  
25 Commission (MTC) for declaratory and injunctive relief under Code of Civil Procedure sections  
26 1060, 526, and 526a, and a writ of mandate under Code of Civil Procedure sections 1085 and  
27 1094.5. Plaintiffs and Petitioners allege herein violations of the California Constitution, Art. I  
28 and Art. XI, Sec. 5; the United States Constitution, Art. IV, Sec. 4; the Equal Protection and Just

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VENUE

10. Venue is proper in this Court pursuant to Code of Civil Procedure section 393(b), because the cause of action arose in part in Alameda County.

GENERAL ALLEGATIONS

11. Federal and state law require that MTC, as the designated metropolitan planning organization, prepare and regularly update a regional "transportation plan." (23 U.S.C. § 134(c), 23(i); 49 U.S.C. § 5303(i); Gov't Code Section 65080(a)). Such a plan "provide[s] for the development and integrated management and operation of transportation systems and facilities" that "will function as an intermodal transportation system for the metropolitan planning area" as well as "an integral part of an intermodal transportation system for the State and the United States." (23 U.S.C. Section 134(c)(2).) (*See* 23 C.P.R. § 450.322(b); Govt. Code Section 65080(b)(1).)

12. State law provides important constraints on this transportation planning process. The most significant of these constraints is the California Global Warming Solutions Act of 2006 (popularly known as A.B. 32), which requires that California reduce its greenhouse gas emissions to 1990 levels by 2020. (Health & Safety Code Sections 38550, 38551).

13. To help implement A.B. 32's goal, the Legislature passed S.B. 375, the Sustainable Communities and Climate Protection Act of 2008. S.B. 375 purports to ensure that the existing transportation planning process be coordinated with A.B. 32's greenhouse reduction mandate, as well as to be integrated with the existing state-mandated housing planning process. (*See* S.B. 375, Section 1(e), (i)).

14. S.B. 375 seeks to implement A.B. 32 by requiring metropolitan planning organizations such as MTC to produce a "sustainable communities strategy," which must be integrated with a region's transportation plan. (Govt. Code Section 65080(b)(2)). For the Bay Area, MTC and ABAG have joint responsibility for the strategy's production. (Govt. Code Section 65080(b)(2)(B)).

1 15. Pursuant to these mandates, on July 18, 2013, MTC and ABAG adopted the Plan (the  
2 2040 Regional Transportation Plan (RTP)), including the 2013 Sustainable Communities  
3 Strategy for the San Francisco Bay Area, via Resolution No. 4111 (Resolution).

4 16. The Plan is a 150-plus page document covering various aspects of transportation,  
5 zoning, and property development within nine Bay Area counties, including Alameda County  
6 and Sonoma County, California. However, Gov. Code Section 65080 (b)(2)(K) provides that  
7 "nothing in [the Plan] shall be interpreted as superseding the exercise of the land use authority of  
8 cities and counties within the region."

9 17. A key component of the Plan is the relationship between A.B. 32, S.B. 375, and  
10 federal funding of state and local transportation programs. In July, 2012 a federal law known as  
11 MAP-21 (Moving Ahead For Progress in the 21st Century Act, P.L. 112-141) was enacted,  
12 which provides \$105 billion in transportation funding. These funds are allocated to the MTC,  
13 which functions as the Bay Area's state regional transportation planning agency, as well as the  
14 Bay Area's federal Metropolitan Planning Organization (MPO.)

#### 15 **The One Bay Area Grant Program**

16 18. The One Bay Area Grant Program (OBAG), adopted and implemented by the MTC,  
17 is the state program by which certain federal transportation funds are allocated to local  
18 governments in the Bay Area, estimated to be \$14.6 billion over the life of the Plan. (Plan at 73.)  
19 The OBAG program "rewards jurisdictions that focus housing growth in Priority Development  
20 Areas (PDAs) through their planning and zoning policies, and actual production of housing  
21 units." (Plan at 13.) Elsewhere the Plan describes OBAG as being designed to "support  
22 jurisdictions that focus housing growth in Priority Development Areas through their planning  
23 and zoning policies, and their production of housing units. Specifically the program rewards  
24 jurisdictions that accept housing allocations through the Regional Housing Need Allocation  
25 (RHNA) process." (Plan at 73.) Additional OBAG funds are directed to support the region's  
26 Priority Conservation Areas (PCA's.) (Plan at 73.)

#### 27 **Priority Development Areas**

28 19. PDA's are described as "transit oriented, infill development opportunity areas within

## EXCERPT

DEERING'S CALIFORNIA CODES ANNOTATED  
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\*\*\* This document is current for urgency legislation through Chapter 291 of the \*\*\*  
2015 Legislative Session, approved September 9, 2015.

### GOVERNMENT CODE

Title 7. Planning and Land Use  
Division 1. Planning and Zoning  
Chapter 2.5. Transportation Planning and Programming

### GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

*Cal Gov Code § 65080 (2015)*

#### § 65080. Preparation and adoption of plan; Components; Periodic submission of updated plan

(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 utilizing 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.

(i) No later than January 31, 2009, the state 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 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 shall consider the report prior to setting the targets.

(ii) Prior to setting the targets for a region, the state 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 shall release draft targets for each region no later than June 30, 2010.

(iii) In establishing these targets, the state 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 in the affected regions, and prospective measures the state board plans to adopt to reduce greenhouse gas emissions 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 pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with *Section 38500*) of the *Health and Safety Code*).

(iv) The state 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 may revise the targets every four years based on changes in the factors considered under clause (iii). The state 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 prior to 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.

(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 utilize 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).

**(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 community strategy, provided that it complies with clauses (vii) and (viii) of subparagraph (B).

(D) In the region served by the multicounty transportation planning agency described in *Section 130004 of the Public Utilities Code*, 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 public participation plans 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.