



Fact Sheet on SB 375

Senate Bill 375, authored by Senator Darrell Steinberg, was signed into law September 30, 2008. The bill integrates the currently disjointed planning for transportation, land use and housing, with the goal of reducing the amount people have to drive along with associated greenhouse gas emissions. Since then, this lengthy and complicated bill has become the intense focus of innumerable conversations. Listed below are its major provisions.

1. Creation of regional targets for greenhouse gas emissions reduction tied to the transportation and land use sector.

- By September 30, 2010, the California Air Resources Board (CARB) must give each of California's 17 Metropolitan Planning Organizations (MPOs) transportation-related greenhouse gas (GHG) emissions reduction targets for 2020 and 2035.
- The targets will be based on input from a Regional Targets Advisory Committee of stakeholders and from each Metropolitan Planning Organization (MPO).

2. Requirements to use updated transportation models that take into account the effects of land use and transit service on vehicle miles traveled.

3. Requirement that regional planning agencies create a land use and transportation plan to meet the GHG targets.

- As part of the Regional Transportation Plan updates (RTP) that are conducted every four years, each MPO must prepare a Sustainable Communities Strategy (SCS) that meets GHG targets, "if there is a feasible way to do so." The primary variables that make up the RTP are 25-year forecasts for land use, alternative transportation investment scenarios, and transportation prices and policies.
- For the land use assumptions, federal regulations for RTPs require MPOs to "utilize most recent planning assumptions, considering local general plans and other factors." This may limit how aggressive MPOs can be in creating an SCS with much more compact land use forecasts. Assumptions in the SCS do not supersede local codes or authority over land use in any way. General plans and zoning codes drive the SCS, not the other way around.
- For the investment scenarios, RTPs are financially constrained, limiting the amount of new infrastructure that can be proposed to existing or potential new sources that are reasonable to assume will come into being.
- Transportation policies that reduce demand on the system, whether through financial incentives to use alternatives, employee flex-time, road pricing or other measures, could also be considered. In the Metropolitan Transportation Commission's recent RTP analysis, transportation pricing was shown to significantly reduce driving.
- Ideally, the MPOs are given more authority by the state and federal government to raise revenue and implement pricing mechanisms, so there is a feasible way to meet ambitious targets.

4. Requirement that regional transportation funding decisions be consistent with this new land use and transportation plan, *if it meets the targets.*

- If an SCS passes, regional transportation funding must be consistent with that investment package. Certain existing projects not in the SCS will be grandfathered in.

5. If the plan does not meet the targets, an “Alternative Planning Strategy” must be developed.

- If MPO modeling shows that the SCS won't meet the region's GHG targets, the MPO must prepare an Alternative Planning Strategy (APS) that does meet the targets (and which CARB must also approve).
- The APS is a separate document from the RTP and could include land use forecasts that are not necessarily realistic “current planning assumptions.” It would also look at infrastructure or pricing mechanisms that the MPO does not have the current resources, authority, or ability to implement. Essentially, it is supposed to be a step-by-step guide to what it would take to meet the target.
- Since the APS is not part of the RTP, the MPO can adopt any RTP scenario they choose, and funding will not be tied to it. The APS is therefore weaker than producing an SCS that meets the targets. That is why CARB want the targets to be “ambitious” but also “achievable.”

6. Reform of Regional Housing Needs Allocations and Housing Element law to match up with regional planning processes.

- The Regional Housing Needs Allocation will be based on the SCS, which means cities that have significant transit and infill development potential are likely to have greater housing responsibilities. The Bay Area's most recent RHNA went a long way in this direction.
- Each region must also anticipate providing enough housing to match all future job growth (i.e., no more exporting housing to other regions).
- The RHNA cycle will be extended from 5 years to 8 years to match up with RTP timing.
- Cities must then change their Housing Elements to show how they will be able to meet their allocation of housing, at different income levels.
- Housing Elements will be due 18 months after the SCS is adopted and jurisdictions must re-zone Housing Element sites within 3 years of Housing Element adoption.
- If a jurisdiction does not re-zone, developers can propose projects for those sites at densities that would have been needed to fulfill the housing element.

7. New CEQA exemptions and streamlining for certain projects consistent with a regional plan that meets the targets.

These CEQA exemptions apply to projects consistent with either an SCS or an approved Alternative Planning Strategy (APS).

- Most basic exemption is for projects that are consistent with the SCS or APS land use forecast and are residential or mixed-use project (with at least 75% residential). These do not have to:
 1. analyze GHG emissions for cars and light trucks
 2. analyze growth-inducing cumulative impacts on the regional road network
 3. analyze lower density alternatives
- For projects that fall into the category of “Transit Priority Projects,” there are three potential types of CEQA streamlining. To qualify as one of these projects the development must contain at least 50% residential use, have a minimum net density of 20 units per acre, be located within ½ mile of a rail stop, a ferry terminal, or a bus line with 15-minute headways, and not be surrounded by seas of parking.
 - Total CEQA exemption is possible for projects that are no bigger than 8 acres or 200 units, and meet a number of other provisions.
 - A short form analysis may be used by some.
 - If there are preset traffic mitigations for the area, the project must only do those mitigations.