

Understanding SB 375: Public Participation Requirements

What You Will Learn Inside:

- What the Law Requires
- How SB 375 Affects Plans for Transportation and Housing
- Ways Local Officials and the Public Can Participate in Regional Planning
- Tools and Resources to Learn More



LAND USE AND ENVIRONMENT PROGRAM
PUBLIC ENGAGEMENT AND COLLABORATIVE GOVERNANCE PROGRAM

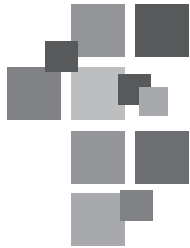


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Support for this publication provided by the League of California Cities and the California State Association of Counties. Additional support provided by the California Department of Transportation.

UNDERSTANDING SB 375: PUBLIC PARTICIPATION REQUIREMENTS

Regional Planning to Reduce Greenhouse Gas Emissions

The Leadership Role of Local Officials

Local officials play a key leadership role in developing regional plans for transportation, housing, and reducing greenhouse gas emissions. Regional agencies are governed by local elected officials selected by their peers to serve on regional agency boards. As a consequence, city and county officials – both those serving on regional boards and the colleagues that select them – have the opportunity to be closely involved in developing regional plans that affect their communities and encouraging the public to actively participate in the planning process.

AB 32 and SB 375

California’s Global Warming Solutions Act of 2006 (Assembly Bill 32), gives the California Air Resources Board authority to regulate sources of greenhouse gas emissions that contribute to climate change. According to the Air Resources Board, transportation accounts for 40 percent of greenhouse gas emissions, with cars and light trucks accounting for almost three-quarters of those emissions (30 percent overall.)

Senate Bill 375 (2008, Steinberg) builds on the existing framework of regional planning in an effort to reduce greenhouse gas emissions from motor vehicle trips. The Air Resources Board is working with regional and local agencies and other stakeholders to set regional targets for reducing greenhouse gases for each of the metropolitan planning organizations (MPOs) in the state.

The provisions of SB 375 apply only to the eighteen metropolitan planning organizations (MPOs) in the more urbanized regions of the state, and not to non-metropolitan regional transportation planning agencies (RTPAs) typically found in more rural counties. Under SB 375, cities and counties maintain their existing authority over local planning and land use decisions, including adopting the housing element of the local general plan.

Resources for Public Engagement

This guide describes the minimum public participation requirements regional and local agencies must meet in developing their transportation and housing plans under SB 375.

Many agencies have chosen to go beyond these minimum requirements, particularly in the development of “regional blueprints,” or long-range visions for growth that involve extensive public engagement efforts.

For more information on tips for public participation in regional planning or other issues related to SB 375, visit www.ca-ilg.org/SB375.



HOW SB 375 AFFECTS THE REGIONAL TRANSPORTATION PLAN

Under SB 375, the regional transportation plan prepared by Metropolitan Planning Organizations (MPO) must incorporate a **Sustainable Communities Strategy (SCS)**, a regional growth strategy that provides the basis for transportation investments in the region. The SCS must be based on “current planning assumptions.” The goal of the SCS is to reduce greenhouse gas emissions from cars and light trucks in the region.

To do this, the SCS identifies the “general location of uses, residential densities, and building intensities” within the region, including areas sufficient to house all economic segments of the projected regional population, while meeting the greenhouse gas targets set by the Air Resources Board. SB 375 requires that transportation funding decisions in the regional transportation plan be consistent with the sustainable communities strategy.

If the SCS falls short of meeting the targets, the region must prepare an “alternative planning strategy” (APS) that, if implemented, would meet the targets through a combination of alternative development patterns, infrastructure investments, or additional transportation measures or policies. Unlike the SCS, the alternative planning strategy is not formally a part of the regional transportation plan.

Overview of Regional Planning and SB 375

SB 375 modifies the current process for preparing two types of regional plans and one type of local plan in order to coordinate housing and transportation decisions so as to reduce greenhouse gas emissions. These plans include the regional transportation plan, the regional housing needs assessment, and the housing element of the local general plan.

The **Regional Transportation Plan (RTP)** outlines transportation investments for a region. The RTP includes a 20-year outlook for likely growth in the region. The RTP is the basis for state funding of transportation projects. Projects that are not in the regional transportation plan cannot be “programmed” for state or federal funding. Metropolitan planning organizations prepare their RTP every four years (five years in regions that have attained federal air quality standards). Regional transportation planning agencies not subject to SB 375 prepare the RTP on a five-year cycle.

The **Regional Housing Needs Assessment (RHNA)** is a forecast of future household growth prepared by the council of governments (COG) for each region, based on population estimates provided by the California Department of Housing and Community Development (HCD). The RHNA is used to allocate the number of housing units needed to serve all income categories to each individual city and county within the region. The jurisdictions in turn use their regional housing needs allocation to periodically update the housing element of their local general plan.

The **Housing Element of the General Plan** is one of seven elements required to be included in a city or county general plan, which governs land use and development within the community. The jurisdictions within a metropolitan region that is updating its RTP every four years will be required to update their housing

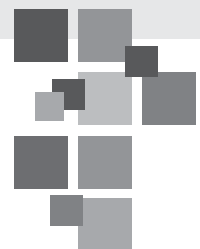
element every eight years (rather than every five years as required prior to the enactment of SB 375). The updated element must demonstrate how the jurisdiction plans to accommodate its allocation of the regional housing need.

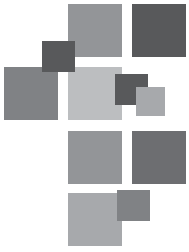
HOW SB 375 AFFECTS RHNA AND THE HOUSING ELEMENT

SB 375 affects planning for housing in two key ways. First, it synchronizes the schedule for the regional transportation plan, the regional housing needs assessment, and updates to local housing elements into a new eight-year planning cycle for each region. Secondly, SB 375 uses the sustainable communities strategy to serve as a common set of land use assumptions for both the regional transportation plan and the RHNA housing allocation.

The sustainable communities strategy influences regional and local planning for housing through a four step process:

1. Population growth estimates are provided by the California Department of Housing and Community Development (HCD) to each region every eight years.
2. Each of the metropolitan planning organizations for regions that are subject to the provisions of SB 375 develops a sustainable communities strategy that accommodates that estimate and strives to meet the regional greenhouse gas reduction target set by the California Air Resources Board.
3. The council of governments for the region then allocates a share of the regional housing needs for a specific planning period to each of the cities and counties in the region. The allocation must be “consistent with the development pattern included in the sustainable communities strategy.”
4. The cities and counties then modify their general plan housing elements to accommodate their housing allocation.





What Public Participation Requirements Apply to Regional Planning?

To increase public participation and enhance collaboration between residents, state agencies, and local agencies in regional planning, SB 375 and other federal and state requirements include a number of public engagement components. This section outlines the specific public participation requirements that apply to the regional transportation plan, the regional housing needs assessment, and the sustainable communities strategy.

Public Participation Requirements for the Regional Transportation Plan

As public agencies, metropolitan planning organizations are charged with conducting their business in an open and transparent manner that provides the public an opportunity to present information and express viewpoints to decision-makers. For example, the regional transportation plan is subject to public notice, public comment, and public hearing requirements that apply to local and regional agency decisions under the Ralph M. Brown Act. More information on these requirements can be found at www.cacities.org/openandpublic.

In addition, regional agencies are required by state and federal regulations to adopt and implement a public participation plan specifically for the development of the RTP. The public participation plan must define “a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.”

When, where and how the public can participate in the development and adoption of the RTP should be spelled out in the public participation plan. According to federal regulations and state guidelines issued by the California Transportation Commission, the public participation plan should be prepared prior to the development of the regional transportation plan. It should have public input during its preparation and the regional agency should provide a 45-day comment period before the participation plan is adopted.

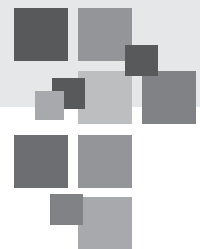
Federal regulations also provide that public participation plans should use visualization techniques to describe the regional transportation plan and the Federal Transportation Improvement Program (FTIP), with the specific type of technique determined by the regional agency. (The FTIP is a prioritized list, accompanying the RTP, of all transportation projects proposed for federal, state and local funding.) The public participation plan and both the draft and the adopted RTP must be posted on the internet, to the maximum extent practicable.

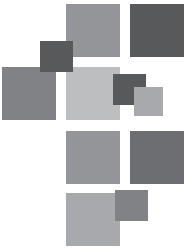
The California Transportation Commission is in the process of revising the California Regional Transportation Plan Guidelines, last adopted in 2007. The 2010 revisions are expected to provide guidance to help regional agencies develop regional transportation plans that are consistent with the most recent federal and state transportation planning policies and requirements, including the provisions of SB 375. These guidelines will include sections on consultation and public participation in the development of regional transportation plans.

PLANNING DECISIONS SUBJECT TO PUBLIC PARTICIPATION REQUIREMENTS

Public participation requirements apply to five types of decisions on transportation and housing plans made by regional agencies as well as cities and counties:

- Decisions by metropolitan planning organizations regarding the preparation and adoption of the **regional transportation plan**, the long-range plan governing expenditures of state and local funds for transportation within the region.
- Decisions by metropolitan planning organizations on the preparation and adoption of the regional **sustainable communities strategy** and, if one is prepared, the **alternative planning strategy** for reducing greenhouse gas emissions.
- Decisions by regional metropolitan planning organizations in adopting **public participation plans** required by the federal government and guided by state guidelines that outline how the agency proposes to engage the public in developing the regional transportation plan and the sustainable communities strategy.
- Decisions by regional councils of governments (COGs) on the **regional housing needs assessment** (RHNA), the distribution of future housing demand to each local jurisdiction within the region.
- Decisions by individual cities and counties on revisions to the **housing element** of their local general plan and on local zoning provisions to accommodate their allocation of the regional housing need.





Public Participation Requirements for the Sustainable Communities Strategy

SB 375 requires that regional agencies provide opportunities for input by local officials and the public into the development of the sustainable communities strategy (SCS) and the alternative planning strategy (APS), if one is prepared.

The key public participation requirements for these processes include:

- ✓ **Regional Targets Workshop.** Each metropolitan planning organization must hold at least one public workshop in their region following the release of the final report by the ARB-appointed Regional Targets Advisory Committee on the factors and methodologies to be used in setting regional greenhouse gas emission targets.
- ✓ **Sustainable Communities Strategy Public Participation Plan.** Each metropolitan planning organization must adopt a public participation plan for the development of the sustainable communities strategy and, if necessary, the alternative planning strategy. Actions the regional agency intends to take to meet this requirement can be incorporated into the public participation plan for the RTP. A separate plan is not required.

The public participation plan for the sustainable communities strategy must include all of the following:

- Outreach to encourage the active participation of a broad range of stakeholder groups in the planning process, including but not limited to “affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.”

- Consultation with congestion management agencies, transportation agencies, and transportation commissions.
- Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices. At least one workshop must be held in each county in the region. In counties with more than 500,000 residents, at least three workshops are required. To the extent practicable, the workshops should include urban simulation computer modeling to create visual representations of the sustainable communities strategy and the alternative planning strategy.
- Preparation and circulation of a draft sustainable communities strategy and alternative planning strategy (if one is prepared) not less than 55 days before the final regional transportation plan is adopted.
- At least three public hearings on the draft SCS and APS (or at least two public hearings in a single-county metropolitan transportation organization.) Hearings should be held, to the extent possible, in different parts of the region to maximize participation.
- A process for enabling members of the public to provide a single request to receive notices, information and updates.

✓ **City and County Informational Meetings.**

Metropolitan planning organizations must conduct at least two informational meetings in their respective regions for members of boards of supervisors and city councils. The purposes of the meeting are to present a draft of the sustainable communities strategy to council and board members and to solicit and consider their input and recommendations.

A metropolitan planning organization may conduct only one informational meeting if it is attended by representatives of the county board of supervisors and city council members representing a majority of the population of the incorporated areas of that county.

Public Participation Requirements for the Regional Housing Needs Assessment

State law requires that the regional council of governments involve the public in the development of the methodology used to determine and allocate the regional housing need, and in the adoption of the final allocation plan. The council of governments (COG) charged with developing the regional housing needs allocation (or a sub-region to which the council of governments has delegated this authority) must accept public comments on the proposed plan for at least 60 days and must hold at least one public hearing to receive comments.

The regional agency charged with adopting the regional housing needs allocation is required to solicit “participation by organizations other than local jurisdictions and the councils of governments...in a diligent effort to achieve public participation of all economic segments of the community.”

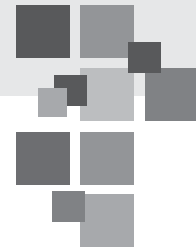
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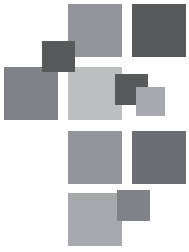
Cities, counties and regional agencies often find it beneficial to go beyond the minimum requirements for public participation.

Effectively engaging the public in crucial decisions such as long-range planning for transportation, housing and climate change can ensure that agency decisions consider public preferences and priorities and have broad public support.

Early public involvement, diverse and targeted recruitment efforts, culturally appropriate engagement practices, and creative partnerships with community intermediaries are just a few of the approaches that local and regional agencies are finding useful.

For additional resources on engaging residents in public decision-making visit the Institute for Local Government’s Public Engagement and Collaborative Governance Program at www.ca-ilg.org/cgi.





ONE AGENCY'S TIPS FOR EFFECTIVELY ENGAGING THE PUBLIC IN REGIONAL PLANNING

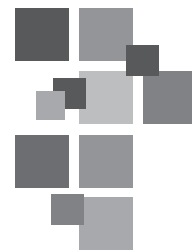
The Metropolitan Transportation Commission (MTC) coordinates transportation planning for the 9-county San Francisco Bay Area.

In 2007, MTC undertook an extensive outreach process to find out how they could best engage all affected residents in sustainable transportation planning. In addition to the usual 45-day public comment period, the agency held six focus groups with different stakeholder groups, conducted a web survey (1574 completed), held a facilitated meeting with tribal governments, met and spoke on the phone individually with affected local agency representatives, and solicited input from their general advisory council, a committee representing the elderly and disabled, and the minority citizen advisory committee.

MTC incorporated what they learned into the MTP Public Participation Plan adopted in 2007. Some of their key lessons include:

- **Early Input is Powerful** — starting early gives participants the opportunity to help shape the decision. Later input has far less impact.
- **Focus on Outcomes** — direct participation toward asking questions that MTC really wants answered; show how comments shaped decisions and if not, explain why not.
- **Make it Relevant** — people are more apt to engage when they feel they have a stake in an issue. The challenge is to conduct public outreach and involvement programs in a way that brings an issue home for people.
- **Say it Simply** — avoid technical jargon, acronyms and communicate in clear, compelling language.
- **Redundancy is Good** — notifying people of opportunities to participate multiple ways and multiple times is a valuable way to keep them engaged.
- **Remove Barriers** — Hold meetings at times and locations convenient to your target audience; transit access is important; if appropriate, provide food, translations, child care or other amenities.
- **Go Where the People Are** — conduct more outreach around the region at popular public gathering places, such as swap meets, farmers markets, colleges, transit hubs, community fairs and the like.
- **Move Beyond Traditional Meetings** — E-participation (interactive surveys, e-town hall meetings and the like) can be an effective way to hear from many voices.
- **Web Access is Not Universal** — while use of the Worldwide Web is growing, there are many with only intermittent or no access to the Internet. Therefore, it is critical to continue with traditional methods for involving the public.

*Source: MTP Final Public Participation Plan, September 26, 2007
http://www.ca-ilg.org/sites/ilgbackup.org/files/resources/MTC_Bay_Area_MPO_PP_Plan_07.pdf*



Tools and Resources

Institute for Local Government

- SB 375 and Regional Planning Online Resource Center
www.ca-ilg.org/SB375
- Land Use and Environment Program
www.ca-ilg.org/landuse
- Public Engagement and Collaborative Governance Program
www.ca-ilg.org/cgi
- California Climate Action Network
www.ca-ilg.org/ClimateChange
- *Balancing Local and Regional Interests when You're Asked to Serve Both*
www.ca-ilg.org/ethicsbalance

Other Resources

The following resources, among others, are available through the ILG SB 375 and Regional Planning Online Resource Center at www.ca-ilg.org/SB375 :

- *CALCOG Guide to Regional Planning as Revised by SB 375* (2009), California Association of Councils of Government
- *CAPCOA Model Policies for Greenhouse Gases in General Plans* (2009), California Air Pollution Control Officers Association
- Examples of recent public participation plans prepared by regional planning agencies

About the Institute for Local Government

The Institute for Local Government is the nonprofit research affiliate of the League of California Cities and the California State Association of Counties. Its mission is to promote good government at the local level.

The Institute's current program areas include:

- Climate Change
- Public Engagement and Collaborative Governance
- Healthy Communities
- Intergovernmental Conflict Resolution
- Land Use and Environment
- Local Government 101
- Public Service Ethics



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