GUIDE TO REGIONAL PLANNING
AS REVISIED BY SB 375
January 2009
In California, regional planning is primarily conducted by Metropolitan Planning Organizations (MPO) in urbanized areas and Regional Transportation Planning Agencies (RTPA) in rural areas. The passage of SB 375 (Chapter 728, Statutes of 2008) by Senator Darrell Steinberg has brought new attention to regional planning, leading many state, city and county officers and other interested parties asking how planning at the regional level occurs.

What is an MPO, an RTPA, a Regional Transportation Plan (RTP), or Council of Governments (COG)? This White Paper will help explain these terms and summarize what planning occurs at the regional level.

Before the passage of SB 375, generally the term “regional planning” described the following:

- Both MPOs and RTPAs are responsible for developing transportation planning documents at the multi-county or countywide level. The most important plan these agencies prepare is the RTP, which is a long-range, 20-year plan identifying how transportation funds will be spent to address regional needs.

- A separate process allocating regional housing needs among cities and counties, where all would then be required to plan for their share of the regional needs.

SB 375 adds a new Sustainable Communities Strategy (SCS) element to regional transportation plans prepared by MPOs. The bill also requires that both the regional housing allocations by COGs and the transportation project selection, usually in a Transportation Improvement Plan (TIP), be consistent with each other and the transportation plan.

Further complicating the process is that in many locations the transportation project selection is not done by the MPO but by a County Transportation Commission, which, like the MPO, is also referred to in state law as an RTPA, leading to questions of which does what in each region of the state.

As the statewide association generally representing all of these entities, the California Association of Councils of Governments (CALCOG) has annually published a chart listing the functional responsibilities of its member agencies. In this paper, we will attempt to explain how these agencies function, describe their regional variances and differences with one another, and how the SB 375 requirements and related regional housing and transportation planning laws are intended to work under both state and federal law.
What is an MPO? What is a COG? What is a County Transportation Commission?

A Metropolitan Planning Organization is a transportation policy-making body made up of representatives from local government and transportation agencies with authority and responsibility in metropolitan planning areas. Federal legislation passed in the early 1970s (23 USC 134) required the formation of a MPO for any urbanized area with a population greater than 50,000.

In California, councils of governments (COG) already existed in each of the affected metropolitan planning areas. Thus, the effect of the federal law was to assign new responsibilities to an existing agency rather than the creation of a new agency.

MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a continuing, cooperative, and comprehensive (3-C) planning process. Federal funding for transportation projects and programs is channeled through the MPO.

There are five core functions of an MPO:

- **Establish a setting**: Establish and manage a fair and impartial setting for effective regional decision-making in the metropolitan area.

- **Identify and evaluate alternative transportation improvement options**: Use data and planning methods to generate and evaluate alternatives. Planning studies and evaluations are included in the Unified Planning Work Program (UPWP).

- **Prepare and maintain a Metropolitan Transportation Plan (MTP)**: Develop and update a long-range transportation plan for the metropolitan area covering a planning horizon of at least 20 years that fosters (1) mobility and access for people and goods, (2) efficient system performance and preservation, and (3) good quality of life.

- **Develop a Transportation Improvement Program (TIP)**: Develop a short-range (4-year) program of transportation improvements based on the long-range transportation plan; the TIP should be designed to achieve the area’s goals, using spending, regulating, management, and financial tools.

- **Involve the public**: Involve the general public and other affected constituencies in the 4 essential functions listed above.

Only one of the MPOs is set forth in California law. It is the Metropolitan Transportation Commission (MTC) which covers the nine counties of the San Francisco Bay Area. It was created by Government Code Section 66500 et al.
The other 16 within California were established only through local organizational decisions creating either a state-required county transportation commission to serve as a regional transportation planning agency under state law or a previously existing COG established decades ago for review of federal grant applications by local governments.

Nearly all are COGs. The only MPO (besides MTC), which is not a COG, is the Shasta County Regional Transportation Planning Agency, which is established as a county transportation commission.

While SB 375 only applies to the 36 counties that are located within a boundary of an MPO, each of the other so called rural counties has a RTPA which is either a county transportation commission or a COG.

In the rural areas the only transportation planning COGs are Calaveras, Humboldt, Lake, Mendocino, and San Benito counties. (San Benito is part of the Association of Monterey Bay Area Governments in its role as an MPO but is a separate COG for housing). In these counties, and in all of the MPOs which are COGs, the county planning agency is responsible for the regional housing allocations.

In the San Francisco Bay Area the COG and the MPO are separate agencies. In the rural areas there is another multi-county COG, the Central Sierra Planning Council, which is responsible for housing but not transportation. It includes the counties of Alpine, Amador, Calaveras and Tuolumne. In the other rural counties the housing allocations are performed by the State Department of Housing and Community Development (HCD).

COGs are not governed by any particular law but are a form of a joint powers agreement established under Government Code Section 6500 et al (“Joint Exercise of Powers Act”). This law allows any two or more units of local government (cities and/or counties) to establish a joint body to govern any particular program.

The use of joint powers agreements gives local agencies some extra latitude in organizing the COG that meets the unique needs of the region as well giving it some additional flexibility to administer its programs and activities.

All COGs, all MPOs (except Shasta), and most RTPAs are not governed by any government agency but exist as separate entities. The others are usually under the umbrella of the county government.

The exact rules for the selection of the governing board and the list of powers and duties of the COG are only governed by its own agreement among its member agencies. Amendments to that agreement are only in accordance with the terms of the agreement and not in accordance with any specific terms of state law.

Many of the COGs have had the composition of the governing board and other powers and duties changed over time. The initial formation requires unanimous agreement
between all of the affected local governments. Amendments to their powers and duties after that have occurred are in accordance with any specific terms of state law and the terms of the initial agreement.

In addition, several COGs assess dues as one way to fund its activities.

The Shasta MPO and the rural county transportation planning agencies are established as county transportation commissions under Government Code Section 29535. They are composed of three members appointed by the board of supervisors, three members appointed by the city selection committee of the county (i.e., the mayors of each city in the county) or by the city council in any county in which there is only one incorporated city, and, where applicable, three members appointed by a transit district and one member representing, collectively, the other transit operators in the county.

It is generally accepted that there are 17 MPOs in California. However, if you include the Tahoe Regional Planning Agency (TRPA), there are 18. TRPA is actually a bi-state agency created by the U.S. Congress and a compact between California and Nevada. Federal laws and California and Nevada statutes govern it. TRPA is composed of parts of two counties in California, El Dorado and Placer, and two counties in Nevada. The portions of two California counties outside the Tahoe basin are part of the Sacramento Area Council of Governments (SACOG).

**Differences Among the MPOs**

With the exception of TRPA, all of the MPO boundaries follow county boundaries. Four of these MPOs are multi-county; the other 13 all have a metropolitan area confined to a single county.

In general the boundaries of the MPO follow the home-to-work commute patterns of people commuting to the central city or cities within the region, the television market areas, and other similar economic regional indicators. However, as the population in California has grown, there are now home-to-work commutes that are interregional as well as rural areas not within an MPO, which in many cases, are now considered at least partially part of the metropolitan regions near them.

Moreover, in the region of each multi-county MPO, there are many transportation planning and programming functions which are not carried out by the MPO itself but are carried out by individual county agencies. The exact way these operate is different in each region. It is best explained by looking at the other transportation planning and programming functions commonly carried out by MPOs.

**Regional Housing Needs Allocation and Transportation Planning**

The Regional Housing Needs Allocation (RHNA) is a state-mandated planning effort (Government Code Section 65584) which serves as the starting point for the local housing element update process. Each council of government (COG), and for each city and county without a COG, the State Department of Housing and Community
Development, determine each city and county’s fair share of the region’s housing need. Local governments, in turn, plan to accommodate that need by preparing individual Housing Elements. Since 1980 and before SB 375 the updates had been scheduled to take place every 5 years but for several years this state program was suspended.

Historically there was no coordination between transportation planning and the RHNA process. The MPO’s regional transportation plans are required to be updated every 4 years in areas which have not met federal air quality standards, which is everywhere except Shasta, Monterey Bay (including Santa Cruz County), San Luis Obispo, and Santa Barbara.

However, SB 375 generally changes the frequency of RHNA updates from every 5 years to every 8 years matching every other regional transportation plan update cycle and is intended to promote coordination between the two state mandated required regional planning efforts. In the air quality attainment regions the RHNA update remains every 5 years unless the region elects to update its transportation plan every 4 years.

**Regional Transportation Planning Under Federal Law (23 CFR 450.300(c))**

The RTP, also known as the Regional Transportation Plan, sets out regional, long-range (20 years) transportation planning goals. It is the backbone for transportation funding and project decisions and provides strategic direction for transportation capital investments.

Under federal law all projects receiving any federal funding must be consistent with the applicable RTP and Federal Transportation Improvement Programs (FTIP).

The listing of projects is subject to the following two requirements:

- **Constraint Requirement**: First, the RTP and FTIP must be financially constrained. This means that only projects for which the agency anticipates having sufficient funding can be included. Unconstrained projects may be listed in the FTIP as information items only.

- **Conformity Requirement**: The conformity requirement applies only to nonattainment and maintenance areas. Attainment areas are not subject to the air quality requirement set forth in Section 176 of the Federal Clean Air Act. In these regions, the RTP and FTIP must demonstrate that it is in conformity with the Air Quality State Implementation Plan. The only MPOs that are in attainment are Monterey, San Luis Obispo, Santa Barbara, Santa Cruz, and Shasta.

The RTP is a project under the California Environmental Quality Act (CEQA) and requires an environmental impact review (EIR). RTPs are not subject to federal
National Environmental Policy Act (NEPA) review. Only individual projects in the FTIP are subject to both CEQA and NEPA review.

**Transportation Project Selection and Programming**

Both state and federal laws have transportation improvement programs which reflect the selection of projects to be constructed with currently available revenues. These multiyear improvement programs are generally adopted by the same MPO with two exceptions.

In the region of the Southern California Association of Governments (SCAG), covering the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, all transportation programming and project selection are done by the county transportation commissions which are independent government agencies for each county, established by Public Utilities Code Section 130000. The Imperial Valley Association of Governments rather than a county commission handles Imperial County. For the Association of Monterey Bay Area Governments (AMBAG), consisting of Santa Cruz and Monterey Counties with some functions for San Benito County, the state funds are programmed by the individual county transportation commissions set forth in state law and the federal funds are programmed by the multi-county MPO.

**Transportation Funding Programs**

Under current federal law most of the federal funding goes directly to the State Department of Transportation (Caltrans) for maintenance, operation, and repair of state highways. However, a portion of what is called the Surface Transportation Program (STP) and all of the CMAQ funds (Congestion Mitigation and Air Quality Improvement Program) are allocated by formula to the MPOs and are directly programmed by the MPOs or transportation commissions.

**State Programming**

The primary state transportation funding is the State Transportation Improvement Program (STIP). It is divided into two parts.

- 75 percent consists of the regional transportation improvement program (RTIP) with projects selected by the local or regional transportation planning agency (the MPO is the local or regional agency except where there are the statutory transportation agencies previously referred to or in areas too small to be an MPO).

- 25 percent consists of the Interregional Transportation and Improvement Program (ITIP), which is for state use. The RTIP funding is further divided among the agencies by regions as the South receives 60 percent of the RTIP and the North receives 40 percent. 15 percent of the total or 60 percent of the ITIP must be
spent outside of the urbanized portion of the metropolitan or rural area.

The only funding currently going to the STIP is 40 percent of the Proposition 42 funds (sales tax on gasoline).

Similar to federal law, the state gasoline tax revenues currently go directly to the operation and maintenance of state highways and local streets and roads. Until recently this was a funding source for the STIP but the recent declines in gas tax revenues relative to costs have required that all of the state share go to state highway maintenance and rehabilitation. Even that amount is far short of the need to maintain adequate road conditions.

**Local Transportation Funding – Self Help Counties**

Local voter approved ½ cent sales tax measures for new transportation projects has become a funding source which is greater than both state and federal funds combined in funding new projects. These measures are all approved at the individual county level so that where the MPO is multi-county, there exists a single county transportation commission which can develop a transportation expenditure program and submit it to the voters.

Enclosed with this document are a list of the counties (called “Self-Help Counties”), which currently have sales tax measures and the applicable expiration dates of these measures. With the exception of a portion of the sales tax in Los Angeles County, all measures have to be reauthorized by the voters.

**Regional Transportation Impact Fees**

Some local governments use Regional Transportation Impact Fees (Government Code Section 66000) hand-in-hand with sales tax measures. Some use them that do not have sales tax measures. In rural areas, they are often the only option. These fees are used to mitigate traffic impacts on the regional road network within their jurisdictions. However, traffic impacts beyond their boundaries are not included.

**Proposition 1B Bond Measure**

Proposition 1B (2006) includes several categories of new transportation funding with most of the funds being new programs allocated by the California Transportation Commission and applications coming from regional transportation programming agencies independent of the rules for the existing state programs. In addition to these funds, a quarter cent sales tax is allocated for public transportation purposes with funds generally going directly to transit operators.
Funds for Planning

There are three permanent sources for regional transportation planning:

- MPOs (other than SCAG and AMBAG) may take up to 1 percent of the STIP funds for planning, programming, and monitoring. The county transportation commissions, which program funds which are not MPOs (the statutory commissions within SCAG and AMBAG) and the rural counties may take up to 5 percent of the funds for planning programming and monitoring.

- 1 percent of the public transportation funds also go to the regional transportation planning agency for planning. However, the amount for SCAG is capped at $1 million.

- Consolidated Planning Grant (CPG) – 23 USC 307(c) (1) and 49 USC 5338.49 – is a federal allocation that an MPO receives each year to develop their plans and programs. The CPG is primarily composed of Federal Highway Administration metropolitan planning and Federal Transit Administration 5303 funds. These funds are allocated to the MPO by a formula established by Caltrans allocating 1 and ¼% of Federal Transportation Funds.

In addition to these permanent funding sources, for Fiscal Years 2005-06 through 2008-09, MPOs and a few rural agencies have received annual grants to prepare regional blueprints. The total statewide amount for this program has been $5 million per year.

One other optional source of funds is dues charged to member agencies by COGs.

Regional Blueprints

The Regional Blueprint Planning Program is intended to better inform regional and local decision-making, through pro-active engagement of all segments of the population as well as critical stakeholders in the community, business interests, academia, builders, environmental advocates, and to foster consensus on a vision and preferred land use pattern.

It is anticipated that the regional blueprint planning grants will build capacity for regional collaboration and integrated planning that will in turn enable regions to plan to accommodate all their future growth, thereby reducing the need for sprawl.

What are now called regional blueprints began as locally driven efforts by the four largest MPOs/COGs – Greater Los Angeles (SCAG), Bay Area (MTC/ABAG), San Diego (SANDAG), and Sacramento (SACOG).

The efforts had different titles and relationships with other plans. But in general, all were efforts to identify and promote improved future land use patterns of their regions in a
way that increased the intensity of development around key transportation investment centers (usually near major transit stations), reduced vehicle trips and traffic congestion, increased the efficiency of existing transportation investments, and reduced sprawl.

All of these were widely supported by not only environmental groups but also by local governments (since there was no state or regional control), business and development interests (who saw the reduced congestion as a way to improve the economic attractiveness of the region for growth), and neighborhood groups who recognized that the alternative was an unacceptable level of congestion and loss of open space. The Caltrans Regional Blueprint Program was developed through State Planning and Research funds secured through the federal government with an emphasis on transportation planning and Caltrans monitoring the program. The program initially funded 14 MPOs through 7 grants in FY 2005/06 as its purpose was to support the completion of these blueprints and expand the concept statewide. All 17 MPOs are now participating.

By 2008, the program continued to grow, as a total of $250,000 was awarded to 10 different RTPAs and all of the initial MPOs that were awarded continue to make strides toward implementation in their region’s General Plans.

The regional blueprints were not required to be part of the RTP. How they affected transportation funding decisions has, thus far, been limited. However, their main purpose was to incentivize different local government planning and development approval decisions. It should be noted that the information gathered has become valuable for development of regional and local plans and programs such as the RTP.

All of the 4 largest regions have examples of local planning and/or development decisions that have been influenced by these blueprints. They have also been made a factor in the decision-making of state agencies allocating Proposition 1B (California Transportation Commission) and Proposition 1C (HCD) discretionary funding awards of state bond funds.

**Sustainable Communities Strategies (SB 375 Requirement)**

SB 375 builds upon the regional blueprints by adding a requirement that each MPO include a “Sustainable Communities Strategy (SCS),” which includes the same elements that began in the regional blueprints. It also adds a requirement that the regions identify “resource areas” and designate, which, if any, would be the priority areas for not having development occur. Some of the regional blueprints already have included this element but it was not required by the Caltrans blueprint guidelines.

While not required by the blueprint funding or SB 375, some blueprints also have developed preferred standards for new development outside of the existing priority transportation investment areas. They are generally identifying density, design and diversity (mix of uses) criteria which would reduce the number of trips per household as compared with existing development patterns.
The preparation of the SCS adds additional hearing and local government participation requirements on top of the existing federal citizen participation requirements for preparation of the RTP.

SB 375 also requires that the regional housing need allocations (covering an 8 year period instead of the current law of 5 years) be consistent with the projected land uses for the SCS and RTP. It also requires that all of the elements of the RTP be internally consistent. These include the financial element, the projects, and the SCS.

**Alternative Planning Strategy (APS) (SB 375 Requirement)**

SB 375 requires the Air Resources Board to set GHG reduction targets for each MPO to achieve through reduced vehicle trips per household. These will be established by September 2010. RTP updates, thereafter, will have to include a determination whether the regional trips based upon the RTP achieve the GHG target.

If the RTP/SCS does not achieve the target, the MPO is required to prepare an Alternative Planning Strategy (APS) identifying alternative land use patterns (which may include criteria for new development outside existing priority areas) and/or transportation strategies which would achieve the GHG target.

**California Environmental Quality Act (CEQA)**

Once a SCS, and if necessary, an APS has been prepared, SB 375 permits residential and mixed use projects which are consistent with those documents to avoid some of the CEQA requirements generally applicable to new development. Certain qualifying transit priority projects of up to 8 acres are exempt. Other residential and mixed use projects need not address regional air growth or traffic impacts but would still be subject to CEQA.
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www.venturacogo.org

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www.wrcog.org.ca.us

Westside Cities Council of Governments
Gordon Anderson
Executive Director
Email: Gordon.anderson@smgov.net
www.wrcog.cog.ca.us
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CALCOG Functional Responsibilities Chart

Functional Responsibilities of California Councils of Governments Keys and Notes
A-Officially Designated B-Lead C-Co-lead D-Just Involved

KEY: Acronyms
ABAG..................Association of Bay Area Governments
AMBAG..................Association of Monterey Bay Area Governments
BCAG..................Butte County Association of Governments
Central Sierra........Central Sierra Planning Council.
CVAG..................Coachella Valley Association of Governments
EDCTC..................EL Dorado County Transportation
Fresno COG...........Council of Fresno county Governments
Humboldt CAG........Humboldt County of Association of Governments
KCOG..................Kern Council of Governments
KCAG..................Kings County Association of Governments
MCOG..................Mendocino Council of Governments
MCAG..................Merced
MTC...................Metropolitan Transportation Commission
KCC....................Kern County Commission
LACMTA...............Los Angeles County Metropolitan Transportation Authority
Lake APC...........Lake County/City Planning Agency
LCC....................League of California Cities
OCTA................Orange County Transportation Authority
SACOG................Sacramento Area Council of Governments
San Benito COG......San Benito County Council of Governments
SANBAG...............San Bernardino Associated Governments
SANDAG..............San Diego Association of Governments
San Joaquin COG....San Joaquin Council of Governments
SLOCOS................San Luis Obispo Council of Governments
SBCAG................Santa Barbara County Association of Governments
SCCRTC...............Santa Cruz County Commission Regional Transportation Commission
Shasta RTPA........Shasta County Regional Transportation Planning Agency
SCAG....................Southern California Association of Governments
SAAG....................Stanislaus Area Association of Governments
TCAG....................Tulare County Association of Governments
TAMCM................Transportation Agency for Monterey County
TCTC....................Tuolumne County Transportation Council
TRPA...................Tahoe Regional Planning Agency
VCTC....................Ventura County Transportation Commission
WRCOG..................Western Riverside Council of Governments

Functional Responsibilities of California Councils of Governments Keys and Notes and Keys
CALCOG Functional Responsibilities Chart

1. Co-lead for Federal plan and cooperates in preparation of State plan
2. Active involvement in Bay Area Economic Forum, co-founded by ABAG
3. State funded anti-tobacco program
4. Pooled financing for projects, 30% of staff are involved in these services
5. Provides transportation planning services under contract to some LTC’s in area
6. Not officially designated but provides some services under contract to member jurisdictions
7. Human relations commission; Water quality (NPDES); Valleywide Emergency Preparedness; Energy Conservation Program
8. Service Authority for Freeway Emergencies (SAFE), local clearinghouse, home mortgage disclosure depository, rideshare agency
9. Joint housing element development
10. Manages Yosemite Area Regional Transportation System (YARTS) for 3 county JPA
11. Regional Transit Joint Powers
12. Regional Criminal Justice Clearing House
13. SAFE, sales tax authority, administer TDM programs for city and county, rideshare agency
14. Grant writing, small business finance
15. Coordination and joint use of GIS data
16. Abandoned vehicle abatement service authority
17. SAFE and Bay Area Toll Authority
18. Proposes regional housing needs assessment
19. Develops countywide air quality strategies and program for consideration by local jurisdictions
20. Approves countywide growth projections
21. Subregional outreach to private sector
22. OCTAP
23. Inter-Regional Partnership Member
24. Rail/Trail Authority and/or Freeway Service Patrol (FSP)
26. For Monterey County only
27. Member of Southern California Regional Rail Authority (Metrolink) Joint Powers Agreement (JPA), Owner/Operator of the Santa Paula Branch Line Railroad in Ventura County, Responsible for operating the county-wide “Go Ventura” Smartcard fare program, Operator of the Ventura County VISTA intercity transit system, Service Authority for Freeway Emergencies (SAFE) for Ventura County
1. San Diego Association of Governments (SANDAG)
2. Southern California Association of Governments (SCAG)
   Sub-COGs of SCAG:
   a. Coachella Valley Association of Governments (CVAG)
   b. Imperial Valley Association of Governments (IVAG)
   c. San Bernardino Associated Governments (SANBAG)
   d. Ventura Council of Governments (VCOG)
   e. Western Riverside Council of Governments (WRCOG)
   f. South Bay Cities Council of Governments (SBCCOG)
   g. Gateway Cities Council of Governments (GCCOG)
   h. San Gabriel Valley Council of Governments (SGVCOG)
   i. Westside Cities Council of Governments (WCCOG)
   j. Las Virgenes Malibu Council of Governments
   k. Orange County Council of Governments (OCCOG)
3. Santa Barbara County Association of Governments
4. Kern Council of Governments (KernCOG)
5. Council of Fresno County Governments
6. Association of Monterey Bay Area Governments (AMBAG)
7. Stanislaus Council of Governments (StanCOG)
8. San Joaquin Council of Governments (SJCOG)
9. Association of Bay Area Governments (ABAG)
10. Sacramento Area Council of Governments (SACOG)
11. Sierra Planning Organization and Economic Development District
12. Tahoe Regional Planning Agency (TRPA)
13. Merced County Association of Governments (MCAG)
14. Kings County Association of Governments (KCAG)
15. Tulare County Association of Governments (TCAG)
16. Butte County Association of Governments (BCAG)
17. Central Sierra Planning Council and Economic Development District
17a. Calaveras Council of Governments
18. Humboldt County Association of Governments (HACAG)
19. Eastern Sierra Council of Governments
20. Lake County/City Area Planning Council
21. Mendocino Council of Governments (MCOG)
22. San Luis Obispo Council of Governments (SLOCOG)
23. Siskiyou Association of Governmental Entities (SAGE)
24. Tri-County Area Planning Council
25. Council of San Benito County Governments
SELF HELP COUNTRIES

Due to recent elections, the following counties are also included in the Self Help Counties list: Imperial, Santa Barbara, Santa Clara, Sonoma, and Marin.

Source: Self Help Counties Coalition