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SB 375 (STEINBERG)
Addressing Greenhouse Gas Emissions from the Transportation Sector
via Regional Transportation Plans
CSAC Analysis (October 21, 2008)

SUMMARY

In 2006, the Legislature passed AB 32 —The Global Warming Solutions Act of 2006 — which requires the State of California to reduce greenhouse gas (GHG) emissions to 1990 levels no later than 2020. According to the California Air Resources Board (CARB), in 1990 GHG emissions from automobiles and light trucks were 108 million metric tons, but by 2004 these emissions had increased to 135 million metric tons. The transportation sector contributes over 40 percent of the GHGs throughout the state. Automobiles and light trucks alone contribute almost 30 percent. AB 32 granted CARB broad authority over any “source” of GHG emissions, including the authority to regulate the car and light truck sector.

SB 375, by Senator Darrell Steinberg, provides a means for achieving AB 32 goals from cars and light trucks. The bill is a monumental step forward in the State’s efforts to achieve the global warming goals consistent with AB 32 (Nunez, Chapter 488, Statutes of 2006). Further, the bill aligns three critical policy areas of importance to local government: (1) regional long-range transportation plans and investments; (2) regional allocation of the obligation for cities and counties to zone for housing; and (3) a process to achieve greenhouse gas emissions reductions targets for the transportation sector.

State, Regional and Local Role in Setting Targets

The new law establishes a process for CARB to develop the GHG emissions reductions targets for each region (as opposed to individual local governments or households). CARB must take certain factors into account before setting the targets, such as considering the likely reductions that will result from actions to improve the fuel efficiency of the statewide fleet and regulations related to the carbon content of fuels (low carbon fuels). CARB must also convene a Regional Targets Advisory Committee (RTAC), which includes representation from the League of California Cities (League), California State Association of Counties (CSAC), metropolitan planning organizations, developers, planning organizations and other stakeholder groups. Furthermore, before setting the targets for each region, CARB is required to exchange technical information with the MPO for that region and with the affected air district. SB 375 provides that the MPO may recommend a target for its region.

Enhanced Regional Planning Process

SB 375 relies upon regional planning processes already underway in the 18 Metropolitan Planning Organizations (MPOs) in the state to accomplish its objectives. The provisions related to GHG emissions only apply to the MPOs in the state, which includes 37 of the 58 counties. Most notably, the measure requires the MPO to prepare a Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP), which sets forth a vision for growth for the region taking into account the transportation, housing, environmental, and economic needs of the region. The SCS is the blueprint by which the region will meet its GHG emissions reductions target if there is a feasible way to do so.

Requires State Interagency Cooperation

SB 375 indirectly addresses another longstanding issue: single purpose state agencies. The new law will require the cooperation of CARB, the California Transportation Commission (CTC), the California Department of Transportation (Caltrans) and the State Department of Housing and Community Development (HCD). For example, SB 375 takes a first step to counter this problem by connecting the Regional Housing Needs Allocation (RHNA) to the transportation planning process. While these state agencies will be involved in setting the targets and adopting new guidelines, local governments and the MPOs will not only provide input into setting the targets, but will serve as the lead on implementation. Member cities and counties working through their MPOs are tasked with development of the new integrated regional planning and transportation strategies designed to meet the GHG targets.

Rural Sustainability Component

SB 375 does include a provision that applies to all regional transportation planning agencies in the state that recognizes the rural contribution towards reducing GHGs. More specifically, the bill requires regional transportation agencies to consider financial incentives for cities and counties that have resource areas or farmland, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road system, farm to market, and interconnectivity transportation needs. An MPO or county transportation agency shall also consider financial assistance for counties to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities.

CEQA Incentive

Additionally, SB 375 uses California Environmental Quality Act (CEQA) streamlining as an incentive to encourage residential projects, which help achieve AB 32 goals to reduce GHG emissions. Cities and counties that find the CEQA streamlining provisions attractive have the opportunity (but not the obligation) to align their planning decisions with the decisions of the region.

Clarity for Achieving GHG Emissions Reductions from Transportation Sector

SB 375 provides more certainty for local governments and developers by framing how AB 32's reduction goal from transportation for cars and light trucks will be established. It should be noted, however, that SB 375 does not prevent CARB from adopting additional regulations under its AB 32 authority. However, based on the degree of consensus around SB 375 and early indications from CARB, such actions are not anticipated in the foreseeable future.