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Memorandum

TO: Commission

DATE: July 16, 2008

FR: Executive Director

RE: SB 303 (Ducheny) – Ratify Oppose

As an alternative to SB 375 (Senator Steinberg’s bill dealing with climate change in the context of regional land use and transportation planning), Senator Ducheny has authored SB 303, co-sponsored by the California Building Industry Association and the California Major Builders Association. CSAC, the League of California Cities, and many environmental organizations oppose the bill. Earlier this month, and under the Commission’s urgency procedures, staff received authorization from MTC Chair Dodd and Legislation Committee Chair Rubin to communicate an oppose position on this bill. This memorandum highlights the chief concerns with SB 303, and seeks the Commission’s ratification of the position of “oppose.”

Huge Workload Increases for MTC

SB 303 contains a number of cumbersome and prescriptive requirements that would greatly affect MTC’s workload and ability to adopt planning documents in a timely manner. It would require the adoption of two land use and development scenarios for the Regional Transportation Plan (RTP): an “initial” one based on current plans and an “alternative” one that would produce lower greenhouse gas emissions, though the bill does not specify how much lower the emissions from the alternative scenario should be. The bill requires that the alternative planning scenario be included in a new report that would cover a number of new subject areas outside of MTC’s purview and areas of expertise, including solid waste and water treatment. SB 303 further requires extensive outreach efforts in the development of the scenarios, including at least three workshops in each county of the region (resulting in 27 workshops for our region), as well as additional workshops on the draft scenarios prior to adoption of a final regional transportation plan.

New Power Over Regional Transportation Plan Vested in the Air Resources Board (ARB)

Also troubling, the bill would require that these RTP planning scenarios be submitted to the state ARB for review and approval, giving the state agency new and broad authority over the RTP process. It would then require the ARB to hold a hearing and issue a written report on whether the scenarios would inhibit the state from achieving its GHG reduction goals under AB 32. If the scenarios do not meet with the ARB’s approval, the bill would authorize the ARB to propose modifications to the planning scenario that must be adopted by the transportation agency unless that agency finds

that the proposed modifications would: (1) prevent the region from meeting its medium or long-term housing need; or (2) be inconsistent with federal requirements.

For these reasons, staff seeks the Commission's ratification of a position of "oppose" on SB 303.

Steve Heminger