TO: MTC Planning Committee, ABAG Administrative Committee DATE: May 2, 2013

FR: Executive Director, MTC
Executive Director, ABAG

RE: Draft Plan Bay Area and Draft Environmental Impact Report – Requests for Extension

MTC and ABAG released the Draft Plan Bay Area on March 22, 2013, followed by the Draft Environmental Impact Report (DEIR) on April 2, 2013. Both documents are out for public review and comment until May 16, 2013. MTC and ABAG have received written and oral comments requesting an extension of the comment periods for both documents. Several groups have specifically requested that the comment period be extended until May 31, 2013.

The formal comment periods meet or exceed all statutory requirements in terms of the length of the formal comment period and the multiple ways that interested parties may submit comments. The comment periods are also consistent with those of other California metropolitan regions subject to SB 375. Further, we note that this formal comment period follows an extensive public participation process that began in 2010 to gather input on the Bay Area's Sustainable Communities Strategy and Regional Transportation Plan.

Based upon input gathered at public meetings related to the draft Plan and DEIR, there is interest in MTC and ABAG considering changes to the Draft Plan prior to its adoption in July 2013. Discussions about these potential changes cannot commence until the formal comment period closes and staff has adequate time to summarize comments and identify key issues for MTC and ABAG policymakers. Extending the timeline would make it impossible to do so and meet the July 18, 2013 deadline for adopting the final Plan and EIR. The schedule to develop Plan Bay Area has been extended several times over the past three years in response to input from stakeholders and local jurisdictions. There is no additional time left in the schedule for further extension considering the statutory deadlines related to the Regional Housing Needs Allocation (RHNA) process, Federal Air Quality conformity requirements, and the Transportation Improvement Plan (TIP) that are directly tied to the schedule for the adoption of Plan Bay Area and the EIR.

Regional Housing Needs Allocation (RHNA)
February 18, 2013 was the deadline established by the Association of Bay Area Governments (ABAG) for jurisdictions to file appeals of their draft Regional Housing Need Allocations. Per RHNA statutory requirements, ABAG must conclude the appeal process and issue the final Regional Housing Needs Allocations to local jurisdictions by June 3, 2013 (105 days after

February 18). ABAG must adopt the final Regional Housing Need Allocation no later than 45 days after issuance, or July 18, 2013. Finally, Plan Bay Area must be adopted prior to RHNA, so ABAG can make a finding that the final, adopted RHNA is consistent with the final, adopted Sustainable Communities Strategy.

Air Quality Conformity Lapse and the TIP

Under federal regulations, the Air Quality conformity for the Regional Transportation Plan (RTP) and related short-term Transportation Improvement Plan (TIP) is valid for 4 years. MTC's Air Quality conformity for the current RTP, approved on June 3, 2009, will lapse on June 3, 2013, and will enter a one-year grace period. During this grace period, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) can continue to authorize projects and approve environmental documents for projects already in the 2011 TIP. However, no amendments to the TIP may be approved (for either exempt or non-exempt projects) after June 3, 2013 until the Air Quality conformity for the 2013 TIP is approved. We expect the Air Quality conformity to be approved by FHWA within two months following approval of Plan Bay Area. Thus, our current schedule will involve a “freeze” on TIP amendments for new projects of about four months. Any additional delay in approving the Plan would only compound that problem.

Recommendation

Based upon the current schedule, MTC and ABAG will adopt the Final Plan and EIR in July 2013. Staff will provide an overview of comments received during the Draft Plan and DEIR comment periods, including suggested changes to the Draft Plan at a Joint Meeting of the MTC Planning Committee and ABAG Administrative Committee on June 14, 2013. To allow for a robust discussion of important issues that have been identified in the comment period and ensure compliance with the state and federal statutory requirements described above, staff recommends that the MTC Planning Committee and ABAG Administrative Committee maintain the established comment period deadline of May 16, 2013 for the Draft Plan and DEIR and reject all requests for extension.

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