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December 11, 2009

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Association of Bay Area Governments

RE: MTC Comments on November 23 Working Draft of Regional Transportation Plan (RTP) Guidelines

*Chris Daly*  
City and County of San Francisco

Dear La Nae,

*Bill Dodd*  
Napa County and Cities

*Dorene M. Giacomini*  
U.S. Department of Transportation

Thank you for the opportunity to review the 11/23/09 working draft of the 2010 RTP Guidelines. MTC appreciates the changes you made to this version based on our previous suggestions. At this point, the only section where we have significant remaining concerns is the “Coordination of SCS with the Regional Housing Need Allocation Process” section. We will continue to participate in the working group to discuss this matter, but also have provided new suggested language, which incorporates some of Proposals 1 and 2, as well as additional edits, here. The remainder of this letter provides some additional relatively minor and technical comments and suggestions. Where specific language is suggested, additions are noted in underline and deletions in ~~strikeout~~.

*Federal D. Glover*  
Contra Costa County

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Marin County and Cities

*Sue Lempert*  
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*Jake Mackenzie*  
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**Section 2.2 Background on Regional Blueprint Planning and Climate Change Legislation**

*Jon Rubin*  
San Francisco Mayor's Appointee

*Bijan Sartipi*  
State Business, Transportation  
and Housing Agency

*James P. Spring*  
Solano County and Cities

*Amy Rein Worth*  
Cities of Contra Costa County

*Ken Yeager*  
Santa Clara County

1. On page 27, under SB 375, thank you for incorporating our suggestion to discuss RHNA as a fourth primary area of SB 375. However, in reviewing this language, we realize the current description is not entirely accurate clear and should be changed as follows:

“4. Synchronizes the regional housing needs assessment (RHNA) process with the RTP process, requires local governments to ~~rezone~~ update the housing element of their general plans, requires local governments to rezone consistent with the updated housing element within three years of adoption, and provides that RHNA allocations must be consistent with the development pattern in the SCS. Moves RHNA to an eight-year cycle from five-year one.”

*Steve Heminger*  
Executive Director

*Ann Flemer*  
Deputy Executive Director, Policy

*Andrew B. Fremier*  
Deputy Executive Director, Operations

**Section 2.5 Consistency with Other Planning Documents**

2. On page 29, the California Transportation Plan is identified twice both as a local/regionally prepared document and as a State document that should be consulted. We suggest deleting it from the local/regional section.

### **Section 2.6 Coordination with Other Planning Processes**

Consistent with the discussion at the December 3 Joint Subcommittee meeting, we suggest the following changes on page 30 to clarify that this level of coordination is a best practice rather than a recommendation:

3. In the first paragraph,  
“RTPs are prepared within the context of other planning processes conducted by federal, state, regional and local agencies. This section provides background information and ~~recommendations~~ best practices for how MPOs and RTPAs can integrate the planning processes associated with Complete Streets, Context Sensitive Solutions and the Smart Mobility Framework into development of the RTP.”
4. In the fourth paragraph under Complete Streets,  
“While AB 1358 provides no statutory requirement for MPOs and RTPAs, ~~the consideration and integration of Complete Streets policies is recommended~~ should be considered.”
5. Under Context Sensitive Solutions on page 32 and under Corridor System Management Planning on page 33, it would be helpful to cite a best practice to help MPOs understand how the RTP could be coordinated with these processes.

### **Section 2.7 RTP Development/Sequencing Process**

6. Delete the first paragraph, which erroneously describes the requirements for making air quality conformity determinations (this process is already adequately described in Section 5.7) and which states that consultation for conformity purposes was the only consultation required pre-SB 375 (e.g. additional consultation with resource agencies is mandated in SAFETEA as described in Section 5.3 of this document).
7. In the second paragraph, delete “perhaps more so than they may have done in the past” from the first sentence.
8. In the fourth paragraph, change as follows to clarify that MPOs in nonattainment areas submit the conformity analysis for the RTP to the USDOT for approval, not the actual RTP:  
  
“The following flowchart ~~below~~-titled: ‘General RTP Development/Approval Process was prepared to help summarize the overall steps that MPOs must undertake to ultimately ~~reach~~ adopt an RTP ~~an~~ with a transportation air quality conformity report ~~RTP~~-that has been approved by the proper federal agencies and acceptance by ARB that the SCS/APS, if implemented, would achieve the region’s greenhouse gas emission reduction target ~~accepted by ARB.~~ The process outlined in this flowchart is very complex and may take several years from RTP inception to final approval from the federal and state agencies.
9. In the chart on page 35, clarify that MPOs in air quality non-attainment or maintenance areas submit the conformity report (not the RTP) to FHWA and FTA for approval.

10. In the chart on page 35, clarify that FHWA and FTA are responsible for making the conformity determination. USDOT does consult with EPA during the process, but EPA does not actually issue the conformity determination.
11. In the chart on page 35, clarify that if FHWA and FTA do not agree with the conformity report, then the MPO must reassess the conformity analysis. However, the RTP per se is not “sent back” to the MPO.
12. In the chart on page 35, clarify that ARB’s acceptance or rejection pertains specifically to whether the SCS/APS, if implemented, would achieve the region’s greenhouse gas emission reduction target.

#### **Section 4.1 Consultation & Coordination**

13. On page 66, it may be helpful to add MTC’s Transportation 2035 Plan as a best practice:  
[http://www.mtc.ca.gov/planning/2035\\_plan](http://www.mtc.ca.gov/planning/2035_plan)

#### **Section 4.2 Participation Plan**

14. On page 68, we suggest the following changes that provide further clarification to the seventh paragraph:

~~“Public participation and consultation for the development of an RTP remains an essential element of the overall RTP process. Mapping and visualization tools should be used to facilitate open and efficient consideration of proposed scenarios and a well informed public selection of RTP alternatives, including the SCS, and APS if applicable. The development of the SCS further emphasizes the need for community and stakeholder outreach and public involvement. The extent practicable to create visual representations of proposed scenarios and the SCS or APS. Use of these tools will help facilitate more effective and meaningful public involvement in development and refinement of the SCS or APS. A Public Participation Plan includes public outreach, public awareness, and public input beginning with the planning stage.~~

15. On page 69 under Social Equity/Environmental Justice Issues, modify the first paragraph as follows:

“The inclusion of the entire community in the development of the RTP is a key element in the process. Providing more transportation and mobility choices such as increased transit, bicycle, and pedestrian facilities as well as housing choices such as increased transit, bicycle, and pedestrian facilities as well as housing choices near job centers, increases opportunities for all of the population within the region (regardless of income, race, age or disability). Each region is encouraged and challenged to plan for and implement transportation system improvements that will benefit all residents. Each MPO and RTPA should be sensitive to how all ~~residents~~ users may be impacted by possible transportation and land use changes identified in the RTP. Existing federal regulations specifically require MPOs and RTPAs to ensure that any planned regional transportation improvements do not adversely impact low income or other under-represented groups.”

### **Section 6.7 Asset Management**

16. On page 104, it may be helpful to add MTC's Transportation 2035 Plan Project Notebook, which describes our asset management approach for roads and transit, as a best practice: [http://www.mtc.ca.gov/planning/2035\\_plan/T2035-Project\\_Notebook\\_web.pdf](http://www.mtc.ca.gov/planning/2035_plan/T2035-Project_Notebook_web.pdf)

### **Section 6.15 Transportation Projects Exempted from Senate Bill 375**

We support the language agreed upon in this section during the December 2 teleconference. We offer the following responses to the comments submitted to CTC and distributed to subcommittee members.

17. Regarding ARB's suggested edits, we are concerned about their implications. Our interpretation of this addition is that it is separating exempt projects that may be included in an SCS/APS into two classes: 1) those that must be modeled for GHG impacts – those “realistically expected to be implemented”; and 2) those that must not be modeled – presumably those not “realistically expected to be implemented”. We find this distinction problematic because RTPs only contain the set of projects that are realistically expected to be implemented within reasonably available revenues: that is why there are financial constraint requirements.

18. We have no problem with the distinction proposed by CEC.

19. We disagree with CA Walks edits. These changes are not based on statutory language.

### **Section 6.23 Contents of the Sustainable Communities Strategy (SCS)**

20. We suggest the following language to replace Proposals 1 and 2. This language removes unnecessary references to the requirements of Housing Elements (already clearly spelled out in the Housing Element Law and associated guidance documents). It also removes repetitive language included in multiple subsections. We welcome additional input on this language from other subcommittee members.

#### **“Coordination of SCS with the Regional Housing Need Allocation Process**

SB 375 links the Regional Housing Need Allocation (RHNA) process required by the State Housing Element Law to the RTP development and adoption process. The RHNA process occurs every 8 years, while the RTP update process occurs every 4 years for nonattainment areas, and every 5 years for attainment areas.

#### *RHNA Overview*

While the RHNA process includes many steps with statutorily required deadlines, the key steps are as follows:

1. HCD allocates a share of the statewide housing need to each region's Council of Government (COG).
2. The COG develops a Draft Regional Housing Need Allocation Plan allocating the region's share of the statewide need to cities and counties within the region – this plan is developed concurrently with development of the RTP, including the SCS.
3. The COG adopts a Final Regional Housing Need Allocation Plan

4. Each jurisdiction's Housing Element must specify potential housing sites and identify policies and programs that will meet the specified allocation. Housing elements must be updated 18 months after the RHNA is finalized.
5. If a jurisdiction's existing zoning cannot accommodate their allocation, the jurisdiction must rezone sites and adopt minimum density and development standards within 3 years after adopting a new Housing Element.

Complete RHNA Statutory requirements are identified in the State Housing Element law.

#### *RHNA RTP Linkages*

SB 375 added two direct linkages between the RTP and RHNA processes.

1. The SCS must include an identification of areas within the region sufficient to house an eight-year projection of the regional housing need for the region. Step 1, HCD's allocation of statewide housing need to the COG, needs to occur at least 2 years in advance of RTP adoption. This 2-year timeframe will provide the MPO/COG enough time to complete Step 2, developing an allocation plan concurrently with development of the SCS for inclusion in the RTP, as well as to complete the modeling/forecasts that must be complete before a Draft RTP is released for review. This means that HCD will need to provide the housing need allocation to each region much earlier than what is currently specified in the State Housing Element Law, which states that the housing need allocation is provided a minimum of at least 24-26 months in advance of the Housing Element updates. This translates to only to 6-8 months in advance of RTP adoption. SB 375 necessitates that this housing need allocation is instead provided to the COG well in advance of Housing Element updates so that the housing needs can be accounted for during the development of the SCS. The housing needs allocation by HCD therefore would need to occur at least 2 years in advance of RTP adoption.
2. Because the RHNA process will be completed at the same time the RTP is adopted, the time of RTP adoption will indicate the start of the 18 month period a jurisdiction will have to update their Housing Element.

The component of the SCS that accommodates regional housing need should:

- Accommodate all economic segments of the population through the RTP horizon year, taking into account net migration into the region, population growth, household formation and employment growth.
- Assume a variety of housing types and densities. The default densities of Housing Element law, or an equivalent standard, should be considered in formulating the SCS development pattern.
- Assume a reasonable relationship between the amount of housing determined pursuant to the RHNA portion of the SCS planning period and the amount forecast for the entire plan horizon. For example, the 20-year projection might be double that of the shorter-term RHNA period.

### **SCS Land Use Assumptions**

Neither an SCS nor APS regulates the use of land nor is either subject to State approval (aside from ARB's acceptance or rejection of whether the SCS meets the specified GHG reduction target). The SCS does not supersede the land use authority of cities and counties within the region. City and county land use policies and regulations, including general plans, are not required to be consistent with the RTP or the APS. In developing an SCS, an MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. An MPO shall also consult with relevant Local Agency Formation Commissions (LAFCOs) about current spheres of influence and municipal service review boundaries as well as foreseeable changes to those boundaries over the period covered by the RTP.

When assumptions are made that are different than historical trends, federal, state and local agencies should be consulted as to whether the assumptions are reasonable, best available, and consistent with the transportation system planned.

Assumptions different than those in a general plan may be made by the MPO/COG when:

- A general plan does not yet include land use designations with zoning and development standards accommodating the existing RHNA.
- Local governments have not yet completed a scheduled rezoning program of an adopted housing element.
- Existing general plans cannot accommodate the next RHNA without amendment of land use designations and rezoning.
- The general plan includes measures that limit building permits (which is prohibited by State law).
- The assumption accounts for new market, regulatory, or environmental trends that are likely to influence development choices.
- Other reasons discussed when consulting with federal, state and local agencies.

### **Requirements (Shall):**

**Federal:** none.

**State:** Government Code 65584.01 (c) & (d), Government Code 65583.2 (c), Government Code 65584.04 (d), (f) & (i), Government Code 65584.05 (g)

### **Recommendations (Should):**

**Federal:** none.

**State:** none.

Relevant Links:

[http://www.hcd.ca.gov/hpd/housingelement2/SIA\\_home.php](http://www.hcd.ca.gov/hpd/housingelement2/SIA_home.php)

Appendix 1 of HCD Memorandum: Amendment of State Housing Element Law – AB 2348, Listing of Default Densities by Jurisdiction:

<http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf>

**Section 6.25 Land Use and Transportation Strategies to Address Regional GHG Emissions**

21. It is unclear what the relationship is between this section and Appendix J. We recommend combining them into one section as there is some different, and some duplicative material in these sections.

**Appendix J Land Use and Transportation Strategies to Address Regional GHG Emissions**

22. In a previous draft, MTC requested that the text included in the first Transportation Planning and Investment Strategy (page 205) be clarified. In a subsequent draft, this language was removed; however now it is back in. Please remove or clarify what is meant by “A market-based approach to transit infrastructure and service planning is required to comply with AB 32’s requirement of reducing GHG emissions, to achieve smart growth, and improve the region’s economic competitiveness.”

**Appendix L RHNA and RTP Development Information**

23. While we believe it is important to understand the interaction and relationship between the RHNA process and the RTP process, we do not find the chart helpful in this regard. There is no clear explanation of how these two processes interact. Which RTP actions must occur prior to RHNA actions and vice versa? Which ones can overlap? Without any interaction between the two sequential processes mapped out in the chart, it does not provide any meaningful guidance.

Thank you for considering MTC’s comments. We have appreciated the opportunity to participate in the process, and we look forward to working with you to finalize this guidance document.

Sincerely,



Liz Brisson  
Assistant Planner