

MCAG Alternative Planning Strategy Process and Ideas

What Is An Alternative Planning Strategy?

Because MCAG’s Sustainable Communities Strategy did not achieve the state-mandated greenhouse gas reduction targets, it must prepare an Alternative Planning Strategy (“APS”) that shows how it will meet those targets through alternative development patterns, infrastructure, or additional transportation measures or policies. The APS must identify the impediments to achieving the targets within the Sustainable Communities Strategy and describe why the development pattern, measures, and policies in the APS are the most practicable choices for achieving the reduction targets. MCAG must submit its APS to the California Air Resources Board for that agency’s certification that the APS meets the greenhouse gas reduction targets.

MCAG is the first transportation agency in the state to prepare an APS; accordingly, there is not a model or template for this document. Thus, it is important that MCAG develop an APS that serves as a model for other jurisdictions. For example, the APS should contain meaningful and enforceable measures and policies to reduce GHG emissions. It should not simply rely on unrealistic and unenforceable policies or land use plans in order to meet its greenhouse gas reduction targets. Some suggested measures are listed below.

MCAG’s Authority

MCAG is a joint powers authority (“JPA”) that consists of the County of Merced and the Cities of Merced, Los Banos, Atwater, Livingston, Dos Palos, and Gustine. MCAG not only adopts regional transportation plans, but also serves as the governing body of the Regional Waste Management Authority and the Transit Joint Powers Authority. Under state law, JPAs have the authority to exercise powers that are common to all of the member agencies. Additionally, this exercise of authority is limited by the member agencies’ joint powers agreement, which describes or circumscribes the actions that the JPA may exercise.

Here, MCAG’s member agencies are cities and a county, all of which have broad power to regulate activities in order to further the public welfare. MCAG’s joint powers agreement is also broad. It describes how citizens of the region “have an interest in the orderly development of their communities” and how MCAG’s member agencies share the common authority “[t]o study, discuss, and develop solutions to area-wide problems . . . and expend public funds for these purposes.” MCAG is “responsible for identifying, planning, and developing solutions to regional problems requiring multi-jurisdictional cooperation,” and the agency “perform[s] area-wide planning duties.” MCAG has the authority to enter contracts, pursue grants, issue bonds, and adopt ordinances and resolutions in furtherance of its duties. As the Transit Joint Powers Authority, it also has authority to issue bonds and other financing to pay for operation and development of transit services and to plan and oversee delivery of transit services.

Accordingly, while MCAG does not directly regulate the use of land—e.g., it does not adopt general plans or zone land within its geographic jurisdiction—it does have broad authority to affect both land use and transportation through financing, planning for transportation projects, and other means. MCAG can and should utilize its full authority to adopt greenhouse gas reduction measures and policies as part of its APS.

Suggested Measures and Policies for the Alternative Planning Strategy

MCAG's Policies Regarding Selection and Funding of Road Projects

- MCAG should disclose its existing formal or informal policies regarding selection and funding for road projects. For example, it should disclose to the public the criteria it uses when selecting projects for inclusion in its Regional Transportation Plan (“RTP”). This will allow the public to see whether the agency only considers congestion reduction (i.e., level of service criteria) when selecting and funding road projects, or whether it also considers reduction in vehicle miles traveled, public health, or other factors.
- MCAG should modify its transportation project selection criteria to give significant weight to reducing greenhouse gas emissions and vehicle miles traveled when considering road projects. For example, instead of choosing projects based on whether they will help maintain a level of service “D,” MCAG should select projects based on whether they will help reduce per capita vehicle miles traveled.¹
- MCAG should use its new criteria to determine whether to remove from the APS (and the RTP) any road expansion projects for which environmental review has not yet been completed. To the extent MCAG has existing policy that defines road projects currently in the RTP as “committed” projects that cannot be removed, the agency should modify this policy to redefine what constitutes a “committed” transportation project for purposes of RTPs. Specifically, MCAG will define a “committed” project as one that has completed an environmental impact report (or other appropriate environmental review), rather than one that was merely included in a prior RTP.

Active Transportation and Transit

- Adopt an early action program for active transportation (biking and walking), which should include concrete projects and investment levels for the next 5 years.
- Develop and adopt a “Complete Streets” program that ensures that all road projects also include pedestrian and bike infrastructure.² Such a program would describe: (a) sidewalk and path construction and maintenance; (b) bicycle lane and path construction and maintenance; (c) traffic calming measures; (d) improved pedestrian crossings.
- Prepare a study that identifies new or increased funding sources for transit capital and operations as well as active transportation. This study should evaluate the feasibility of local jurisdictions’ adoption of development impact fees, imposition of parcel taxes, development of a ballot measure that calls for either a ½ cent or 1 cent sales tax increase

¹ See 2014 RTP at 33 (“A list of projects necessary to preserve the capacity of the regional road system was prepared. It was based on the Policy goal of having no worse than level of service “D” on any significant roadway.”).

² See “Taking Action on Complete Streets: Implementing Processes for Safe, Multimodal Streets,” Smart Growth America, July 2013, available at: <http://www.smartgrowthamerica.org/documents/cs/impl/taking-action-on-cs.pdf>

or a local vehicle fuels tax increase. Fifty percent of the revenue from this ballot measure should be earmarked for transit capital and operations as well as active transportation projects. MCAG would work with local bike, transit and environmental justice advocates to solicit ideas for and craft possible tax and other funding measures.

- Conduct a comprehensive needs assessment to catalogue health indicators, infrastructure deficiencies, and potential funding sources, particularly for disadvantaged communities. MCAG would use the assessment’s findings to prioritize neighborhoods and communities for funding for transportation, pedestrian safety, transit enhancements, etc.

Promoting Infill and Compact Development

- Develop and adopt a transit-oriented development (TOD) policy or ordinance. The purpose of the TOD ordinance is to provide incentives to local governments to adopt transit-supportive land uses and to promote infill development in areas close to existing or committed transit infrastructure. The TOD ordinance should include measures such as: (a) working with cities to implement flexible zoning that allows for interim uses for existing buildings or public spaces to encourage revitalization in key infill areas; (b) prioritizing transit and other infrastructure (such as parks, utility upgrades, and sidewalks) in infill areas, as well as upgrading and performing deferred maintenance on public infrastructure; (c) pursuing air district funding to finance infill projects; (d) developing a parking management policy that reduces parking requirements; and (e) working with cities to create effective incentives for affordable housing near transit. As an initial step, MCAG should prepare a study that details how all these measures would function, and that includes model ordinances for local jurisdictions’ consideration or a model ordinance for MCAG to adopt.
- Establish grants for local governments seeking to develop specific plans for infill development.
- Withhold infrastructure funding from greenfield development at urban edge.
- Adopt funding or other incentives for jurisdictions that conform their general plans and development approvals to particular standards, such as LEED for Neighborhood Development³ or the Valley Blueprint.
- Develop criteria and mitigation measures, as well as a worksheet, for developers to qualify for SB 375 exemptions/streamlining. See, for example, the Sacramento Council of Governments’ “SB 375 CEQA Streamlining and Determination of MTP/SCS Consistency Worksheet.”^{4 5} Also develop a map showing all locations within MCAG’s

³ See http://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf

⁴ See SB 375 CEQA Streamlining available at: <http://sacog.org/mtpscs/implementation/>

⁵ See Determination of MTP/SCS Consistency Worksheet available at:

<http://sacog.org/mtpscs/files/Determination-MTP-SCS-Consistency-Worksheet.pdf>

jurisdiction that are within ½ mile of a “major transit stop” or “high quality transit corridor” for purposes of CEQA streamlining. See Pub. Res. Code § 21155.1(b).

- Analyze whether it is feasible to shift significant anticipated residential growth from unincorporated areas of Merced County that lack transit into existing cities or rural communities that contain more transportation options. Study the potential use of transferable development rights that would pay jurisdictions to give up some housing and that would also allow transfer of regional housing needs assessment allocations. This could allow greater flexibility to develop housing in areas that contain, or will contain, transportation options.
- Study ways in which jurisdictions could share sales tax revenue. Currently, each jurisdiction has an incentive to compete for sales tax dollars by trying to locate commercial development in its jurisdiction, regardless of whether locating the development there makes sense from a regional perspective. Sharing tax dollars among jurisdictions can incentivize commercial development in core areas that have access to transit.⁶
- Develop a method for cities and the county to use to analyze the long-term, full life-cycle costs of development proposals. This analysis would allow local governments to provide more accurate budgets in planning and permitting new projects and could inform mitigation fee structures. It would help ensure that large-lot, sprawl development would pay the full costs of providing public services to the development—costs that are generally higher than for more compact and/or infill development.⁷ This, in turn, would incentivize more compact, transit-oriented development. MCAG could require jurisdictions to use this analysis for any development proposal where MCAG provides transportation funding.
- Develop a model ordinance for project impact fees based on environmental and/or economic impacts, like distance-based fees (such as the City of Lancaster’s Urban Structure Program)⁸ or vehicle miles traveled fees. These fees would require outlying

⁶ See <http://valleyblueprint.org/files/Shawn-Kantor-The%20Financial%20and%20Institutional%20Challenges%20to%20Smart%20Growth%20Implementation-%20A%20Focus%20on%20California's%20Central%20Valley.pdf>

⁷ See <http://static.newclimateeconomy.report/wp-content/uploads/2015/03/public-policies-encourage-sprawl-nce-report.pdf>, p. 27 (describing how “Dispersed development tends to increase the per capita length of roads and utility lines (water, sewage, power, etc.), and the travel distances needed to provide public services (garbage collection, policing, emergency response, etc.) . . . [and how] suburban development tends to attract residents who demand urban quality services in dispersed locations, which increases government cost burdens”). See also Council of Infill Builders “Bringing Downtown Back: boosting infill in SJ Valley,” p. 18, at <http://www.councilofinfillbuilders.org/resources/PDFs/Bringing-Downtown-Back.pdf>.

⁸ This program imposes development impact fees on new development throughout the City of Lancaster. Using a computer model, fees are calculated based on distance from core area of city and costs associated with providing civic services to that area, updated annually.

projects to pay more for the increase in vehicle miles traveled but would reduce fees on transit-friendly infill projects that benefit the local economy and environment and reduce greenhouse gas emissions. Local officials could consider directing the fee revenue to new infill projects in the geographic areas where the fees were generated in order to help offset the impacts of the outlying projects. MCAG could adopt an ordinance itself or prepare model ordinances and encourage its member agencies to adopt them.⁹

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⁹ See Council of Infill Builders “Bringing Downtown Back: boosting infill in SJ Valley.”