

# Senate Bill 375

AN OPPORTUNITY TO DESIGN  
HEALTHY, SUSTAINABLE COMMUNITIES

Groundbreaking legislation in California offers a new chance to integrate health priorities into long-term planning efforts. This fact sheet provides an overview of the new law and points to ways for public health advocates to get involved in the planning process.



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## Across the country, health professionals are exploring how land use planning tools and economic development policies can change the built environment to improve public health.

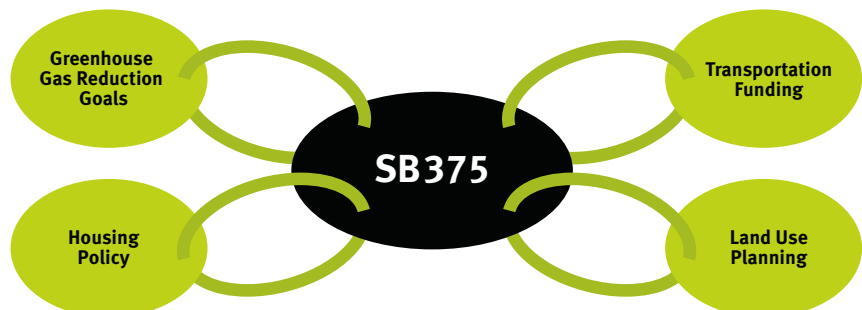
*The new law is designed to curb urban sprawl, reduce motor vehicle trips, and encourage alternative modes of transportation in order to decrease greenhouse gas emissions.*

Creating sidewalks and bikeways, for example, and supporting farmers' markets and neighborhood grocery stores can improve residents' opportunities to be physically active and to buy nutritious foods.

To help advance these changes, public health advocates urge planners and elected officials to include health language in local planning documents, to revise zoning codes in favor of bikeable and walkable streets, and to support healthy food stores through economic incentives.

Now public health professionals in California have a special opportunity to integrate health priorities into a new regional planning process as part of the state's groundbreaking Sustainable Communities and Climate Protection Act, more commonly known as Senate Bill 375 or SB375.<sup>1</sup>

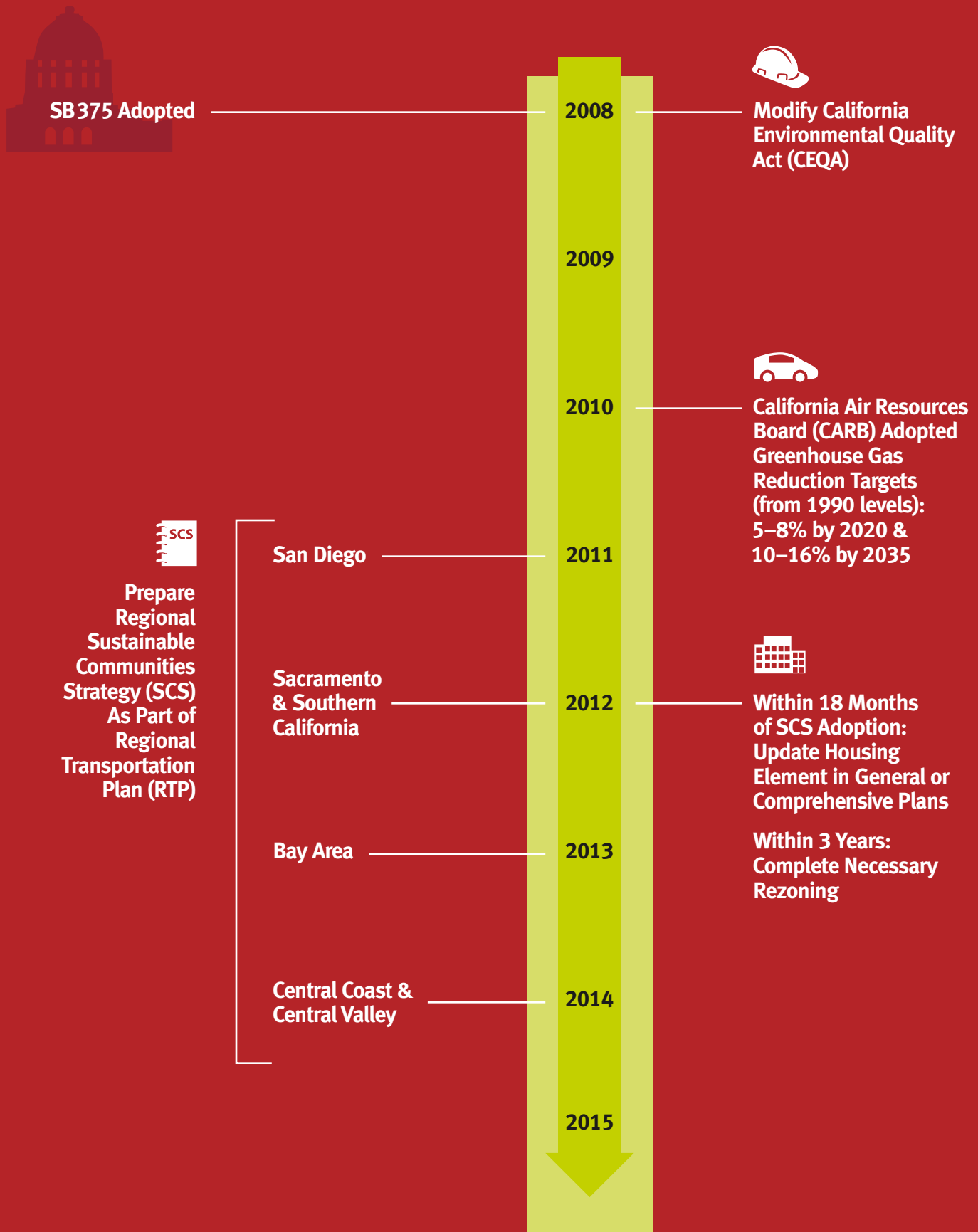
SB 375 is the nation's first legislation to link transportation funding, land use planning, housing policy, and greenhouse gas reduction goals. The new law is designed to curb urban sprawl, reduce motor vehicle trips, and encourage alternative modes of transportation in order to decrease greenhouse gas emissions from cars and light trucks, the single largest and fastest-growing source of global warming gases in California.



What does reducing greenhouse gas emissions have to do with improving public health outcomes? Just about everything. The same land use and transportation planning strategies aimed at reducing emissions also offer the public more opportunities to be physically active, which can lower the incidence of obesity, cancer, and chronic disease.

When land use patterns and transportation infrastructure allow residents to take fewer car trips and use other modes of transportation, people can get more exercise: almost a third of Americans who commute to work via public transit meet their daily requirements for physical activity (30 or more minutes per day) by walking as part of their daily life, including to and from the transit stop.<sup>2</sup> Those who live in highly walkable, mixed-use communities (with residences, businesses, and offices located near each other) are more than twice as likely to meet their daily exercise requirements as people who live in auto-oriented, single-use areas.<sup>3</sup>

# Senate Bill 375 Timeline



As neighborhood walkability increases, car trips (or vehicle miles traveled) decrease: for instance, a 5 percent increase in neighborhood walkability is associated with 6.5 percent fewer vehicle miles traveled per capita.<sup>4</sup>





Throughout the regional SB 375 planning process, public health advocates have the opportunity to influence local policymakers to adopt transformative land use and transportation plans. Healthy community design – compact, mixed-use urban environments accessible by public transit, walking, and biking – promotes public health *and* environmental sustainability. By advocating for the development of more human-scale neighborhoods, public health practitioners can help create opportunities for people to reduce the amount they drive and get more exercise.

## Overview of SB 375

**SB 375 is one piece of California’s comprehensive approach to reducing greenhouse gas emissions.**

These efforts began with California’s Global Warming Solutions Act (Assembly Bill 32), which was passed in 2006 and committed the state to reduce its greenhouse gas emissions to 1990 levels by 2020 and **even further by 2050.**<sup>5</sup>

**Adopted in 2008, SB 375 has four core provisions:**

-  **Setting regional greenhouse gas reduction targets**
-  **Preparing a regional Sustainable Communities Strategy**
-  **Allocating regional housing needs**
-  **Modifying the California Environmental Quality Act (CEQA)**



### Setting Regional Greenhouse Gas Reduction Targets

SB 375 requires the California Air Resources Board (CARB) to set reduction targets for greenhouse gas emissions from cars and light trucks for each of the 18 Metropolitan Planning Organizations (MPOs)<sup>6</sup> in California.<sup>7</sup> The targets set a percent reduction of per-capita emissions by the years 2020 and 2035.<sup>8</sup> CARB’s target-setting process involves modeling by transportation planning experts, consultations with each of the MPOs, input from the Regional Targets Advisory Committee,<sup>9</sup> and comments from the general public. These reduction targets are calculated using complex computer programs to model and forecast a region’s changing land use and transportation patterns and economic and demographic conditions.

In September 2010, CARB adopted the final regional MPO targets: a 5 percent to 8 percent reduction by 2020 and a 10 percent to 16 percent reduction by 2035.<sup>10</sup> CARB may reconsider these targets every four years and adjust them based on changes in fuel efficiency, fuel formulation, or other greenhouse gas reduction policies. In addition, the targets can be reevaluated every eight years to make sure they are keeping the state on schedule to meet the 2050 reduction goals.

# Public Health Participation: Why Is It Important?

Public health advocates have a unique opportunity to articulate a strategy that will both improve health outcomes and reduce greenhouse gas emissions.

This “health co-benefits” approach can identify results that are specific, tangible, and immediately relevant to elected officials and community members. Instead of talking about a vast and global problem happening decades in the future, the public health community can focus instead on how these land use and transportation strategies improve health and well-being today.

In addition, public health professionals can play an important role in advocating for changes in land use and transportation infrastructure in low-income communities and communities of color, where these changes can significantly improve health outcomes. The public health community represents an influential voice to show elected officials how climate policy can help eliminate social and

health inequalities, and to remind political leaders that resources should be distributed to improve conditions in low-income neighborhoods. Public health professionals are already allying with social justice advocates in various regions to ensure that equity is considered in SB 375 policy decisions.

Public health stakeholders have a tremendous vision to add to the SB 375 debates – a vision of community and personal well-being, enhanced by strategies to reduce greenhouse gas emissions. We see the SB375 planning process as an important opportunity to create walkable, bikeable neighborhoods with residents of mixed incomes enjoying access to healthy, safe places to work, live, and play.

## ONE POLICY STRATEGY, MANY CO-BENEFITS







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## Preparing a Regional Sustainable Communities Strategy (SCS)

Once the final regional targets have been adopted, each Metropolitan Planning Organization (MPO) must develop a Sustainable Communities Strategy (SCS) to reduce greenhouse gas emissions from driving. The SCS is a new component of the Regional Transportation Plan<sup>11</sup> the MPO must prepare.

SB 375 does not contain any specific requirements for an SCS. Each MPO must arrive at a mix of transportation and land use strategies that will direct the region's growth in such a way that emissions from car trips can meet the greenhouse gas reduction targets. In developing its SCS, an MPO will look at two things. First, it will assess current and future land use patterns: where are jobs, homes, transit corridors, farmlands, and open space currently located, and where will land uses and job centers realistically be located in the future? Second, the MPO will assess how residents' needs to get around can best be met through investments in public transit, roads and highways, and pedestrian and bike paths. Together, the land use patterns and proposed transportation investments are put into a model that forecasts the development patterns in the region and determines if it is feasible<sup>12</sup> to meet the greenhouse gas reduction targets.

If an MPO determines that it cannot feasibly achieve the reduction targets for its region, it must prepare an Alternative Planning Strategy (APS) document. The APS identifies the specific barriers that will prevent the region from achieving its greenhouse gas reduction targets – for example, a lack of financial resources or an inability to change land use patterns – and outlines what policies and resources the region would actually need to reach the targets.

The timeline for preparing the SCS differs by region. Because the SCS is part of the Regional Transportation Plan (RTP), it's tied to the deadlines associated with each region's RTP, which is updated every four or five years (depending on whether the region meets federal air quality standards). The first region to adopt an RTP that includes an SCS will be the San Diego MPO, scheduled for 2011. The SCSs for the Sacramento and Southern California MPOs will follow in 2012. The Bay Area will adopt its SCS in 2013. The Central Coast and Central Valley will be the last to adopt their SCSs, with dates occurring throughout 2014.<sup>13</sup>

Once complete, the SCS (or the APS) goes to CARB for review. CARB will only be assessing the technical methodology to determine whether or not each region will meet the greenhouse gas reduction target. CARB cannot critique or evaluate the specific list of projects, policies, or strategies and cannot require changes to the plans' programs or projects.



## Allocating Regional Housing Needs

SB 375 also requires that each region allocate sufficient housing to support the land use and transportation development patterns outlined in the SCS. The location and affordability of housing can be a key “driver” of long-distance car commutes because many people must travel between job centers (which have little affordable housing) and affordable places to live (which may not have many job opportunities). SB 375 strives to create a better jobs/housing balance in each region so that people can afford to live closer to where they work and reduce the emissions of long car trips. To meet this goal, each region must plan for sufficient housing to meet forecasted population growth and accommodate diverse income levels.

To do this a portion of the Regional Housing Needs Assessment (RHNA)<sup>14</sup> will be allocated to each of the cities and unincorporated county areas in the region. SB 375 requires that cities and counties update the housing element in their general or comprehensive plans<sup>15</sup> within 18 months of the MPO adopting the SCS; within three years of adopting the housing element, they must complete any necessary rezoning of identified sites for residential development.

Should a city or county fail to update its housing element and/or zoning code as required, it will face three potential consequences. First, it will have to update its city or county housing element every four years, instead of every eight years as allowed by SB 375. Second, if the jurisdiction does not adopt the necessary zoning changes, a private citizen may sue to compel the city or county to complete the rezoning, and a court may impose sanctions for failing to comply with the law. Finally, a developer may use the “builder’s remedy” to build on a site that should have been rezoned, as long as the developer complies with the specified housing densities and other requirements.

Perhaps the most powerful incentive for a jurisdiction to change its land use plans and zoning codes is the money that will flow to communities that comply with the regional SCS. The state will be distributing \$17 billion per year to fund transportation projects that are consistent with the SCS. While cities and counties are not bound by the SCS land use plan in deciding where to accommodate residential growth, the transportation dollars governed by the RTP can only go to projects that comply with the SCS. By linking transportation funding with the SCS, the state hopes to promote more compact, transit-oriented development patterns.

*Healthy community design – compact, mixed-use urban environments accessible by public transit, walking, and biking – promotes public health and environmental sustainability.*



## Modifying the California Environmental Quality Act

SB 375 amends the California Environmental Quality Act (CEQA) to make it easier for a construction project to get through the environmental review process if it is consistent with the SCS and reduces greenhouse gas emissions. Residential or mixed-use developments that are consistent with the SCS are eligible for the streamlined CEQA review. Streamlined projects must still undergo review, but are exempt from requirements to (1) evaluate the greenhouse gas impacts of vehicle trips from the project, (2) review the growth-inducing impacts of the project, and (3) present a lower-density alternative. Projects that have been defined as “transit priority projects” also qualify for reduced CEQA review if they meet certain housing, density, and transit criteria. Finally, projects classified as “sustainable communities projects” must meet a long list of criteria in order to be completely exempted from CEQA review.



To learn more about how public health advocates can participate in creating climate change policies that integrate health and equity considerations, visit [www.changelabsolutions.org](http://www.changelabsolutions.org).

- 1 Senate Bill 375 analysis. Available at: [http://info.sen.ca.gov/pub/07-08/bill/sen/sb\\_0351-0400/sb\\_375\\_cfa\\_20080818\\_153416\\_asm\\_comm.html](http://info.sen.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_cfa_20080818_153416_asm_comm.html).
- 2 Besser LM and Andrew L. Dannenberg. "Walking to Public Transit: Steps to Help Meet Physical Activity Recommendations." *American Journal of Preventative Medicine*, 29:273, 2005.
- 3 Frank et al. "Linking Objectively Measured Physical Activity with Objectively Measured Urban Form: Findings from SMARTRAQ." *American Journal of Preventative Medicine*, 28:117, 2006.
- 4 Frank et al. "Many Pathways from Land Use to Health: Associations between Neighborhood Walkability and Active Transportation, Body Mass Index, and Air Quality." *Journal of the American Planning Association*, 72:75, 2006.
- 5 California Health & Safety Code sections 38500–38599 (West 2008).
- 6 A Metropolitan Planning Organization (MPO) has responsibility for coordinating the transportation-planning process and developing an area's transportation plan. All urban areas with populations above 50,000 are required, by federal law, to establish an MPO in order to receive and spend federal transportation funds.
- 7 A map of California's Metropolitan Planning Organizations (MPOs) is available at: [www.dot.ca.gov/hq/tpp/offices/orip/index\\_files/Updated%20Files/MPO-RTPA\\_1-10.pdf](http://www.dot.ca.gov/hq/tpp/offices/orip/index_files/Updated%20Files/MPO-RTPA_1-10.pdf).
- 8 The base year for these target calculations is 2005.
- 9 The Regional Targets Advisory Committee is a multi-stakeholder committee that is charged with recommending methodologies to the California Air Resources Board (CARB) on how to calculate the greenhouse gas emission reduction targets for each region.
- 10 For a summary of the final targets, see CARB's press release, available here: [www.arb.ca.gov/newsrel/newsrelease.php?id=154](http://www.arb.ca.gov/newsrel/newsrelease.php?id=154). For more information about the SB 375 target-setting process, go to: [www.arb.ca.gov/cc/sb375/sb375.htm](http://www.arb.ca.gov/cc/sb375/sb375.htm).
- 11 A Regional Transportation Plan (RTP) is prepared by the Metropolitan Planning Organization (MPO), and it identifies needed transportation infrastructure projects and guides future transportation funding and investment decisions. The RTP lists the transit, highway, local road, bike, and pedestrian needs in the region and estimates the amount of local, state, and federal dollars that may be available for these projects over the next 25 years. An RTP is updated every four or five years, depending on whether or not the region meets federal air quality standards. An RTP was originally comprised of three elements: a policy element, an action element, and a financial element. Now there is a fourth element – the Sustainable Communities Strategy.
- 12 For the purposes of SB 375, "feasible" means that the targeted reductions in greenhouse gases can be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
- 13 Due dates for each region's SCS/RTP are available at: [www.arb.ca.gov/cc/sb375/resources/rtp%20schedule.12.10.09.pdf](http://www.arb.ca.gov/cc/sb375/resources/rtp%20schedule.12.10.09.pdf). Please note that the dates listed are the dates when the RTP is due to the federal government for review and the SCS is due to CARB. Also, for those MPOs with due dates listed as "month 2010" please add four years to calculate the next RTP/SCS due date.
- 14 The Regional Housing Needs Assessment (RHNA) is the official allocation for distributing housing. The California Department of Housing and Community Development utilizes demographic and employment projections from the state Department of Finance to calculate each region's projected housing need for a specified period. These housing numbers are divided into five income categories: extremely low, very low, low, moderate, and above moderate, based on household income in relation to the area's median income. For example, an "extremely low income" household is defined as one earning 30 percent or less of the area median income.
- 15 The housing element is one of seven required chapters in a city or county's general plan. The housing element describes how the community's housing needs will be met for all income levels through land-use zoning and other types of programs. The housing element represents how a city or county will implement its share of the RHNA.

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health.*

*ChangeLab Solutions formerly existed under the name Public Health Law & Policy (PHLP). Any references to PHLP in this publication should now be understood to refer to ChangeLab Solutions.*

*The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

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*Cover photos by Lydia Daniller*

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