

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

March 12, 2021

Agenda Item 3d

Resiliency/Climate Adaptation Advocacy Principles

Subject: Adopt advocacy principles to guide legislative engagement on climate adaptation legislation, including but not limited to: Assembly Bill 11 (Ward), Assembly Bill 50 (Boerner-Horvath), and Assembly Bill 51 (Quirk) and Assembly Bill 897 (Mullin) as well as resilience-related bond proposals, Assembly Bill 1500 (Garcia) and Senate Bill 45 (Portantino).

Overview: Over the last year, staff has been engaged in conversations regionally and statewide about the role of MTC/ABAG—and metropolitan planning organizations and councils of government in general—regarding climate adaptation. The Legislature has shown growing interest in regional climate adaptation work, recognizing that this is an issue that requires *regional* coordination.

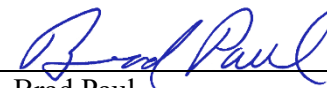
The Bay Area Regional Collaborative (BARC), a consortium of MTC, ABAG, the Bay Area Air Quality Management District, the San Francisco Bay Conservation and Development Commission has also been involved in discussions on this topic and has proven to be an important forum for climate adaptation discussions.

Recommendation: Support forwarding the attached advocacy principles to the Commission and ABAG Executive Board for adoption to inform staff's advocacy. Specific bills would be brought forward for action at a later date.

Discussion: To date, almost 40 bills have been introduced that relate to climate change, particularly adaptation. The Alliance of Regional Collaboratives for Climate Adaptation (ARCCA) has a [legislative tracker](#) that serves as a critical resource to stay up to date on the topic.

Staff is concerned that the bills introduced in 2021 that relate to regional climate adaptation planning propose establishing new regional entities to perform this work, including potentially bypassing public agencies altogether. Our proposed legislative principles recommend that this work be assigned to councils of government and metropolitan planning organizations, who are already involved in complex long-range planning for housing and transportation and have the expertise, technical capacity, experience and relationships with local governments and key stakeholders to be effective. Additionally, the geographic definition of “region” in some bills is too loose and risks creating a proliferation of “regional” entities within the nine Bay Area counties that will make coordination unnecessarily difficult. To guide our early advocacy in advance of recommending specific bill recommendations, we recommend adoption of the attached legislative principles.

Attachments: Attachment A: Resiliency/Climate Adaptation Advocacy Principles
Attachment B: Regional Climate Adaptation and Funding Legislation


Brad Paul

MTC/ABAG Proposed Regional Resilience/Adaptation Advocacy Principles

1. **Build on Existing Regional Planning Processes and Authorities:** State law should assign regional climate adaptation planning responsibility to public agencies that are accustomed to tackling complex regional planning processes, namely councils of government (COGs) and metropolitan planning organizations (MPOs). COGs and MPOs are governed by local policy makers who are accountable to the public and required to conduct their work in an open and inclusive manner. We are responsible for planning to address regional housing and transportation needs, both of which face significant climate resilience challenges. Specifically, state law requires that COGs and MPOs develop an eight-year regional housing needs allocation (RHNA) and a four-year sustainable communities strategy (SCS), respectively. To be effective, these plans must account for a wide array of impacts anticipated from our changing climate, which is why many of us have already begun integrating climate adaptation into our work.

With decades of regional planning work under our belts, COG/MPO have the technical capacity and experience to effectively engage with the public and key stakeholders to develop regional plans that enjoy broad support and include specific strategies and funding plans to achieve challenging, long-term goals set forth by the state. With boards comprised of local elected officials, we have deep connections to the cities and counties that need to be key partners in making our communities more resilient to climate change. In addition, it is important to recognize that impacts from a changing climate will be predominately borne by low income and traditionally underrepresented communities – specifically, Black, Indigenous, and People of Color (BIPOC). As a public entity receiving state and federal funding, COG/MPOs are subject to environmental justice and equity mandates – including Title VI of the Civil Rights Act of 1964 as well as Executive Order 12898.
2. **Define Appropriate Roles:** Effective planning and implementation requires clarity about who is responsible for what to avoid conflicts as well as duplication of effort with taxpayer funds. The Legislature should provide clear direction regarding local, regional, and state roles in adaptation planning, and build on areas where each level of government already has some level of authority and responsibility.
3. **Climate Adaptation Responsibilities Should be Assigned to Public Agencies:** Nongovernmental entities, such as regional climate collaboratives, have important contributions to make to climate adaptation but should not be assigned specific planning responsibilities in state law. They are best suited to assist with education, research and technological innovation, as well as convening stakeholders. Accordingly, nonprofit entities should be eligible to receive funding from new state or federal grant programs for these purposes and their work that should be coordinated with that of local and regional agencies.
4. **Support a Local/Regional/State Partnership Approach to Climate Adaptation:** Successful climate adaptation planning and implementation will depend on action at both the local and regional levels with guidance – and where possible, funding – provided by the state. This is analogous to housing planning, where the state requires regions to develop an overarching methodology for growth that achieves specific goals but leaves it up to regions to work out the details of a regional strategy and to local jurisdictions to identify specific sites and make the zoning changes needed.

5. **Secure New, Ongoing Funding:** Funding is needed as soon as possible to begin the necessary local and regional planning work to identify, prioritize, and design a pipeline of climate adaptation projects that are ready to receive capital funding. Funding should be identified to support the entire lifecycle of a project: planning, design, engineering, permitting, construction, and monitoring. One-time funds can help jump start this effort in FY 2021-22, such as through a state climate resilience bond or federal stimulus funding, but to institutionalize resilience and fully integrate it into long-range local and regional planning, additional resources will be needed. To ensure that *all* regions and local jurisdictions statewide have adequate funding to conduct this work, the state should augment regional planning funding and give COGs and MPOs a direct role in distributing some of the funds to local agencies, so they are incentivized to implement projects and strategies developed in regional climate adaptation plans. This approach is modeled on the structure of the housing technical assistance established in AB 101 (2018), which formed the Regional Early Action Plan (REAP) and Local Early Action Plan (LEAP).

MTC/ABAG 2021 Climate Adaptation Bill Tracker <i>(not intended to be a comprehensive list of all climate adaptation-related bills)</i>		
Bill Number	Topic	Summary
AB 11 (Ward)	Regional Climate Change Authorities	Requires the Strategic Growth Council establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders. In establishing regional climate change authorities, requires that the SGC give priority to existing regional adaptation collaboratives, networks, and programs, where possible.
AB 50 (Boener-Horvath)	Climate Adaptation Center and Regional Support Network: Sea level rise	Establishes the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.
AB 51 (Quirk)	Regional Climate Adaptation Planning Groups: Adaptation Plans	Require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. Requires the SGC, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.
AB 67 (Petrie-Norris)	Sea Level Rise Economic analysis	Requires the Ocean Protection Council in consultation with OPR to establish a multiagency working group on sea level rise and require the Council to work with the working group to develop a methodology for economic analysis of the risks and adaptation strategies associated with sea level rise.
AB 72 (Petrie-Norris)	Coastal Adaptation Permitting Act	Requires the Natural Resources Agency to explore and authorizes it to implement options to establish a more coordinated and efficient permitting process for coastal adaptation projects.

AB 897 (Mullin)	Office of Planning and Research: regional climate networks: climate adaptation action plans	Requires the Office of Planning and Research to encourage the inclusion of agencies with land use planning authority into regional climate networks.
AB 1445 (Levine)	Regional housing need allocation: climate change impacts	Requires that a council of governments, a delegate subregion, or the department, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.
AB 1500 (Garcia)	\$6.7 billion General Obligation bond	Enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act in November 2022, which if approved by voters, would authorize the issuance of bonds in the amount of \$6.7 billion to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.
SB 1 (Atkins)	Sea Level Rise	Requires the Coastal Commission to adopt recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program.
SB 12 (McGuire)	Safety Element: General Plan – retrofit strategy to reduce risk of property loss due to wildfires	Requires the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion in the state clearinghouse for climate adaptation information.
SB 45 (Portantino)	\$5.5 billion General Obligation Bond	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5.5 billion to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection programs.

