



## NOTICE OF PREPARATION

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To: Interested Agencies and Individuals

Subject: Notice of Preparation of a Program Environmental Impact Report for the 2022 Regional Transportation Plan and Sustainable Communities Strategy

Date: May 3, 2021

Lead Agency: Kern Council of Governments  
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Bakersfield, California 93301

The Kern Council of Governments (Kern COG), as Lead Agency, is publishing this Notice of Preparation (NOP) to prepare a Program Environmental Impact Report (Program EIR) in accordance with the California Environmental Quality Act (CEQA) for the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). Kern COG is preparing an RTP/SCS as required by Section 65080 et seq, of Chapter 2.5 of the California Government Code, and federal guidelines pursuant to the federal surface transportation reauthorization, Fixing America's Surface Transportation (FAST) Act, the Transportation Conformity in the Air Quality Attainment Plan per 40 CFR Part 51 and 40 CFR Part 93, and requirements set forth in Assembly Bill 32, The Global Warming Solutions Act of 2006, Senate Bill 375, The Sustainable Communities and Climate Protection Act of 2008, Senate Bill 32, California Global Warming Solutions Act of 2006: emissions limit (2016) and Assembly Bill 197, State Air Resources Board, greenhouse gases: regulations (2016).

Kern COG is soliciting input from your agency as to the scope and content of the environmental issues to be included in the Program EIR. Kern COG seeks input from local, state, and federal agencies, as well as other interested parties, on issues relevant to the RTP/SCS. The project location, description, and the expected scope of environmental analysis are described on the following pages.

A scoping meeting for this project will be held at Kern COG's office (see location above), **Wednesday, May 18, 2021, at 6:30 PM**. Due to the COVID-19 pandemic, the coping meeting will be held virtually. Due to the time limits mandated by state law, your response must be sent **no later than 30 days** after the date of this notice.

Please send your response to Becky Napier, Deputy Director of Administration, either electronically to: [napier@kerncog.org](mailto:napier@kerncog.org); or to the mailing address shown above. Please include a return address and the name of a contact person in your agency/organization.

### 1. INTRODUCTION

CEQA and its implementing regulations (*State CEQA Guidelines*) require Kern COG as the Lead Agency to prepare an EIR for any discretionary government action, including programs and plans that may cause

significant environmental effects. The 2022 RTP/SCS is a regional planning document that provides policy guidance to local jurisdictions within Kern County. Specifically, the 2022 RTP/SCS necessitates preparation of a Program EIR, which is a “first-tier” CEQA document designed to consider “broad policy alternatives and program wide mitigation measures” (*State CEQA Guidelines* Sec. 15168). The programmatic environmental analysis for the Program EIR will evaluate environmental effects, such as direct and indirect effects, growth-inducing impacts, and cumulative impacts, and will include mitigation measures to offset any identified potentially significant adverse environmental effects. In addition, the Program EIR will supply the foundation for subsequent, site-specific environmental reviews that will be conducted by implementation agencies, as projects in the RTP/SCS are developed (*State CEQA Guidelines* Sec. 15385).

In addition to fulfilling legal requirements, the RTP/SCS Program EIR will provide an opportunity to inform decision makers and the public about potential environmental effects associated with the implementation of the RTP/SCS and alternatives. This first-tier regional-scale environmental analysis will also help local agencies evaluate and reduce direct and indirect impacts, growth-inducing impacts, and cumulative environmental effects with respect to local projects.

This NOP is intended to alert responsible agencies, interested agencies, organizations, and individuals of the preparation of the 2022 RTP/SCS Program EIR. Comments regarding the scope of the Program EIR received during the 30-day NOP review period will be used to refine the scope and content of the Program EIR, as appropriate.

## 2. PROJECT LOCATION AND BACKGROUND

Kern COG is an association of city and county governments created to address regional transportation issues. Its member agencies include the County of Kern and the 11 incorporated cities within Kern County including Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, and Wasco. The Kern COG Board of Directors is comprised of one elected representative from each of the 11 incorporated cities in Kern County, two Kern County Supervisors, and two ex-officio members representing Caltrans and the Golden Empire Transit District. **Figure 1, Map of the Kern COG Region**, illustrates the Kern COG region.

Kern COG is officially designated by federal law as the Metropolitan Planning Organization (MPO) for the Kern County region. Additionally, under state law, Kern COG is designated as a Council of Governments (COG). As such, Kern COG has several formal authorities and responsibilities, including:

- Conducting continued, comprehensive, and coordinated transportation planning and programming processes that result in a Regional Transportation Plan and a Federal Transportation Improvement Program (FTIP) for the region. Together these documents serve as the legal basis for transportation decision making in the region.
- Preparing a Sustainable Communities Strategy (SCS) in accordance with the Sustainable Communities and Climate Protection Act of 2008 (SB 375), as part of the RTP/SCS. If the SCS does not meet greenhouse gas (GHG) emission reduction targets, Kern COG would prepare an Alternative Planning Strategy (APS) which would show how the GHG emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. It is Kern COG’s intent to achieve the targets with the SCS.

- Preparing a Regional Housing Need Allocation (RHNA) Plan in which Kern COG identifies areas within the region sufficient to house an 11-year projection of the regional housing need. Additionally, the RHNA allocates housing units within the region consistent with the development pattern included in the RTP/SCS. In September 2014, the California Housing and Community Development Department (HCD) approved the 2013- 2023 RHNA Plan, and another Plan is currently underway for the 2023-2032 cycle.
- Conducting a comprehensive environmental planning process, including a Program EIR for the RTP/SCS and conducting inter-governmental review for all projects of regional significance.
- Determining, pursuant to the Federal Clean Air Act, the conformity of Kern COG RTPs and FTIPs to air quality planning requirements.

### **3. PROJECT DESCRIPTION**

Pursuant to the federal FAST ACT authorization, Kern COG must prepare and update a transportation plan for its metropolitan planning area every four years to ensure that the plan adequately addresses future travel needs and is consistent with the federal Clean Air Act. Kern COG's last RTP/SCS was adopted in 2018. The 2022 RTP/SCS is the culmination of a multi-year effort with the intent to improve the balance between land use and transportation systems. Kern COG is required by federal law to develop an RTP/SCS that determines the needs of the transportation system and prioritizes proposed transportation projects. The RTP/SCS is also necessary to obtain and allocate federal funding for regional transportation projects. Kern COG does not implement individual projects in the RTP/SCS; these projects will be implemented by local jurisdictions and other agencies. FAST ACT modifies existing state and MPO transportation planning processes and requires discussion of the types of potential environmental mitigation activities. Consultation activities are a part of the 2022 RTP/SCS and Program EIR development processes.

#### **Regional Transportation Plan**

The RTP/SCS defines the region's mobility needs and issues through 2045, sets forth an action plan of projects and programs to address the needs consistent with the adopted policies, and documents the financial resources needed to implement the plan. Regional transportation improvement projects proposed to be funded, in whole or in part, in the state transportation improvement program must be included in the adopted RTP/SCS.

The development of the 2022 RTP/SCS has already been initiated by Kern COG. The Kern COG board adopted the 2020-2050 regional growth forecast that provides a long-range projection for countywide total population. The population total is used to develop housing, employment, school enrollment, and income forecasts. The forecast is also used for local transportation and air quality planning, as well as for a variety of long-range planning activity, such as the 2022 RTP/SCS.

#### **Sustainable Communities Strategy**

The requirement of an SCS under SB 375 more closely ties regional transportation planning with regional housing planning under the RHNA. The SCS will coordinate planning for land use and transportation at a regional scale, with the goal of reducing the amount that people must drive and associated GHGs. The SCS is required to:

- use the most recent planning assumptions considering local general plans and other factors;
- identify the general location of uses, residential densities, and building intensities within the region;
- identify areas within the region sufficient to house all the population of the region;
- identify areas within the region sufficient to house an eight-year projection of the regional housing need;
- identify a transportation network to service the transportation needs for the region;
- gather and consider the best practically available scientific information regarding resource areas and farmland in the region;
- consider the state housing goals;
- set forth a forecasted development pattern for the region;
- comply with Section 176 of the federal Clean Air Act;
- consider spheres of influence that have been adopted by the Local Agency Formation Commission (LAFCO) within the region;
- quantify the reduction in GHG projected to be achieved by the SCS; and
- consider any adopted multiregional goals and policies.

### **SB 375 Targets**

The current emissions targets for Kern COG, as provided by the California Air Resources Board (CARB), are a regional target of a 9 percent reduction in per capita GHG emissions for the planning year 2020 and a 15 percent reduction in per capita GHG emissions for the planning year 2035, as compared to baseline per capita emissions levels in 2005. SB 375 requires that CARB update the targets every four to eight years and then use those targets as goals to be achieved in the RTP/SCS. MPOs across the state are undergoing the updated target-setting process required by SB 375. CARB will review the MPO target recommendations made by the MPOs and will adopt GHG reduction targets for each MPO. Targets for Kern COG and the seven other MPOs covering the San Joaquin Valley are anticipated to be set by January 1, 2022, for use in the 2022 RTP/SCS. If the targets established by CARB cannot be feasibly met, Kern COG will prepare an Alternative Planning Strategy (APS) to show how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

### **CEQA Streamlining**

SB 375 contains CEQA incentives, or streamlining provisions, to encourage coordinated land use and transportation planning. Certain types of development projects (i.e., transit priority projects or residential/mixed use residential projects, as defined by the statute) may qualify for CEQA streamlining as long as the requisite criteria are met. Generally, this means that the proposed project seeking to utilize the CEQA incentives is determined to be consistent with an approved SCS. Consistency will be determined by the local jurisdiction that is the lead agency for each project to be streamlined. Kern COG's primary role is to include appropriate information in the SCS, such as land use information as required by SB 375 and/or guidance to aid in interpreting land use information that will allow a jurisdiction to make a consistency determination with respect to appropriate streamlining options on a project-by-project basis.

## **Public Outreach**

Community engagement and outreach are an important component of the development of the 2022 RTP/SCS. By nature, this plan represents the region's mutual vision for its future and was developed using a grassroots, bottom-up approach. In addition to the outreach undertaken in support of "Directions to 2050," Kern COG has solicited community involvement and input on the RTP/SCS through several committees. One such committee is the Regional Planning Advisory Committee (RPAC). Formed by the Kern COG Board in 2011, the RPAC was created to provide a forum to review and develop recommendations on key activities associated with regional transportation plans and other planning issues, including SB 375 implementation.

During the coming months, Kern COG will continue to revise the land use scenarios based on comments and new data gathered from local jurisdictions and from the public outreach workshops. During the public outreach workshops and roundtables, residents, local jurisdictions and other stakeholders will be given the opportunity to provide input on a variety of scenarios. This information and input will be reflected in the scenarios to ensure the development of the RTP/SCS meets GHG reduction targets.

## **Environmental Justice**

The 2022 RTP/SCS will include an environmental justice (EJ) analysis pursuant to Title VI of the Civil Rights Act of 1964 and Presidential Order 12898. Senate Bill 1000 has expanded and elevated EJ analysis for consistency with policies related to EJ and environmental issues. The RTP/SCS will conduct a comprehensive environmental justice analysis on how the benefits and burdens of transportation investments are distributed among minority and low-income populations in the region. Modeling will identify potential environmental impacts including (but not limited to) project-specific, cumulative, growth-inducing, environmental justice, induced travel demand and socioeconomic impacts. The RTP/SCS will, therefore, provide guidance on how to protect vulnerable populations from environmentally adverse factors while fulfilling the requirements of the Civil Rights Act, Presidential Order 12898, and Senate Bill 1000.

## **Preliminary 2022 RTP Alternatives**

It is anticipated that the 2022 RTP/SCS Program EIR will evaluate three alternatives to the RTP/SCS as follows: No Project, Modified 2018 RTP; and a more aggressive infill or transportation alternative. Each alternative, except the No Project Alternative, will include a range of policies and projects including, but not limited to, variations in land use density and intensity, bus routes, high-speed passenger rail, highway/roadway construction and widening, and rail.

Kern COG has the discretion to select an alternative in its entirety or to combine elements of various alternatives to develop the plan selected for the RTP/SCS. Alternatives analysis in an EIR is focused on reducing the significant or potentially significant impacts of the project. Therefore, detailed alternative descriptions are developed as the impacts of the project are identified through the Program EIR process. The Preliminary 2022 RTP/SCS alternatives include:

### ***No Project Alternative***

The No Project Alternative consists of all major transportation projects that are reasonably foreseeable and reasonably expected to go forward without the 2022 RTP/SCS, including all projects that have already received funding, are scheduled to receive funding, and/or have received environmental clearance by December 2021. The No Project Alternative will assume that no safety related maintenance would be deferred, but the overall appearance and function of the transportation system would be expected to deteriorate. This alternative would also assume conditions without the SCS.

### ***Modified 2018 RTP***

As part of the RTP and Program EIR development and scoping process, an additional alternative will be developed and considered which will be a variation on the 2018 RTP such as:

- a modified 2018 RTP alternative using the policies and projects from the 2018 RTP, updated with more recent population information;
- a modified 2018 RTP alternative using the policies and projects from the 2018 RTP focused on reducing one or more impacts identified through the Program EIR analysis; or
- a modified 2018 RTP alternative incorporating both approaches above.

### ***Intensified Transportation Alternative***

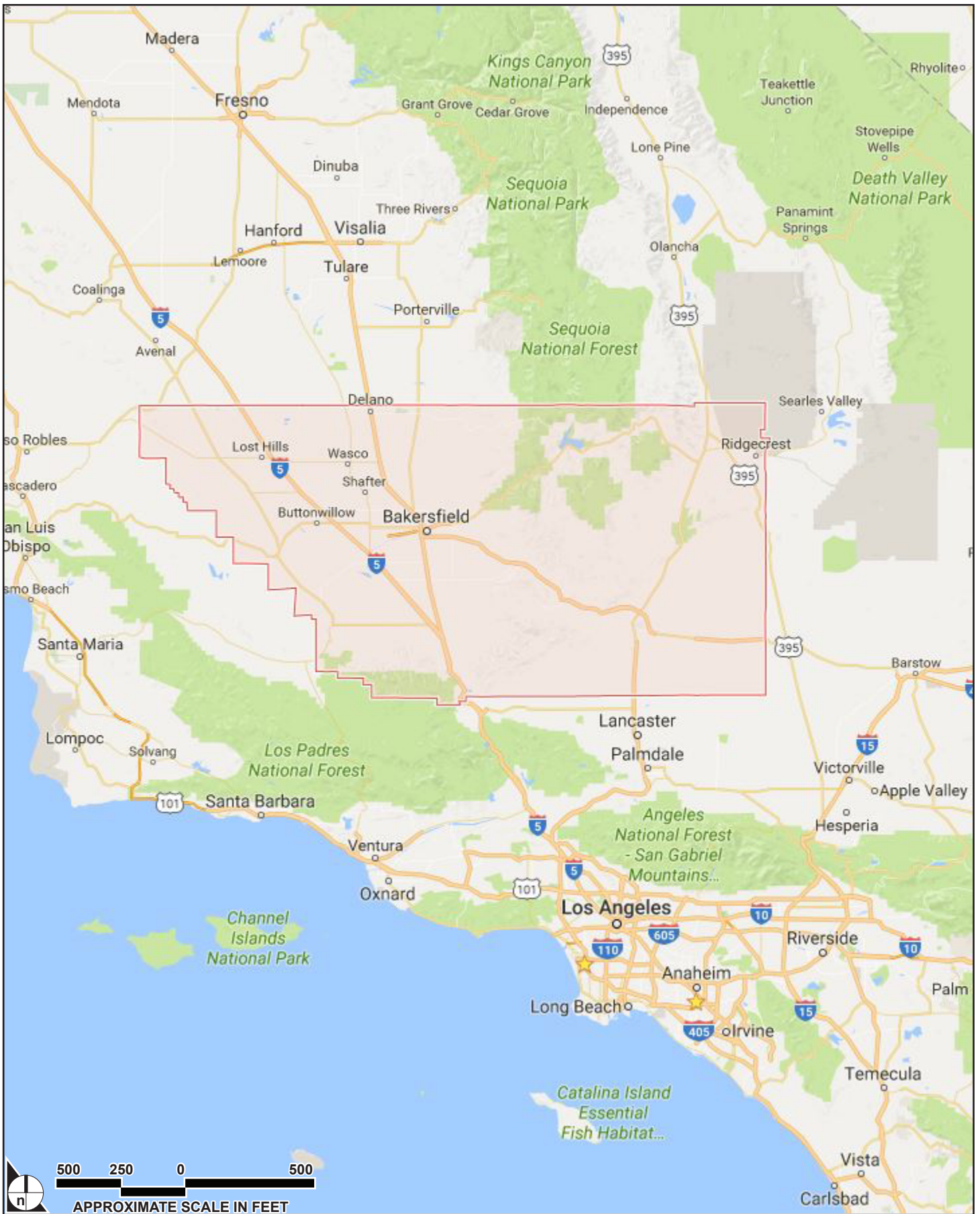
Kern COG anticipates that this alternative will vary from the proposed 2022 RTP/SCS by identifying a more intensely developed urban form and more transportation measures and policies to reduce GHG emissions and energy consumption. This alternative could include more mixed-use, infill development and increased densities in urban cores.

### **Scope of Environmental Analysis**

The impact categories listed below have been preliminarily identified for analysis in the 2022 RTP/SCS Program EIR.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services and Utilities
- Recreation
- Transportation
- Tribal Cultural Resources

In addition, the EIR will address cumulative impacts, growth-inducing impacts, and other issues required by CEQA.



SOURCE: Google Maps, 2021

FIGURE 1