



# City of Mission Viejo

Office of the Mayor and City Council

Trish Kelley  
Mayor

Wendy Bucknum  
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Brian Goodell  
Council Member

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Council Member

March 29, 2021

The Honorable Henry Stern  
Chair, Senate Natural Resources Committee  
State Capitol, Sacramento, CA 95814

**RE: SB 761 (Bates) – OPPOSE**

Dear Chair Stern:

The City of Mission Viejo strongly opposes SB 761 because it asks the State to intervene in a local transportation matter that has already been resolved as part of a multi-year collaborative process involving a number of stakeholders including Caltrans, the Transportation Corridor Agencies (TCA) and the Orange County Transportation Authority (OCTA). We are gravely concerned that this legislation would effectively preclude our local cities and transportation agencies from evaluating potential regional solutions in the future.

SB 761 represents one city's view – the City of San Clemente – and disregards the participation and input from the other cities along this critical development corridor, including Mission Viejo, San Juan Capistrano, and Rancho Santa Margarita. In addition to the opposition voiced by our three cities, most of the other 18 cities and each of the three supervisorial districts represented on TCA's Boards of Directors also oppose this unnecessary attempt at legislating a local transportation issue.

SB 761 is yet another attempt by one city to shield itself from participating in transportation solutions at the expense of neighboring cities. The California Supreme Court held in *Committee of Seven Thousand v. Superior Court* (1988) 45 Cal.3d 491, that the local initiative and referendum process could not be used to interfere with the construction or financing of new major thoroughfares by TCA. Nevertheless, in 2008 the City of San Clemente placed a local measure on the ballot (Measure V) to try and do exactly that. Specifically, Measure V requires voter approval before the City can rezone open space for alternative uses. The City then increased its open space designations, and cited Measure V in an effort to stop the evaluation of potential transportation improvement projects. Given that these efforts were unsuccessful under existing law, the City has sought, and now continues to seek, legislation to circumvent the Supreme Court's ruling.



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Page 2 of 2

Mission Viejo has always contributed to regional mobility, including the widening of three of our East/West arterials—Crown Valley Parkway, Oso Parkway, and Alicia Parkway—to accommodate the development to the east of our City. We have also collaborated with OCTA on signal synchronization, which assists in the reduction of greenhouse gas emissions. Given the enormous efforts of our city to provide transportation solutions whose benefits go beyond the borders of Mission Viejo, we have to ask ourselves why one city should be allowed to inoculate themselves from their responsibility to contribute to regional mobility solutions.

SB 761 is unnecessary, sets a bad precedent, and is inconsistent with gaining support from all affected residents when considering solutions. It ignores the historical success that has benefitted our quality of life. As a self-help county, our cities and regional transportation agencies have found innovative ways to provide the infrastructure needed to support our communities, some of which require little or no state dollars.

For these reasons, the City of Mission Viejo respectfully requests that you and your colleagues vote no on SB 761. Please let local transportation matters be decided at the local level.

Sincerely,



Trish Kelley  
Mayor

