



SB-757 California Environmental Quality Act: environmental leadership projects: fixed guideway. (2019-2020)

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

NO. 757

Introduced by Senators Allen and Atkins
(Principal coauthors: Senators Archuleta, Beall, and Bradford)
(Principal coauthors: Assembly Members Friedman and Muratsuchi)

February 22, 2019

An act to add Section 21180.5 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 757, Allen. California Environmental Quality Act: environmental leadership projects: fixed guideway.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial

review of the decision of the lead agency made pursuant to CEQA. CEQA requires a court to make specified orders if it finds that any determination, finding, or decision of a public agency has been made without compliance with CEQA.

The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (leadership act) authorizes the Governor, until January 1, 2020, to certify projects that meet certain requirements, including certain labor-related requirements, for streamlining benefits provided by the leadership act related to compliance with CEQA and streamlining of judicial review of action taken by a public agency to require a judicial action to be resolved within 270 days of the filing of the certified record of proceedings with the court. The leadership act provides that if a lead agency fails to approve a project certified by the Governor before January 1, 2021, the certification expires and is no longer valid. The leadership act requires a lead agency to prepare the record of proceedings for the certified project concurrent with the preparation of the environmental documents. The leadership act is repealed by its own terms on January 1, 2021.

This bill would additionally include projects to construct a fixed guideway, as defined, and related fixed facilities meeting certain conditions as projects that are eligible for certification by the Governor under the leadership act. The bill would provide that the certification by the Governor expires if the lead agency fails to approve the project by January 1, 2024. Because a lead agency would be required to prepare the record of proceedings for these projects, this bill would impose a state-mandated local program.

This bill would provide that this act shall become effective only if Senate Bill 995 of the 2019–20 Regular Session is enacted on or before January 1, 2021.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21180.5 is added to the Public Resources Code, to read:

21180.5. (a) (1) Notwithstanding subdivision (d) of Section 21178, an “environmental leadership project,” “leadership project,” or “project” includes a project to construct a fixed guideway and related fixed facilities that meets all of the following conditions:

(A) The fixed guideway operates at zero-emissions.

(B) (i) If the project is more than two miles in length, the project reduces emissions by no less than 400,000 metric tons of greenhouse gases directly in the corridor of the project defined in the applicable environmental document over the useful life of the project, without using offsets.

(ii) If the project is no more than two miles in length, the project reduces emissions by no less than 50,000 metric tons of greenhouse gases directly in the corridor of the project defined in the applicable environmental document over the useful life of the project, without using offsets.

(C) The project reduces no less than 30,000,000 vehicle miles traveled in the corridor of the project defined in the applicable environmental document over the useful life of the project.

(D) The project is consistent with the applicable sustainable communities strategy or alternative planning strategy.

(E) The project is consistent with the applicable regional transportation plan.

(F) The project applicant applies for certification by January 1, 2023.

(G) The project applicant demonstrates how the applicant has incorporated sustainable infrastructure practices to achieve sustainability, resiliency, and climate change mitigation and adaptation goals in the project, including principles, frameworks, or guidelines as recommended by one or more of the following:

(i) The American Society of Civil Engineers’ sustainability, resiliency, and climate change policies and standards.

(ii) The Institute for Sustainable Infrastructure’s Envision Rating System.

(iii) The United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) rating system.

(2) For purposes of this section, “fixed guideway” has the same meaning as is defined in Section 5302 of Title 49 of the United States Code.

(b) Notwithstanding Section 21189.1, the certification by the Governor of a project described in this section shall expire if a lead agency fails to approve the project by January 1, 2024.

SEC. 2. This act shall become effective only if Senate Bill 995 of the 2019–20 Regular Session is enacted on or before January 1, 2021.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.