

ASSEMBLY BILL

No. 2042

Introduced by Assembly Member Lowenthal

February 17, 2004

An act to add Section 1740 to the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2042, as introduced, Lowenthal. Ports: Port of Los Angeles: Port of Long Beach: air pollution.

(1) Existing law provides for the regulation of ports and harbors.

This bill would require the Port of Long Beach and the Port of Los Angeles to ensure that all future growth at each port will have a zero net increase in air pollution. The bill would require each port to establish the baseline for air pollution in consultation with the South Coast Air Quality Management District. The bill would establish a state-mandated local program by imposing new duties upon those local entities.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
 2 the following:
 3 (a) Exhaust fumes from diesel fuel are known to cause cancer.
 4 (b) A landmark study conducted by the South Coast Air
 5 Quality Management District, the “Multiple Air Toxics Exposure
 6 Study,” found that 70 percent of all serious health risks
 7 attributable to mobile pollution sources are attributable to diesel
 8 engine exhaust.
 9 (c) The federal Clean Air Act (42 U.S.C. Sec. 7401, et seq.)
 10 requires certain regions that have high levels of air pollution
 11 demonstrate that construction of new highways will not worsen air
 12 pollution.
 13 SEC. 2. Section 1740 is added to the Harbors and Navigation
 14 Code, to read:
 15 1740. (a) The Port of Long Beach and the Port of Los
 16 Angeles shall ensure that all future growth at each port will have
 17 a zero net increase in air pollution.
 18 (b) Each port shall establish the baseline for air pollution in
 19 consultation with the South Coast Air Quality Management
 20 District.
 21 SEC. 3. Notwithstanding Section 17610 of the Government
 22 Code, if the Commission on State Mandates determines that this
 23 act contains costs mandated by the state, reimbursement to local
 24 agencies and school districts for those costs shall be made pursuant
 25 to Part 7 (commencing with Section 17500) of Division 4 of Title
 26 2 of the Government Code. If the statewide cost of the claim for
 27 reimbursement does not exceed one million dollars (\$1,000,000),
 28 reimbursement shall be made from the State Mandates Claims
 29 Fund.

O

