

Assembly Bill No. 1055

CHAPTER 503

An act to amend Section 21157.7 of the Public Resources Code, relating to the environment.

[Approved by Governor October 11, 2007. Filed with Secretary of State October 11, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1055, Blakeslee. Environment: mitigation: Highway 99.

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 requires \$1,000,000,000 in specified bond funds, upon appropriation, to be made available to the Department of Transportation for improvements to Highway 99.

The California Environmental Quality Act authorizes a master environmental impact report to be prepared for a plan adopted by the department for improvements to regional segments of Highway 99 funded by those bond funds.

This bill would authorize the department to communicate, coordinate, and consult with the Resources Agency, Wildlife Conservation Board, Department of Fish and Game, Department of Conservation, and other appropriate federal, state, or local governments, to consider and implement mitigation requirements on a regional basis for the projects covered by that master environmental impact report. The bill would authorize the department to execute an agreement, memorandum of understanding, or other similar instrument to memorialize its understanding of any communication, coordination, or implementation activities with other state agencies for the purpose of meeting mitigation requirements on a regional basis.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Numerous state and local laws regulate agricultural lands, wildlife habitat, wetlands, forests, cultural and historic resources, and other natural resources.

(b) When developing its projects, the Department of Transportation (department) is required to comply with many of these laws, some of which require mitigation for any adverse impact upon natural resources resulting from the development of a project or facility.

(c) The voters of California approved 42.7 billion dollars (\$42,700,000,000) in general obligation bonds for capital improvements in November 2007.

(d) Subdivision (b) of Section 8879.23 of the Government Code, which is part of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code) authorizes one billion dollars (\$1,000,000,000) to be appropriated to the department for improvements to Highway 99.

(e) Those bond proceeds may be used for safety, operational enhancements, rehabilitation, or capacity improvements along the approximately 400-mile corridor in the central valley. Some of these activities will require environmental mitigation.

(f) The Governor's Executive Order S-02-07 directs all departments, boards, offices, commissions, and other entities of state government to be accountable for ensuring that bond proceeds are spent efficiently, effectively, and in the best interests of the people of the State of California.

(g) The same executive order directs state agencies and departments to cooperate in the implementation of the order.

(h) Identifying mitigation needs on a regional basis may expedite the planning and mitigation processes, as well as result ultimately in consolidated mitigation areas that can be managed more cost effectively.

(i) It is the intent of the Legislature in enacting this bill to provide authority to the department to improve the efficiency and effectiveness of meeting its mitigation responsibilities for Highway 99 improvements.

SEC. 2. Section 21157.7 of the Public Resources Code is amended to read:

21157.7. (a) For purposes of this section, a master environmental impact report is a document prepared in accordance with subdivision (c) for the projects described in subdivision (b) that, upon certification, is followed by review of subsequent projects as provided in Sections 21157.1 and 21157.5.

(b) A master environmental impact report may be prepared for a plan adopted by the Department of Transportation for improvements to regional segments of Highway 99 funded pursuant to subdivision (b) of Section 8879.23 of the Government Code, to streamline, coordinate, and improve environmental review.

(c) The report shall include all of the following:

(1) A detailed statement as required by Section 21100.

(2) A description of the anticipated highway improvements along Highway 99 that would be within the scope of the master environmental impact report, that contains sufficient information about all phases of the Highway 99 construction activities, including, but not limited to, all of the following:

(A) The specific types of improvements that will be undertaken.

(B) The anticipated location and alternative locations for any of the Highway 99 improvements, including overpasses, bridges, railroad crossings, and interchanges.

(C) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the construction activities associated with the Highway 99 improvements.

(d) The Department of Transportation may communicate, coordinate, and consult with the Resources Agency, Wildlife Conservation Board, Department of Fish and Game, Department of Conservation, and other appropriate federal, state, or local governments, including interested stakeholders, to consider and implement mitigation requirements on a regional basis for the projects described in subdivision (b). This may include both of the following:

(1) Identification of priority areas for mitigation, using information from these agencies and departments as well as from other sources.

(2) Utilization of existing conservation programs of the agencies or departments identified in this subdivision, if mitigation under those programs for improvements under this section does not supplant mitigation for a project.

(e) The Department of Transportation may execute an agreement, memorandum of understanding, or other similar instrument to memorialize its understanding of any communication, coordination, or implementation activities with other state agencies for the purposes of meeting mitigation requirements on a regional basis.

(f) Notwithstanding any other provision of law, nothing in this section is intended to interfere with or prevent the existing authority of an agency or department to carry out its programs, projects, or responsibilities to identify, review, approve, deny, or implement any mitigation requirements, and nothing in this section shall be construed as a limitation on mitigation requirements for the project, or a limitation on compliance with requirements under this division or any other provision of law.

(g) Notwithstanding Section 21157.6, the master environmental impact report shall not be used for the purposes of this section, if the certification of the master environmental impact report occurred more than seven years prior to the filing of an application for the subsequent project.