

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1204

Introduced by Assembly Member Huber

February 27, 2009

~~An act to amend Section 21159.28 of the Public Resources Code, relating to the environment. An act to amend Section 67951 of the Government Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1204, as amended, Huber. ~~Environment: California Environmental Quality Act (CEQA): sustainable community strategy. El Dorado County Transportation Commission.~~

Existing law requires the Director of Transportation to designate a transportation planning agency in each county for the purpose of allocating funds in the local transportation fund derived from $\frac{1}{4}$ of 1% of the sales tax, pursuant to the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, and for other related transportation purposes. Existing law creates the El Dorado County Transportation Planning Agency, also known as the El Dorado County Transportation Commission, as the transportation planning agency in the portion of El Dorado County outside of the Tahoe Basin. Existing law provides that the agency is composed of 6 members, with 3 members appointed by the El Dorado County Board of Supervisors and 3 members appointed by the city council of the City of Placerville.

This bill would expand the membership of the agency to 9 members, with the 3 additional members to be appointed by the board of the El Dorado Community Services District. Because the bill would impose

additional duties on local agencies, it would thereby impose a state-mandated local program.

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, 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.

~~(1) The California Environmental Quality Act (CEQA) provides that a residential or mixed-use residential project that is consistent with the use designation, density, building intensity, and applicable policies for the project area in a sustainable community strategy or an alternative planning strategy and that, if implemented, achieves the greenhouse gas emission reduction targets and incorporates the mitigation measures required by an applicable prior environmental document is exempt from the requirement to reference, describe, or discuss growth inducing impacts or project specific or cumulative impacts from vehicles trips generated by the project on global warming or the regional transportation network in any findings or other determination for an exemption, a negative declaration, a mitigated negative declaration, a sustainable communities environmental assessment, an environmental impact report, or addenda prepared or adopted pursuant to CEQA.~~

~~This bill would delete the restriction of this exemption to residential or mixed-use residential projects. By requiring a lead agency to determine whether the above exemption applies to additional projects, the bill would increase the level of service provided by a local agency, thereby imposing a state-mandated local program.~~

~~(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.~~

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

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. Section 67951 of the Government Code is
2 amended to read:

3 67951. The agency shall be composed of ~~three~~ *nine members*.
4 *Three members shall be* appointed by the county board of
5 supervisors ~~and~~, *three members shall be* appointed by the city
6 council of the City of Placerville, *and three members shall be*
7 *appointed by the board of the El Dorado Community Services*
8 *District*. The appointing authority, for each regular member it
9 appoints, may appoint an alternate member to serve in place of the
10 regular member when the regular member is absent or disqualified
11 from participating in a meeting of the agency.

12 SEC. 2. *If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

17 ~~SECTION 1. Section 21159.28 of the Public Resources Code~~
18 ~~is amended to read:~~

19 ~~21159.28. (a) If a project is consistent with the use designation,~~
20 ~~density, building intensity, and applicable policies specified for~~
21 ~~the project area in either a sustainable communities strategy or an~~
22 ~~alternative planning strategy, for which the State Air Resources~~
23 ~~Board pursuant to subparagraph (I) of paragraph (2) of subdivision~~
24 ~~(b) of Section 65080 of the Government Code has accepted the~~
25 ~~metropolitan planning organization's determination that the~~
26 ~~sustainable communities strategy or the alternative planning~~
27 ~~strategy would, if implemented, achieve the greenhouse gas~~
28 ~~emission reduction targets and if the project incorporates the~~
29 ~~mitigation measures required by an applicable prior environmental~~
30 ~~document, then any findings or other determinations for an~~
31 ~~exemption, a negative declaration, a mitigated negative declaration,~~
32 ~~a sustainable communities environmental assessment, an~~
33 ~~environmental impact report, or addenda prepared or adopted for~~
34 ~~the project pursuant to this division shall not be required to~~
35 ~~reference, describe, or discuss (1) growth inducing impacts; or (2)~~
36 ~~any project specific or cumulative impacts from cars and light-duty~~
37 ~~truck trips generated by the project on global warming or the~~
38 ~~regional transportation network.~~

1 ~~(b) An environmental impact report prepared for a project~~
2 ~~described in subdivision (a) shall not be required to reference,~~
3 ~~describe, or discuss a reduced density alternative to address the~~
4 ~~effects of car and light-duty truck trips generated by the project.~~
5 ~~(c) “Regional transportation network,” for purposes of this~~
6 ~~section, means all existing and proposed transportation system~~
7 ~~improvements, including the state transportation system, that were~~
8 ~~included in the transportation and air quality conformity modeling,~~
9 ~~including congestion modeling, for the final regional transportation~~
10 ~~plan adopted by the metropolitan planning organization, but shall~~
11 ~~not include local streets and roads. this section does not relieve a~~
12 ~~project from a requirement to comply with any conditions,~~
13 ~~exactions, or fees for the mitigation of the project’s impacts on the~~
14 ~~structure, safety, or operations of the regional transportation~~
15 ~~network or local streets and roads.~~
16 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
17 ~~Section 6 of Article XIII B of the California Constitution because~~
18 ~~a local agency or school district has the authority to levy service~~
19 ~~charges, fees, or assessments sufficient to pay for the program or~~
20 ~~level of service mandated by this act, within the meaning of Section~~
21 ~~17556 of the Government Code.~~