

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2313**

---

---

**Introduced by Assembly Member Buchanan**

February 19, 2010

---

---

An act to add Section ~~21083.03~~ 21082.3 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as amended, Buchanan. Greenhouse gas: emissions: significant effects: *effects: regional transportation plan.*

~~The California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020.~~

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

~~CEQA requires the Office of Planning and Research, by July 1, 2009, to prepare, develop, and transmit to the Natural Resources Agency~~

~~guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by CEQA. The Natural Resources Agency is required to certify and adopt those guidelines on or before January 1, 2010. CEQA requires the office and the agency to periodically update those guidelines to incorporate specified new information or criteria.~~

~~This bill would require the office, on or after January 1, 2011, at the time of the next review of the guidelines prepared and developed by the office to implement CEQA, to prepare, develop, and transmit to the Secretary of the Natural Resources Agency recommended proposed changes or amendments to the guidelines regarding standards for determining significant effects on the environment resulting from GHG emissions. The bill would require the secretary to adopt those recommended proposed changes or amendments to the guidelines, upon receipt and review.~~

*Existing law requires specified transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system.*

*This bill would authorize a lead agency, in adopting a regional transportation plan for a region in which a residential or mixed-use residential project is located, to use a threshold of significance for greenhouse gas emissions adopted for the residential or mixed-use residential project by the air pollution control district or air quality management district within which the project is located to determine whether the project may have a significant effect on the environment due to the emission of greenhouse gases.*

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

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

- 1     SECTION 1. Section 21082.3 is added to the Public Resources
- 2     Code, to read:
- 3     21082.3. (a) Prior to the adoption of a regional transportation
- 4     plan pursuant to Section 65080 of the Government Code for a
- 5     region in which a residential or mixed-use residential project is
- 6     located, a lead agency may use a threshold of significance for
- 7     greenhouse gas emissions adopted for the residential or mixed-use
- 8     residential project by the air pollution control district or air quality
- 9     management district within which the project is located to

1 *determine whether the project may have a significant effect on the*  
2 *environment due to the emission of greenhouse gases.*

3 *(b) For a project subject to this section, greenhouse gas*  
4 *emissions below the threshold of significance do not have a*  
5 *significant effect on the environment as it relates to greenhouse*  
6 *gas emissions for the purposes of this division.*

7 *(c) For the purposes of this section, a “residential or mixed-use*  
8 *residential project” has the same meaning as set forth in*  
9 *subdivision (d) of Section 21159.28.*

10 ~~SECTION 1. The Legislature intends to enact legislation~~  
11 ~~regarding the determination of significant effects on the~~  
12 ~~environment resulting from greenhouse gas emissions.~~

13 ~~SEC. 2. Section 21083.03 is added to the Public Resources~~  
14 ~~Code, to read:~~

15 ~~21083.03. (a) On or after January 1, 2011, at the time of the~~  
16 ~~next review, pursuant to subdivision (f) of Section 21083, of the~~  
17 ~~guidelines prepared and developed pursuant to Section 21083 to~~  
18 ~~implement this division, the Office of Planning and Research shall~~  
19 ~~prepare, develop, and transmit to the Secretary of the Natural~~  
20 ~~Resources Agency recommended proposed changes or amendments~~  
21 ~~to the guidelines implementing this division regarding standards~~  
22 ~~for determining significant effects on the environment resulting~~  
23 ~~from greenhouse gas emissions.~~

24 ~~(b) Upon receipt and review, the Secretary of the Natural~~  
25 ~~Resources Agency shall certify and adopt the recommended~~  
26 ~~proposed changes or amendments prepared and developed by the~~  
27 ~~Office of Planning and Research pursuant to subdivision (a).~~