

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 890

Introduced by Assembly Members Olsen and Perea
(Coauthors: Assembly Members Garrick, Gorell, Grove, Harkey, and Silva)

~~(Coauthor: Senator~~ *Coauthors: Senators Berryhill, Harman, Rubio, and Runner)*

February 17, 2011

An act to add Section 21080.37 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 890, as amended, Olsen. Environment: CEQA exemption: roadway improvement.

(1) 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 (EIR) 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 exempts from its requirements specified projects or activities.

This bill would additionally exempt a roadway improvement project or activity that is undertaken by a city, county, or city and county.

Because a lead agency would be required to determine whether a project falls within the above exemption, this bill would impose 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 21080.37 is added to the Public Resources
2 Code, to read:

3 21080.37. This division does not apply to a project or activity
4 undertaken by a city or county within an existing road right-of-way
5 for the purposes of roadway improvement that includes, but is not
6 limited to, shoulder widening, guardrail improvement, minor
7 drainage, culvert replacement, traffic signal modification, ~~and~~
8 safety improvements, *and operation, repair, maintenance, or minor*
9 *alteration of existing roadway improvements, including, but not*
10 *limited to, highways and streets, sidewalks, gutters, bicycle and*
11 *pedestrian ways, and similar facilities.*

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 a local agency or school district has the authority to levy service
15 charges, fees, or assessments sufficient to pay for the program or
16 level of service mandated by this act, within the meaning of Section
17 17556 of the Government Code.

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