

AMENDED IN ASSEMBLY JANUARY 13, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

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)**

(Coauthors: Senators Berryhill, Harman, Rubio, and Runner)

February 17, 2011

An act to add *and repeal* Section 21080.37 ~~to~~ of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

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

~~(1) The~~

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, until January 1, 2026, exempt a project or an activity that is undertaken, carried out, or approved by a city or county, including a city and county, to improve public safety within an existing road right-of-way. This bill would provide that this exemption would not apply to a project or activity undertaken, carried out, or approved for the purpose of increasing traffic capacity. 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 to repair, maintain, or make minor alterations to an existing roadway if the project or activity is initiated by a city or county to improve public safety, does not cross a waterway, and involves negligible or no expansion of existing use.~~

~~(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-no~~. State-mandated local program: ~~yes-no~~.

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. ~~(a) Except as provided in subdivision (b), this~~
- 4 ~~division does not apply to a project or activity undertaken, carried~~
- 5 ~~out, or approved by a city or county to improve public safety within~~
- 6 ~~an existing road right-of-way.~~
- 7 ~~(b) This section does not apply to a project or an activity~~
- 8 ~~undertaken, carried out, or approved by a city or county for the~~
- 9 ~~purpose of increasing traffic capacity.~~
- 10 21080.37. (a) *This division does not apply to a project or an*
- 11 *activity to repair, maintain, or make minor alterations to an*
- 12 *existing roadway if all of the following conditions are met:*
- 13 (1) *The project is initiated by a city or county to improve public*
- 14 *safety.*
- 15 (2) *The project does not cross a waterway.*
- 16 (3) *The project involves negligible or no expansion of an existing*
- 17 *use.*

1 **(b)** *This section shall remain in effect only until January 1, 2016,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2016, deletes or extends that date.*

4 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution because~~
6 ~~a local agency or school district has the authority to levy service~~
7 ~~charges, fees, or assessments sufficient to pay for the program or~~
8 ~~level of service mandated by this act, within the meaning of Section~~
9 ~~17556 of the Government Code.~~