

AMENDED IN SENATE AUGUST 7, 2012

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 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

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

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, until January 1, ~~2026~~ 2016, exempt a project or an activity 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.

CEQA authorizes a state agency, whenever it determines that a project is not subject to CEQA pursuant to designated provisions and the state agency approves or determines to carry out the project, to file a specified notice of that approval or determination with the Office of Planning and Research. CEQA authorizes a local agency, whenever it determines that a project is not subject to CEQA pursuant to designated provisions and the local agency approves or determines to carry out the project, to file a specified notice of that approval or determination with the county clerk of each county in which the project will be located.

This bill would require a state agency that determines that such a roadway improvement project is not subject to CEQA, and the state agency approves or determines to carry out that project, to file a specified notice with the Office of Planning and Research. The bill also would require a local agency that makes such a determination and approves and determines to carry out that project, to file a specified notice with the Office of Planning and Research, and with the county clerk in the county in which the project will be located. Because the bill would impose new duties on local agencies with regard to providing notice of project determinations, the bill would 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.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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. (a) This division does not apply to a project or an
4 activity to repair, maintain, or make minor alterations to an existing
5 roadway if all of the following conditions are met:

6 (1) The project is initiated by a city or county to improve public
7 safety.

8 (2) The project does not cross a waterway.

9 (3) The project involves negligible or no expansion of an
10 existing use.

11 (b) (1) *Whenever a state agency determines that a project is*
12 *not subject to this division pursuant to this section, and it approves*
13 *or determines to carry out that project, the state agency shall file*
14 *a notice with the Office of Planning and Research in the manner*
15 *specified in subdivisions (b) and (c) of Section 21108.*

16 (2) *Whenever a local agency determines that a project is not*
17 *subject to this division pursuant to this section, and it approves*
18 *or determines to or carry out that project, the local agency shall*
19 *file a notice with the Office of Planning and Research, and with*
20 *the county clerk in the county in which the project will be located*
21 *in the manner specified in subdivisions (b) and (c) of Section*
22 *21152.*

23 ~~(b)~~

24 (c) This section shall remain in effect only until January 1, 2016,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2016, deletes or extends that date.

27 SEC. 2. *If the Commission on State Mandates determines that*
28 *this act contains costs mandated by the state, reimbursement to*
29 *local agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code.*