

ASSEMBLY BILL

No. 1665

Introduced by Assembly Member Galgiani

February 14, 2012

An act to amend Section 21080.13 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as introduced, Galgiani. California Environmental Quality Act: exemption: railroad crossings.

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 railroad grade separation projects that eliminate an existing grade crossing or reconstruct an existing grade separation.

This bill would specify instead that the exemption for a railroad grade separation project is for the elimination of an existing at-grade crossing.

Existing law grants the Public Utilities Commission (PUC) the authority to regulate railroad crossings, as prescribed.

This bill would exempt from the CEQA actions or activities taken by the PUC under its authority to regulate railroad crossings.

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

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

1 SECTION 1. Section 21080.13 of the Public Resources Code
 2 is amended to read:
 3 21080.13. This division shall not apply to ~~any~~ *an action or*
 4 *activity taken by the Public Utilities Commission pursuant to*
 5 *Chapter 6 (commencing with Section 1201) of Part 1 of Division*
 6 *1 of the Public Utilities Code or a railroad grade separation project*
 7 ~~which~~ *that* eliminates an existing ~~grade at-grade~~ crossing or ~~which~~
 8 reconstructs an existing grade separation.

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