

AMENDED IN SENATE MARCH 29, 2011

**SENATE BILL**

**No. 468**

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**Introduced by Senator Kehoe**

February 17, 2011

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An act to add Section 103 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as amended, Kehoe. Department of Transportation: capacity-increasing state highway projects: coastal zone.

Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law imposes various requirements for the development and implementation of transportation projects.

This bill would impose additional requirements on the department with respect to proposed capacity-increasing state highway projects in the coastal zone, *including requiring the department to collaborate with local agencies, the California Coastal Commission, and countywide or regional transportation planning agencies to develop traffic congestion reduction goals. The bill would, for these projects, require the department to suspend a notice of determination relating to environmental impact, issued between January 1, 2011, and January 1, 2012, until it is determined that environmental documents for the projects satisfy the requirements of the bill.* The bill would also make legislative findings and declarations.

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. The Legislature finds and declares all of the~~  
2     ~~following:~~

3     ~~(a) The California coastal zone is an unique natural resource,~~  
4     ~~the protection of which is recognized as a shared responsibility of~~  
5     ~~the state, local governments, and regional entities. State, local, and~~  
6     ~~regional agencies desiring to make investments in transportation~~  
7     ~~infrastructure within the coastal zone have an affirmative obligation~~  
8     ~~to ensure that investments do not compromise or diminish existing~~  
9     ~~natural resources, including the coastal zone flora and fauna, water~~  
10    ~~quality, and unique views.~~

11    ~~(b) The coastal zone is also a unique economic resource with~~  
12    ~~both its natural and built environment being a destination for~~  
13    ~~individuals, families, and groups to enjoy the diversity of~~  
14    ~~recreational opportunities.~~

15    ~~(c) Transportation investments to be made in the coastal zone~~  
16    ~~should not erode the very qualities that make it an attractive setting~~  
17    ~~in which to live, work, and recreate.~~

18    ~~SEC. 2:~~

19    ~~SECTION 1. Section 103 is added to the Streets and Highways~~  
20    ~~Code, to read:~~

21    ~~103. (a) The Legislature finds and declares all of the~~  
22    ~~following:(1) The California coastal zone is a unique natural~~  
23    ~~resource, the protection of which is recognized as a shared~~  
24    ~~responsibility of the state, local governments, and regional entities.~~  
25    ~~State, local, and regional agencies desiring to make investments~~  
26    ~~in transportation infrastructure within the coastal zone have an~~  
27    ~~affirmative obligation to ensure that investments do not~~  
28    ~~compromise or diminish existing natural resources, including the~~  
29    ~~coastal zone flora and fauna, water quality, and unique views.~~

30    ~~(2) The coastal zone is also a unique economic resource with~~  
31    ~~both its natural and built environment being a destination for~~  
32    ~~individuals, families, and groups to enjoy the diversity of~~  
33    ~~recreational opportunities.~~

34    ~~(3) Transportation investments to be made in the coastal zone~~  
35    ~~should not erode the very qualities that make it an attractive setting~~  
36    ~~in which to live, work, and recreate.~~

37    ~~(4) The transportation sector of the economy is the largest~~  
38    ~~contributor of greenhouse gases in California. To meet the~~

1 *reduction goals for greenhouse gas emissions described in*  
2 *Assembly Bill 32 (Ch. 488, Stats. 2006) and the objectives of Senate*  
3 *Bill 375 (Ch. 728, Stats. 2008), several activities are necessary,*  
4 *including the reduction of vehicle miles traveled and enhancing*  
5 *the balance between where jobs are located and residential*  
6 *housing. To this end, the California Coastal Act of 1976 establishes*  
7 *the protection and enhancement of resources in the coastal zone*  
8 *as a priority, including the preservation of wetlands and viewsheds,*  
9 *the mitigation of undesirable stormwater run off, protection of*  
10 *unique flora and fauna, and other similar conditions. It is the intent*  
11 *of the Legislature to mitigate conflicts relative to regional mobility*  
12 *investments and require construction of mobility investments to*  
13 *demonstrate a reduction in total vehicle miles traveled, a reduction*  
14 *in congestion, improvement in the safety of the traveling public,*  
15 *improvement of air quality, the minimizing of impacts to the*  
16 *environment, the offering of multimodal options, and the support*  
17 *of jobs and housing balance within an identified transportation*  
18 *corridor.*

19 (b) For proposed capacity-increasing projects on the state  
20 highway system that are located, ~~all~~ *entirely* or in part, in the  
21 coastal zone, as defined by Section 30103 of the Public Resources  
22 Code, the department shall comply with all of the following  
23 requirements:

24 (a)

25 (1) Collaborate with local agencies through which the proposed  
26 project traverses, *the California Coastal Commission*, and the  
27 countywide or regional transportation planning agency to develop  
28 traffic congestion reduction goals. After identifying the goals,  
29 identify how the proposed project will achieve the goals without  
30 compromising the unique features of the coastal zone.

31 (b)

32 (2) Other proposed state highway projects or proposed local  
33 street and road projects that are parallel to the proposed project  
34 shall be included in the environmental analysis for the proposed  
35 project.

36 (c)

37 (3) If there is a public transportation service in the corridor  
38 affected by the proposed project, including a commuter rail service,  
39 for which there is a program of service and facility investments as  
40 part of a corridor plan, the proposed *highway* project shall not

1 proceed to construction until the ~~transit~~ *public transportation*  
 2 investment program is complete.

3 ~~(d)~~

4 (4) If the proposed project will generate additional traffic on  
 5 city and county streets and roads within the coastal zone, a program  
 6 of improvements to mitigate the effects of additional traffic on the  
 7 local facilities shall be identified, the cost of the necessary  
 8 improvements shall be determined, and funding shall be made  
 9 available to fund the improvements. The proposed project shall  
 10 not proceed to construction until this mitigation program is  
 11 implemented.

12 ~~(e)~~

13 (5) To the extent that there are multiple proposed projects in a  
 14 corridor that are part of a program of projects, construction shall  
 15 be implemented ~~sequentially, with construction on a subsequent~~  
 16 ~~project beginning only after the previous project has been~~  
 17 ~~completed. This requirement does not apply to the initial project~~  
 18 ~~in the program of projects., provided that the projects demonstrate~~  
 19 ~~an overall reduction in vehicle miles traveled and provided the~~  
 20 ~~requirements of paragraph (3) are not displaced.~~

21 ~~(f)~~

22 (6) Environmental consequences of each proposed *highway*  
 23 ~~project sequentially~~ constructed pursuant to ~~subdivision (e)~~  
 24 ~~paragraph (5)~~ shall be monitored to ensure that the benefits from  
 25 mitigation, as described in the project’s environmental documents,  
 26 are being achieved. If the environmental benefits can only be  
 27 achieved with the completion of a sequence of projects, the  
 28 proportion of the benefits attributable to a specific project shall be  
 29 identified.

30 (c) *A notice of determination issued pursuant to Section 21108*  
 31 *or 21152 of the Public Resources Code after January 1, 2011, but*  
 32 *prior to January 1, 2012, for a project subject to this section shall*  
 33 *be suspended by the department until it is determined that the*  
 34 *project’s environmental documents are consistent with the*  
 35 *provisions of this section.*