

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 468

Introduced by Senator Kehoe

February 17, 2011

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 *that would widen the existing paved highway* 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, and other affected local, state, and federal agencies to ensure that multimodal transportation options are evaluated and included in project design.~~ 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. Section 103 is added to the Streets and Highways
2 Code, to read:
3 103. (a) The Legislature finds and declares all of the
4 ~~following:~~⁽¹⁾ *following:*
5 (1) The California coastal zone is a unique natural resource, the
6 protection of which is recognized as a shared responsibility of the
7 state, local governments, and regional entities. State, local, and
8 regional agencies desiring to make investments in transportation
9 infrastructure within the coastal zone have an affirmative obligation
10 to ensure that investments do not compromise or diminish existing
11 natural resources, including the coastal zone flora and fauna, water
12 quality, and unique views.
13 (2) The coastal zone is also a unique economic resource with
14 both its natural and built environment being a destination for
15 individuals, families, and groups to enjoy the diversity of
16 recreational opportunities.
17 (3) *Contributing to these ends, the California Coastal Act of*
18 *1976 establishes policies for the protection and enhancement of*
19 *resources in the coastal zone as a priority of statewide importance.*
20 ~~(3)~~
21 (4) Transportation investments to be made in the coastal zone
22 should not erode the very qualities that make it an attractive setting
23 in which to live, work, and recreate.
24 ~~(4)~~
25 (5) The transportation sector of the economy is the largest
26 contributor of greenhouse gases in California. To meet the
27 reduction goals for greenhouse gas emissions described in
28 Assembly Bill 32 (Ch. 488, Stats. 2006) and the objectives of
29 Senate Bill 375 (Ch. 728, Stats. 2008), several activities are
30 necessary, including the reduction of vehicle miles traveled and
31 ~~enhancing the balance between where jobs are located and~~
32 ~~residential housing. To this end, the California Coastal Act of 1976~~
33 ~~establishes the protection and enhancement of resources in the~~
34 ~~coastal zone as a priority, including the preservation of wetlands~~
35 ~~and viewsheds, the mitigation of undesirable stormwater run off,~~

1 ~~protection of unique flora and fauna, and other similar conditions~~
2 *integrating transportation and land use to achieve high levels of*
3 *nonmotorized travel and transit use, shorter average trip length,*
4 *and advanced accessibility, social equity, and environmental*
5 *justice.* It is the intent of the Legislature to mitigate conflicts
6 relative to regional mobility investments and require construction
7 of mobility investments to demonstrate a reduction in total vehicle
8 miles traveled, a reduction in congestion, improvement in the safety
9 of the traveling public, improvement of air quality, the minimizing
10 of impacts to the environment, the offering of multimodal options,
11 and the support of jobs and housing balance within an identified
12 transportation corridor.

13 (b) For proposed capacity-increasing projects on the state
14 highway system *that would widen the existing paved highway and*
15 *that are located, entirely or in part, in the coastal zone, as defined*
16 *by ~~Section 30103~~ Sections 30103 and 66610 of the Public*
17 *Resources Code, the department shall comply with all of the*
18 *following requirements:*

19 (1) (A) Collaborate with *all stakeholders, including* local
20 agencies through which the proposed project traverses, the
21 California Coastal Commission, ~~and~~ the countywide or regional
22 transportation planning agency ~~to develop traffic congestion~~
23 ~~reduction goals.~~ *After identifying the goals, identify how the*
24 *proposed project will achieve the goals without compromising the*
25 *unique features of the coastal zone., and other affected local, state,*
26 *and federal agencies to ensure that multimodal transportation*
27 *options are evaluated and included in the project design.*

28 (B) “Multimodal” means *other transportation options that are*
29 *part of the project design, including, but not limited to, double*
30 *tracking of existing rail, pedestrian walkways and bike lanes,*
31 *extension of existing commuter transit services, and increased*
32 *frequency of public transit services.*

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

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 public transportation investment
2 program is complete.

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

11 ~~(5) To the extent that there are multiple proposed projects in a~~
12 ~~corridor that are part of a program of projects, construction shall~~
13 ~~be implemented, provided that the projects demonstrate an overall~~
14 ~~reduction in vehicle miles traveled and provided the requirements~~
15 ~~of paragraph (3) are not displaced.~~

16 *(3) Construction of all or a portion of the capacity-increasing*
17 *project shall move forward concurrently with multimodal transit*
18 *projects.*

19 *(4) The environmental impact report shall evaluate the traffic*
20 *impacts of the proposed capacity-increasing highway project on*
21 *city and county streets and roads within the coastal zone, and*
22 *provide for mitigation of those impacts.*

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

31 *(6) Prior to a public works plan being adopted by a local transit*
32 *agency, the department shall provide at least one public hearing*
33 *for every 20 miles of project length, or portion thereof, included*
34 *in the project design.*

35 (c) A notice of determination issued pursuant to Section 21108
36 or 21152 of the Public Resources Code after January 1, 2011, but
37 prior to January 1, 2012, for a project subject to this section shall
38 be suspended by the department until it is determined that the

1 project's environmental documents are consistent with the
2 provisions of this section.

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