

ASSEMBLY BILL

No. 417

Introduced by Assembly Member Frazier

February 15, 2013

An act to add and repeal Section 21080.20 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 417, as introduced, Frazier. Environmental quality: California Environmental Quality Act: bicycle transportation plan.

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 requires the lead agencies to make specified findings in an EIR.

Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires OPR to assist with, among other things, the orderly preparation of programs of transportation.

Existing law authorizes a local agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves

or determines to carry out that project, to file notice of the determination with the county clerk in the county in which the project is located.

This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with OPR and the county clerk. This bill would require OPR to post specified information on its Internet Web site, as prescribed.

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 21080.20 is added to the Public Resources
2 Code, to read:

3 21080.20. (a) This division does not apply to a bicycle
4 transportation plan prepared pursuant to Section 891.2 of the Streets
5 and Highways Code for an urbanized area for restriping of streets
6 and highways, bicycle parking and storage, signal timing to
7 improve street and highway intersection operations, and related
8 signage for bicycles, pedestrians, and vehicles.

9 (b) Prior to determining that a project is exempt pursuant to this
10 section, the lead agency shall do both of the following:

11 (1) Hold noticed public hearings in areas affected by the bicycle
12 transportation plan to hear and respond to public comments.
13 Publication of the notice shall be no fewer times than required by
14 Section 6061 of the Government Code, by the public agency in a
15 newspaper of general circulation in the area affected by the
16 proposed project. If more than one area will be affected, the notice
17 shall be published in the newspaper of largest circulation from
18 among the newspapers of general circulation in those areas.

19 (2) Include measures in the bicycle transportation plan to
20 mitigate potential vehicular traffic impacts and bicycle and
21 pedestrian safety impacts.

22 (c) (1) Whenever a local agency determines that a project is
23 not subject to this division pursuant to this section, and it
24 determines to approve or carry out that project, the notice shall be
25 filed with the Office of Planning and Research and the county

1 clerk in the county in which the project is located in the manner
2 specified in subdivisions (b) and (c) of Section 21152.

3 (2) The Office of Planning and Research shall post on its Internet
4 Web site each lead agency filing a notice of determination pursuant
5 to this section, as required pursuant to Section 21152.1, a link to
6 the Internet Web site for any plan that was exempt pursuant to this
7 section, and any action or proceeding alleging noncompliance with
8 this division for a plan that was exempt pursuant to this section,
9 the cause of the action, and the case outcome.

10 (d) This section shall remain in effect only until January 1,
11 2018, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, 2018, deletes or extends that date.

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