

AMENDED IN SENATE JUNE 13, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 417**

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**Introduced by Assembly Member Frazier**

February 15, 2013

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An act to *amend Section 21080.20.5 of, and to add and repeal Section 21080.20 of,* the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

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

The California Environmental Quality Act, known as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, known as an 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 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. *Existing law establishes the Office of Planning and Research, known as OPR, in the Governor's office. Existing law requires OPR to assist with, among other things, the orderly preparation of programs of transportation.*

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 the *OPR and the county clerk.*

*Existing law exempts from CEQA a project that consists of the restriping of streets and highways for bicycle lanes in an urbanized area, as provided. Existing law requires a lead agency to, among other things, prepare an assessment of any traffic and safety impacts of the project and include measures in the project to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts.*

*This bill would prohibit the preparation of the assessment described above if certain conditions are met, including if measures to mitigate these impacts are identified in an environmental impact report, negative declaration, or mitigated negative declaration, as provided.*

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

1 newspaper of general circulation in the area affected by the  
2 proposed project. If more than one area will be affected, the notice  
3 shall be published in the newspaper of largest circulation from  
4 among the newspapers of general circulation in those areas.

5 (2) ~~Include~~—*Prepare an assessment of any traffic and safety*  
6 *impacts of the project and include* measures in the bicycle  
7 transportation plan to mitigate potential vehicular traffic impacts  
8 and bicycle and pedestrian safety impacts.

9 (c) ~~Whenever~~*If* a local agency determines that a project is not  
10 subject to this division pursuant to this section, and it determines  
11 to approve or carry out that project, the notice shall be filed with  
12 *the Office of Planning and Research and* the county clerk in the  
13 county in which the project is located in the manner specified in  
14 subdivisions (b) and (c) of Section 21152.

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

18 SEC. 2. *Section 21080.20.5 of the Public Resources Code is*  
19 *amended to read:*

20 21080.20.5. (a) This division does not apply to a project that  
21 consists of the restriping of streets and highways for bicycle lanes  
22 in an urbanized area that is consistent with a bicycle transportation  
23 plan prepared pursuant to Section 891.2 of the Streets and  
24 Highways Code.

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

27 (1) (A) Prepare an assessment of any traffic and safety impacts  
28 of the project and include measures in the project to mitigate  
29 potential vehicular traffic impacts and bicycle and pedestrian safety  
30 impacts.

31 (B) *The requirement to prepare an assessment pursuant to*  
32 *subparagraph (A) shall not apply if either of the following*  
33 *conditions is met:*

34 (i) *Measures to mitigate these impacts are identified in an*  
35 *environmental impact report, negative declaration, or mitigated*  
36 *negative declaration prepared pursuant to this division for the*  
37 *bicycle transportation plan, certified or approved no more than*  
38 *five years prior to making the determination, the measures are*  
39 *included in the plan, and those measures are incorporated into*  
40 *the project.*

1       (ii) An assessment was prepared pursuant to paragraph (2) of  
2 subdivision (b) of Section 21080.20 no more than five years prior  
3 to making the determination, the measures to mitigate these impacts  
4 are included in the plan, and those measures are incorporated  
5 into the project.

6       (2) Hold noticed public hearings in areas affected by the project  
7 to hear and respond to public comments. Publication of the notice  
8 shall be no fewer times than required by Section 6061 of the  
9 Government Code, by the public agency in a newspaper of general  
10 circulation in the area affected by the proposed project. If more  
11 than one area will be affected, the notice shall be published in the  
12 newspaper of largest circulation from among the newspapers of  
13 general circulation in those areas.

14     (c) (1) ~~Whenever~~ If a state agency determines that a project is  
15 not subject to this division pursuant to this section, and it  
16 determines to approve or carry out that project, the notice shall be  
17 filed with the Office of Planning and Research in the manner  
18 specified in subdivisions (b) and (c) of Section 21108.

19     (2) ~~Whenever~~ If a local agency determines that a project is not  
20 subject to this division pursuant to this section, and it determines  
21 to approve or carry out that project, the notice shall be filed with  
22 the Office of Planning and Research, and filed with the county  
23 clerk in the county in which the project is located in the manner  
24 specified in subdivisions (b) and (c) of Section 21152.

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