

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1569

Introduced by Assembly Member Steinorth

(Coauthors: Assembly Members Travis Allen, Baker, Bigelow, Brough, Chang, Gallagher, Hadley, Kim, Lackey, Linder, Mathis, Mayes, Obernolte, Olsen, and Patterson)

(Coauthors: Senators Anderson, Bates, Berryhill, Cannella, Huff, and Vidak)

January 4, 2016

An act to add Section 21080.36 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as amended, Steinorth. California Environmental Quality Act: exemption: existing transportation infrastructure.

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 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.

This bill would exempt from the provisions of CEQA a project, or the issuance of a permit for a project, that consists of the inspection,

maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.

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 21080.36 is added to the Public Resources
2 Code, to read:

3 21080.36. (a) This division does not apply to a project, or the
4 issuance of a permit for a project, that consists of the inspection,
5 maintenance, repair, rehabilitation, replacement, or removal of
6 existing transportation infrastructure, including, but not limited to,
7 to, highways, roadways, bridges, culverts, tunnels, transit systems,
8 bikeways, and paths and sidewalks serving bicycles or pedestrians,
9 or both bicycles and pedestrians, or the addition of an auxiliary
10 lane or bikeway to existing transportation infrastructure if the
11 project is located within an existing right-of-way, and any area
12 surrounding the right-of-way that is to be altered as a result of
13 construction activities that are necessary for the completion of the
14 project will be restored to its condition before the project, and does
15 not add additional motor vehicle lanes, except auxiliary lanes.

16 (b) For a project meeting the requirements of subdivision (a),
17 the public agency carrying out the project shall do all of the
18 following:

19 (1) Notify, in writing, any affected public agency, including,
20 but not limited to, any public agency ~~having~~ *that has* permit, land
21 use, environmental, public health protection, or emergency
22 response authority over the project.

23 (2) Provide the notice of exemption in a manner specified in
24 subdivision (b) of Section 21108 or subdivision (b) of Section
25 21152.

26 (3) Comply with all conditions otherwise authorized by law,
27 and any conditions imposed by the city or county planning
28 department as part of any applicable local agency permit process
29 that are required to mitigate potential impacts of the project and
30 to otherwise comply with the Porter-Cologne Water Quality
31 Control Act (Division 7 (commencing with Section 13000) of the

1 Water Code), Chapter 6 (commencing with Section 1600) of
2 Division 2 of the Fish and Game Code, the California Endangered
3 Species Act (Chapter 1.5 (commencing with Section 2050) of
4 Division 3 of the Fish and Game Code), and other applicable state
5 and federal ~~law~~. *laws*.

6 (c) For purposes of this section, “auxiliary lane” means the
7 portion of the roadway used for weaving, truck climbing, speed
8 change, or for other purposes supplemental to through traffic
9 movement.

O