CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL   No. 1833

Introduced by Assembly Member Linder

February 9, 2016

An act to add Article 2.5 (commencing with Section 800) to Chapter 4 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1833, as amended, Linder. Transportation projects: environmental mitigation.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, subject to certain exceptions.

The bill would create the Advanced Mitigation Program in the Department of Transportation to implement environmental mitigation measures in advance of future transportation projects. The bill, by February 1, 2017, would require the department to establish a steering committee to advise the department in that regard.

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.   Article 2.5 (commencing with Section 800) is
2   added to Chapter 4 of Division 1 of the Streets and Highways
3   Code, to read:
4
5   Article 2.5. Advanced Mitigation Program
6
7   800. (a) The Advanced Mitigation Program is hereby created
8   in the department to accelerate project delivery and improve
9   environmental outcomes of environmental mitigation for
10 transportation infrastructure projects.
11 (b) For the purposes of this article, "advanced mitigation" means
12 mitigation implemented before, and in anticipation of,
13 environmental effects of future transportation projects. This
14 program may utilize mitigation instruments including, but not
15 limited to, mitigation banks, in lieu of fee programs, and
16 conservation easements as defined in Section 815.1 of the Civil
17 Code.
18 (c) The department shall track all implemented advanced
19 mitigation projects to use as credits for environmental mitigation
20 for state-sponsored transportation projects.
21 (d) The department may use advanced mitigation credits to
22 fulfill mitigation requirements of any environmental law for a
23 transportation project eligible for the State Transportation
24 Improvement Program or the State Highway Operation and
25 Protection Program.
26 (e) No later than February 1, 2017, the department shall establish
27 an interagency transportation advanced mitigation steering
28 committee consisting of the department and appropriate state and
29 federal agencies to support the Advanced Mitigation Program so
30 that advanced mitigation can be used as required mitigation for
31 future transportation projects and provide improved environmental
32 outcomes. The committee shall advise the department of
33 opportunities to carry out advanced mitigation projects, provide
34 the best available science, and actively participate in mitigation
35 instrument reviews and approvals. The committee shall seek to
36 develop streamlining opportunities, including those related to
37 landscape scale mitigation planning, and alignment of federal and
38 state regulations and procedures related to mitigation requirements

1 and implementation. The committee shall also provide input on
2 crediting, using, and tracking of advanced mitigation investments.
3   *(f) Nothing in this article replaces or alters mitigation*
4 *requirements of any other law. Any mitigation undertaken pursuant*
5 *to this article shall meet or exceed all applicable requirements of*
6 *the California Environmental Quality Act (Division 13*
7 *(commencing with Section 21000) of the Public Resources Code),*
8 *the California Endangered Species Act (Chapter 1.5 (commencing*
9 *with Section 2050) of Division 3 of the Fish and Game Code), or*
10 *other applicable law.*

O