

Introduced by Senator GalgianiFebruary 24, 2015

An act to amend Section 21080.14 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as introduced, Galgiani. California Environmental Quality Act: exemption: railroad crossings.

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.

Existing law grants to the Public Utilities Commission (PUC) the authority to regulate railroad crossings, as prescribed. Existing law, until January 1, 2016, exempts from CEQA the closure of a railroad grade crossing by order of the PUC under that authority if the PUC finds the crossing to present a threat to public safety. Existing law requires a state or local agency that determines that this exemption applies to a project that the agency approves or determines to carry out to file a specified notice with the Office of Planning and Research and, in the case of a local agency, with the county clerk in each affected county.

This bill would extend to January 1, 2019 the repeal date for those provisions. Because the bill would impose additional duties on local agencies with regard to providing notice of an exemption from CEQA, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.14 of the Public Resources Code
2 is amended to read:

3 21080.14. (a) This division does not apply to the closure of a
4 railroad grade crossing by order of the Public Utilities Commission,
5 pursuant to the commission’s authority under Chapter 6
6 (commencing with Section 1201) of Part 1 of Division 1 of the
7 Public Utilities Code, if the commission finds the crossing to
8 present a threat to public safety.

9 (b) This section shall not apply to any crossing for high-speed
10 rail, as defined in subdivision (c) of Section 185012 of the Public
11 Utilities Code, or any crossing for any project carried out by the
12 High-Speed Rail Authority, as described in Section 185020 of the
13 Public Utilities Code, or a successor agency.

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

19 (2) Whenever a local agency determines that a project is not
20 subject to this division pursuant to this section, and it approves or
21 determines to carry out the project, the local agency shall file a
22 notice with the Office of Planning and Research and with the
23 county clerk in each county in which the project will be located
24 in the manner specified in subdivisions (b) and (c) of Section
25 21152.

1 (d) This section shall remain in effect only until January 1, ~~2016~~,
2 2019, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2016~~, 2019, deletes or extends
4 that date.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of Section
10 17556 of the Government Code.

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