

Senate Bill No. 348

CHAPTER 143

An act to amend Sections 21080.13 and 21080.14 of the Public Resources Code, relating to environmental quality.

[Approved by Governor August 7, 2015. Filed with
Secretary of State August 7, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

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

(1) 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. CEQA exempts from its requirements railroad grade separation projects that eliminate existing grade crossings or that reconstruct existing grade separations. CEQA authorizes a lead agency, if it determines that a project is exempt from the requirements of CEQA, to file a notice of exemption with specific public entities.

This bill would require a lead agency, if it determines that the above exemption applies to a project that the agency approves or determines to carry out, to file a notice of exemption with the Office of Planning and Research and, in the case of a local agency, with the county clerk in each affected county. Because the bill would impose additional duties on local agencies with regards to the filing of a notice of exemption, this bill would impose a state-mandated local program.

(2) Existing law grants to the Public Utilities Commission (PUC) the authority to regulate railroad crossings, as prescribed. CEQA, until January 1, 2016, exempts from its requirements 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. CEQA 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 notice of exemption 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 postpone until January 1, 2019, the repeal date for those provisions. Because the bill would impose additional duties on local agencies

with regard to the filing of a notice of exemption, the bill would impose a state-mandated local program.

(3) 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.

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

SECTION 1. Section 21080.13 of the Public Resources Code is amended to read:

21080.13. (a) This division shall not apply to any railroad grade separation project that eliminates an existing grade crossing or that reconstructs an existing grade separation.

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

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

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

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

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

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

(2) Whenever a local agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the local agency shall file a notice with the Office of Planning

and Research and with the county clerk in each county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

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

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.