

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN SENATE APRIL 27, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1008**

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**Introduced by Senator Lara**

February 11, 2016

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An act to amend Section 21080.25 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1008, as amended, Lara. California Environmental Quality Act: Los Angeles Regional Interoperable Communications System: exemption.

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.

Existing law, until January 1, 2017, exempts from CEQA the design, site acquisition, construction, operation, or maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS) consisting of a long-term evolution broadband mobile data system and a land mobile radio system, if certain criteria are met at the individual project site, including that the site contains either an antenna support structure, as provided, or a public facility that transmits or receives public safety radio signals.

This bill would extend that exemption until January 1, 2020, and would specify that a fire station is not a public facility for purposes of determining if that exemption applies to an individual project site. The bill would provide that the exemption does not apply if the project site is located in certain areas. The bill would require the LA-RICS Joint Powers Authority to hold a public hearing meeting before making a determination that a project is exempted, to file the notice of exemption with the Office of Planning and Research and the county clerk in the county in which the project is located, and to post certain information on its Internet Web site. Because a lead agency, which may include a local agency, would be required to determine whether a project qualifies for this exemption and to perform additional duties, the bill would impose a state-mandated local program.

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 21080.25 of the Public Resources Code
- 2 is amended to read:
- 3 21080.25. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) “Antenna support structures” means lattice towers,
- 6 monopoles, and roof-mounts.
- 7 (2) “Authority” means the Los Angeles Regional Interoperable
- 8 Communication System Joint Powers Authority.
- 9 (3) “Habitat of significant value” includes all of the following:
- 10 (A) Wildlife habitat of national, statewide, or regional
- 11 importance.
- 12 (B) Habitat identified as candidate, fully protected, sensitive,
- 13 or species of special status by a state or federal agency.
- 14 (C) Habitat essential to the movement of resident or migratory
- 15 wildlife.
- 16 (4) “LA-RICS” means the Los Angeles Regional Interoperable
- 17 Communications System, consisting of a long-term evolution

1 broadband mobile data system, a land mobile radio system, or  
2 both.

3 (5) “LMR” means a land mobile radio system.

4 (6) “LTE” means a long-term evolution broadband mobile data  
5 system.

6 (7) “Riparian area” means an area that is transitional between  
7 terrestrial and aquatic ecosystems, that is distinguished by gradients  
8 in biophysical conditions, ecological processes, and biota, and that  
9 meets the following criteria:

10 (A) Is an area through which surface and subsurface hydrology  
11 connect bodies of water with their adjacent uplands.

12 (B) Is adjacent to perennial, intermittent, and ephemeral streams,  
13 lakes, or estuarine or marine shorelines.

14 (C) Includes those portions of terrestrial ecosystems that  
15 significantly influence exchanges of energy and matter with aquatic  
16 ecosystems.

17 (8) “Wetlands” has the same meaning as defined in the United  
18 States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21,  
19 1993).

20 (9) “Wildlife habitat” means the ecological communities upon  
21 which wild animals, birds, plants, fish, amphibians, and  
22 invertebrates depend for their conservation and protection.

23 (b) Except as provided in subdivision (d), if all the criteria  
24 specified in subdivision (c) are met at the individual project site,  
25 this division does not apply to the design, site acquisition,  
26 construction, operation, or maintenance of the following elements  
27 of the LA-RICS:

28 (1) Antennas, including microwave dishes and arrays.

29 (2) Antenna support structures.

30 (3) Equipment enclosures.

31 (4) Central system switch facilities.

32 (5) Associated foundations and equipment.

33 (c) As a condition of the exemption specified in subdivision  
34 (b), all of the following criteria shall be met at the individual  
35 project site:

36 (1) The project site is publicly owned and already contains either  
37 of the following:

38 (A) An antenna support structure and either of the following  
39 components:

40 (i) Antennas.

1 (ii) Equipment enclosures.

2 (B) A police or sheriff station or other public facility that  
3 transmits or receives public safety radio signals, except a fire  
4 station.

5 (2) Construction and implementation at the project site would  
6 not have a substantial adverse impact on wetlands, riparian areas,  
7 or habitat of significant value, and would not harm any species  
8 protected by the federal Endangered Species Act of 1973 (16  
9 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter  
10 10 (commencing with Section 1900) of Division 2 of the Fish and  
11 Game Code), or the California Endangered Species Act (Chapter  
12 1.5 (commencing with Section 2050) of Division 3 of the Fish and  
13 Game Code) or the habitat of those species.

14 (3) Construction and implementation of the project at the site  
15 would not have a substantial adverse impact on historical resources  
16 pursuant to Section 21084.1.

17 (4) Operation of the project at the site would not exceed the  
18 maximum permissible exposure standards established by the  
19 Federal Communications Commission, as set forth in Sections  
20 1.1307 and 1.1310 of Title 47 of the Code of Federal Regulations.

21 (5) Any new LTE antenna support structures or LMR antenna  
22 support structures would comply with applicable state and federal  
23 height restrictions and any height restrictions mandated by an  
24 applicable comprehensive land use plan adopted by an airport land  
25 use commission. The new monopoles shall not exceed 70 feet in  
26 height without appurtenances and attachments, and new lattice  
27 towers shall not exceed 180 feet in height without appurtenances  
28 and attachments.

29 (6) Each new central system switch is located within an existing  
30 enclosed structure at a publicly owned project site or is housed at  
31 an existing private communications facility.

32 (d) Subdivision (b) does not apply if the individual project site  
33 is located on either of the following:

34 (1) A school site.

35 (2) A cultural or sacred site, as described in Section 5097.9 or  
36 5097.993.

37 (e) (1) Before determining that a project is not subject to this  
38 division pursuant to this section, the authority shall hold *a* noticed  
39 ~~public hearings in areas affected by the project~~ *meeting in each*  
40 *county supervisorial district in which the project is located* to hear

1 and respond to public comments. The notice shall be *provided at*  
 2 *least 72 hours in advance of the meeting and* published no fewer  
 3 times than required by Section 6061 of the Government-Code,  
 4 *Code* by the authority in a newspaper of general circulation in the  
 5 area affected by the project. ~~If more than one area will be affected,~~  
 6 ~~the notice shall be published in the newspaper of largest circulation~~  
 7 ~~from among the newspapers of general circulation in those areas.~~  
 8 *each county supervisorial district in which the project is located.*

9 (2) If the authority determines that a project is not subject to  
 10 this division pursuant to this section, and it determines to approve  
 11 or carry out that project, the notice of exemption 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. The authority shall post  
 15 the notice of exemption on its Internet Web site.

16 (f) The authority shall post on its Internet Web site all of the  
 17 following, as applicable:

18 (1) Draft and final environmental documentation in compliance  
 19 with this division or the federal National Environmental Policy  
 20 Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

21 (2) The date of filing of notices required pursuant to this division  
 22 or the federal National Environmental Policy Act of 1969.

23 (3) All notice and hearing information regarding review and  
 24 approval of environmental documentation by federal agencies.

25 (g) On or after January 1, 2017, the authority and its member  
 26 agencies shall approve use agreements for the LA-RICS in an open  
 27 and noticed public meeting.

28 (h) This section shall remain in effect only until January 1, 2020,  
 29 and as of that date is repealed, unless a later enacted statute, that  
 30 is enacted before January 1, 2020, deletes or extends that date.

31 SEC. 2. No reimbursement is required by this act pursuant to  
 32 Section 6 of Article XIII B of the California Constitution because  
 33 a local agency or school district has the authority to levy service  
 34 charges, fees, or assessments sufficient to pay for the program or  
 35 level of service mandated by this act, within the meaning of Section  
 36 17556 of the Government Code.