

AMENDED IN SENATE MAY 31, 2016
AMENDED IN SENATE APRIL 26, 2016
AMENDED IN SENATE APRIL 4, 2016
AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1279

Introduced by Senator Hancock

February 19, 2016

An act to add Section 14525.3 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, as amended, Hancock. California Transportation Commission: funding prohibition: coal shipment.

Existing law creates the California Transportation Commission, with various duties and responsibilities relative to the programming and allocation of funds for transportation capital projects.

This bill would, except as specified, prohibit the commission from programming or allocating any state funds for any newly proposed project *that proposes to allow or facilitate the handling, storage, or transportation of coal in bulk* at a port facility that is located at, or adjacent to, a disadvantaged-community ~~and that proposes to allow or facilitate the handling, storage, or transportation of coal in bulk.~~ *community. The bill would require a grantee of funds subject to the above prohibition to annually report to the commission that the project is not being used to handle, store, or transport coal in bulk.*

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. (a) The Legislature finds and declares that, to
 2 avoid the impacts of localized airborne particulate matter associated
 3 with the transportation of coal and the increased emissions of
 4 greenhouse gases associated with the use of coal, the State of
 5 California should make all reasonable and legal efforts to avoid
 6 the investment of state moneys in coal-supporting transportation
 7 projects.

8 (b) It is the intent of the Legislature that the State of California
 9 cease all investments in transportation infrastructure projects that
 10 store, transfer, or transport significant amounts of coal in bulk.
 11 While it is not the intent of the Legislature to disrupt existing,
 12 regular, and lawful interstate and international commerce involving
 13 operations that may transport coal at present, it is the intent of the
 14 Legislature to avoid making new investments in coal-supporting
 15 projects.

16 SEC. 2. Section 14525.3 is added to the Government Code, to
 17 read:

18 14525.3. (a) To the extent consistent with federal law, the
 19 commission shall not program or allocate any state funds, including
 20 proceeds from the sale of general obligation bonds, under its
 21 jurisdiction for any project proposed on or after January 1, 2017,
 22 *that proposes to allow or facilitate the handling, storage, or*
 23 *transportation of coal in bulk* at a port facility that is located in,
 24 or adjacent to, one or more disadvantaged communities identified
 25 pursuant to Chapter 4.1 (commencing with Section 39710) of Part
 26 2 of Division 26 of the Health and Safety Code ~~and that proposes~~
 27 ~~to allow or facilitate the handling, storage, or transportation of coal~~
 28 ~~in bulk.~~ Code.

29 (b) ~~(1) The commission shall evaluate each project before it~~
 30 ~~for consistency with this section and determine whether or not the~~
 31 ~~project as proposed will determine consistency with this section~~
 32 ~~and also whether or not the purpose or intent of any project that~~
 33 ~~meets the requirements of this section is to increase the state's~~
 34 ~~overall capacity to facilitate the transportation of coal, based~~
 35 ~~on a review of the completed environmental documents and written~~
 36 ~~confirmation from the lead agency of the project, as designated~~
 37 ~~pursuant to the California Environmental Quality Act (Division~~

1 13 (commencing with Section 21000) of the Public Resources
2 Code).

3 (2) A grantee of funds subject to this section shall annually
4 notify the commission that the project is not being used to handle,
5 store, or transport coal in bulk.

6 (c) This section does not apply to a project or ~~infrastructure~~
7 infrastructure, at a port facility, already permitted in operation as
8 of January 1, 2016.

9 (d) This section does not apply to a ~~project~~ project, at a port
10 facility, that is designed for safety, ~~rehabilitation~~, rehabilitation,
11 congestion reduction modernization, maintenance, or repair of an
12 existing operation or ~~facility~~ facility, including rail terminals,
13 yards, facilities, infrastructure, and right-of- way.