

Senate Bill No. 382

CHAPTER 368

An act to add Section 40717.6 to the Health and Safety Code, relating to air pollution.

[Approved by Governor August 3, 1995. Filed with Secretary of State August 4, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 382, Lewis. Air pollution: trip reduction: parking.

Existing law requires air pollution control districts and air quality management districts to adopt, implement, and enforce transportation control measures for the attainment of state or federal ambient air quality standards. Existing law requires local or regional agencies to adopt congestion management programs and authorizes local agencies to adopt planning measures.

This bill would prohibit a district or other local or regional agency from imposing any requirement, generally including any requirement in a congestion management program, on any private entity to reduce shopping trips or require parking charges or the elimination of parking spaces at retail facilities, except as specified.

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

SECTION 1. Section 40717.6 is added to the Health and Safety Code, to read:

40717.6. (a) No district or other local or regional agency shall impose any requirement on any private entity, including any requirement in any congestion management program adopted pursuant to Section 65089 of the Government Code, except as specifically provided in Section 65089.1 of the Government Code, to reduce shopping trips or to require the imposition of parking charges or the elimination of existing parking spaces at retail facilities.

(b) Notwithstanding subdivision (a), nothing in this section shall be construed to prevent a city or county from doing any of the following:

(1) Requiring retailers to make available to customers information concerning alternative transportation systems serving the retail site.

(2) Imposing requirements on new development as a condition of development for the purpose of mitigation pursuant to the California Environmental Quality Act Division 13 (commencing with Section 21000) of the Public Resources Code).



(3) Enacting requirements on retailers as a result of a voter imposed growth management initiative.

(c) Nothing in this section shall be construed as a limitation on the land use authority of cities and counties.

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