CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL   No. 2042

Introduced by Assembly Member Lowenthal

February 17, 2004

An act to add Section 1740 to the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2042, as amended, Lowenthal.   Ports: Port of Los Angeles: Port of Long Beach: air pollution.

(1) Existing law provides for the regulation of ports and harbors. *Existing law, the Lewis-Presley Air Quality Management Act, establishes the South Coast Air Quality Management District as the sole and exclusive local agency within those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino that are included within the South Coast Air Basin.*

This bill would require ~~the Port of Long Beach and the Port of Los Angeles to ensure that all future growth at each port will have a zero net increase in air pollution. The bill would require each port to establish the baseline for air pollution in consultation with~~ the ~~South Coast Air Quality Management District~~ *south coast district to establish a baseline for air quality in the Port of Long Beach that is based on the port's emission inventory for 2001, and a baseline for air quality in the Port of Los Angeles that is based on that port's emission inventory for 2002, including emissions from ocean-going vessels and harbor craft, cargo handling equipment, locomotives, and commercial vehicles, as defined.*

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The bill would require the City of Long Beach, for the Port of Long Beach, and the City of Los Angeles, for the Port of Los Angeles, to require growth and operations at its port to be limited or controlled in a manner that prevents air pollution at the port from exceeding the specified baseline. The bill would require each city, on March 1, 2006, and every March 1 thereafter, to report to the district regarding the city's compliance with this requirement, including an accounting of the city's programs and efforts that are directed towards that compliance.

The bill would authorize the district to impose a fee upon each city that does not exceed the district's costs of administering these provisions. ~~The~~

The bill would establish a state-mandated local program by imposing new duties upon those local entities.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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.   The Legislature hereby finds and declares all of
2 the following:
3   (a) Exhaust fumes from diesel fuel are known to cause cancer.
4   (b) A landmark study conducted by the South Coast Air
5 Quality Management District, the "Multiple Air Toxics Exposure
6 Study," found that 70 percent of all serious health risks
7 attributable to mobile pollution sources are attributable to diesel
8 engine exhaust.
9   (c) The federal Clean Air Act (42 U.S.C. Sec. 7401, et seq.)
10 requires certain regions that have high levels of air pollution

1 demonstrate that construction of new highways will not worsen air
2 pollution.
3   SEC. 2.   Section 1740 is added to the Harbors and Navigation
4 Code, to read:
5   ~~1740.   (a) The Port of Long Beach and the Port of Los~~
6 ~~Angeles shall ensure that all future growth at each port will have~~
7 ~~a zero net increase in air pollution.~~
8   ~~(b) Each port shall establish the baseline for air pollution in~~
9 ~~consultation with the South Coast Air Quality Management~~
10 ~~District.~~
11   *1740.   (a) (1) The South Coast Air Quality Management*
12 *District shall establish a baseline for air quality in the Port of Long*
13 *Beach that is based on the port's emission inventory for 2001.*
14   *(2) The district shall establish a baseline for air quality in the*
15 *Port of Los Angeles that is based on the port's emission inventory*
16 *for 2002.*
17   *(3) The baselines established by the district under this*
18 *subdivision shall include, but need not be limited to, emissions*
19 *from ocean-going vessels and harbor craft, cargo handling*
20 *equipment, locomotives, and commercial vehicles, as defined in*
21 *subdivision (b) of Section 15210 of the Vehicle Code.*
22   *(b) The City of Long Beach, for the Port of Long Beach, and the*
23 *City of Los Angeles, for the Port of Los Angeles, shall require*
24 *growth and operations at its port to be limited or controlled in a*
25 *manner that prevents air pollution at the port from exceeding the*
26 *baseline established under subdivision (a).*
27   *(c) On March 1, 2006, and every March 1 thereafter, each city*
28 *shall report to the district regarding the city's compliance with*
29 *subdivision (b), including, but not limited to, an accounting of the*
30 *city's programs and efforts that are directed towards that*
31 *compliance.*
32   *(d) The district may impose a fee upon each city that does not*
33 *exceed the district's costs of administering this section.*
34   SEC. 3.   Notwithstanding Section 17610 of the Government
35 Code, if the Commission on State Mandates determines that this
36 act contains costs mandated by the state, reimbursement to local
37 agencies and school districts for those costs shall be made pursuant
38 to Part 7 (commencing with Section 17500) of Division 4 of Title
39 2 of the Government Code. If the statewide cost of the claim for
40 reimbursement does not exceed one million dollars ($1,000,000),

1 reimbursement shall be made from the State Mandates Claims
2 Fund.

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