



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
March 6, 2012

Honorable Members of the
Law and Legislation Committee

Title: Endorsement for AB 1444 (Feuer) – Expedited Judicial Review for Public Rail Transit Projects

Location/Council District: Citywide

Recommendation: Support AB 1444 (Feuer) – Expedited Judicial Review for Public Rail Transit Projects.

Contacts: Tom Buford, Senior Planner, (916) 808-7931

Presenters: Tom Buford, Senior Planner, (916) 808-7931

Department: Community Development

Division: Planning

Organization No: 21000

Description/Analysis

Issue: 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 (EIR) 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 provides for court challenges to the adequacy of environmental documents adopted by lead agencies.

The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 amended CEQA to establish, until January 1, 2015, an expedited judicial review process and specifies procedures for the preparation and certification of

the administrative record for an EIR of a project meeting specified requirements that has been certified by the Governor as an environmental leadership development project. This bill would state the intent of the Legislature to enact legislation to provide the benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 for new public rail transit infrastructure projects.

Policy Considerations: Encouraging public rail transit is consistent with established City policy. Policy M 1.2.1 (Mobility Element) in the 2030 General Plan provides:

Multimodal Choices. The City shall promote development of an integrated, multi-modal transportation system that offers attractive choices among modes including pedestrianways, public transportation, roadways, bikeways, rail, waterways, and aviation and reduces air pollution and greenhouse gas emissions.

The proposed legislation would encourage public rail transit projects and would support the City's planning efforts as set forth in the 2030 General Plan and the City's Sustainability Master Plan.

Environmental Considerations:

California Environmental Quality Act (CEQA): Endorsement of AB 1444 would have no adverse environmental effects, and is exempt from CEQA review pursuant to CEQA Guidelines section 15061(b)(3).

Sustainability Considerations: None

Other: None

Commission/Committee Action: None.

Rationale for Recommendation: Under CEQA, environmental impacts of development projects must be identified and mitigated. The Act guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts. AB 1444 would maintain these protections while reducing the timeline for judicial review, thus allowing environmentally friendly projects to be built more quickly. Public rail transit infrastructure projects support the City's approach to sustainability, and the proposed legislation would encourage such projects.

Financial Considerations: None as a result of this action.

Emerging Small Business Development (ESBD): There are no ESBD considerations as no goods or services are being purchased.

Respectfully Submitted by:  _____
David Kwong
Planning Manager

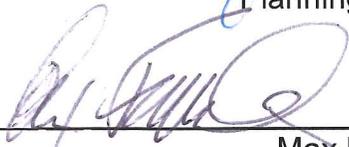
Approved by:  _____
Max Fernandez
Director of Community Development

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BILL NUMBER: AB 1444 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Feuer

JANUARY 4, 2012

An act relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1444, as introduced, Feuer. Environmental quality: expedited judicial review: public rail transit projects.

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 (EIR) 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. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 amended CEQA to establish, until January 1, 2015, an expedited judicial review process and specifies procedures for the preparation and certification of the administrative record for an EIR of a project meeting specified requirements that has been certified by the Governor as an environmental leadership development project.

This bill would state the intent of the Legislature to enact legislation to provide the benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 for new public rail transit infrastructure projects.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Since 2007, the nation and the state have plunged into a recession, and thousands of jobs have been lost. The unemployment rate in California exceeds the national average at 11.8 percent, and in certain regions of the state the rate exceeds 13 percent. The construction industry in California has been particularly hard hit. Some estimates put the percentage of construction workers who are out of work as high as 40 percent. Still, California's population continues to grow and is projected to increase by 4.3 million over the next decade. California needs to create an estimated 1.8 million jobs to keep up with its population growth.

(b) One of the results of the population growth in California will be increased traffic congestion on the state's streets and highways and related adverse economic, environmental, and health impacts.

(c) To address both the need for jobs and the need to efficiently move people and goods, it is imperative to plan for, and expedite the construction of, new environmentally sound public rail transit options as alternatives to private vehicle trips, as well as other large infrastructure projects.

(d) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated.

(e) The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.

SEC. 2. It is the intent of the Legislature to enact legislation to provide the unique and unprecedented streamlining benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (Chapter 6.5 (commencing with Section 21178) of Division 13 of the Public Resources Code) for new public rail transit infrastructure projects that provide the benefits specified in Section 1 of this act to put people to work as soon as possible.

Positions as of February 14, 2012

AB 1444 was introduced in January 2012, and as of February 14, 2012 no support or opposition positions had been identified.

SUPPORT:

OPPOSED:

February 21, 2012

The Honorable Senator Steinberg
State Senator, 6th District
State Capitol, Room 4006
Sacramento, CA 95814

Subject: Support for Assembly Bill 1444 (Feuer) – Expedited Judicial Review for
Public Rail Transit Projects

Dear Senator Steinberg:

On behalf of the City of Sacramento, I am pleased to support Assembly Bill 1444, which will include new public rail transportation infrastructure projects within the coverage of the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (Public Resource Code sections 21178 et seq.).

When the City adopted the 2030 General Plan in 2009, we recognized that the goal of creating a truly sustainable community would be substantial, and would involve many separate steps. AB 1444 would be part of the process by acting as an encouragement to the development of new public rail transit projects. One of our key goals as a City is to utilize and promote public rail transit as a meaningful, and available, alternative to automobile travel.

We appreciate your recognition of the importance of this legislation and look forward to its passage.

Sincerely,

Jay Schenirer, Chair
Law and Legislation Committee

cc: Assemblymember Roger Dickinson
Assemblymember Alyson Huber
Mayor Johnson and City Councilmembers