



AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

*Service Authority for
Abandoned Vehicles*

March 06, 2017

The Honorable Marc Steinorth
California State Assembly
State Capitol Building, Room 5128
Sacramento, California 94249

Subject: **AB 278 – SUPPORT**

Dear Assembly Member Steinorth:

The Orange County Transportation Authority (OCTA) Board of Directors is pleased to support AB 278, your legislation that would exempt from the California Environmental Quality Act (CEQA) various transportation improvements, or the issuance of a permit for a project, if the project is located within an existing right-of-way. In implementing the exemption, the project lead would also be responsible to restore the surrounding area to its original condition, if altered as a result of the project's construction.

By providing CEQA exemptions for projects within existing right-of-way, AB 278 will streamline the advancement of numerous projects in the state, including those in the State Highway Operations and Protection Program, local streets and roads enhancements, active transportation projects, or transit projects. The streamlining of delivery for these projects will allow for both cost savings and expedited mobility benefits.

A SUPPORT position on AB 278, is consistent with OCTA's 2017-18 State Legislative Platform's to "Support legislation to streamline the environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections".

The Honorable Marc Steinorth

March 6, 2017

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If you or your staff have any questions regarding OCTA's position on AB 278, please contact Kristin Essner, Principal Government Relations Representative, at (714) 560-5754.

Sincerely,

A handwritten signature in blue ink, reading "Michael Hennessey".

Michael Hennessey
Chair

MH:bb

c: Darrell Johnson, Chief Executive Officer
Orange County State Legislative Delegation
Platinum Advisors, LLC

ASSEMBLY BILL

No. 278

Introduced by Assembly Member Steinorth

February 2, 2017

An act to add Section 21080.36 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 278, as introduced, Steinorth. California Environmental Quality Act: exemption: existing transportation infrastructure.

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. 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.

This bill would exempt from the provisions of CEQA a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.

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

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

SECTION 1. Section 21080.36 is added to the Public Resources Code, to read:

21080.36. (a) This division does not apply to a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of existing transportation infrastructure, including, but not limited to, highways, roadways, bridges, culverts, tunnels, transit systems, bikeways, and paths and sidewalks serving bicycles or pedestrians, or both bicycles and pedestrians, or the addition of an auxiliary lane or bikeway to existing transportation infrastructure if the project is located within an existing right-of-way, and any area surrounding the right-of-way that is to be altered as a result of construction activities that are necessary for the completion of the project will be restored to its condition before the project, and does not add additional motor vehicle lanes, except auxiliary lanes.

(b) For a project meeting the requirements of subdivision (a), the public agency carrying out the project shall do all of the following:

(1) Notify, in writing, any affected public agency, including, but not limited to, any public agency that has permit, land use, environmental, public health protection, or emergency response authority over the project.

(2) Provide the notice of exemption in a manner specified in subdivision (b) of Section 21108 or subdivision (b) of Section 21152.

(3) Comply with all conditions otherwise authorized by law, and any conditions imposed by the city or county planning department as part of any applicable local agency permit process that are required to mitigate potential impacts of the project and to otherwise comply with the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code), Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state and federal laws.

(c) For purposes of this section, “auxiliary lane” means the portion of the roadway used for weaving, truck climbing, speed

- 1 change, or for other purposes supplemental to through traffic
- 2 movement.

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