

Date of Hearing: June 29, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 922 (Wiener) – As Amended May 11, 2022

Policy Committee: Natural Resources

Vote: 8 - 1

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill expands California Environmental Quality Act (CEQA) exemptions for specified transit, bicycle, and pedestrian projects, and extends these exemptions from 2023 to 2030.

Specifically, this bill, among other things:

- 1) Exempts from CEQA, until January 1, 2030, active transportation plans and pedestrian plans, as specified. Encourages an active transportation plan or pedestrian plan to consider environmental factors, but states that consideration does not inhibit or preclude the application of this section. Provides that an individual project that is part of an active transportation plan or pedestrian plan remains subject to CEQA unless another exemption applies to that project.
- 2) Extends, from January 1, 2023, to January 1, 2030, CEQA exemptions added by SB 288 (Wiener), Chapter 200, Statutes of 2020 and makes the following changes to the general requirements of SB 288:
 - a) Requires a local agency, instead of a public agency, to carry out the project and be the lead agency.
 - b) Removes the requirement that the project be located 1) in an urbanized area and 2) on or within an existing public right-of-way.
 - c) Prohibits a project from inducing single-occupancy vehicle trips, adding additional highway lanes, widening highways, or adding physical infrastructure or striping to highways, except as specified.
- 3) Makes the following changes to individual SB 288 project exemptions:
 - a) Applies to pedestrian and bicycle facilities, including new facilities, that improve safety, access, or mobility, within the public right-of-way.
 - b) Expands “transit prioritization projects,” as specified.
 - c) Exempts the designation and conversion of general purpose lanes to high-occupancy vehicle lanes or bus-only lanes, or highway shoulders to part-time transit lanes, as specified.
 - d) Exempts projects for the institution or increase of bus rapid transit, bus, or light rail service, including the rehabilitation of stations, terminals, or existing operations facilities, as specified. Retroactively applies these changes to projects where lead agency filed an Notice of Exemption before January 1, 2023.

- e) Expands the exemption for projects to construct or maintain infrastructure to charge or refuel zero-emission buses to include infrastructure for zero-emission transit trains and ferries, as specified. Requires specified noticed public meetings for this exemption to apply.
 - f) Exempts eliminating minimum parking requirements, instituting parking maximums, removing or restricting parking, and implementing transportation demand management requirements or programs.
- 4) Requires, for SB 288 projects that exceed \$100 million, for which at least 50% of the project or project's stops and stations are located in an area that is at-risk of residential displacement, as defined or identified by the lead agency, and that will have a maximum of 15-minute peak headways, the local agency to complete an analysis of residential displacement and suggest anti-displacement strategies, designs, or actions.

FISCAL EFFECT:

Negligible state costs.

COMMENTS:

1) Purpose. According to the author:

SB 922 will extend the sunset of SB 288, ensuring that sustainable transportation projects are not unnecessarily delayed. SB 288 provides an exemption for specified transportation projects, those that provide inherent environmental benefits and improve the safety and accessibility of our transportation system, from CEQA...SB 288 successfully exempted sustainable transportation projects that should not be reviewed under this process, and in the short time since its passage, has resulted in numerous projects being built out...Beyond the projects actually built under SB 288, numerous others have been identified by transit agencies as 'under consideration' to utilize the SB 288 exemption. Without the extension present in SB 922, these projects will be subject to review, lawsuits, and appeals under CEQA, resulting in potentially year-long delays, or agencies determining that the projects simply aren't feasible without this exemption.

2) Background.

- a) **California Environmental Quality Act.** CEQA requires government agencies to consider the environmental impacts of their actions before approving plans and policies or committing to a course of action on a project. A lead agency is the public agency that has the primary responsibility for carrying out or approving a project that is subject to CEQA. If the lead agency determines a proposed activity is a "project" under CEQA, it typically takes the following steps: (i) determines whether the project falls under a statutory or categorical exemption from CEQA; (ii) if the project is not exempt, prepares an initial study to determine whether the project might result in significant environmental effects; and (iii) prepares a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, depending on the initial study.

- b) **Prior Legislation.** SB 288 (Wiener), Chapter 200, Statutes of 2020, exempts from CEQA, until 2023, various transportation projects such as pedestrian and bicycle facilities, charging infrastructure for zero-emission buses, and new rapid transit, bus, or light rail service. An exempt project must be carried out by a public lead agency, located in an urbanized area on or within an existing public right-of-way, not add physical infrastructure that increases new automobile capacity on existing rights-of-way, not require demolition of affordable housing units, and be completed by a skilled and trained workforce, except as provided.

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