

SENATE THIRD READING  
SB 922 (Wiener)  
As Amended August 4, 2022  
Majority vote

## SUMMARY

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

### Major Provisions

- 1) Exempts from CEQA, until January 1, 2030, active transportation plans and pedestrian plans, if the lead agency holds noticed public hearings and files a notice of exemption (NOE) with the Office of Planning and Research (OPR).
- 2) Extends CEQA exemptions pursuant to SB 288 (Weiner), Chapter 200, Statutes of 2020, until January 1, 2030, and makes the changes to SB 288's general requirements, as specified.
- 3) Makes the following changes to individual SB 288 project exemptions: applies to pedestrian and bicycle facilities that improve safety, access, or mobility; expands "transit prioritization projects;" 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; exempts projects for the institution or increase of existing bus rapid transit, bus, or light rail service, including the rehabilitation of stations, terminals, or existing operations facilities, as specified; expands 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; and, 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 the local agency to complete an analysis of residential displacement and suggest anti-displacement strategies, designs, or actions where 50% of the project or project's stops and stations are located in an area that is at-risk of residential displacement, as identified by the lead agency, and that will have a maximum of 15-minute peak headways.
- 5) Establishes specified public notice and meeting requirements for projects that exceed \$50 million.

## COMMENTS

CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project, and there are specified timelines for which appeals and hearings are subject.

CEQA includes statutory exemptions for certain transportation project types. In addition, the CEQA Guidelines include categorical exemptions that apply to some transportation projects.

If a project is not exempt from CEQA, but the initial study shows that it would not result in a significant effect on the environment, the lead agency must prepare a negative declaration, and no environmental impact report (EIR) is required.

SB 288 (Wiener) added temporary CEQA exemptions for "clean transportation" project types, including pedestrian and bicycle facilities; projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians; transit prioritization projects; zero-emission transit bus charging and refueling infrastructure; among others listed above.

This bill will extend the sunset date on the CEQA exemptions for specified transportation projects pursuant to SB 288, with some modifications to the list of eligible projects.

### **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. Although CEQA is crucial for protecting our communities, each step of the CEQA process is subject to appeals and lawsuits that can increase project costs and create delays. It's not unusual for it to take three to four years and millions of dollars to resolve a single lawsuit, while appeals regularly take six months to resolve. When CEQA is misused as a tool to delay or halt critically needed projects, it has real consequences for California – making it more difficult to build the active transportation and sustainable transit projects that will result in a safer, healthier, and equitable future for all Californians.

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. Thus far, ten projects have been streamlined across the state, including protecting pedestrian walkways and bikeways, building out bus rapid transit projects, and expanding electric vehicle charging options. Seven of these ten projects are located in disadvantaged communities, resulting in expanded equitable transportation options for neighborhoods that are currently shouldering a disproportionate burden of the state's vehicle pollution. Additionally, bike lane, complete street and public transit projects are proven to create jobs and increase investment in local businesses, with ten to thirteen jobs per million dollars spent, and a five to one economic return in direct and indirect spending and support for local businesses.

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.

The necessity for this exemption is only bolstered by the federal Bipartisan Infrastructure Law, which will increase California's transit fund allocation. This funding will be crucial to

California's economic recovery, and SB 922 will ensure these funds are more efficiently and effectively utilized.

### **Arguments in Support**

The San Francisco Municipal Transportation Agency writes, "SB 288 removed pointless delays and has allowed government to get its essential work done efficiently. SB 922 builds on this success by importantly extending the sunset of SB 288 so we continue this work. Our multimodal transportation network has, and will continue to be, key to the health of our city and its economic recovery from the pandemic".

### **Arguments in Opposition**

None received.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, enactment of this bill would result in negligible state costs.

## **VOTES**

### **SENATE FLOOR: 24-1-15**

**YES:** Allen, Archuleta, Atkins, Dodd, Durazo, Eggman, Glazer, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Min, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Wieckowski, Wiener

**NO:** Bates

**ABS, ABST OR NV:** Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Gonzalez, Grove, Limón, Melendez, Newman, Nielsen, Stern, Umberg, Wilk

### **ASM NATURAL RESOURCES: 8-1-2**

**YES:** Luz Rivas, Flora, Friedman, Mathis, Muratsuchi, Seyarto, Wood, Boerner Horvath

**NO:** Stone

**ABS, ABST OR NV:** Cristina Garcia, McCarty

### **ASM APPROPRIATIONS: 15-0-1**

**YES:** Holden, Bigelow, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Jones-Sawyer, Akilah Weber, Wilson

**ABS, ABST OR NV:** Bryan

## **UPDATED**

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