

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Leno

February 18, 2003

An act to add Sections 21080.30 and 21080.31 to the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as introduced, Leno. California Environmental Quality Act: creation of bicycle lanes.

The existing 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. Existing law requires the Office of Planning and Research to prepare and develop guidelines for the implementation of CEQA by public agencies, and requires those guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment. Existing regulations adopted by the office include in that list projects known as “Class 4” projects that consist of minor public or private alterations in the condition of land, water, and vegetation that do not involve the removal of healthy, mature, or scenic trees, except as specified, and specifically include the creation of a bicycle lane on an existing right-of-way as an example of a “Class 4” project.

This bill would exempt from CEQA a project that creates a bicycle lane upon an existing unimproved shoulder, by reducing the number of

vehicle lanes on an existing roadway, or by removing on-street parking for motor vehicles.

This bill would also exempt from CEQA a project that consists of restriping an existing paved right-of-way for bicycle lanes, under specified conditions.

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

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

1 SECTION 1. Section 21080.30 is added to the Public
2 Resources Code, to read:

3 21080.30. This division does not apply to a project that
4 creates a bicycle lane in any of the following circumstances:

5 (a) Upon an existing unimproved shoulder.

6 (b) By reducing the number of vehicle lanes on an existing
7 roadway.

8 (c) By removing on-street parking for motor vehicles.

9 SEC. 2. Section 21080.31 is added to the Public Resources
10 Code, to read:

11 21080.31. This division does not apply to a project consisting
12 of restriping an existing paved right-of-way for bicycle lanes
13 provided that all of the following conditions are met:

14 (a) The project is consistent with an applicable general plan,
15 including, but not limited to, the transportation element of the
16 general plan, specific plan, or local coastal program, and the
17 mitigation measures required by the plan or program.

18 (b) The director of public works of the local agency in which
19 the project is proposed to be located makes a written finding,
20 supported by substantial evidence, that the project will not create
21 a significant risk to either vehicle or pedestrian safety.

22 (c) The project does not affect wetlands or wildlife habitat. For
23 the purposes of this subdivision, “wetlands” has the same
24 meaning as in Section 328.3 of Title 33 of the Code of Federal
25 Regulations and “wildlife habitat” means the ecological
26 communities upon which wild animals, birds, plants, fish,
27 amphibians, and invertebrates depend for their conservation and
28 protection.

29 (d) The project does not harm a species protected by the federal
30 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the

1 Native Plant Protection Act (Chapter 10 (commencing with
2 Section 1900) of Division 2 of the Fish and Game Code), the
3 California Endangered Species Act (Chapter 1.5 (commencing
4 with Section 2050) of Division 3 of the Fish and Game Code), or
5 a species protected by a local ordinance.

6 (e) The site of the project is not included on a list of facilities
7 or sites compiled pursuant to Section 65962.5 of the Government
8 Code.

9 (f) (1) The site of the project is subject to a preliminary
10 endangerment assessment prepared by a registered environmental
11 assessor to determine if there has been a release of a hazardous
12 substance on the site and whether there is a potential for exposure
13 to a significant health hazard from a surrounding property or
14 activity.

15 (2) If a release of a hazardous substance is found to exist on the
16 site, the release is removed or the significant effects of the release
17 are mitigated to a level of insignificance in compliance with state
18 and federal requirements.

19 (3) If a potential for exposure to a significant hazard from a
20 surrounding property or activity is found to exist, the effect of the
21 potential exposure shall be mitigated to a level of insignificance in
22 compliance with state and federal requirements.

23 (g) The project does not have a significant effect on historical
24 resources.

25 (h) The project will not create a risk of a public health exposure
26 at a level that would exceed the standards established by a state or
27 federal agency.

28 (i) The project is not exposed to a landslide hazard or located
29 within a flood plain, flood way, or restriction zone, unless the
30 applicable general plan or zoning ordinance contains provisions to
31 mitigate the risk of a landslide or flood.

32 (j) The project is not located within the boundaries of a state
33 conservancy or a state or local park.

