

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Leno

February 18, 2003

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

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as amended, 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.~~

10 SECTION 1. Section 21080.31 is added to the Public
11 Resources Code, to read:

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

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

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

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

1 amphibians, and invertebrates depend for their conservation and
2 protection.

3 (d) The project does not harm a species protected by the federal
4 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the
5 Native Plant Protection Act (Chapter 10 (commencing with
6 Section 1900) of Division 2 of the Fish and Game Code), the
7 California Endangered Species Act (Chapter 1.5 (commencing
8 with Section 2050) of Division 3 of the Fish and Game Code), or
9 a species protected by a local ordinance.

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

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

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

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

27 (g) The project does not have a significant effect on historical
28 resources.

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

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

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

