

AMENDED IN ASSEMBLY JUNE 13, 2006

AMENDED IN ASSEMBLY MAY 16, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 18, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 1059

Introduced by Senators Escutia and Morrow

February 22, 2005

An act to add Chapter 4.3 (commencing with Section 25330) to Division 15 of the Public Resources Code, relating to electricity transmission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1059, as amended, Escutia. Electric transmission corridors.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to adopt a strategic plan for the state's electric transmission grid using existing resources. Existing law requires that the plan identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and to meet future growth in load and generation, including, but not limited to, renewable resources, energy efficiency, and other demand reduction measures.

This bill would authorize the commission to designate a transmission corridor zone on its own motion or by application of a

person who plans to construct a high-voltage electric transmission line within the state. The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the strategic plan adopted by the commission. The bill would prescribe procedures for the designation of a transmission corridor *zone*, including publication of the request for designation and request for comments, coordination with federal agencies and California Native American tribal governments, informational hearings, and requirements for a proposed decision.

The bill would require the commission, after designating a transmission corridor *zone*, to identify that transmission corridor *zone* in its subsequent strategic plans and to regularly review and revise its designated transmission corridor *zones* as necessary, but not less than once every 10 years.

The bill would require a city or county, after receiving a notice from the commission of a transmission corridor *zone*, to consider the designated *transmission* corridor *zone*, *as specified*, when making a determination regarding a land use change within or adjacent to the *transmission* corridor *zone* that could affect the continuing viability to accommodate a transmission line planned within the *transmission* corridor *zone*.

The bill would require a city or county, within 10 days of accepting as complete an application for a development project within a designated transmission corridor *zone* that the city or county determines would threaten the potential to construct a high-voltage electric transmission line, to notify the commission of the proposed development project. The bill would require the commission, upon making a specified finding regarding the proposed development project, to provide written comments to the city or county and would require the city or county to consider the commission's comments.

The bill would impose a state-mandated local program by imposing new duties upon local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California currently lacks an integrated, statewide approach
4 to electric transmission planning and permitting that addresses
5 the state's critical energy and environmental policy goals and
6 allows electric transmission projects to move seamlessly from the
7 planning phase into the permitting phase for timely approval and
8 construction of needed electric transmission lines.

9 (b) Planning for and establishing a high-voltage electric
10 transmission system to accommodate the development of
11 renewable resources within the state, facilitate bulk power
12 transactions, ensure access to out-of-state regions that have
13 surplus power available, and reliably and efficiently supply
14 existing and projected load growth is vital to the future economic
15 and social well-being of California.

16 (c) To promote the efficient use of the existing transmission
17 system, the state should do both of the following:

18 (1) Encourage the use of existing rights-of-way, the expansion
19 of existing rights-of-way, and the creation of new rights-of-way
20 in that order.

21 (2) Promote the efficient use of new rights-of-way, where
22 needed, to improve system efficiency and the environmental
23 performance of the transmission system.

24 (d) The construction of new high-voltage electric transmission
25 lines within new or existing corridors has become increasingly
26 difficult and may impose financial hardships and adverse
27 environmental impacts on the state and its residents. It is in the
28 interest of the state, therefore, through the electricity
29 transmission planning process, to accomplish all of the
30 following:

31 (1) Identify the long-term needs for electric transmission
32 corridor zones within the state.

1 (2) Work with stakeholders, appropriate federal, state, and
 2 local agencies, and the public to study transmission corridor zone
 3 alternatives and designate appropriate *transmission* corridor
 4 zones for future use to ensure reliable and efficient delivery of
 5 electricity for California’s residents.

6 (3) Integrate transmission corridor zone planning at the state
 7 level with local planning so that designated *transmission* corridor
 8 zones are ~~reflected in local general and specific plans~~. *considered*
 9 *by the cities and counties when they are making land use*
 10 *decisions.*

11 (e) Orderly planning and development of needed high-voltage
 12 electric transmission lines through the designation of
 13 transmission corridor zones is an issue of statewide concern.

14 SEC. 2. Chapter 4.3 (commencing with Section 25330) is
 15 added to Division 15 of the Public Resources Code, to read:

16

17 CHAPTER 4.3. DESIGNATION OF TRANSMISSION CORRIDORS

18

19 25330. For purposes of this chapter, the following terms have
 20 the following meanings:

21 (a) “Feasible” has the same meaning as in Section 21061.1.

22 (b) “High-voltage electric transmission line” means an electric
 23 transmission line with an operating capacity of at least 200
 24 kilovolts, or that is under the operational control of the California
 25 Independent System Operator.

26 (c) “Transmission corridor zone” means the geographic area
 27 necessary to accommodate the construction and operation of one
 28 or more high-voltage electric transmission ~~lines, typically no~~
 29 *lines. A transmission corridor zone shall not be* more than 1,500
 30 feet in width unless required to accommodate existing land uses
 31 and land uses identified in local general or specific plans, or to
 32 avoid environmental constraints or mitigate potential
 33 environmental impacts.

34 25331. (a) The commission may designate a transmission
 35 corridor zone on its own motion or by application of a person
 36 who plans to construct a high-voltage electric transmission line
 37 within the state. The designation of a transmission corridor zone
 38 shall serve to identify a feasible corridor in which can be built
 39 one or more future high-voltage electric transmission lines that

1 are consistent with the state’s needs and objectives as set forth in
2 the strategic plan adopted pursuant to Section 25324.

3 (b) A person planning to construct a high-voltage electric
4 transmission line may submit to the commission an application to
5 designate a proposed transmission corridor zone as being
6 consistent with the strategic plan adopted pursuant to Section
7 25324. The application shall be in the form prescribed by the
8 commission and shall be supported by any information that the
9 commission may require.

10 25332. The designation of a transmission corridor zone is
11 subject to the California Environmental Quality Act (Division 13
12 (commencing with Section 21000)). The commission shall be the
13 lead agency, as provided in Section 21165, for all transmission
14 corridor zones proposed for designation pursuant to this chapter.

15 25333. (a) In developing a strategic plan pursuant to Section
16 25324 or considering an application for designation pursuant to
17 this chapter, the commission shall confer with cities and counties,
18 federal agencies, and California Native American tribal
19 governments to identify appropriate areas within their
20 jurisdictions that may be suitable for a transmission corridor
21 zone. The commission shall, to the extent feasible, coordinate
22 efforts to identify long-term transmission needs of the state with
23 the land use plans of cities, counties, federal agencies, and
24 California Native American tribal governments.

25 (b) The commission shall not designate a transmission corridor
26 zone within the jurisdiction of a California Native American
27 tribal government without the approval of the California Native
28 American tribal government.

29 25334. (a) Upon receipt of an application or upon its own
30 motion for designation of a transmission corridor zone, the
31 commission shall arrange for the publication of a summary of the
32 application in a newspaper of general circulation in each county
33 in which the proposed transmission corridor zone would be
34 located, and shall notify all ~~potential-affected~~ property owners
35 within the ~~corridor~~ *transmission corridor zone*. The commission
36 shall transmit a copy of the application for designation to all
37 cities, counties, and state and federal agencies having an interest
38 in the proposed transmission corridor zone. *The commission shall*
39 *publish the application for designation on its Internet Web site*

1 *and, upon request, provide the application for designation to a*
2 *member of the public.*

3 (b) As soon as practicable after the receipt of an application or
4 upon its own motion for designation of a transmission corridor
5 zone, the commission shall notify cities, counties, state and
6 federal agencies, and California Native American tribal
7 governments in whose jurisdictions the proposed transmission
8 corridor zone would be located regarding the proposed
9 transmission corridor zone and the objectives of the most recent
10 strategic plan for the state's electric transmission grid. The
11 commission's notice shall solicit information from, and the
12 commission shall confer with, all interested cities, counties, state
13 and federal agencies, and California Native American tribal
14 governments regarding their land use plans, existing land uses,
15 and other factors in which they have expertise or interest with
16 respect to the proposed transmission corridor zone. The
17 commission shall provide any interested city, county, state or
18 federal agency, ~~or~~ California Native American tribal government,
19 *or member of the public, including any property owner within the*
20 *proposed transmission corridor zone, ample opportunity to*
21 *participate in the commission's review of a proposed*
22 *transmission corridor zone.*

23 (c) The commission shall request affected cities, counties,
24 state and federal agencies, the Independent System Operator,
25 interested California Native American tribal governments, and
26 members of the public, *including any property owner within the*
27 *proposed transmission corridor zone, to provide comments on*
28 *the suitability of the proposed transmission corridor zone with*
29 *respect to environmental, public health and safety, land use,*
30 *economic, and transmission-system impacts or other factors on*
31 *which they may have expertise.*

32 (d) The commission shall require a person who files an
33 application for the designation of a transmission corridor zone to
34 pay a fee sufficient to reimburse the commission for all costs
35 associated with reviewing the application. If the commission
36 initiates the designation of a transmission corridor zone on its
37 own motion, the commission shall fix the surcharge imposed
38 pursuant to subdivision (b) of Section 40016 of the Revenue and
39 Taxation Code, at a level sufficient to cover the commission's
40 added costs.

1 (e) Upon receiving the commission’s request for review of a
2 proposed transmission corridor zone, a city or county may
3 request a fee pursuant to Section 25538 to cover for the actual
4 and added costs of this review and the commission shall pay this
5 amount to the city or county.

6 25335. (a) Within 45 days of receipt of the application or
7 motion for designation, the commission shall commence public
8 informational hearings in the county or counties in which the
9 proposed transmission corridor zone would be located.

10 (b) The purpose of the hearings shall be to do all of the
11 following:

12 (1) Provide information about the proposed transmission
13 corridor zone so that the public and interested agencies have a
14 clear understanding of what is being proposed.

15 (2) Explain the relationship of the proposed transmission
16 corridor zone to the commission’s strategic plan for the state’s
17 electric transmission grid, as set forth in the most recent
18 integrated energy policy report adopted pursuant to Chapter 4
19 (commencing with Section 25300).

20 (3) Receive initial comments about the proposed transmission
21 corridor zone from the public and interested agencies.

22 (4) Solicit information on reasonable alternatives to the
23 proposed transmission corridor zone.

24 25336. (a) Within 155 days of the final informational
25 hearing, the commission shall conduct a prehearing conference to
26 determine the issues to be considered in hearings pursuant to this
27 section, to identify the dates for the hearings, and to set forth
28 filing dates for public comments and testimony from the parties
29 and interested agencies. Within 15 days of the prehearing
30 conference, the commission shall issue a hearing order setting
31 forth the issues to be heard, the dates of the hearings, and the
32 filing dates for comments and testimony.

33 (b) The commission shall conduct hearings pursuant to the
34 hearing order. The purpose of the hearings shall be to receive
35 information upon which the commission can make findings and
36 conclusions pursuant to Section 25337.

37 25337. After the conclusion of hearings conducted pursuant
38 to Section 25336, and no later than 180 days after the date of
39 certification of the environmental impact report prepared
40 pursuant to Section 25332, the commission shall issue a proposed

1 decision that contains its findings and conclusions regarding all
2 of the following matters:

3 (a) Conformity of the proposed transmission corridor zone
4 with the strategic plan adopted pursuant to Section 25324.

5 (b) Suitability of the proposed transmission corridor zone with
6 respect to environmental, public health and safety, land use,
7 economic, and transmission-system impacts.

8 (c) Any mitigation measures and alternatives as may be
9 needed to protect environmental quality, public health and safety,
10 the state's electric transmission grid, or any other relevant matter.

11 (d) Any other factors that the commission considers relevant.
12 25338. As soon as practicable after the commission
13 designates a transmission corridor zone, it shall send a copy of its
14 decision, including a description of the transmission corridor
15 zone, to each affected city, county, state agency, and federal
16 agency, *as well as any property owner within the designated*
17 *transmission corridor zone.*

18 25339. After the commission designates a transmission
19 corridor zone, it shall identify that transmission corridor zone in
20 its subsequent strategic plans adopted pursuant to Section 25324.
21 The commission shall regularly review and revise its designated
22 transmission corridor zones as necessary, but not less than once
23 every 10 years. In revising designations of ~~transportation~~
24 *transmission* corridor zones, the commission shall follow the
25 procedures of this chapter. If, upon regular review or at any other
26 time, the commission finds that a transmission corridor zone is
27 no longer needed, the commission shall revise or repeal the
28 designation and, as soon as practicable, notify the affected cities,
29 counties, state and federal agencies and ~~affected~~ property owners
30 within the ~~corridor~~ *transmission corridor zone.*

31 25340. After receiving notice from the commission regarding
32 the designation or revision of a transmission corridor zone within
33 its jurisdiction, each city or county shall consider the designated
34 ~~corridor~~ *transmission corridor zone* when making a
35 determination regarding a land use change within or adjacent to
36 the ~~corridor~~ *transmission corridor zone* that could affect its
37 continuing viability to accommodate a transmission line planned
38 within the ~~corridor~~ *transmission corridor zone. Nothing in this*
39 *section shall preclude compatible uses within or adjacent to a*
40 *designated transmission corridor zone.*

1 25341. (a) Within a designated transmission corridor zone,
2 within 10 days of accepting as complete an application pursuant
3 to Section 65943 of the Government Code for a development
4 project that a city or county determines would threaten the
5 potential to construct a high-voltage electric transmission line,
6 the city or county shall notify the commission of the proposed
7 development project. The notice shall include a copy of the
8 application, and set a deadline that is not less than 60 days from
9 the date of the notice for the commission to provide written
10 comments to the city or county regarding the proposed
11 development project.

12 (b) If the commission finds that the proposed development
13 project would threaten the potential to construct a high-voltage
14 electric transmission line within the designated transmission
15 corridor zone, the commission shall provide written comments to
16 the city or county. The commission may recommend revisions to,
17 redesign of, or mitigation measures for the proposed
18 development project that would eliminate or reduce the threat.

19 (c) The city or county shall consider the commission's
20 comments, if any, prior to acting on the proposed development
21 project. If the commission objects to the proposed development
22 project, the city or county shall provide a written response that
23 shall address in detail why it did not accept the commission's
24 comments and recommendations.

25 SEC. 3. The Legislature finds and declares that Sections
26 65104 and 66014 of the Government Code provide local agencies
27 with authority to levy fees sufficient to pay for the program or
28 level of service mandated by this act.

29 SEC. 4. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 a local agency or school district has the authority to levy service
32 charges, fees, or assessments sufficient to pay for the program or
33 level of service mandated by this act, within the meaning of
34 Section 17556 of the Government Code.

O