

Introduced by Senator Bates

January 21, 2016

An act to add Article 2.5 (commencing with Section 800) to Chapter 4 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 901, as introduced, Bates. Transportation projects: Advanced Mitigation Program.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, subject to certain exceptions.

The bill would create the Advanced Mitigation Program in the Department of Transportation to implement environmental mitigation measures in advance of future transportation projects. The bill would require the department to set aside certain amounts of future appropriations for this purpose.

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. Article 2.5 (commencing with Section 800) is
- 2 added to Chapter 4 of Division 1 of the Streets and Highways
- 3 Code, to read:

1 Article 2.5. Advanced Mitigation Program

2
3 800. (a) The Advanced Mitigation Program is hereby created
4 in the department to accelerate project delivery and improve
5 environmental outcomes of environmental mitigation for
6 transportation infrastructure projects.

7 (b) For the purposes of this article, “advanced mitigation” means
8 mitigation implemented before, and in anticipation of,
9 environmental effects of future transportation projects. This
10 program may utilize mitigation instruments including, but not
11 limited to, mitigation banks, in lieu of fee programs, and
12 conservation easements as defined in Section 815.1 of the Civil
13 Code.

14 (c) The department shall track all implemented advanced
15 mitigation projects to use as credits for environmental mitigation
16 for state-sponsored transportation projects.

17 (d) The department may use advanced mitigation credits to
18 fulfill mitigation requirements of any environmental law for a
19 transportation project eligible for the State Transportation
20 Improvement Program or the State Highway Operation and
21 Protection Program.

22 (e) No later than February 1, 2016, the department shall establish
23 an interagency transportation advanced mitigation steering
24 committee consisting of the department and appropriate state and
25 federal agencies to support the Advanced Mitigation Program so
26 that advanced mitigation can be used as required mitigation for
27 future transportation projects and provide improved environmental
28 outcomes. The committee shall advise the department of
29 opportunities to carry out advanced mitigation projects, provide
30 the best available science, and actively participate in mitigation
31 instrument reviews and approvals. The committee shall seek to
32 develop streamlining opportunities, including those related to
33 landscape scale mitigation planning, and alignment of federal and
34 state regulations and procedures related to mitigation requirements
35 and implementation. The committee shall also provide input on
36 crediting, using, and tracking of advanced mitigation investments.

37 (f) Commencing with the 2016–17 fiscal year, the department
38 shall set aside no less than thirty million dollars (\$30,000,000)
39 annually for the Advanced Mitigation Program from the annual
40 appropriations for the State Transportation Improvement Program

1 and the State Highway Operation and Protection Program for the
2 planning and implementation of projects in the Advanced
3 Mitigation Program. The commission shall program the funds set
4 aside for the Advanced Mitigation Program consistent with the
5 purposes of the program.

O