

Overview of State Legislation

ECOS ExComm - August 14th Meeting

By Quincy Stivers

Infrastructure Package

- Senate Bill 146 (Gonzalez): Establishes contracting and enforcement strategies that will allow California to begin and complete transportation and water projects more efficiently and in a fiscally prudent fashion by authorizing the use of the progressive design-build project delivery method for Caltrans and the job order contracting procurement method for Caltrans and DWR. It also allows the California Secretary of Transportation to assume the responsibility to enforce NEPA on behalf of the federal government to expedite environmental review.
- This bill prohibits these provisions from applying to the Delta tunnel or seawater desalination projects.
 - Status: Signed into law July 10th, 2023

Infrastructure Package

- Senate Bill 147 (Ashby): establishes a permitting process for the taking of fully protected species for certain projects. Environmental mitigation efforts are required under the new project permitting process, ensuring that conservation efforts take place.
- Infrastructure projects included in SB 147 are clean energy, transportation, and state and local water projects, but not the Delta Tunnel or seawater desalination projects.
 - Status: Signed into law July 10th, 2023

Infrastructure Package

- Senate Bill 149 (Caballero): streamlines the CEQA judicial process by requiring that any legal challenges be completed within 270 days. The bill establishes new and enhanced GHG and mitigation requirements for infrastructure projects subject to judicial streamlining and located in disadvantaged communities.
 - Status: Signed into law July 10th, 2023

CEQA and Housing

- Assembly Bill 1307 (Wicks): This urgency bill provides that, for purposes of CEQA, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on environment, as specified.
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill has been on consent.

CEQA and Housing

- Assembly Bill 1449 (Alvarez): This bill exempts certain housing affordable housing projects from CEQA. To qualify, the affordable housing projects would need to meet objective standards, cannot be located on environmentally sensitive sites, and be located on an infill site. Eligible projects must be near a major transit stop, a very low vehicle travel area, or approximate to at least six specified amenities.
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. Passed Assembly 53-13.

CEQA and Housing

- Assembly Bill 1633 (Ting): adds two actions under CEQA –failing to determine if a project is exempt and failing to adopt or certify environmental review documents – to the definition of “disapproval” of a housing development project under the Housing Accountability Act (HAA). This allows persons to sue local agencies for these failings and seek a court order for the agency to comply with the HAA, which could include requiring the local agency to approve the project.
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill passed the Assembly 70-1.

CEQA and Housing

- Senate Bill 4 (Wiener): Provides that an affordable housing development is a use by right (i.e., not subject to CEQA) or other discretionary review by the relevant city or county) on infill sites owned by a church or non-public college, notwithstanding any contrary local planning or zoning.
 - Status: In Assembly Appropriations Committee, pending passage this bill is headed to the Assembly Floor. This bill passed the Senate 33-2.

CEQA and Housing

- Senate Bill 684 (Caballero): Requires local agencies to ministerially approve subdivision maps associated with a housing development project of 10 or fewer units, and requires local agencies to issue building permits at the tentative map phase of the subdivision process.
 - Status: In Assembly Appropriations Committee, pending passage this bill is headed to the Assembly Floor. This bill passed the Senate 34-0

Habitat

- Senate Bill 337 (Min): Codifies 30x30
 - Status: In Assembly Appropriations Committee, pending passage this bill is headed to the Assembly Floor. This bill passed the Senate 29-5.
- Assembly Bill 345 (Wilson): Would authorize the DWR and the Central Valley Flood Protection Board (CVFPB) to provide advance payments to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill passed the Assembly 78-0.

Transportation

- Assembly Bill 350 (Aguiar-Curry): Provides a two-year extension for the Sacramento Area Council of Governments (SACOG) to adopt and submit its Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill passed the Assembly 74-0.
- Assembly Bill 824 (Calderon): Requires the Department of Transportation to develop a statewide strategic plan to work to achieve at least a 10% increase of green highways in specified urban areas by 2035
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill passed the Assembly 63-9.

Additional CEQA Reforms

- Assembly Bill 914 (Friedman): requires a two-year time period for a lead state agency to complete CEQA environmental review and approve or deny an application for an electrical infrastructure project.
 - Status: In Senate Appropriations Committee, pending passage this bill is headed to the Senate Floor. This bill has been on consent.

Additional CEQA Reforms

- Senate Bill 69 (Cortese): Adds transparency to the CEQA notification process. Under current law, only state agencies are required to post CEQA notices of determination or exemption on the State Clearinghouse website. This bill would require all public agencies to do so.
 - Status: In Assembly Appropriations Committee, pending passage this bill is headed to the Assembly Floor. This bill passed the Senate 40-0.

Additional Information

- For more detailed information on individual bills, see:
<https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Budget Highlights

- \$5.1 billion for public transit—\$4 billion in Transit and Intercity Rail Capital Program funding and \$1.1 billion in zero-emission vehicle transit funding—and pairs that funding with reporting and accountability requirements for transit agencies.
- Over \$52 billion in multi-year climate investments. There are also discussions around a potential climate bond that would allow for even more targeted climate investments. And with the Infrastructure package, the state is working to meet the state's ambitious climate goals by accelerating clean energy projects.

Budget Highlights

- For more detailed information on climate change items in the budget see: <https://ebudget.ca.gov/2023-24/pdf/Enacted/BudgetSummary/ClimateChange.pdf>