

**Metro**Los Angeles County
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EXECUTIVE MANAGEMENT COMMITTEE
January 19, 2012****SUBJECT: STATE LEGISLATION****ACTION: ADOPT STAFF RECOMMENDED POSITIONS****RECOMMENDATION**

- A. **AB 1444 1446 (Feuer)** – Would authorize an extension of Measure R for the purposes of accelerating the transit and highway projects in that Measure. **DISCUSSION**
- B. **AB 1446 1444 (Feuer)** – Would establish an expedited judicial process for transit projects subject to litigation for environmental purposes. **SUPPORT**

ATTACHMENTS

- Attachment A: Legislative Analysis of AB 1444 **1446**
Attachment B: AB 1444 **1446** Bill Language
Attachment C: Legislative Analysis of AB 1446 **1444**
Attachment D: AB 1446 **1444** Bill Language

Prepared by: Michael Turner, Government Relations Director



Paul C. Taylor
Deputy Chief Executive Officer



for Arthur T. Leahy
Chief Executive Officer

BILL: AB 1446
AUTHOR: ASSEMBLYMEMBER MIKE FEUER
(D- LOS ANGELES)
SUBJECT: AUTHORIZATION TO EXTEND MEASURE R
STATUS: PENDING COMMITTEE REFERRAL
ACTION: DISCUSSION

RECOMMENDATION

Staff recommends that the Board consider the proposal to extend Measure R and authorize staff to begin an analysis of the feasibility of an extension.

ISSUE

Measure R is established as a 30 year tax under state law. AB 1446 would authorize Metro to place a measure on the ballot that would extend the tax for an unspecified time.

PROVISIONS

AB 1446 specifically authorizes Metro to place an extension proposal on the ballot under the following conditions:

- The revenues of the tax are to be used to accelerate the Measure R transit projects first and then the Measure R highway projects. AB 1446 authorizes Metro to bond against the revenues.
- Metro must prepare an expenditure plan similar to that required under Measure R.
- The revenues from the extended tax would not be available for operations purposes or local return.

IMPACT ANALYSIS

AB 1446 would create a mechanism by which Metro could accelerate the projects in Measure R. It would add an as yet undefined number of years to the Measure which

would then create a stream of revenue against which Metro could issue bonds. The proceeds of these bonds could then be used to accelerate the projects in Measure R. The proposal reflects the intent of the America Fast Forward program and attempts to create a financing mechanism different than those being pursued in Washington D.C.

At this point staff is not recommending a position on this bill. Our intent is to engage the Board in a dialog about if and how to move forward on such a proposition.

First we suggest that prior to making a decision about placement on a future ballot, the Board should direct staff to prepare a more detailed analysis of this proposal. Metro staff has conducted preliminary financial analysis of this proposal which indicates that in order to achieve the project acceleration under this financing proposal, Measure R would need to be extended by approximately 20 years. This analysis could be enhanced to take into consideration the other components of Measure R.

Secondly, staff recommends that should the Board elect to proceed with a research effort, this effort should be undertaken in consultation with the subregional Councils of Government as well as various stakeholders throughout our County.

The Board will also have to make a decision about when this matter could be placed on the ballot. The next general election will be held in November of this year. Placing a measure on that ballot will require the coordination of the legislative process, development of an expenditure plan as well as outreach with the Councils of Government and regional stakeholders. The Registrar Recorder/County Clerk requires 88 days notice prior to the election of any measure to be placed on the ballot.

DETERMINATION OF SAFETY IMPACT

Staff has reviewed this proposal for any impacts to safety and has determined that the legislation will not impact safety.

ALTERNATIVES CONSIDERED

Staff considered the following two alternatives. First is that the Board could take a position of either support or oppose on the legislation. Staff believes that prior to taking a position the Board should conduct a thorough analysis of the proposal as well as consult with stakeholders in the region.

The second alternative considered would be that the Board could decide not to proceed with any analysis of the legislation. This option was rejected because it would not be consistent with our Legislative Program, nor, would it be consistent with our efforts to accelerate the projects in Measure R.

NEXT STEPS

Should the Board direct staff to prepare the analysis outlined in the recommendation, staff will complete that analysis and report findings to the Board at the February meeting.

BILL NUMBER: AB 1446 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Feuer

JANUARY 4, 2012

An act to amend Section 130350.5 of, and to add Section 130350.6 to, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1446, as introduced, Feuer. Los Angeles County Metropolitan Transportation Authority: transactions and use tax.

Existing law authorizes the Los Angeles County Metropolitan Transportation Authority (MTA) to impose, in addition to any other tax that it is authorized to impose, a transactions and use tax at a rate of 0.5% for not more than 30 years for the funding of specified transportation-related purposes pursuant to an adopted expenditure plan, subject to voter approval.

This bill would authorize MTA to impose that transactions and use tax for an additional unspecified number of years subject to voter approval. The bill would require MTA to secure bonded indebtedness payable from the proceeds of the extension and would require that the proceeds from those bonds be used to accelerate the completion of specified projects and programs. The bill would require MTA to amend the expenditure plan in a specified manner and would make other related conforming changes.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Section 130350.5 of the Public Utilities Code authorizes the Los Angeles County Metropolitan Transportation Authority (MTA) to propose for voter approval a 30-year 1/2 cent sales and use tax dedicated to the construction and operation of transportation-related projects, to be enumerated in a local ballot measure. In November 2008, more than 67 percent of Los Angeles County voters approved this tax pursuant a ballot measure known as Measure R.

(b) The Measure R transit, highway, and other transportation projects became part of the MTA's Long Range Transportation Plan, along with an expenditure plan that spread the costs and construction of the Measure R projects over the 30-year duration of the 1/2 cent sales and use tax.

(c) Since 2008, the nation and the State of California have plunged into a recession. In Los Angeles County, 336,000 jobs have been lost since 2007. An estimated 582,900 people were unemployed in

Los Angeles County as of October 2011. The construction industry has been hit particularly hard: more than 53,300 construction jobs have been lost since 2007, and some estimates put the percentage of area construction workers who are out of work as high as 40 percent.

(d) Traffic congestion is increasing throughout Los Angeles County, and new, environmentally sound transit options are desperately needed as alternatives to private vehicle trips and the economic, environmental, and health impacts that result from them.

(e) Efforts to expedite the construction of the Measure R transit projects from 30 years to 10 years by obtaining federal loans secured by Measure R revenues have not yet been successful.

(f) Therefore, the Legislature intends to authorize the MTA to seek voter approval to extend the length of the Measure R sales and use tax authorization from 30 years to ____ years in order to allow the MTA to bond against the proceeds from the extension and build the Measure R transit projects much sooner than originally contemplated without relying on federal or state funding. Providing for this sales and use tax extension and accelerated completion of the Measure R transit projects would create more than 160,00 desperately needed jobs and dramatically improve the economy, environment, and public health of Los Angeles County.

SEC. 2. Section 130350.5 of the Public Utilities Code is amended to read:

130350.5. (a) In addition to any other tax that it is authorized by law to impose, the Los Angeles County Metropolitan Transportation Authority (MTA) may impose, in compliance with subdivision (b) and Section 130350.6 , a transactions and use tax at a rate of 0.5 percent that is applicable in the incorporated and unincorporated areas of the county.

(b) For purposes of the taxing authority set forth in subdivision (a), all of the following apply:

(1) The tax shall be proposed in a transactions and use tax ordinance, that conforms with Chapter 2 (commencing with Section 7261) to Chapter 4 (commencing with Section 7275), inclusive, of the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), and that is approved by a majority of the entire membership of the authority.

(2) The tax may be imposed only if the proposing ordinance is approved by two-thirds of the voters, in the manner as otherwise required by law, voting on this measure, in an election held on November 4, 2008, or at a subsequent election and, if so approved, shall become operative as provided in Section 130352.

(3) The proposing ordinance shall specify, in addition to the rate of tax and other matters as required by the Transactions and Use Tax Law, that the tax is to be imposed for a period not to exceed 30 years and the net revenues derived from the tax are to be administered by the MTA as provided in this section. Net revenues shall be defined as all revenues derived from the tax less any refunds, costs of administration by the State Board of Equalization, and costs of administration by the MTA. Such costs of administration by the MTA shall not exceed one and one-half percent (1.5%) of the revenues derived from the tax. The MTA shall, during the period in which the ordinance is operative , except for the extension period authorized by Section 130350.6 , allocate 20 percent of all net revenues derived from the tax for bus operations to all eligible and included municipal transit operators in the County of Los Angeles and to the MTA, in accordance with Section 99285. However, the allocations to the MTA and eligible and included

municipal operators shall be made solely from revenues derived from a tax imposed pursuant to this section, and not from local discretionary sources. Funds allocated by MTA to itself pursuant to this section shall be used for transit operations and shall not supplant funds from any other source allocated by MTA to itself for public transit operations. Funds allocated by MTA to the eligible and included municipal operators pursuant to this section shall be used for transit operations and shall not supplant any funds authorized by other provisions of law and allocated by MTA to the eligible and included municipal operators for public transit. In addition to this amount, the MTA shall allocate 5 percent of all net revenues derived from the tax , except for those derived from the extension authorized by Section 130350.6, for rail operations. The MTA shall include the projects and programs described in subparagraphs (A) and (B) in the expenditure plan required under subdivision (f). The MTA shall include all projects and programs described in the expenditure plan required under subdivision (f) in its Long Range Transportation Plan (LRTP). The priorities for projects and programs described in subparagraphs (A) and (B) and in the expenditure plan required under subdivision (f) shall be those set forth in the expenditure plan. The funding amounts specified in subparagraphs (A) and (B) are minimum amounts that shall be allocated by the MTA from the net revenues derived from a tax imposed pursuant to this section. Nothing in this section prohibits the MTA from allocating additional net revenues derived from the tax to these projects and programs.

(A) Capital Projects.

(i) Exposition Boulevard Light Rail Transit Project from downtown Los Angeles to Santa Monica. The sum of nine hundred twenty-five million dollars (\$925,000,000).

(ii) Crenshaw Transit Corridor from Wilshire Boulevard to Los Angeles International Airport along Crenshaw Boulevard. The sum of two hundred thirty-five million five hundred thousand dollars (\$235,500,000).

(iii) San Fernando Valley North-South Rapidways. The sum of one hundred million five hundred thousand dollars (\$100,500,000).

(iv) Metro Gold Line (Pasadena to Claremont) Light Rail Transit Extension. The sum of seven hundred thirty-five million dollars (\$735,000,000).

(v) Metro Regional Connector. The sum of one hundred sixty million dollars (\$160,000,000).

(vi) Metro Westside Subway Extension. The sum of nine hundred million dollars (\$900,000,000).

(vii) State Highway Route 5 Carmenita Road Interchange Improvement. The sum of one hundred thirty-eight million dollars (\$138,000,000).

(viii) State Highway Route 5 Capacity Enhancement (State Highway Route 134 to State Highway Route 170, including access improvement for Empire Avenue). The sum of two hundred seventy-one million five hundred thousand dollars (\$271,500,000).

(ix) State Highway Route 5 Capacity Enhancement (State Highway Route 605 to the Orange County line, including improvements to the Valley View Interchange). The sum of two hundred sixty-four million eight hundred thousand dollars (\$264,800,000).

(x) State Highway Route 5/State Highway Route 14 Capacity Enhancement. The sum of ninety million eight hundred thousand dollars (\$90,800,000).

(xi) Capital Project Contingency Fund. The sum of one hundred seventy-three million dollars (\$173,000,000).

(B) Capital Programs.

(i) Alameda Corridor East Grade Separations. The sum of two hundred million dollars (\$200,000,000).

(ii) MTA and Municipal Regional Clean Fuel Bus Capital (Facilities and Rolling Stock). The sum of one hundred fifty million dollars (\$150,000,000).

(iii) Countywide Soundwall Construction (MTA Regional List and Monterey Park/State Highway Route 60). The sum of two hundred fifty million dollars (\$250,000,000).

(iv) Local return for major street resurfacing, rehabilitation, and reconstruction. The sum of two hundred fifty million dollars (\$250,000,000).

(v) Metrolink Capital Improvements. The sum of seventy million dollars (\$70,000,000).

(vi) Eastside Light Rail Access. The sum of thirty million dollars (\$30,000,000).

(c) The MTA may incur bonded indebtedness payable from the proceeds of the tax provided by this section pursuant to the bond issuance provisions of Section 130500 et seq. of the Public Utilities Code, and any successor act. The MTA shall include in the expenditure plan, required under subdivision (f), the amount of net revenue specified for all projects and programs in subparagraphs (A) and (B) of paragraph (3) of subdivision (b) as a condition of the use and expenditure of the proceeds of the tax. The MTA shall maintain the current amount of any funding for the projects and programs specified in this section that has been previously programmed or received from sources other than the proceeds of the tax, and may not reallocate money that has been previously programmed or received for those projects and programs to other projects or uses.

(d) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, the tax rate authorized by this section shall not be considered for purposes of the combined rate limit established by that section.

(e) A jurisdiction or recipient is eligible to receive funds from the local return program, described in clause (iv) of subparagraph (B) of paragraph (3) of subdivision (b) of this section and in subparagraph (I) of paragraph (2) of subdivision (b) of Section 130350.6, only if it continues to contribute to that program an amount that is equal to its existing commitment of local funds or other available funds. The MTA may develop guidelines that, at a minimum, specify maintenance of effort requirements for the local return program, matching funds, and administrative requirements for the recipients of revenue derived from the tax.

(f) Prior to submitting the ordinance to the voters, the MTA shall adopt an expenditure plan for the net revenues derived from the tax. The expenditure plan shall include, in addition to other projects and programs identified by the MTA, the specified projects and programs listed in paragraph (3) of subdivision (b), the estimated total cost for each project and program, funds other than the tax revenues that the MTA anticipates will be expended on the projects and programs, and the schedule during which the MTA anticipates funds will be available for each project and program. The MTA shall also identify in its expenditure plan the expected completion dates for each project described in subparagraph (A) of paragraph (3) of subdivision (b). To be eligible to receive revenues derived from the tax, an agency sponsoring a capital project or capital program shall submit to the MTA an expenditure plan for its project or program containing the same elements as the expenditure plan that MTA is

required by this subdivision to prepare.

(g) The MTA shall establish and administer a sales tax revenue fund. The net revenue derived from the tax, after payment of any debt services and related obligations, shall be credited to this fund. The moneys in the fund shall be available to the MTA to meet expenditure and cashflow needs of the projects and programs described in the expenditure plan required under subdivision (f). In the event that there are net revenues in excess of the amount necessary to provide the amount of net revenues specified in the expenditure plan for the projects and programs described therein, the MTA may expend the excess net revenues on projects and programs in the expenditure plan or the LRTP. In the event that projects and programs in the expenditure plan are completed without the expenditure of the amount of net revenues specified, the MTA shall expend the excess net revenues on projects and programs in the expenditure plan or the LRTP within the same subregion as the project or program that is completed. For the purposes of this section, "subregion" shall be defined in the LRTP.

(h) If other funds become available and are allocated to provide all or a portion of the amount of net revenues specified in the expenditure plan for the projects or programs described therein, the MTA may expend the surplus net revenues on other projects and programs in the expenditure plan or the LRTP.

(i) (1) Notwithstanding subdivision (h), if a capital project or capital program described in clauses (i) to (x), inclusive, of subparagraph (A) of paragraph (3) of subdivision (b) and clauses (i) and (vi) of subparagraph (B) of paragraph (3) of subdivision (b), has been fully funded from other sources on or before December 31, 2008, the funds designated to the project or program in clauses (i) to (x), inclusive, of subparagraph (A) of paragraph (3) of subdivision (b) and clauses (i) and (vi) of subparagraph (B) of paragraph (3) of subdivision (b) shall remain in the subregion in which the project or program is located and shall be allocated to other projects or programs in the subregion prior to the expiration of the tax.

(2) A capital project or capital program funded with reallocated funds pursuant to paragraph (1) shall be included in the adopted 2008 Long Range Transportation Plan or the successor plan and shall be of regional significance as determined by the MTA. For purposes of this subdivision, "subregions" means the subregions as defined in the LRTP in effect as of January 1, 2008.

(j) Notwithstanding Section 130354, revenues raised under this section and Section 130350.6 may be used to facilitate the transportation of people and goods within Los Angeles County. The use of the revenues shall not be limited to public transit purposes.

(k) No later than 365 days prior to the adoption of an amendment described in paragraph (1) to an expenditure plan adopted pursuant to subdivision (f), including, but not limited to, the expenditure plan adopted by the MTA board as "Attachment A" in Ordinance #08-01 adopted by the board on July 24, 2008, and in addition to any other notice requirements in the proposing ordinance, the board shall notify the Members of the Legislature representing the County of Los Angeles of all of the following:

(1) A description of the proposed amendments to the adopted expenditure plan that would do any of the following:

(A) Affect the amount of net revenues derived from the tax imposed pursuant to this act that is proposed to be expended on a capital project or projects identified in the adopted expenditure plan.

(B) Delay the schedule for the availability of funds proposed to

be expended on a capital project or projects identified in the adopted expenditure plan.

(C) Delay the schedule for the estimated or expected completion date of a capital project or projects identified in the adopted expenditure plan.

(2) The reason for the proposed amendment.

(3) The estimated impact the proposed amendment will have on the schedule, cost, scope, or timely availability of funding for the capital project or projects contained in the adopted expenditure plan.

(1) The notification required pursuant to subdivision (k) shall be achieved by resolution adopted by the MTA board.

(m) The MTA board shall provide prior written notice to the Members of the Legislature representing the County of Los Angeles of any proposed amendments to the adopted expenditure plan that would accelerate funding for a capital project or projects in the adopted expenditure plan.

SEC. 3. Section 130350.6 is added to the Public Utilities Code, to read:

130350.6. (a) The tax authorized by Section 130350.5 may be extended for an additional ____ years beyond the 30-year period set forth in paragraph (3) of subdivision (b) of Section 130350.5. This extension shall be proposed in a transactions and use tax ordinance, or an amendment of the ordinance approved pursuant to paragraph (1) of subdivision (b) of Section 130350.5, that conforms with Chapter 2 (commencing with Section 7261) to Chapter 4 (commencing with Section 7275), inclusive, of the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), and that is approved by a majority of the entire membership of the authority. The tax may be extended pursuant to this section only if the proposing ordinance, or amendment thereof, is approved by two-thirds of the voters, in the manner as otherwise required by law, voting on this measure, in a special or general election and, if so approved, shall become operative as provided in Section 130352. The proposing ordinance shall specify that the net revenues derived from the tax extension are to be administered by the MTA as provided in this section. Net revenues shall be defined as all revenues derived from the tax less any refunds, costs of administration by the State Board of Equalization, and costs of administration by the MTA. Such costs of administration by the MTA shall not exceed 1.5 percent of the revenues derived from the tax extension.

(b) (1) The MTA shall incur bonded indebtedness payable from the proceeds of the tax extension authorized by this section pursuant to the bond issuance provisions of this chapter, and any successor act. Proceeds from those bonds shall be used to accelerate the completion of the following projects and programs:

(A) Green Line Extension to the Los Angeles International Airport.

(B) Green Line Extension: Redondo Beach Station to South Bay Corridor.

(C) Metro Gold Line (Pasadena to Claremont) Light Rail Transit Extension.

(D) Exposition Boulevard Light Rail Transit Project from downtown Los Angeles to Santa Monica.

(E) Crenshaw Transit Corridor from Wilshire Boulevard to Los Angeles International Airport along Crenshaw Boulevard.

(F) San Fernando Valley North-South Rapidways.

(G) San Fernando Valley I-405 Corridor Connection.
(H) Metro Regional Connector.
(I) Metro Westside Subway Extension.
(J) Alameda Corridor East Grade Separations.
(K) West Santa Ana Branch Corridor.
(L) MTA and Municipal Regional Clean Fuel Bus Capital (Facilities and Rolling Stock).

(M) Metrolink Capital Improvements.

(N) Eastside Light Rail Access.

(2) Upon completion of the projects and programs identified in paragraph (1), any funds remaining from the bonds described in paragraph (1) shall be used to accelerate the completion of the following projects and programs:

(A) Interstate 710 North Gap Closure (tunnel).

(B) Interstate 605 Corridor "Hot Spot" Interchanges.

(C) State Highway Route 5 Carmenita Road Interchange Improvement.

(D) State Highway Route 5 Capacity Enhancement (State Highway Route 134 to State Highway Route 170, including access improvement for Empire Avenue).

(E) State Highway Route 5 Capacity Enhancement (State Highway Route 605 to the Orange County line, including improvements to the Valley View Interchange).

(F) State Highway Route 5/State Highway Route 14 Capacity Enhancement.

(G) Capital Project Contingency Fund.

(H) Countywide Soundwall Construction (MTA Regional List and Monterey Park/State Highway Route 60).

(I) Local return for major street resurfacing, rehabilitation, and reconstruction.

(3) Upon completion of the projects and programs identified in paragraphs (1) and (2), any funds remaining from the bonds described in paragraph (1) and any funds remaining from the proceeds of the tax extension authorized by this section, after payment of the bonded indebtedness, shall be deposited in the fund described in subdivision (g) of Section 130350.5.

(c) Prior to submitting the ordinance described in subdivision (a) to the voters, the MTA shall amend the expenditure plan adopted pursuant to subdivision (f) of Section 130350.5. The amended plan shall update all of the following for the projects and programs listed in subdivision (b): the estimated total cost for each project or program, the schedule during which the MTA anticipates funds will be available for each project or program, and the expected completion dates for each project or program.

BILL: AB 1444

AUTHOR: ASSEMBLYMEMBER MIKE FEUER
(D- LOS ANGELES)

SUBJECT: EXPEDITED JUDICIAL PROCESS

STATUS: PENDING REFERRAL TO COMMITTEE

ACTION: SUPPORT

RECOMMENDATION

Staff recommends that the Board support AB 1444 which would establish an expedited judicial process for transit projects subject to environmental lawsuits.

ISSUE

Projects that experience a lawsuit under California environmental laws proceed first to a Superior Court hearing and are frequently appealed to the Appellate Court level. This process causes significant delays and cost increases to projects. Last year, legislation was passed that allowed lawsuits on specific types of non-transit projects to be taken directly to the Appellate Court. AB 1444 intends to expand that authorization to transit projects.

PROVISIONS

At this time AB 1444 contains intent language stating the author's intent to allow environmental lawsuits on transit projects to proceed straight to the Appellate Court.

IMPACT ANALYSIS

Last year, legislation was adopted which required that an environmental lawsuit challenging the proposed football stadium in Downtown Los Angeles would proceed straight to the Appellate Court and must be processed within a specific timeframe. Companion legislation was adopted that allowed this process for similar projects. That companion legislation did not include public transit projects.

Staff believes that the benefits provided by transit projects would justify their eligibility for an expedited judicial process and have sought legislation to that end. AB 1444,

which states legislative intent at this time, could provide significant time and cost savings to projects as well as expedite the environmental benefits of these projects. Metro engages in extensive environmental reviews of all of its major transit projects and this review is accompanied by robust outreach that far exceeds the requirements of the review process. This change would neither reduce the environmental review nor would it reduce the outreach efforts. The legislation would also not eliminate legal review. It would only reduce the process to one step and require a timeframe by which that process must be concluded.

Staff is currently exploring ways to structure the legislation so that it provides maximum benefit for our projects. Staff is working with the Assembly Member to finalize that language. Even though the language states intent at this time staff recommends that the Board adopt a support position on AB 1444.

DETERMINATION OF SAFETY IMPACT

Staff has reviewed this proposal for any impacts to safety and has determined that the legislation will not impact safety.

ALTERNATIVES CONSIDERED

Staff considered two alternatives. First is that the Board could not take a position on AB 1444. Staff felt this alternative was unwarranted since the proposal has the potential to create significant benefits for our projects. Secondly staff considered taking a work with author position. This alternative was rejected since working with the author is implied given the status of the bill and the opportunity to shape the legislation as it moves forward.

NEXT STEPS

Staff will work with the Assembly Member to develop language which provides the maximum benefit to the transit projects in our Long Range Plan.

BILL NUMBER: AB 1444 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Feuer

JANUARY 4, 2012

An act relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1444, as introduced, Feuer. Environmental quality: expedited judicial review: public rail transit projects.

The 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 (EIR) 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 amended CEQA to establish, until January 1, 2015, an expedited judicial review process and specifies procedures for the preparation and certification of the administrative record for an EIR of a project meeting specified requirements that has been certified by the Governor as an environmental leadership development project.

This bill would state the intent of the Legislature to enact legislation to provide the benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 for new public rail transit infrastructure projects.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Since 2007, the nation and the state have plunged into a recession, and thousands of jobs have been lost. The unemployment rate in California exceeds the national average at 11.8 percent, and in certain regions of the state the rate exceeds 13 percent. The construction industry in California has been particularly hard hit. Some estimates put the percentage of construction workers who are out of work as high as 40 percent. Still, California's population continues to grow and is projected to increase by 4.3 million over the next decade. California needs to create an estimated 1.8 million jobs to keep up with its population growth.

(b) One of the results of the population growth in California will be increased traffic congestion on the state's streets and highways

and related adverse economic, environmental, and health impacts.

(c) To address both the need for jobs and the need to efficiently move people and goods, it is imperative to plan for, and expedite the construction of, new environmentally sound public rail transit options as alternatives to private vehicle trips, as well as other large infrastructure projects.

(d) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated.

(e) The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.

SEC. 2. It is the intent of the Legislature to enact legislation to provide the unique and unprecedented streamlining benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (Chapter 6.5 (commencing with Section 21178) of Division 13 of the Public Resources Code) for new public rail transit infrastructure projects that provide the benefits specified in Section 1 of this act to put people to work as soon as possible.