

Date of Hearing: April 17, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1282 (Mullin) – As Amended April 4, 2017

SUBJECT: Transportation: task force: permit processing

SUMMARY: Directs the Secretary of the California State Transportation Agency (CalSTA), in consultation with the Secretary of the Natural Resources Agency, to create a Transportation Permitting Task Force, as prescribed. Specifically, **this bill:**

- 1) Directs the CalSTA Secretary, by April 1, 2018, to create the task force with the specific purpose of developing a process for early engagement of all parties in developing transportation project to improve timeliness and reliability of environmental permit approvals.
- 2) Prescribes the membership of the task force to include representatives of the following agencies:
 - a) Transportation Agency;
 - b) Natural Resources Agency;
 - c) Environmental Protection Agency;
 - d) California Transportation Commission (CTC);
 - e) California Department of Transportation (Caltrans);
 - f) California Department of Fish and Wildlife;
 - g) California Department of Water Resources; and,
 - h) California Coastal Commission.
- 3) Directs the Secretary of CalSTA to prepare and submit a report of the task force's findings to the appropriate legislative policy and fiscal committees by December 1, 2018.
- 4) Sets forth specific requirements to be included in the report, including:
 - a) A description of the existing permitting process for transportation projects, including a discussion of where in the process delays are most likely to occur;
 - b) An identification of existing personnel positions that are supported by Caltrans and resourced to various state agencies and their costs, as well as a discussion of the benefits these resources bring to transportation programs;
 - c) Recommendations for improving the permitting process through early engagement in project development;

- d) An identification of the resource levels needed at resource agencies to implement the improved process, as proposed; and,
- e) An identification of legislative and/or regulatory hurdles that would need to be addressed to implement the improved process, as proposed.

EXISTING LAW: Regulates development activities that would otherwise be prohibited by law by establishing permit programs to ensure that such activities are carried out in a manner that safeguards, for example, endangered species, waterways, cultural resources, and air quality.

FISCAL EFFECT: Unknown

COMMENT: Under existing law, transportation projects can take many years from inception to construction and operation. Project sponsors and applicants must maneuver through a multi-stage development and review process that includes environmental impact review and mitigation, design and engineering, right-of-way acquisition, financing, construction and other related requirements. Delays in the permit approval process are common and, because of the traditional sequential project approval and permitting processes, can greatly extend the length of time needed to complete a particular project.

The author introduced this bill, in part, in response to a legislative recommendation made by the CTC in its 2016 annual report. Specifically, that report recommended that the Legislature create a task force comprised of state environmental permitting agencies and transportation entities to establish a process for early engagement of all parties in project development to reduce permit processing time, establish reasonable deadlines for permit approvals, and provide greater certainty of permit approval requirements. According to CTC:

"The current state environmental permitting processes for transportation projects leads to increased costs and less efficient project delivery. Obtaining all necessary environmental permits and approvals from responsible agencies is a critical milestone in the project development process. If permits are delayed—whether due to insufficient staffing levels, competing priorities, or other factors affecting the responsiveness of the permitting agency—a project will be delayed and costs increased.

Caltrans and other agencies often provide funding to support staff in resource agencies to facilitate timely review of project permitting and approval requirements. It continues to be a challenge, however, to achieve the early engagement of resource agency staff necessary to reduce uncertainty in project development, and to ensure resource agencies are adequately staffed. In addition, requirements of different permitting agencies can be in conflict, increasing uncertainty. Early engagement of permitting agencies, and a commitment to reasonable deadlines for permit approvals, would improve the predictability and management of the project development process, and in turn, reduce the cost of delivering critical infrastructure."

This bill would establish the task force recommended by CTC and may result in accelerating delivery of transportation projects.

Previous legislation: AB 189 (Horton) of 2005 would have established a pilot program to evaluate the potential benefits of an alternative environmental review process focused primarily

on consolidating review and permit approval through early engagement of resource agencies, rather than the traditional sequential project approval and permitting process. AB 189 was held on the Assembly Appropriations Committee Suspense File.

AB 1233 (Horton) of 2004 was virtually identical to AB 189, described above, and was also held on the Assembly Appropriations Committee Suspense File.

REGISTERED SUPPORT / OPPOSITION:

Support

California Transportation Commission

Opposition

None on file

Analysis Prepared by: Janet Dawson / TRANS. /