

An act to amend Section 13979.2 of the Government Code, relating to transportation.

SECURED
COPY



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

SECTION 1. Section 13979.2 of the Government Code is amended to read:

13979.2. (a) The secretary, on behalf of the agency, and any department, office, or other unit within the agency with the authority to implement transportation projects, may assume responsibilities under the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and other federal environmental laws, pursuant to Section 327 of Title 23 of the United States Code, for any railroad, public transportation, or multimodal project. Consistent with any memorandum of understanding between the state and federal government, the responsibilities assumed by the secretary pursuant to this section may also include those related to local projects, as requested by a local or regional agency, including, but not limited to, cities, counties, cities and counties, special districts, and joint powers authorities.

(b) Before assuming the responsibilities set forth in subdivision (a) through execution of a memorandum of understanding between the State of California and the federal government, the secretary shall submit a copy of the draft memorandum of understanding to the Joint Legislative Budget Committee. Execution of the memorandum of understanding shall occur no sooner than 30 days after the secretary provides the draft memorandum of understanding to the Joint Legislative Budget Committee, or whatever lesser time after that notification that the chair of the joint committee, or the chair's designee, may determine.

(c) The State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of any responsibilities assumed pursuant to subdivision (a).

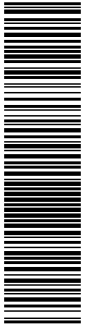
(d) In any action brought pursuant to the federal laws described in subdivision (a) for a project for which responsibilities have been assumed pursuant to subdivision (a), no immunity from suit may be asserted pursuant to the Eleventh Amendment to the United States Constitution, and any immunity is hereby waived.

(e) No responsibility assumed pursuant to subdivision (a) may be delegated to any political subdivision of the state, such as a county, or its instrumentalities.

(f) This section does not affect the obligation of the secretary and all departments, offices, and other units within the ~~agency~~ agency, or any local or regional agency, to comply with state and federal law.

(g) Nothing in this section is intended to repeal or modify Section 820.1 of the Streets and Highways Code.

~~(h) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.~~



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.

General Subject: Secretary of Transportation: National Environmental Policy Act of 1969.

Existing law authorizes the Secretary of Transportation to assume the responsibilities of the United States Secretary of Transportation under the federal National Environmental Policy Act of 1969 and other federal environmental laws for any railroad, public transportation, or multimodal project undertaken by state agencies, as specified. Existing law provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of these responsibilities. Existing law repeals these provisions on January 1, 2025.

This bill would delete the above-described January 1, 2025, repeal date, thereby extending the operation of these provisions indefinitely. The bill would authorize the Secretary of Transportation to additionally assume responsibilities related to local projects, as requested by a local or regional agency, as specified, that are consistent with any memorandum of understanding between the state and federal government.

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

