

Eco-Rapid Transit, formerly known as the Orangeline Development Authority, is a joint powers authority (JPA) created to pursue development of a transit system that moves as rapidly as possible, uses grade separation as appropriate, and is environmentally friendly and energy efficient. The system is designed to enhance and increase transportation options for riders of this region utilizing safe, advanced transit technology to expand economic growth that maximizes ridership in Southern California. The Authority is composed of the following public agencies:

- City of Artesia
- City of Bell
- City of Bell Gardens
- City of Cudahy
- City of Downey
- City of Glendale
- City of Huntington Park
- City of Maywood
- City of Paramount
- City of South Gate
- Burbank-Glendale-Pasadena Airport Authority

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William Rawlings  
City Manager Representative

**AGENDA REPORT**

**TO:** Members of Eco-Rapid Transit Board of Directors

**FROM:** Michael Kodama, Executive Director

**DATE:** August 12, 2020

**SUBJECT:** **UPDATE AND/OR ACTION REGARDING SB 757 (ALLEN) THAT ESTABLISHES EXPEDITED ADMINISTRATIVE AND JUDICIAL REVIEW PROCEDURES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR FOUR PROPOSED TRANSIT PROJECTS WITHIN THE JURISDICTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO)**

Public comments on items on the agenda will be taken at the time the item is called and are limited to 3 minutes per speaker

**ISSUE**

Eco-Rapid Transit staff seeks your guidance regarding the possibility of supporting SB 7157 (Allen). SB 757 makes environmentally beneficial, zero-emission mass transit projects throughout California eligible for potential expedited Environmental Quality Act (CEQA) review by the Superior Court. It establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for four proposed transit projects within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority (Metro), requiring the courts to resolve lawsuits within 270 days, to the extent feasible. This includes the West Santa Ana Branch.

**BACKGROUND**

SB 757 (Allen) establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for four proposed transit projects within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority (Metro), requiring the courts to resolve lawsuits within 270 days, to the extent feasible.

It establishes expedited administrative and judicial review procedures under CEQA for the "Twenty-Eight by '28 Initiative pillar projects," limiting public comments, requiring preparation of the record concurrently with the administrative process, and requiring the courts to resolve lawsuits challenging CEQA or other approvals within 270 days from the date the certified record is filed with the court, to the extent feasible.

SB 757 specifies the "Twenty-Eight by '28 Initiative pillar projects" means the following projects set forth in the file numbers 2019-0108 and 2019-0760 of the Los Angeles County Metropolitan Transportation Authority that are funded as a part of Measure M, approved by the voters at the 2016 statewide general election:



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City of Paramount

City of South Gate

Burbank-Glendale-Pasadena  
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- Gold Line Eastside Extension Phase 2
- Green Line Extension to Torrance
- Sepulveda Transit Corridor
- West Santa Ana Branch from Artesia to Downtown Los Angeles.

CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, court challenges of CEQA decisions generally must be filed within 30 to 35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. There is no deadline specified for the court to render a decision.

In 2011, AB 900 and SB 292 (Padilla), Chapter 353, Statutes of 2011, established expedited CEQA judicial review procedures for a limited number of projects.

In 2018, the Legislature passed AB 734 (Bonta) and AB 987 (Kamlager) to provide expedited judicial review for the Oakland A's and Los Angeles Clippers projects respectively.

In 2016, Los Angeles Mayor and Metro Board Chair Eric Garcetti announced a "Twenty-Eight by '28 Initiative" to highlight and accelerate construction projects for completion in advance of the 2028 Olympic and Paralympic Games. The 2028 Summer Olympics are currently scheduled to take place from July 21 to August 6, 2028 throughout the greater Los Angeles region. An important part of this process and to meet this timeline is to reduce risks of delay and pursue a 2023 construction start to meet the goal of revenue service in 2028 is to see if it is possible to reduce possible delays related to the environmental process, such as requiring the courts to resolve lawsuits within 270 days, to the extent feasible.

SB 757 was introduced by Senators Ben Allen and Toni Atkins and is sponsored by Senator Archuleta, Senator Beall, Senator Bradford and Assemblymember Friedman and Assemblymember Muratsuchi.

## RECOMMENDATION

It is recommended that the Board:

1. Discuss information presented and offer action items; and/or
2. Receive and file the item

# SB 757 – Expedited CEQA review for transit projects

## SENATORS BEN ALLEN & TONI ATKINS

Senators Archuleta, Beall, Bradford  
and Assemblymembers Friedman and Muratsuchi

### FACT SHEET

#### PROBLEM

SB 757 makes environmentally beneficial, zero-emission mass transit projects throughout California eligible for potential expedited Environmental Quality Act (CEQA) review by the Superior Court.

The sooner such transformative projects undergo CEQA, are built and begin operating, the faster they will significantly displace less efficient and more pollution-intensive regional trips taken by single passengers in private vehicles.

#### BACKGROUND

California statute establishes a process permitting certain large-scale construction project proponents to apply for certification by the Governor as an “environmental leadership development project”. Law already mandates that CEQA litigation to be prioritized over other civil action. Leadership certification additionally requires lawsuits challenge a CEQA document to be resolved by the Superior Court within 270 days, to the extent feasible.

An identified goal of environmental leadership projects is to achieve a 15% or greater standard for transportation efficiency. It is vexingly incongruous that the law does not explicitly permit transit projects—which are designed to convey passengers from one place to another in a fast, efficient manner—to be eligible for certification.

The 17 projects designated under AB 900 for special judicial treatment so far—although impressive—cannot deliver the magnitude of environmental benefits to Californians as does a large, zero-emission transit project.

Quick resolution of legal challenges to transit projects could speed up construction by years.

#### SOLUTION

As recently amended, SB 757 adds a section to the Public Resources Code permitting a “project to construct an exclusive public mass transit guideway and related fixed facilities” to apply for leadership certification if it meets certain conditions, including:

- o consistency with a region’s sustainable communities strategy and transportation plan;
- o zero-emission operation of the transit project itself;
- o direct reduction of greenhouse gases emissions, without using offsets;
- o AND reduction through the project of vehicle miles traveled in the corridor in which it operates.

There is exceptional merit in stipulating that large-scale, transformative regional transit projects be awarded a more certain, truncated timeline to undergo review by the California’s Superior Court.

Each additional day roads are congested, and drivers take trips alone in their vehicles, massive quantities of carbon dioxide, NOx and diesel particulates are emitted throughout our state, often in some of the most polluted air basins in the country.

#### SPONSOR

Los Angeles Metropolitan Transportation Authority

#### CONTACT

Zak Castillo-Krings  
Office of Senator Ben Allen  
(916) 651-4026  
[zak.castillo-krings@sen.ca.gov](mailto:zak.castillo-krings@sen.ca.gov)

