

ATTACHMENT D

BILL: SB 1018

AUTHOR: SENATOR CAROL LIU
(D-LA CANADA FLINTRIDGE)

SUBJECT: CEQA: STATE ROUTE 710 NORTH STUDY

STATUS: SENATE TRANSPORTATION AND HOUSING COMMITTEE

ACTION: OPPOSE

RECOMMENDATION

Staff recommends that the Board adopt an OPPOSE position on SB 1018 (Liu).

ISSUE

Senator Carol Liu has introduced SB 1018, a bill that would require that the Cost Benefit Analysis (CBA) for the SR 710 North Study to be a technical study included in the comprehensive analysis of the alternatives described in the draft environmental document for the State Route 710 North.

SB 1018 would:

- Establish that the Cost Benefit Analysis is a technical study in the environmental document for the SR 710 North Study.
- Require the lead agency to respond, in writing, to any comments regarding the analysis submitted during the public comment period.
- Declare the measure an urgency statute to take effect immediately.

DISCUSSION

The Metro Board of Directors directed the preparation of a CBA of the alternatives currently under study in its role as the funding agency for the State Route 710 environmental review process. The Board is not the lead agency in the environmental review process and will not be the agency that approves the environmental document and selects the final project. However, the Metro Board may be called on to make decisions relating to funding on the project. The Board determined that in its role as a funding partner the CBA would be valuable in its decision making process.

With respect to comments on the CBA, Metro and Caltrans are committed to responding to comments on the CBA. Metro is committed to an open and transparent process in its decision making and we believe the CBA has a role in the funding decision making process.

According to Caltrans, the CBA has been incorporated into the environmental document as a technical study. The CBA has been included in the Caltrans website with other technical studies for the draft environmental document. Therefore SB 1018 is not necessary and could set a precedent or future environmental studies as it would mandate the inclusion of a CBA which is currently optional. In setting a precedent relating to CBA's the bill could cause future environmental documents to include similar studies increasing the costs of those studies. The choice to do a CBA should be at the discretion of the agencies leading the process.

For these reasons staff recommends that the Board oppose SB 1018.

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. However, the bill could increase the cost of future environmental documents by setting a precedent that could cause the inclusion of CBA's in the environmental review process in the future.

ALTERNATIVES CONSIDERED

Metro could consider adopting a work with author position on the bill because we are responding to comments on the Cost Benefit Analysis, however the provision that requires the CBA to a part of the environmental document is a chief concern.

NEXT STEPS

Should the Board decide to adopt an OPPOSE position on SB 1018, staff will communicate the Board's position to the author and work to oppose the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.