

Date of Hearing: June 29, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

SB 1008 (Lara) – As Amended April 27, 2016

**SENATE VOTE:** 34-0

**SUBJECT:** California Environmental Quality Act: Los Angeles Regional Interoperable Communications System: exemption.

**SUMMARY:** Extends the current California Environmental Quality Act (CEQA) exemption deadline for the Los Angeles Interoperable Regional Communication System (LA-RICS) project for three additional years, from January 1, 2017, to January 1, 2020. Specifically, **this bill:**

- 1) Extends until January 1, 2020, the CEQA exemption for the design, site acquisition, construction, operation or maintenance of certain structures and equipment of the LA-RICS.
- 2) Excludes from the exemption projects at fire stations, school sites, and cultural or sacred sites.
- 3) Requires, prior to determining whether this exemption may apply to a project, the LA-RICS Joint Powers Authority (Authority) to a) hold noticed public hearings in areas affected by the project to hear and respond to public comments; and, b) provide public notice in a newspaper of general circulation in the area affected by the project.
- 4) Requires, for an exempted project, the Authority to file a notice of exemption (NOE) with the Office of Planning and Research and the county clerk in the county in which the project is located, as well as post the NOE on its Web site.
- 5) Requires the Authority to post on its Web site information related to environmental reviews of LA-RICS projects.
- 6) Requires the Authority and its member agencies to approve use agreements for the LA-RICS in an open and noticed public meeting.
- 7) Extends the sunset for this exemption from January 1, 2017, to January 1, 2020.
- 8) Declares that no reimbursement is required because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of serviced mandated by this act, as specified.

**EXISTING LAW:**

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines).

- 2) Exempts from CEQA the design, site acquisition, construction, operation or maintenance of specified LA-RICS equipment and structures, including antennas, support structures, equipment enclosures, switch facilities, associated foundations and equipment, at existing publicly-owned sites that include public safety radio facilities.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

- 1) **Bill Summary.** This bill extends until January 1, 2020, the CEQA exemption for the design, site acquisition, construction, operation or maintenance of certain structures and equipment of the LA-RICS, which was enacted in 2012 and sunsets in 2017. This bill excludes from the exemption projects at fire stations, school sites, and cultural or sacred sites, and imposes new hearing and notice requirements for the Authority to meet.

This bill is sponsored by the County of Los Angeles and the County of Los Angeles Sheriff's Department.

- 2) **Background.** In 2009, LA-RICS was established as a joint powers authority specifically to create the Los Angeles Regional Tactical Communications Subsystem - a network that would unite the region's 34,000 first responders through voice and data communications. The need for emergency communications interoperability is especially great in the Los Angeles region with over 50 law enforcement agencies and 31 fire departments serving a 4,084 square mile region and 10 million county residents.

AB 1486 (Lara), Chapter 690, Statutes of 2012, provided the LA-RICS Authority with a CEQA exemption, until January 1, 2017. The bill exempted the design, site acquisition, construction, operation, or maintenance of certain elements of the LA-RICS structures from CEQA if certain conditions were met (e.g., project would not have a substantial adverse impact on wetlands, riparian areas, or historical areas; operation of the project would not exceed certain Federal Communications Commission exposure standards).

- 3) **Author's Statement.** According to the author, "The Los Angeles Regional Interoperable Communications System (LA-RICS) is the single greatest emergency preparedness and homeland security need in the Los Angeles region. The system will provide direct communication interoperability between law enforcement, fire, Federal, State and military agencies in major disasters, such as floods, fires, earthquakes and terrorist incidents. The LA-RICS Project is especially critical given the tragic event of September 11th, which demonstrated the necessity of an interoperable communications system that would assist first-responders in saving lives. SB 1008 would extend the current CEQA exemption deadline for the LA-RICS project for three additional years, from January 1, 2017, to January 1, 2020.

"The extension of the current CEQA exemption is needed to continue to build out the LA-RICS LTE [long-term evolution] broadband system and LMR [land mobile radio] system, and would facilitate the timely environmental review and construction of sites that would be used for this important project. The Federal environmental review process, under the National Environmental Policy Act, for the LA-RICS Project sites, which is still required for the CEQA-exempt sites, has taken longer than previously anticipated.

“The proposed extension is especially essential for the continued build out of the LA-RICS LTE system which is funded by the critical Federal Broadband Technology Opportunities Program (BTOP) grant awarded to the LA-RICS Authority by the U.S. Department of Commerce. Recently enacted Federal legislation provided a five-year extension for BTOP grant recipients, including LA-RICS, through Federal Fiscal Year 2020. The extension would allow much-needed additional time for LA-RICS to construct additional sites to increase coverage and capacity of the LTE broadband system, and ensure that these sites are streamlined for environmental review, constructed and completed on time to enable first responders to communicate in all emergencies and major disasters.

“The exemption will not apply to undeveloped land or privately owned land. It will only apply to sites on publicly owned land where telecommunication infrastructure is already located such as on existing police, sheriff or fire station sites which already contain existing antenna support structure. Sites will not be located in environmentally sensitive areas, such as wetlands, riparian areas, or habitat of significant value, and would not adversely affect historical resources.”

- 4) **Arguments in Support.** Supporters argue that this bill is important to continue to build out the project to provide direct communication interoperability between law enforcement, fire, federal, state, and military agencies in major disasters, such as floods, fires, earthquakes and terrorist incidents.
- 5) **Arguments in Opposition.** Opponents argue that by not complying with CEQA, the public loses out on information about projects around them and lacks assurances that negative impacts in their communities will be mitigated.
- 6) **Double-Referral.** This bill was heard by the Natural Resources Committee on June 13, 2016 and passed with an 8-1 vote.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

County of Los Angeles [SPONSOR]  
 County of Los Angeles Sherriff’s Department [SPONSOR]  
 CalChamber  
 California Ambulance Association  
 California State Firefighters’ Association  
 California State Sheriff’s Association  
 Department of Health Services, Los Angeles County  
 Mayor Eric Garcetti, City of Los Angeles  
 Los Angeles County District Attorney’s Office  
 LA RICS JPA

##### **Opposition**

California League of Conservation Voters  
 Sierra Club California

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