

## Memorandum

**To** Derek Winning, TCAG  
**Date** March 11, 2024  
**Copies** Kate White, Arup  
**Reference number** 296118  
**From** Anthony Bruzzone  
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**Subject** Cross Valley Corridor – CEQA Exemptions for Ph 1 Service and Infrastructure

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### Summary

Recent changes to CEQA provide statutory exemptions from California Environmental Quality Act (CEQA) environmental review for the delivery of transportation projects that significantly advance the state's climate, public safety, and public health goals. Implementation of Cross Valley Corridor (CVX) bus service would likely qualify for such exemptions. These exemptions expire in 2030. In order to save time, money, and legal risk, we recommend utilizing these exemptions for delivery of CVX.

### Background

CEQA is an environmental law that requires state and local agencies to evaluate and disclose the significant environmental impacts of projects they approve and to avoid or mitigate those impacts if possible. Generally under CEQA, any “action” a California agency engages in is a “project” unless exempted statutorily or administratively. Administrative exemptions – for example, Categorical Exemptions, are adopted by agencies using guidance from the CEQA statute or from guidance by state agencies. The project “exists” but is exempt from CEQA required review.

For statutory exemptions, on the other hand, the “action” is not a “project” for the purposes of CEQA. Over the decades, the Legislature has exempted a series of projects from consideration under CEQA, including, at various times, emergency repairs, prisons, the new East Span of the Bay Bridge, and certain rail extensions. During the pandemic, the Legislature created new temporary statutory exemptions to allow for parklets, bike lanes and other measures to encourage commerce in ways that adhered to public health recommendations.

In 2020, the Legislature passed Senate Bill (SB) 288, which began to exempt from CEQA roadway redesign and reconfiguration measures that provided buses and transit with preferential treatment on the public rights-of-way. In first 18 months of SB 288 enactment, more than 15 projects were streamlined. Transit agencies that made use of S.B. 288 include: Yuba-Sutter Transit, Tahoe Transportation District, Napa Valley Transportation Authority, Santa Rosa CityBus, Fairfield and Suisun Transit, Monterey-Salinas Transit District, Culver City CityBus, Long Beach Transit, and Riverside Transit Authority. Streamlined projects include protected pedestrian walkways and bike

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lanes, bus rapid transit projects, electric vehicle charging for buses, and more. Most of these exemptions were scheduled to expire in 2023.

SB 922 (Stats. 2022, Chapter 987) extended and expanded most of these exemptions to 2030.

### **Applicability to Cross Valley Corridor Phase 1 Bus Service**

SB 922 created several new and more expansive statutory exemptions, as follows:

**[from: Public Resources Code 21080.25. (b):]**

(2) Projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians within the public right-of-way.

(3) Transit prioritization projects.

Defined as follows: on highways or in the public right-of-way:

(A) Signal and sign changes, such as signal coordination, signal timing modifications, signal modifications, or the installation of traffic signs or new signals.

(B) The installation of wayside technology and onboard technology.

(C) The installation of ramp meters.

(D) The conversion to dedicated transit lanes, including transit queue jump or bypass lanes, shared turning lanes and turn restrictions, the narrowing of lanes to allow for dedicated transit lanes or transit reliability improvements, or the widening of existing transit travel lanes by removing or restricting street parking.

(E) Transit stop access and safety improvements, including, but not limited to, the installation of transit bulbs and the installation of transit boarding islands.

(6) (A) A public project to construct or maintain infrastructure or facilities to charge, refuel, or maintain zero-emission public transit buses, trains, or ferries, provided the project is carried out by a public transit agency in compliance with, the State Air Resources Board's Innovative Clean Transit regulations

These exemptions cover almost every element of the anticipated CVC Phase 1 capital program.

In addition, the service (the actual operation of the bus) is also exempt under another exemption (enacted by the Legislature in 1982 and without sunset clause):

**Public Resources Code 21080. (b):** This division does not apply to any of the following activities:

(10) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. For purposes of this paragraph, "highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

## **Conclusion**

Implementation of CVC Phase 1 service and required infrastructure using exclusively state and local funds should be exempt from CEQA required environmental review. Should federal funds be used, NEPA would apply. We suggest that federal funds be targeted to vehicles or other discrete project elements. Facilities at NAS Lemoore (stops, electrical infrastructure) will require NEPA clearance. We recommend TCAG's legal counsel identify how to leverage SB 288 to save significant time, cost, and legal risk to deliver CVC.