

AMENDED IN ASSEMBLY APRIL 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2798

Introduced by Assembly Member Fong

February 18, 2022

An act to add and repeal Sections 65905.7, ~~65905.10, 65941.2, and 65960.5~~ and 65905.10 of, and to add and repeal Article 5.5 (commencing with Section 65958) of Chapter 4.5 of Division 1 of Title 7 of, and to add and repeal Chapter 13 (commencing with Section 66310) to Division 1 of Title 7 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2798, as amended, Fong. Freight: development projects.

(1) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2025, with respect to land where industrial or agricultural activity is an allowable use, except as specified, would prohibit a county or city from enacting a development policy, standard, or condition, as defined, that would have specified effects, including (A) changing the land use designation or zoning of a parcel or parcels

~~of property to a less intensive freight transportation use or reducing the intensity of land uses for freight transportation within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2021; (B) imposing or enforcing a moratorium on freight transportation within all or a portion of the jurisdiction of the county or city; (C) imposing or enforcing new design standards established on or after January 1, 2022, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits available or issued by the county or city for freight transportation projects. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after the effective date of these provisions, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.~~

~~This bill would also state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating freight transportation in this state, except as specifically provided.~~

~~(2) The~~

~~The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit the additional material to the public agency, requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of receipt, and provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.~~

~~This bill, until January 1, 2024, would authorize an applicant for a development project associated with the provision of a short-term freight transportation use, as defined, to immediately commence short-term freight transportation uses on the subject property as a use by right, as defined, until the time of permit approval or denial, as specified. *prohibit a local agency from denying a permit for a short-term freight transportation use, as defined, that is submitted by a developer on a*~~

parcel if the proposed use is in conformity with applicable plans, programs, and ordinances, among other things, that apply to the land, solely because the developer has a pending development application, or is concurrently submitting a development application, for a freight transportation project on that land. The bill would restrict the application of its provisions to land zoned for industrial or agricultural uses, subject to specified conditions, as of the date of the application submission. The bill would require an applicant to post and mail notices in a manner consistent with and subject to the local jurisdiction's noticing requirements for general plan amendments, zoning changes, or permit applications, as specified. By imposing new duties on local agencies with regard to local planning and zoning, the bill would impose a state-mandated local program.

~~This bill, until January 1, 2025, would provide that a freight transportation project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for freight transportation projects may use for that purpose. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application. By imposing new duties on local agencies with regard to development applications, the bill would impose a state-mandated local program.~~

~~(3) Existing law authorizes development proponents to submit applications for various development projects through a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards.~~

~~This bill, until January 1, 2026, would authorize a development proponent to submit, and require a local government to approve, an application for a freight transportation infrastructure development, as specified, pursuant to a streamlined, ministerial process if it meets certain objective planning standards, including that it meets specified zoning, general plan, and design review standards. The bill would, if the development conflicts with any of the objective planning standards, require the local government to respond to a development proponent's housing development application pursuant to the bill's provisions within~~

~~60 days of submittal, identifying and explaining the reason for the conflict.~~

~~By imposing new duties upon local agencies with respect to the streamlined approval process described above, and by requiring the development proponent to make various certifications under penalty of perjury in the application, this bill would impose a state-mandated local program.~~

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.~~

~~The approval process established by this bill would be ministerial in nature, thereby exempting the approval of development projects subject to that approval process from CEQA.~~

~~(4)~~

~~(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.~~

~~This bill, until January 1, 2025, would prohibit a city or county from conducting more than 5 hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed freight transportation project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, as defined. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act.~~

This bill, until January 1, 2025, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the freight transportation project, at the time the application is deemed complete, except as provided.

By imposing new duties on local agencies with regard to local planning and zoning, the bill would impose a state-mandated local program.

~~(5)~~

(3) This bill would state that its provisions are severable.

~~(6)~~

(4) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~(7)~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(9)~~

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California is experiencing the effects of an unprecedented
4 global supply chain crisis with disruptions to goods movement
5 caused and exacerbated by the COVID-19 pandemic and surges
6 in product demand which outstrip equipment supply and
7 availability.

1 (b) The impacts of the global supply chain are driving costs and
2 threatening access of California exporters to foreign markets, which
3 in turn threatens the sustainable economic growth of the state.

4 (c) The primary purpose of this act is to encourage the
5 development and growth of California-originated export cargoes,
6 improve access to foreign markets for California’s exported goods
7 by reducing the real costs of transportation, and create and support
8 jobs provided by California employers who are able to grow their
9 export business and maintain their export market.

10 (d) California’s exporters and the international trade that they
11 facilitate are critical components of the state economy by directly
12 or indirectly employing millions of Californians, contributing
13 billions of dollars in economic activity, and generating significant
14 local and state tax revenues as a result of this activity. As such,
15 our exports must be given the ability to successfully compete and
16 continue to grow.

17 (e) The development, improvement, expansion, and maintenance
18 of the state’s exporting of cargoes from farming, distribution,
19 manufacturing, fabrication, assembly, processing, and warehousing
20 sites in California are essential to the growth of the state’s
21 economic well-being and the ability of those businesses and
22 workers associated with trade-related industries to continue to
23 compete cost effectively on a regional, national, and global scale.

24 (f) The global pandemic has demonstrated that access to the
25 global supply chain in times of excessive demand can be limited
26 by extenuating factors beyond the control of Californians, and that
27 the impacts of a lack of access to equipment, vessels, and foreign
28 markets on the California exporter and the California export
29 economy can be significant. California must be able to protect and
30 nurture its exporters in the wake of the pandemic and assist
31 exporters to weather increased costs of access to foreign markets.

32 ~~SEC. 2. It is the intent of the Legislature in enacting the Supply~~
33 ~~Chain Crisis Act of 2022 to do both of the following:~~

34 ~~(a) Suspend certain restrictions on the development of new~~
35 ~~freight transportation infrastructure during the period of the supply~~
36 ~~chain crisis.~~

37 ~~(b) Work with local governments to expedite the permitting of~~
38 ~~freight transportation infrastructure to mitigate the worst effects~~
39 ~~of the supply chain crisis.~~

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 65905.7 is added to the Government Code, to
3 read:

4 65905.7. (a) Notwithstanding any other law, if a proposed
5 freight transportation project complies with the applicable,
6 objective general plan and zoning standards in effect at the time
7 an application is deemed complete, after the application is deemed
8 complete, a city, county, or city and county shall not conduct more
9 than five hearings pursuant to Section 65905, or any other law,
10 ordinance, or regulation requiring a public hearing in connection
11 with the approval of that freight transportation project. If the city,
12 county, or city and county continues a hearing subject to this
13 section to another date, the continued hearing shall count as one
14 of the five hearings allowed under this section. The city, county,
15 or city and county shall consider and either approve or disapprove
16 the application at any of the five hearings allowed under this
17 section consistent with the applicable timelines under the Permit
18 Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

19 (b) For purposes of this section:

20 (1) “Deemed complete” means that the application has met all
21 of the requirements specified in the relevant list compiled pursuant
22 to Section 65940 that was available at the time when the application
23 was submitted.

24 (2) “Freight transportation project” has the same meaning as
25 defined in ~~subdivision (a) of Section 66310.~~ 65958.

26 (3) “Hearing” includes any public hearing, workshop, or similar
27 meeting conducted by the city or county with respect to the freight
28 transportation project, whether by the legislative body of the city
29 or county, the planning agency established pursuant to Section
30 65100, or any other agency, department, board, commission, or
31 any other designated hearing officer or body of the city or county,
32 or any committee or subcommittee thereof. “Hearing” does not
33 include a hearing to review a legislative ~~approval~~ *approval*,
34 *including any appeal*, required for a proposed freight transportation
35 project, including, but not limited to, a general plan amendment,
36 a specific plan adoption or amendment, or a zoning amendment,
37 or any hearing arising from a timely appeal of the approval or
38 disapproval of a legislative approval.

39 (c) (1) For purposes of this section, a freight transportation
40 project shall be deemed consistent, compliant, and in conformity

1 with an applicable plan, program, policy, ordinance, standard,
2 requirement, or other similar provision if there is substantial
3 evidence that would allow a reasonable person to conclude that
4 the freight transportation project is consistent, compliant, or in
5 conformity.

6 (2) A proposed freight transportation project is not inconsistent
7 with the applicable zoning standards and criteria, and shall not
8 require a rezoning, if the freight transportation project is consistent
9 with the objective general plan standards and criteria, but the
10 zoning for the project site is inconsistent with the general plan.
11 The local agency may require the proposed freight transportation
12 project to comply with the objective standards and criteria of the
13 zoning that is consistent with the general plan; however, the
14 standards and criteria shall be applied to facilitate and
15 accommodate development on the site proposed by the general
16 plan and proposed by the proposed freight transportation project.

17 (d) This section shall not supersede, limit, or otherwise modify
18 the requirements of, or the standards of review pursuant to, the
19 California Environmental Quality Act (Division 13 (commencing
20 with Section 21000) of the Public Resources Code).

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

23 ~~SEC. 4.~~

24 *SEC. 3.* Section 65905.10 is added to the Government Code,
25 to read:

26 65905.10. (a) For purposes of any state or local law, ordinance,
27 or regulation that requires the city or county to determine whether
28 the site of a proposed freight transportation project is a historic
29 site, the city or county shall make that determination at the time
30 the application for the freight transportation project is deemed
31 complete. A determination as to whether a parcel of property is a
32 historic site shall remain valid during the pendency of the freight
33 transportation project for which the application was made unless
34 any archaeological, paleontological, or tribal cultural resources
35 are encountered during any grading, site disturbance, or building
36 alteration activities.

37 (b) For purposes of this section:

38 (1) “Deemed complete” means that the application has met all
39 of the requirements specified in the relevant list compiled pursuant

1 to Section 65940 that was available at the time when the application
2 was submitted.

3 (2) “Freight transportation project” has the same meaning as
4 defined in subdivision (a) of Section 66310.

5 (c) This section shall not supersede, limit, or otherwise modify
6 the requirements of, or the standards of review pursuant to, the
7 California Environmental Quality Act (Division 13 (commencing
8 with Section 21000) of the Public Resources Code).

9 (d) This section shall not supersede, limit, or otherwise modify
10 the requirements of the requirements of the California Coastal Act
11 of 1976 (Division 20 (commencing with Section 30000) of the
12 Public Resources Code).

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

15 ~~SEC. 5. Section 65941.2 is added to the Government Code, to~~
16 ~~read:~~

17 ~~65941.2. (a) An applicant for a freight transportation project,~~
18 ~~as defined in subdivision (a) of Section 66310, shall be deemed to~~
19 ~~have submitted a preliminary application upon providing all of the~~
20 ~~following information about the proposed project to the city,~~
21 ~~county, or city and county from which approval for the project is~~
22 ~~being sought and upon payment of the permit processing fee:~~

23 ~~(1) The specific location, including parcel numbers, a legal~~
24 ~~description, and site address, if applicable.~~

25 ~~(2) The existing uses on the project site and identification of~~
26 ~~major physical alterations to the property on which the project is~~
27 ~~to be located.~~

28 ~~(3) A site plan showing the location on the property, elevations~~
29 ~~showing design, color, and material, and the massing, height, and~~
30 ~~approximate square footage, of each building that is to be occupied.~~

31 ~~(4) The proposed land uses by square feet of development using~~
32 ~~the categories in the applicable zoning ordinance.~~

33 ~~(5) The proposed number of truck parking and intermodal~~
34 ~~equipment parking spaces.~~

35 ~~(6) Any proposed point sources of air or water pollutants.~~

36 ~~(7) Any species of special concern known to occur on the~~
37 ~~property.~~

38 ~~(8) Whether a portion of the property is located within any of~~
39 ~~the following:~~

- 1 ~~(A) A very high fire hazard severity zone, as determined by the~~
2 ~~Department of Forestry and Fire Protection pursuant to Section~~
3 ~~51178.~~
- 4 ~~(B) Wetlands, as defined in the United States Fish and Wildlife~~
5 ~~Service Manual, Part 660 FW 2 (June 21, 1993).~~
- 6 ~~(C) A hazardous waste site that is listed pursuant to Section~~
7 ~~65962.5 or a hazardous waste site designated by the Department~~
8 ~~of Toxic Substances Control pursuant to Section 25356 of the~~
9 ~~Health and Safety Code.~~
- 10 ~~(D) A special flood hazard area subject to inundation by the 1~~
11 ~~percent annual chance flood (100-year flood) as determined by~~
12 ~~the Federal Emergency Management Agency in any official maps~~
13 ~~published by the Federal Emergency Management Agency.~~
- 14 ~~(E) A delineated earthquake fault zone as determined by the~~
15 ~~State Geologist in any official maps published by the State~~
16 ~~Geologist, unless the development complies with applicable seismic~~
17 ~~protection building code standards adopted by the California~~
18 ~~Building Standards Commission under the California Building~~
19 ~~Standards Law (Part 2.5 (commencing with Section 18901) of~~
20 ~~Division 13 of the Health and Safety Code), and by any local~~
21 ~~building department under Chapter 12.2 (commencing with Section~~
22 ~~8875) of Division 1 of Title 2.~~
- 23 ~~(F) A stream or other resource that may be subject to a~~
24 ~~streambed alteration agreement pursuant to Chapter 6 (commencing~~
25 ~~with Section 1600) of Division 2 of the Fish and Game Code.~~
- 26 ~~(9) Any historic or cultural resources known to exist on the~~
27 ~~property.~~
- 28 ~~(10) Whether any approvals under the Subdivision Map Act,~~
29 ~~including, but not limited to, a parcel map, a tentative map, or a~~
30 ~~condominium map, are being requested.~~
- 31 ~~(11) The applicant's contact information and, if the applicant~~
32 ~~does not own the property, consent from the property owner to~~
33 ~~submit the application.~~
- 34 ~~(12) For a freight transportation project proposed to be located~~
35 ~~within the coastal zone, whether any portion of the property~~
36 ~~contains any of the following:~~
- 37 ~~(A) Wetlands, as defined in subdivision (b) of Section 13577~~
38 ~~of Title 14 of the California Code of Regulations.~~
- 39 ~~(B) Environmentally sensitive habitat areas, as defined in~~
40 ~~Section 30240 of the Public Resources Code.~~

1 ~~(C) A tsunami run-up zone.~~

2 ~~(D) Use of the site for public access to or along the coast.~~

3 ~~(13) The number of existing residential units on the project site~~
4 ~~that will be demolished and whether each existing unit is occupied~~
5 ~~or unoccupied.~~

6 ~~(14) A site map showing a stream or other resource that may~~
7 ~~be subject to a streambed alteration agreement pursuant to Chapter~~
8 ~~6 (commencing with Section 1600) of Division 2 of the Fish and~~
9 ~~Game Code and an aerial site photograph showing existing site~~
10 ~~conditions of environmental site features that would be subject to~~
11 ~~regulations by a public agency, including creeks and wetlands.~~

12 ~~(15) The location of any recorded public easement, such as~~
13 ~~easements for storm drains, water lines, and other public rights of~~
14 ~~way.~~

15 ~~(b) (1) Each local agency shall compile a checklist and~~
16 ~~application form that applicants for freight transportation projects~~
17 ~~may use for the purpose of satisfying the requirements for submittal~~
18 ~~of a preliminary application.~~

19 ~~(2) A checklist or form shall not require or request any~~
20 ~~information beyond that expressly identified in subdivision (a).~~

21 ~~(c) After submittal of all of the information required by~~
22 ~~subdivision (a), if the development proponent revises the project~~
23 ~~such that the square footage of construction changes by 20 percent~~
24 ~~or more, exclusive of any increase resulting from the receipt of an~~
25 ~~incentive, concession, waiver, or similar provision, the freight~~
26 ~~transportation project shall not be deemed to have submitted a~~
27 ~~preliminary application that satisfies this section until the~~
28 ~~development proponent resubmits the information required by~~
29 ~~subdivision (a) so that it reflects the revisions. For purposes of this~~
30 ~~subdivision, "square footage of construction" means the building~~
31 ~~area, as defined by the California Building Standards Code (Title~~
32 ~~24 of the California Code of Regulations).~~

33 ~~(d) (1) Within 180 calendar days after submitting a preliminary~~
34 ~~application with all of the information required by subdivision (a)~~
35 ~~to a city, county, or city and county, the development proponent~~
36 ~~shall submit an application for a development project that includes~~
37 ~~all of the information required to process the development~~
38 ~~application consistent with Sections 65940, 65941, and 65941.5.~~

39 ~~(2) If the public agency determines that the application for the~~
40 ~~development project is not complete pursuant to Section 65943,~~

1 the development proponent shall submit the specific information
2 needed to complete the application within 90 days of receiving the
3 agency’s written identification of the necessary information. If the
4 development proponent does not submit this information within
5 the 90-day period, then the preliminary application shall expire
6 and have no further force or effect.

7 ~~(3) This section shall not require an affirmative determination~~
8 ~~by a city, county, or city and county regarding the completeness~~
9 ~~of a preliminary application or a development application for~~
10 ~~purposes of compliance with this section.~~

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

13 ~~SEC. 6.~~

14 *SEC. 4.* Article 5.5 (commencing with Section 65958) is added
15 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,
16 to read:

17
18 Article 5.5. Short-term Freight Transportation Use
19 Pending Permit Application Decision
20

21 65958. For purposes of this article, the following definitions
22 apply:

23 (a) *“Freight transportation infrastructure” means any physical*
24 *improvements to property which facilitate the use of freight*
25 *transportation, including, but not limited to, the parking, storage,*
26 *interchange, or inspection of any trucks or intermodal equipment,*
27 *including chassis or containers, and any improvements specifically*
28 *related to the support of that same activity.*

29 (b) *“Freight transportation project” means any project to*
30 *develop freight transportation infrastructure on an industrial or*
31 *agricultural zoned parcel.*

32 (a)

33 (c) *“Short-term freight transportation use” means all temporary,*
34 *freight-related transportation uses, including, but not limited to,*
35 *the parking, storage, interchange, or inspection of any intermodal*
36 *equipment, including chassis, containers, and trucks related to*
37 *freight transportation activity. “Freight transportation*
38 *infrastructure” and “freight transportation projects” do not*
39 *constitute a short-term freight transportation use.*

1 (b) “Use by right” means that a local agency shall not require
2 a conditional use permit or other discretionary local government
3 review or approval that would constitute a “project” for purposes
4 of Division 13 (commencing with Section 21000) of the Public
5 Resources Code.

6 ~~65958.1. Notwithstanding any other law, immediately upon~~
7 ~~confirmation of the receipt of an application submitted pursuant~~
8 ~~to Article 3 (commencing with Section 65940) for a permit for a~~
9 ~~development project associated with the provision of a short-term~~
10 ~~freight transportation use pursuant to this article, an applicant may~~
11 ~~immediately commence short-term freight transportation uses on~~
12 ~~the subject property as a use by right until the time of permit~~
13 ~~approval or denial.~~

14 ~~65958.2. (a) A local agency shall not retroactively impose~~
15 ~~permitting requirements, abatements, fines, penalties, or additional~~
16 ~~fees for the utilization of the use by right period granted by this~~
17 ~~article.~~

18 ~~(b) The use by right period granted by this article includes any~~
19 ~~times associated with the perfection of an application, including~~
20 ~~appeal, if deemed to be incomplete subsequent to submission.~~
21 ~~However, if subsequent to a final decision that an application is~~
22 ~~incomplete and not perfected by an applicant pursuant to this~~
23 ~~chapter, all short-term freight transportation use shall no longer~~
24 ~~be permitted upon the constructive denial of an incomplete~~
25 ~~development permit application.~~

26 ~~65958.1. A local agency shall not deny a permit for a~~
27 ~~short-term freight transportation use that is submitted by a~~
28 ~~developer on a parcel if the proposed use is consistent, compliant,~~
29 ~~and in conformity with an applicable plan, program, policy,~~
30 ~~ordinance, standard, requirement, or other similar provision that~~
31 ~~applies to the land solely because the developer has a pending~~
32 ~~development application, or is concurrently submitting a~~
33 ~~development application, for a freight transportation project on~~
34 ~~that land.~~

35 ~~65958.3.~~

36 ~~65958.2. (a) Short-term freight transportation use pursuant to~~
37 ~~this article is an allowable use only on land zoned for industrial~~
38 ~~or agricultural uses if the use is consistent, compliant, and in~~
39 ~~conformity with an applicable plan, program, policy, ordinance,~~

1 *standard, requirement, or other similar provision that applies to*
2 *the land, as of the date of the application submission.*

3 (b) This article does not apply to any use of property that is
4 zoned for residential or commercial uses.

5 ~~(e) If an application for a development permit includes a~~
6 ~~proposal to amend a general plan, specific plan, or zoning~~
7 ~~ordinance, the short-term freight transportation use is allowed~~
8 ~~under this article only to the extent the underlying zoning,~~
9 ~~independent of any proposed amendment, is for industrial or~~
10 ~~agricultural uses.~~

11 ~~65958.4.~~

12 65958.3. No actions, ministerial or discretionary, are
13 authorized, required, or directed by this article to a local agency
14 other than those permitting requirements imposed by other
15 applicable law.

16 ~~65958.5.~~

17 65958.4. This article does not supersede any other local, state,
18 and federal laws applicable to short-term freight transportation
19 uses except as specifically provided in this article.

20 ~~65958.6. Upon submission of an application confirmation of~~
21 ~~which authorizes short-term freight transportation use pursuant to~~
22 ~~this article, an applicant shall post and mail notices in a manner~~
23 ~~consistent with and subject to the local jurisdiction’s noticing~~
24 ~~requirements for general plan amendments, zoning changes, or~~
25 ~~permit applications, whichever result in the greatest amount of~~
26 ~~public notification.~~

27 ~~65958.7.~~

28 65958.5. This article shall remain in effect only until January
29 1, 2024, and as of that date is repealed.

30 ~~SEC. 7. Section 65960.5 is added to the Government Code, to~~
31 ~~read:~~

32 ~~65960.5. (a) Notwithstanding any other law, a development~~
33 ~~proponent may submit an application for a development that is~~
34 ~~subject to the streamlined, ministerial approval process provided~~
35 ~~by subdivision (b) and not subject to a conditional use permit if~~
36 ~~the development satisfies all of the following objective planning~~
37 ~~standards:~~

38 ~~(1) The development is a freight transportation infrastructure~~
39 ~~development that contains truck or intermodal equipment parking.~~

1 ~~(2) The development is located on a site that is zoned for~~
2 ~~industrial use or agricultural use, or has a general plan designation~~
3 ~~that allows industrial use or agricultural use.~~

4 ~~(3) (A) The development is consistent with objective zoning~~
5 ~~standards and objective design review standards in effect at the~~
6 ~~time that the development application is submitted to the local~~
7 ~~government pursuant to this section.~~

8 ~~(B) For purposes of this paragraph, “objective zoning standards”~~
9 ~~and “objective design review standards” mean standards that~~
10 ~~involve no personal or subjective judgment by a public official~~
11 ~~and are uniformly verifiable by reference to an external and~~
12 ~~uniform benchmark or criterion available and knowable by both~~
13 ~~the development applicant or proponent and the public official~~
14 ~~prior to submittal. These standards may be embodied in alternative~~
15 ~~objective land use specifications adopted by a city or county, and~~
16 ~~may include, but are not limited to overlay zones, specific plans,~~
17 ~~and zoning ordinances.~~

18 ~~(C) In the event that objective zoning, general plan, or design~~
19 ~~review standards are mutually inconsistent, a development shall~~
20 ~~be deemed consistent with the objective zoning standards pursuant~~
21 ~~to this subdivision if the development is consistent with the~~
22 ~~standards set forth in the general plan.~~

23 ~~(4) The development is not located on a site that is any of the~~
24 ~~following:~~

25 ~~(A) Wetlands, as defined in the United States Fish and Wildlife~~
26 ~~Service Manual, Part 660 FW 2 (June 21, 1993).~~

27 ~~(B) Within a very high fire hazard severity zone, as determined~~
28 ~~by the Department of Forestry and Fire Protection pursuant to~~
29 ~~Section 51178, or within a high or very high fire hazard severity~~
30 ~~zone as indicated on maps adopted by the Department of Forestry~~
31 ~~and Fire Protection pursuant to Section 4202 of the Public~~
32 ~~Resources Code. This subparagraph does not apply to sites~~
33 ~~excluded from the specified hazard zones by a local agency,~~
34 ~~pursuant to subdivision (b) of Section 51179, or sites that have~~
35 ~~adopted fire hazard mitigation measures pursuant to existing~~
36 ~~building standards or state fire mitigation measures applicable to~~
37 ~~the development.~~

38 ~~(C) Lands identified for conservation in an adopted natural~~
39 ~~community conservation plan pursuant to the Natural Community~~
40 ~~Conservation Planning Act (Chapter 10 (commencing with Section~~

1 ~~2800) of Division 3 of the Fish and Game Code), habitat~~
2 ~~conservation plan pursuant to the federal Endangered Species Act~~
3 ~~of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural~~
4 ~~resource protection plan:~~

5 ~~(D) Habitat for protected species identified as candidate,~~
6 ~~sensitive, or species of special status by state or federal agencies,~~
7 ~~fully protected species, or species protected by the federal~~
8 ~~Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.),~~
9 ~~the California Endangered Species Act (Chapter 1.5 (commencing~~
10 ~~with Section 2050) of Division 3 of the Fish and Game Code), or~~
11 ~~the Native Plant Protection Act (Chapter 10 (commencing with~~
12 ~~Section 1900) of Division 2 of the Fish and Game Code).~~

13 ~~(E) Lands under conservation easement.~~

14 ~~(5) The development is not located on a site where any of the~~
15 ~~following apply:~~

16 ~~(A) The development would require the demolition of the~~
17 ~~following types of housing:~~

18 ~~(i) Housing that is subject to a recorded covenant, ordinance,~~
19 ~~or law that restricts rents to levels affordable to persons and~~
20 ~~families of moderate, low, or very low income.~~

21 ~~(ii) Housing that is subject to any form of rent or price control~~
22 ~~through a public entity's valid exercise of its police power.~~

23 ~~(iii) Housing that has been occupied by tenants within the past~~
24 ~~10 years.~~

25 ~~(B) The development would require the demolition of a historic~~
26 ~~structure that was placed on a national, state, or local historic~~
27 ~~register.~~

28 ~~(C) The development would be upon an existing parcel of land~~
29 ~~or site that is governed under the Mobilehome Residency Law~~
30 ~~(Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2~~
31 ~~of Division 2 of the Civil Code), the Recreational Vehicle Park~~
32 ~~Occupancy Law (Chapter 2.6 (commencing with Section 799.20)~~
33 ~~of Title 2 of Part 2 of Division 2 of the Civil Code), the~~
34 ~~Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)~~
35 ~~of Division 13 of the Health and Safety Code), or the Special~~
36 ~~Occupancy Parks Act (Part 2.3 (commencing with Section 18860)~~
37 ~~of Division 13 of the Health and Safety Code).~~

38 ~~(6) The development proponent has done both of the following,~~
39 ~~as applicable:~~

1 (A) Certified to the locality that either of the following is true,
2 as applicable:

3 (i) The entirety of the development is a public work for purposes
4 of Chapter 1 (commencing with Section 1720) of Part 7 of Division
5 2 of the Labor Code.

6 (ii) ~~If the development is not in its entirety a public work, that
7 all construction workers employed in the execution of the
8 development will be paid at least the general prevailing rate of per
9 diem wages for the type of work and geographic area, as
10 determined by the Director of Industrial Relations pursuant to
11 Sections 1773 and 1773.9 of the Labor Code, except that
12 apprentices registered in programs approved by the Chief of the
13 Division of Apprenticeship Standards may be paid at least the
14 applicable apprentice prevailing rate. If the development is subject
15 to this clause, then for those portions of the development that are
16 not a public work all of the following shall apply:~~

17 (I) ~~The development proponent shall ensure that the prevailing
18 wage requirement is included in all contracts for the performance
19 of the work.~~

20 (II) ~~All contractors and subcontractors shall pay to all
21 construction workers employed in the execution of the work at
22 least the general prevailing rate of per diem wages, except that
23 apprentices registered in programs approved by the Chief of the
24 Division of Apprenticeship Standards may be paid at least the
25 applicable apprentice prevailing rate.~~

26 (III) ~~Except as provided in subclause (V), all contractors and
27 subcontractors shall maintain and verify payroll records pursuant
28 to Section 1776 of the Labor Code and make those records
29 available for inspection and copying as provided therein.~~

30 (IV) ~~Except as provided in subclause (V), the obligation of the
31 contractors and subcontractors to pay prevailing wages may be
32 enforced by the Labor Commissioner through the issuance of a
33 civil wage and penalty assessment pursuant to Section 1741 of the
34 Labor Code, which may be reviewed pursuant to Section 1742 of
35 the Labor Code, within 18 months after the completion of the
36 development, by an underpaid worker through an administrative
37 complaint or civil action, or by a joint labor-management
38 committee through a civil action under Section 1771.2 of the Labor
39 Code. If a civil wage and penalty assessment is issued, the
40 contractor, subcontractor, and surety on a bond or bonds issued to~~

1 secure the payment of wages covered by the assessment shall be
2 liable for liquidated damages pursuant to Section 1742.1 of the
3 Labor Code.

4 (V) Subclauses (III) and (IV) shall not apply if all contractors
5 and subcontractors performing work on the development are subject
6 to a project labor agreement that requires the payment of prevailing
7 wages to all construction workers employed in the execution of
8 the development and provides for enforcement of that obligation
9 through an arbitration procedure. For purposes of this clause,
10 "project labor agreement" has the same meaning as set forth in
11 paragraph (1) of subdivision (b) of Section 2500 of the Public
12 Contract Code.

13 (VI) Notwithstanding subdivision (e) of Section 1773.1 of the
14 Labor Code, the requirement that employer payments not reduce
15 the obligation to pay the hourly straight time or overtime wages
16 found to be prevailing shall not apply if otherwise provided in a
17 bona fide collective bargaining agreement covering the worker.
18 The requirement to pay at least the general prevailing rate of per
19 diem wages does not preclude use of an alternative workweek
20 schedule adopted pursuant to Section 511 or 514 of the Labor
21 Code.

22 (B) (i) Certify that a skilled and trained workforce shall be used
23 to complete the development if the application is approved.

24 (ii) For purposes of this subparagraph, "skilled and trained
25 workforce" has the same meaning as provided in Chapter 2.9
26 (commencing with Section 2600) of Part 1 of Division 2 of the
27 Public Contract Code.

28 (iii) If the development proponent has certified that a skilled
29 and trained workforce will be used to complete the development
30 and the application is approved, the following shall apply:

31 (I) The applicant shall require in all contracts for the
32 performance of work that every contractor and subcontractor at
33 every tier will individually use a skilled and trained workforce to
34 complete the development.

35 (II) Every contractor and subcontractor shall use a skilled and
36 trained workforce to complete the development.

37 (III) Except as provided in subclause (IV), the applicant shall
38 provide to the locality, on a monthly basis while the development
39 or contract is being performed, a report demonstrating compliance
40 with Chapter 2.9 (commencing with Section 2600) of Part 1 of

1 Division 2 of the Public Contract Code. A monthly report provided
2 to the locality pursuant to this subclause shall be a public record
3 under the California Public Records Act (Division 10 (commencing
4 with Section 7920.000) of Title 1) and shall be open to public
5 inspection. An applicant that fails to provide a monthly report
6 demonstrating compliance with Chapter 2.9 (commencing with
7 Section 2600) of Part 1 of Division 2 of the Public Contract Code
8 shall be subject to a civil penalty of ten thousand dollars (\$10,000)
9 per month for each month for which the report has not been
10 provided. Any contractor or subcontractor that fails to use a skilled
11 and trained workforce shall be subject to a civil penalty of two
12 hundred dollars (\$200) per day for each worker employed in
13 contravention of the skilled and trained workforce requirement.
14 Penalties may be assessed by the Labor Commissioner within 18
15 months of completion of the development using the same
16 procedures for issuance of civil wage and penalty assessments
17 pursuant to Section 1741 of the Labor Code, and may be reviewed
18 pursuant to the same procedures in Section 1742 of the Labor
19 Code. Penalties shall be paid to the State Public Works
20 Enforcement Fund.

21 (IV) Subclause (III) shall not apply if all contractors and
22 subcontractors performing work on the development are subject
23 to a project labor agreement that requires compliance with the
24 skilled and trained workforce requirement and provides for
25 enforcement of that obligation through an arbitration procedure.
26 For purposes of this subparagraph, “project labor agreement” has
27 the same meaning as set forth in paragraph (1) of subdivision (b)
28 of Section 2500 of the Public Contract Code.

29 (C) Notwithstanding subparagraphs (A) and (B), a development
30 that is subject to approval pursuant to this section is exempt from
31 any requirement to pay prevailing wages or use a skilled and
32 trained workforce if it is not a public work for purposes of Chapter
33 1 (commencing with Section 1720) of Part 7 of Division 2 of the
34 Labor Code.

35 (7) The development did not or does not involve a subdivision
36 of a parcel that is, or, notwithstanding this section, would otherwise
37 be, subject to the Subdivision Map Act (Division 2 (commencing
38 with Section 66410)) or any other applicable law authorizing the
39 subdivision of land, unless either of the following apply:

1 ~~(A) The development is subject to the requirement that~~
2 ~~prevailing wages be paid pursuant to subparagraph (A) of paragraph~~
3 ~~(6).~~

4 ~~(B) The development is subject to the requirement that~~
5 ~~prevailing wages be paid, and a skilled and trained workforce used,~~
6 ~~pursuant to paragraph (6).~~

7 ~~(b) (1) If a local government determines that a development~~
8 ~~submitted pursuant to this section is in conflict with any of the~~
9 ~~objective planning standards specified in subdivision (a), it shall~~
10 ~~provide the development proponent written documentation of~~
11 ~~which standard or standards the development conflicts with, and~~
12 ~~an explanation for the reason or reasons the development conflicts~~
13 ~~with that standard or standards, within 60 days of submittal of the~~
14 ~~development to the local government pursuant to this section.~~

15 ~~(2) If the local government fails to provide the required~~
16 ~~documentation pursuant to paragraph (1), the development shall~~
17 ~~be deemed to satisfy the objective planning standards specified in~~
18 ~~subdivision (a).~~

19 ~~(c) Any design review or public oversight of the development~~
20 ~~may be conducted by the local government’s planning commission~~
21 ~~or any equivalent board or commission responsible for review and~~
22 ~~approval of development projects, or the city council or board of~~
23 ~~supervisors, as appropriate. That design review or public oversight~~
24 ~~shall be objective and be strictly focused on assessing compliance~~
25 ~~with criteria required for streamlined projects, as well as any~~
26 ~~reasonable objective design standards published and adopted by~~
27 ~~ordinance or resolution by a local jurisdiction before submission~~
28 ~~of a development application, and shall be broadly applicable to~~
29 ~~development within the jurisdiction. That design review or public~~
30 ~~oversight shall be completed within 90 days of submittal of the~~
31 ~~development to the local government pursuant to this section and~~
32 ~~shall not in any way inhibit, chill, or preclude the ministerial~~
33 ~~approval provided by this section or its effect.~~

34 ~~(d) The local government shall not impose parking requirements~~
35 ~~for streamlined developments approved pursuant to this section.~~

36 ~~(e) If a local government approves a development pursuant to~~
37 ~~this section, that approval shall remain valid for three years from~~
38 ~~the date of the final action establishing that approval and shall~~
39 ~~remain valid thereafter for a project so long as vertical construction~~
40 ~~of the development has begun and is in progress. The development~~

1 proponent may request, and the local government shall have
2 discretion to grant, an additional one-year extension to the original
3 three-year period.

4 (f) A local government shall not adopt or impose any
5 requirement, including, but not limited to, increased fees, that
6 applies to a project solely or partially on the basis that the project
7 is eligible to receive ministerial or streamlined approval pursuant
8 to this section.

9 (g) This section shall not affect a development proponent's
10 ability to use any alternative streamlined by right permit processing
11 adopted by a local government.

12 (h) For purposes of this section:

13 (1) "Completed entitlements" means a development that has
14 received all the required land use approvals or entitlements
15 necessary for the issuance of a building permit.

16 (2) "Development proponent" means the developer who submits
17 an application for streamlined approval pursuant to this section.

18 (3) "Locality" or "local government" means a city, including a
19 charter city, a county, including a charter county, or a city and
20 county, including a charter city and county.

21 (i) Each provision of this section is a material and integral part
22 of the section, and the provisions of this section are not severable.
23 If any provision of this section or its application is held invalid,
24 this entire section shall be null and void.

25 (j) This section shall remain in effect only until January 1, 2026,
26 and as of that date is repealed.

27 SEC. 8. Chapter 13 (commencing with Section 66310) is added
28 to Division 1 of Title 7 of the Government Code, to read:

29
30
31

CHAPTER 13. SUPPLY CHAIN CRISIS ACT OF 2022

32 66310. (a) As used in this section:

33 (1) "Development policy, standard, or condition" means any of
34 the following applicable to more than one project:

35 (A) A provision of, or amendment to, a general plan.

36 (B) A provision of, or amendment to, a specific plan.

37 (C) A provision of, or amendment to, a zoning ordinance.

38 (D) A subdivision standard or criterion.

39 (2) "Freight transportation infrastructure" means any physical
40 improvements to property which facilitate the use of freight

1 transportation, including, but not limited to the parking, storage,
2 interchange, or inspection of any trucks or intermodal equipment,
3 including chassis or containers, and any improvements specifically
4 related to the support of that same activity.

5 (3) (A) “Freight transportation project” means any project to
6 develop freight transportation infrastructure on an industrial or
7 agricultural zoned parcel.

8 (B) “Freight transportation project” includes, but is not limited
9 to, projects that involve nondiscretionary approvals and projects
10 that involve both discretionary and nondiscretionary approvals.

11 (4) “Objective design standard” means a design standard that
12 involves no personal or subjective judgment by a public official
13 and is uniformly verifiable by reference to an external and uniform
14 benchmark or criterion available and knowable by both the
15 development applicant or proponent and the public official before
16 submittal of an application.

17 (b) (1) Notwithstanding any other law except as provided in
18 this section, with respect to land where industrial or agricultural
19 activity is an allowable use, a city or county shall not enact a
20 development policy, standard, or condition that would have any
21 of the following effects:

22 (A) Changing the general plan land use designation, specific
23 plan land use designation, or zoning of a parcel or parcels of
24 property to a less intensive freight transportation use or reducing
25 the intensity of land uses for freight transportation within an
26 existing general plan land use designation, specific plan land use
27 designation, or zoning district, below what was allowed under the
28 land use designation or zoning ordinances of the city or county,
29 as applicable, as in effect on January 1, 2021. For purposes of this
30 subparagraph, “less intensive use” includes, but is not limited to,
31 reductions to freight transportation infrastructure, new or increased
32 open space or lot size requirements, new or increased setback
33 requirements, minimum frontage requirements, maximum lot
34 coverage limitations, elimination of underlying industrial or
35 agricultural zoning, or anything that would lessen the intensity of
36 freight transportation project opportunities.

37 (B) (i) Imposing a moratorium or similar restriction or limitation
38 on freight transportation within all or a portion of the jurisdiction
39 of the county or city, other than to specifically protect against an
40 imminent threat to the health and safety of persons residing in, or

1 ~~within the immediate vicinity of, the area subject to the~~
2 ~~moratorium.~~

3 ~~(ii) The city or county, as applicable, shall not enforce a zoning~~
4 ~~ordinance imposing a moratorium or other similar restriction on~~
5 ~~or limitation of freight transportation. If a zoning ordinance~~
6 ~~imposes a moratorium or similar restriction or limitation on freight~~
7 ~~transportation as inconsistent with this chapter, that ordinance shall~~
8 ~~be deemed void.~~

9 ~~(C) Imposing or enforcing design standards established on or~~
10 ~~after January 1, 2022, that are not objective design standards.~~

11 ~~(D) Establishing or implementing any provision that:~~

12 ~~(i) Limits the number of land use approvals or permits available~~
13 ~~and necessary for the approval and construction of freight~~
14 ~~transportation infrastructure.~~

15 ~~(ii) Acts as a cap on the amount of freight transportation~~
16 ~~infrastructure that can be approved or constructed either annually~~
17 ~~or for some other time period.~~

18 ~~(2) Any development policy, standard, or condition enacted on~~
19 ~~or after the effective date of this section that does not comply with~~
20 ~~this section shall be deemed void.~~

21 ~~(e) Notwithstanding any other provision of this section, both of~~
22 ~~the following shall apply:~~

23 ~~(1) A city or county shall not approve a freight transportation~~
24 ~~project that will require the demolition of residential dwelling~~
25 ~~units.~~

26 ~~(2) A city or county shall not approve a freight transportation~~
27 ~~project that will reduce the overall availability of freight~~
28 ~~transportation infrastructure.~~

29 ~~(d) (1) Except as provided in paragraphs (3) and (4) and~~
30 ~~subdivisions (f) and (g), this section shall prevail over any~~
31 ~~conflicting provision of this title or other law regulating freight~~
32 ~~transportation infrastructure in this state to the extent that this~~
33 ~~section more fully advances the intent specified in paragraph (2).~~

34 ~~(2) It is the intent of the Legislature that this section be broadly~~
35 ~~construed so as to maximize the development and preservation of~~
36 ~~freight transportation infrastructure within this state. Any exception~~
37 ~~to the requirements of this section, including an exception for the~~
38 ~~health and safety of occupants of a freight transportation~~
39 ~~infrastructure project, shall be construed narrowly.~~

1 ~~(3) This section shall not be construed as prohibiting the~~
2 ~~adoption or amendment of a development policy, standard, or~~
3 ~~condition in a manner that:~~

4 ~~(A) Allows greater density of freight transportation~~
5 ~~infrastructure.~~

6 ~~(B) Facilitates the development of industrial or agricultural land~~
7 ~~uses.~~

8 ~~(C) Reduces the costs to a freight transportation project.~~

9 ~~(D) Imposes or implements mitigation measures as necessary~~
10 ~~to comply with the California Environmental Quality Act (Division~~
11 ~~13 (commencing with Section 21000) of the Public Resources~~
12 ~~Code).~~

13 ~~(e) This section shall not be construed to void an urban growth~~
14 ~~boundary or urban limit established by the electorate of a city or~~
15 ~~county, provided that the urban growth boundary or urban limit~~
16 ~~complies with subdivision (b).~~

17 ~~(f) (1) This section shall not supersede, limit, or otherwise~~
18 ~~modify the requirements of, or the standards of review pursuant~~
19 ~~to, the California Environmental Quality Act (Division 13~~
20 ~~(commencing with Section 21000) of the Public Resources Code).~~

21 ~~(2) This section shall not supersede, limit, or otherwise modify~~
22 ~~the requirements of the requirements of the California Coastal Act~~
23 ~~of 1976 (Division 20 (commencing with Section 30000) of the~~
24 ~~Public Resources Code).~~

25 ~~(3) For a transportation project proposed within the coastal zone,~~
26 ~~nothing in this section shall be construed to prohibit a city or county~~
27 ~~from enacting a development policy, standard, or condition~~
28 ~~necessary to implement or amend a certified local coastal program~~
29 ~~consistent with the California Coastal Act of 1976 (Division 20~~
30 ~~(commencing with Section 30000) of the Public Resources Code).~~

31 ~~(g) This section does not prohibit a city or county from changing~~
32 ~~development standards, policies, and conditions applicable to~~
33 ~~freight transportation infrastructure projects for specific properties~~
34 ~~provided that the properties affected either or both subsequently~~
35 ~~retain their zoning for industrial or agricultural usage or if the city~~
36 ~~or county concurrently, specifically, and with acknowledgement~~
37 ~~to this subdivision changes the development standards, policies,~~
38 ~~and conditions applicable to other specifically identified industrial~~
39 ~~or agricultural zoned parcels within the jurisdiction to ensure that~~
40 ~~there is no net loss in freight transportation capacity.~~

1 ~~(h) Notwithstanding any other subdivision, this section does~~
2 ~~not prohibit a city or county from enacting a development policy,~~
3 ~~standard, or condition that is solely intended to preserve or facilitate~~
4 ~~the production of housing for lower income households, as defined~~
5 ~~in Section 50079.5 of the Health and Safety Code, or housing types~~
6 ~~that traditionally serve lower income households, including~~
7 ~~mobilehome parks, single-room occupancy units, or units subject~~
8 ~~to any form of rent or price control through a public entity's valid~~
9 ~~exercise of its police power.~~

10 ~~66311. This chapter shall remain in effect only until January~~
11 ~~1, 2025, and as of that date is repealed.~~

12 ~~SEC. 9.~~

13 ~~SEC. 5.~~ The provisions of this act are severable. If any
14 provision of this act or its application is held invalid, that invalidity
15 shall not affect other provisions or applications that can be given
16 effect without the invalid provision or application.

17 ~~SEC. 10.~~

18 ~~SEC. 6.~~ The Legislature finds and declares that adequate freight
19 transportation infrastructure, in light of the severe impacts of the
20 supply chain crisis resulting from the COVID-19 pandemic on all
21 sectors of the economy of this state, is a matter of statewide
22 concern and is not a municipal affair as that term is used in Section
23 5 of Article XI of the California Constitution. Therefore, Sections
24 ~~3, 4, 5, 6, 7, and 8~~ 2, 3, and 4 of this act, adding Sections ~~65905.7,~~
25 ~~65905.10, 65941.2, and 65960.5 to,~~ 65905.7 and 65905.10 to, and
26 adding Article 5.5 (commencing with Section 65958) to Chapter
27 4.5 of Division 1 of Title 7 of, ~~adding Chapter 13 (commencing~~
28 ~~with Section 66310) to Division 1 of Title 7 of,~~ the Government
29 Code, apply to all cities, including charter cities.

30 ~~SEC. 11.~~

31 ~~SEC. 7.~~ No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 a local agency or school district has the authority to levy service
34 charges, fees, or assessments sufficient to pay for the program or
35 level of service mandated by this act or because costs that may be
36 incurred by a local agency or school district will be incurred
37 because this act creates a new crime or infraction, eliminates a
38 crime or infraction, or changes the penalty for a crime or infraction,
39 within the meaning of Section 17556 of the Government Code, or

1 changes the definition of a crime within the meaning of Section 6
2 of Article XIII B of the California Constitution.

3 However, if the Commission on State Mandates determines that
4 this act contains other costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

8 ~~SEC. 12.~~

9 *SEC. 8.* This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or safety within
11 the meaning of Article IV of the California Constitution and shall
12 go into immediate effect. The facts constituting the necessity are:

13 In order to alleviate the effects of the global supply chain crisis
14 induced by the COVID-19 pandemic and to provide immediate
15 benefits to impacted California businesses and boost the
16 competitiveness of the state economy as soon as possible, it is
17 necessary that this act take effect immediately.