

September 11, 2009

Senate Colleagues,

With two days left in the first year of this legislative session, ABX3 81 (Hall) was introduced. As you know, the legislation provides a broad exemption to the California Environmental Quality Act (CEQA) and an exemption from any legal requirement concerning the content of a local general plan for a 3,000,000 square foot stadium complex and business center development (and any associated development) in the City of Industry.

One day later, on September 10, 2009, without approving any amendment to the bill, the California State Assembly passed ABX3 81. The legislation now comes before the California State Senate on the last day of Session for 2009.

ABX3 81 is not the first piece of legislation to come before the legislature intended to exempt a major development or transportation project from CEQA. However, it is never easy, nor should it be, for the legislature to abrogate the state's forty year-old CEQA law, a law intended to inform the public of the effects and impacts from development and to ensure proper and full mitigation of such effects and impacts. In fact, it is relatively rare for the legislature to pass such exemptions. It is rarer still when the legislation affects a project that is the subject of ongoing litigation challenging the adequacy of the Environmental Impact Report (EIR) associated with the project, as is the case with the stadium complex in the City of Industry. In such cases, it has been my experience that negotiation—not abrogation—is the preferred method to concluding challenges and expediting the project's delivery.

During last December's budget negotiations, Governor Schwarzenegger proposed to waive the CEQA law for a number of transportation projects, including two sizable projects in northern California that were the subject of CEQA litigation. Rather than intrude on the pending cases and abrogate the law, my office, working with members from both houses of the legislature, hosted several meetings over the course of a couple of weeks and negotiated successful settlements of the litigation. These settlements not only preserved the CEQA process, but of equal importance, they allowed these high-priority projects to proceed to construction in a timely manner.

Because I see the obvious merit in the proposed stadium development in the City of Industry—the creation of up to 18,000 jobs, the economic development for the area, and the tax revenue for the local and state governments—I am willing to use the full force of my office to commence negotiations in an attempt to settle the litigation in this matter. More importantly, I am convinced that such a negotiation can be successful if all parties work in good faith to settle their differences. If negotiations prove unsuccessful, the California State Senate will consider AB 3X 81 before the end of September.

This is an important project for the City of Industry and for the state of California. I am willing to roll up my sleeves and put in the time to make sure this project can be delivered as quickly as possible. Just as the economic benefits from this project are of great value to this state, so are our environmental laws. Before we agree to enact new, urgent legislation, I propose we exhaust all other options.

Let's get to work.

Sincerely,

Darrell Steinberg
President pro Tempore