



Judicial Council of California

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Subject Text

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File #: 22-071, Version: 1

Title

Rules and Forms | California Environmental Quality Act Actions: New Projects and Fees for Expedited Review (Action Required)

Summary

As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures to implement a statutory scheme for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) challenging certain projects that qualified for such streamlined procedures. The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending several rules to implement recent legislation requiring inclusion of additional projects for streamlined review. The committees also recommend the adoption of a new rule and the amendment of an existing rule to implement statutory provisions requiring that, for two projects, the council, by rule of court, establish fees to be paid by project applicants to the courts for the additional costs of streamlined CEQA review.

Recommendation

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective March 11, 2022:

1. Adopt rule 3.2240 of the California Rules of Court to implement statutory provisions requiring that project applicants pay trial court costs in cases concerning certain streamlined CEQA projects and to provide that costs paid under the rule are not recoverable.
2. Amend rules 3.2200, 3.2220, 3.2222, 3.2223, 8.700, 8.702, 8.703, and 8.705 to add and define the new term “streamlined CEQA project,” and add provisions regarding new projects that qualify for expedited procedures.
3. Amend rules 3.2221 and 8.702 to remove references to a 270-day time limit for expedited CEQA review, and replace them with general references to the “statutorily prescribed time.”
4. Amend rule 8.705 to implement statutory provisions requiring that project applicants pay appellate court costs in cases concerning certain streamlined CEQA projects, and to provide that costs paid under the rule are not recoverable.
5. Amend the titles of chapter 2 of division 22 of title 3, and chapter 1 of division 3 of title 8 of the California Rules of Court to refer to “streamlined CEQA projects” rather than listing the statutes that provide for expedited procedures.