



California Corporate & Securities Law

Past as Prologue: Bill Proposes Streamlined Permit Review Troika

By Keith Paul Bishop on March 5, 2012

A few months after I joined the Business, Transportation & Housing Agency, a major earthquake struck the San Fernando Valley. Fifty-seven people lost their lives and thousands were injured. Property damage was extensive and five highway bridges suffered complete or partial collapse. The collapse of the Route 14/Interstate 5 Separation & Overhead severed a key north-south ground transportation route into Los Angeles. In Los Angeles itself, the failure of the La Cienega-Venice Undercrossing cut the Christopher Columbus Transcontinental Highway (Interstate 10) and significantly disrupted east-west traffic in Los Angeles.

Although it was too late for those bridges, the earthquake galvanized the legislature into taking action to speed the retrofitting of every highway bridge in California. A major concern was that state and local bureaucracies would delay issuing the permits required to complete seismic retrofit work. Thus, the legislature created an ad hoc earthquake emergency and seismic retrofit permit review panel to hear and approve or deny appeals of local agencies subject to conditions by permitting agencies. The panel was comprised of the Secretaries of the Business, Transportation and Housing Agency, the Environmental Protection Agency, and the Resources Agency.

It fell upon me as General Counsel to the Business, Transportation & Housing Agency to draft the rules for this panel. Although the panel no longer exists, the rules remain on the books at 21 CCR § 9100 *et seq.* During my tenure, the panel met only once to hear an appeal with respect to the retrofitting of the Richardson Bay Bridge in Marin County.

As further evidence that there is nothing new under the sun, Senator Ron Calderon recently introduced a bill, [SB 1520](#), to create a "Streamlined Permit Review Team" consisting of the same three agency secretaries. The proposed procedures and authority do differ somewhat from the erstwhile ad hoc earthquake emergency panel, but the idea is basically the same.

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