



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

W25-02

Title

CEQA Actions: New Projects and Fees for Expedited Review

Action Requested

Review and submit comments by January 6, 2025

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, and 8.705

Proposed Effective Date

July 1, 2025

Contact

Jeremy Varon, 415-865-7424
jeremy.varon@jud.ca.gov

Proposed by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

James Barolo, 415-865-8928
james.barolo@jud.ca.gov

Civil and Small Claims Advisory Committee
Hon. Donald J. Proietti, Chair

Executive Summary and Origin

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending California Rules of Court for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA). 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 CEQA challenging certain projects that qualified for such streamlined procedures. This proposal amends several rules to implement recent legislation requiring inclusion of specified additional projects and removal of certain other projects for streamlined review. The committees also recommend the amendment of two rules to implement statutory provisions requiring that, for the new category of 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.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Background

Since 2011 the Legislature has enacted numerous bills providing expedited judicial review for legal challenges brought under the California Environmental Quality Act for specified projects. Initially, the Legislature enacted the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which provided that CEQA challenges to so-called environmental leadership projects would be brought directly to the Court of Appeal and that project applicants would pay the costs of adjudicating the case. (See Assem. Bill 900; Stats. 2011, ch. 354.) To implement the required appellate court fees in AB 900, the council adopted the predecessor to rule 8.705.

In 2013, the Legislature required the Judicial Council to adopt rules requiring that specified CEQA actions or proceedings, including any appeals, be resolved within a specified period of time following the certification of the record of proceedings. (See Sen. Bill 743; Stats. 2013, ch. 386.) SB 743 added section 21168.6.6 to the Public Resources Code, which provided that CEQA challenges to an additional project (the Sacramento basketball arena) would receive expedited judicial review. To implement SB 743, the council adopted, among others, rules 3.2220 and 8.700, which in addition to providing expedited review for the specified projects also set out certain pleading and service requirements and incentives to help streamline judicial review.

From 2018 to 2020 the Legislature enacted several laws expanding the projects for which streamlined CEQA review is available. One such law included requirements that applicants pay the “additional costs” incurred by trial and appellate courts associated with expedited adjudication of CEQA challenges for Oakland ballpark and Inglewood arena projects. (See Assem. Bill 734; Stats. 2018, ch. 959.) In addition to adding the specified projects to rules 3.2220 and 8.700, the council implemented AB 734 by adopting rule 3.2240, which established a fee for streamlined CEQA review to be paid by applicants to the trial court. The council also amended rule 8.705 to include a corresponding fee for the Court of Appeal.¹

In 2021, the Legislature enacted further legislation expanding the projects for which streamlined CEQA review is available and requiring project applicants to pay the trial court and Court of Appeal “costs” (as opposed to “additional costs”) for streamlined adjudication of CEQA challenges. (See Sen. Bill 7 (Stats. 2021, ch. 19); Sen. Bill 44 (Stats. 2021, ch. 633).) Once again, the council amended rules 3.2220 and 8.700 to add the new projects. The council also amended rules 3.2240 and 8.705 to set trial and appellate fees for streamlined adjudication for such projects.²

¹ Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Mar. 2, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10565631&GUID=6D8B30CC-D416-44C2-A4F0-D857024D2730>.

² Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (June 16, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11204347&GUID=0B8ED5A2-2001-41B5-B8A8-3797FEF852B9>.

The Proposal

This proposal seeks to implement an additional bill enacted by the Legislature related to expedited CEQA review. Assembly Bill 3265 (Stats. 2024, ch. 255) (Link A) added “environmental leadership media campus project” to the list of projects that receive expedited CEQA review.³ Notably, the Legislature added this type of project to section 21168.6.6 of the Public Resources Code, in place of the previously repealed section on Sacramento “entertainment and sports center project.”⁴ The Legislature explicitly mandated that the council expedite review for “actions or proceedings seeking judicial review of the certification of an environmental impact report for an environmental leadership media campus project or the granting of any project approval.”⁵ It also stated that the council must adopt rules to put this mandate into effect by July 1, 2025.

Accordingly, the council is required by statute to revise the California Rules of Court by July 1, 2025, to conform with the Legislature’s addition of “environmental leadership media campus project” to the list of projects that receive expedited CEQA review.

Amendments to add environmental leadership media campus projects

Several of the proposed rule amendments simply add statutory citations or “environmental leadership media campus project” to an existing rule to implement AB 3265’s provision that such projects receive expedited CEQA review. Other proposed amendments remove “entertainment and sports center project” from an existing rule to implement AB 2965’s provision that removed such projects from receiving expedited CEQA review. (See, e.g., proposed amendments to rules 3.2220 and 8.700.)

Fees for expedited review

In addition to adding a category to the list of projects that receive expedited CEQA review, AB 3265 also requires: “The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case subject to this section ... in a form and manner specified by the Judicial Council, as provided in the California Rules of Court adopted by the Judicial Council.”⁶ Because this language mirrors the language used in the Oakland ballpark and Inglewood arena statutes (see Pub. Resources Code, §§ 21168.6.7(d)(6) and 21168.6.8(b)(6), respectively), the committees propose amending rules so that the same fee requirements as those in the Oakland ballpark and Inglewood arena statutes apply to the new environmental leadership media campus projects.

³ Pub. Resources Code, § 21168.6.6.

⁴ Section 21168.6.6 was repealed effective January 1, 2023. (See Assem. Bill 2965; Stats. 2022, ch. 38.)

⁵ Assem. Bill 3265; Stats. 2024, ch. 255.

⁶ Assem. Bill 3265; Stats. 2024, ch. 255, § 2.

In March 2022, the council amended the rules of court to set court fees for expedited CEQA review for Oakland ballpark and Inglewood arena projects as required by statute.⁷ Specifically, Public Resources Code sections 21168.6.7(d)(6) (Oakland ballpark) and 21168.6.8(b)(6) (Inglewood arena) require the project applicants to pay a fee for the “additional costs” to the courts for expedited review. As described in the March 2022 report to the council, those fees were derived from the estimate that the amount of time to adjudicate expedited CEQA cases is 91 full-time working days of a judicial officer and a research attorney in each of the courts. As such, California Rules of Court, rules 3.2240 and 8.705 would be amended to adopt the same “additional costs” amounts for project applicants in an environmental leadership media campus project.

Additional amendments to remove sections repealed

The Legislature also repealed sections 21189.50 through 21189.57 of the Public Resources Code, which previously provided expedited CEQA review for “expanded capitol building annex projects.” (See Sen. Bill 174; Stats. 2024, ch. 74.) As such, the committees propose amending rules 3.2200, 3.2220, 3.2221, 3.2223, 8.700, and 8.702 to remove the portions of those rules that pertain to these repealed sections.

Alternatives Considered

Because the new CEQA requirements are mandated by the Legislature, the committees did not consider the alternative of no rule amendments.

Fiscal and Operational Impacts

The committees anticipate that this proposal would require courts to train court staff and judicial officers on the amended rules, but any such training would be required to implement the statutory changes in any event.

⁷ Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Mar. 2, 2022), p. 10, <https://jcc.legistar.com/View.ashx?M=F&ID=10565631&GUID=6D8B30CC-D416-44C2-A4F0-D857024D2730>.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, and 8.705, at pages 6–13
2. Link A: Assembly Bill 3265,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB3265

Rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, and 8.705 of the California Rules of Court would be amended, effective July 1, 2025, to read:

1 **Title 3. Civil Rules**

2
3 **Division 22. Petitions Under the California Environmental Quality Act**

4
5 **Chapter 1. General Provisions**

6
7
8 **Rule 3.2200. Application**

9
10 Except as otherwise provided in chapter 2 of the rules in this division, which govern
11 actions under Public Resources Code sections 21168.6.6–21168.6.9, 21178–21189.3,
12 ~~21189.50–21189.57~~, 21189.70–21189.70.10, and 21189.80–21189.91, the rules in this
13 chapter apply to all actions brought under the California Environmental Quality Act
14 (CEQA) as stated in division 13 of the Public Resources Code.
15

16
17 **Chapter 2. California Environmental Quality Act Proceedings Involving**
18 **Streamlined CEQA Projects**

19
20
21 **Rule 3.2220. Definitions and application**

22
23 **(a) Definitions**

24
25 As used in this chapter:

- 26
27 (1) A “streamlined CEQA project” means any project within the definitions
28 stated in (2) through ~~(9)~~(8).
29
30 (2) An “environmental leadership development project” or “leadership project”
31 means a project certified by the Governor under Public Resources Code
32 sections 21182–21184.
33
34 (3) ~~The “Sacramento entertainment and sports center project” or “Sacramento~~
35 ~~arena project” means an entertainment and sports center project as defined by~~
36 ~~Public Resources Code section 21168.6.6, for which the proponent provided~~
37 ~~notice of election to proceed under that statute described in section~~
38 ~~21168.6.6(j)(1). An “environmental leadership media campus project” means~~
39 a project as defined in Public Resources Code section 21168.6.6.
40
41 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
42 means a project as defined in Public Resources Code section 21168.6.7 and
43 certified by the Governor under that section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(5) An “Inglewood arena project” means a project as defined in Public Resources Code section 21168.6.8 and certified by the Governor under that section.

~~(6) An “expanded capitol building annex project” means a state capitol building annex project, annex project related work, or state office building project as defined by Public Resources Code section 21189.50.~~

~~(7)~~(6) An “Old Town Center transit and transportation facilities project” or “Old Town Center project” means a project as defined in Public Resources Code section 21189.70.

~~(8)~~(7) An “environmental leadership transit project” means a project as defined in Public Resources Code section 21168.6.9.

~~(9)~~(8) An “infrastructure project” means an “energy infrastructure project,” a “semiconductor or microelectronic project,” a “transportation-related project,” or a “water-related project” as defined in Public Resources Code section 21189.81 and certified by the Governor under Public Resources Code sections 21189.82 and 21189.83.

(b) Proceedings governed

The rules in this chapter govern actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report or the grant of any project approvals for a streamlined CEQA project. Except as otherwise provided in Public Resources Code sections 21168.6.6–21168.6.9, 21178–21189.3, ~~21189.50–21189.57~~, 21189.70–21189.70.10, and 21189.80–21189.91 and these rules, the provisions of the Public Resources Code and the CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to attack, review, set aside, void, or annul acts or decisions of a public agency on the grounds of noncompliance with the California Environmental Quality Act and the rules of court generally apply in proceedings governed by this rule.

(c) * * *

Rule 3.2221. Time

(a) * * *

1 **(b) Extensions of time by parties**

2
3 If the parties stipulate to extend the time for performing any acts in actions
4 governed by these rules, they are deemed to have agreed that the statutorily
5 prescribed time for resolving the action may be extended by the stipulated number
6 of days of the extension, and to that extent to have waived any objection to
7 noncompliance with the deadlines for completing review stated in Public Resources
8 Code sections 21168.6.6–21168.6.9, 21185, ~~21189.51~~, 21189.70.3, and 21189.85.
9 Any such stipulation must be approved by the court.

10
11 **(c) Sanctions for failure to comply with rules**

12
13 If a party fails to comply with any time requirements provided in these rules or
14 ordered by the court, the court may issue an order to show cause as to why one of
15 the following sanctions should not be imposed:

- 16
17 (1) Reduction of time otherwise permitted under these rules for the performance
18 of other acts by that party;
19
20 (2) If the failure to comply is by petitioner or plaintiff, dismissal of the petition;
21
22 (3) If the failure to comply is by respondent or a real party in interest, removal of
23 the action from the expedited procedures provided under Public Resources
24 Code sections 21168.6.6–21168.6.9, 21185, ~~21189.51~~, 21189.70.3, and
25 21189.85, and these rules; or
26
27 (4) Any other sanction that the court finds appropriate.
28
29

30 **Rule 3.2223. Petition**

31
32 In addition to any other applicable requirements, the petition must:

- 33
34 (1) On the first page, directly below the case number, indicate that the matter is a
35 “Streamlined CEQA Project”;
36
37 (2) State one of the following:
38
39 (A) The proponent of the project at issue provided notice to the lead agency
40 that it was proceeding under Public Resources Code section 21168.6.6,
41 21168.6.7, 21168.6.8, or 21168.6.9 (whichever is applicable) and is
42 subject to this rule; or
43

1 (B) The proponent of the project at issue provided notice to the lead agency
2 that it was proceeding under Public Resources Code sections
3 21189.80–21189.91 and is subject to this rule; or
4

5 (C) The project at issue was certified by the Governor as an environmental
6 leadership development project under Public Resources Code sections
7 21182–21184 and is subject to this rule; or
8

9 ~~(D) The project at issue is an expanded capitol building annex project as
10 defined by Public Resources Code section 21189.50 and is subject to
11 this rule; or~~

12
13 ~~(E)~~(D) The project at issue is an Old Town Center project as defined by
14 Public Resources Code section 21189.70 and is subject to this rule;
15

16 (3) If an environmental leadership development, Oakland ballpark, Inglewood
17 arena project, energy infrastructure project, semiconductor or microelectronic
18 project, or water-related project, provide notice that the person or entity that
19 applied for certification of the project as such a project must make the
20 payments required by rule 3.2240 and, if the matter goes to the Court of
21 Appeal, the payments required by rule 8.705;
22

23 (4) If an environmental leadership transit project, provide notice that the project
24 applicant must make the payments required by rule 3.2240 and, if the matter
25 goes to the Court of Appeal, the payments required by rule 8.705; and
26

27 (5) Be verified.
28
29

30 Chapter 3. Trial Court Costs

31 32 33 Rule 3.2240. Trial court costs in certain streamlined CEQA projects

34
35 In fulfillment of the provisions in Public Resources Code sections 21168.6.6, 21168.6.7,
36 21168.6.8, 21168.6.9, 21183, and 21189.82 regarding payment of trial court costs with
37 respect to cases concerning environmental leadership media campus project,
38 environmental leadership development, environmental leadership transit, Oakland
39 ballpark, Inglewood arena, energy infrastructure, semiconductor or microelectronic, or
40 water-related projects:
41

42 (1) Within 10 days after service of the petition or complaint in a case concerning an
43 environmental leadership development project, the person or entity that applied for

1 certification of the project as an environmental leadership development project
2 must pay a fee of \$180,000 to the court.

3
4 (2) Within 10 days after service of the petition or complaint in a case concerning an
5 energy infrastructure project, a semiconductor or microelectronic project, or a
6 water-related project, the project applicant, if the applicant is not the lead agency,
7 must pay a fee of \$180,000 to the court.

8
9 (3) Within 10 days after service of the petition or complaint in a case concerning an
10 environmental leadership transit project, the project applicant must pay a fee of
11 \$180,000 to the court.

12
13 (4) Within 10 days after service of the petition or complaint in a case concerning an
14 Oakland ballpark project or an Inglewood arena project, the person or entity that
15 applied for certification of the project as a streamlined CEQA project must pay a
16 fee of \$120,000 to the court.

17
18 (5) Within 10 days after service of the petition or complaint in a case concerning an
19 environmental leadership media campus project, the project applicant must pay a
20 fee of \$120,000 to the court.

21
22 ~~(5)~~(6) If the court incurs the costs of any special master appointed by the court in the case
23 or of any contract personnel retained by the court to work on the case, the person or
24 entity that applied for certification of the project or the project applicant must also
25 pay, within 10 days of being ordered by the court, those incurred or estimated costs.

26
27 ~~(6)~~(7) If the party fails to timely pay the fee or costs specified in this rule, the court may
28 impose sanctions that the court finds appropriate after notifying the party and
29 providing the party with an opportunity to pay the required fee or costs.

30
31 ~~(7)~~(8) Any fee or cost paid under this rule is not recoverable.

1 Title 8. Appellate Rules

2
3 Division 3. Rules Relating to Miscellaneous Appeals and Writ Proceedings

4
5 Chapter 1. Review of California Environmental Quality Act Involving
6 Streamlined CEQA Projects

7
8
9 Rule 8.700. Definitions and application

10
11 (a) Definitions

12 As used in this chapter:

- 13
14
15 (1) A “streamlined CEQA project” means any project within the definitions
16 stated in (2) through ~~(9)~~(8).
17
18 (2) An “environmental leadership development project” or “leadership project”
19 means a project certified by the Governor under Public Resources Code
20 sections 21182–21184.
21
22 (3) ~~The “Sacramento entertainment and sports center project” or “Sacramento~~
23 ~~arena project” means an entertainment and sports center project as defined by~~
24 ~~Public Resources Code section 21168.6.6, for which the proponent provided~~
25 ~~notice of election to proceed under that statute described in section~~
26 ~~21168.6.6(j)(1). An “environmental leadership media campus project” means~~
27 ~~a project as defined in Public Resources Code section 21168.6.6.~~
28
29 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
30 means a project as defined in Public Resources Code section 21168.6.7 and
31 certified by the Governor under that section.
32
33 (5) An “Inglewood arena project” means a project as defined in Public Resources
34 Code section 21168.6.8 and certified by the Governor under that section.
35
36 (6) ~~An “expanded capitol building annex project” means a state capitol building~~
37 ~~annex project, annex project related work, or state office building project as~~
38 ~~defined by Public Resources Code section 21189.50.~~
39
40 ~~(7)~~(6) An “Old Town Center transit and transportation facilities project” or “Old
41 Town Center project” means a project as defined in Public Resources Code
42 section 21189.70.
43

1 ~~(8)~~(7) An “environmental leadership transit project” means a project as defined in
2 Public Resources Code section 21168.6.9.

3
4 ~~(9)~~(8) An “infrastructure project” means an “energy infrastructure project,” a
5 “semiconductor or microelectronic project,” a “transportation-related
6 project,” or a “water-related project” as defined in Public Resources Code
7 section 21189.81 and certified by the Governor under Public Resources Code
8 sections 21189.82 and 21189.83.

9
10 **(b)** * * *

11
12
13 **Rule 8.702. Appeals**

14
15 **(a)–(e)** * * *

16
17 **(f) Briefing**

18
19 (1)–(3) ***

20
21 (4) *Extensions of time to file briefs*

22
23 If the parties stipulate to extend the time to file a brief under rule 8.212(b),
24 they are deemed to have agreed that the statutorily prescribed time for
25 resolving the action may be extended by the stipulated number of days of the
26 extension for filing the brief and, to that extent, to have waived any objection
27 to noncompliance with the deadlines for completing review stated in Public
28 Resources Code sections 21168.6.6–21168.6.9, 21185, ~~21189.51~~,
29 21189.70.3, and 21189.85 for the duration of the stipulated extension.

30
31 (5) ***

32
33
34 **(g)** * * *

35
36
37 **Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects**

38
39 In fulfillment of the provisions in Public Resources Code sections 21168.6.6, 21168.6.7,
40 21168.6.8, 21168.6.9, 21183, and 21189.82 regarding payment of the Court of Appeal’s
41 costs with respect to cases concerning environmental leadership media campus project,
42 environmental leadership development, environmental leadership transit, Oakland

1 ballpark, Inglewood arena, energy infrastructure, semiconductor or microelectronic, or
2 water-related projects:

3
4 (1) Within 10 days after service of the notice of appeal or petition in a case concerning
5 an environmental leadership development project, the person or entity that applied
6 for certification of the project as an environmental leadership development project
7 must pay a fee of \$215,000 to the Court of Appeal.

8
9 (2) Within 10 days after service of the petition or complaint in a case concerning an
10 energy infrastructure project, a semiconductor or microelectronic project, or a
11 water-related project, the project applicant, if the applicant is not the lead agency,
12 must pay a fee of \$215,000 to the court.

13
14 (3) Within 10 days after service of the notice of appeal or petition in a case concerning
15 an environmental leadership transit project, the project applicant must pay a fee of
16 \$215,000 to the Court of Appeal.

17
18 (4) Within 10 days after service of the notice of appeal or petition in a case concerning
19 an Oakland ballpark project or Inglewood arena project, the person or entity that
20 applied for certification of the project as an Oakland ballpark project or Inglewood
21 arena project must pay a fee of \$140,000 to the Court of Appeal.

22
23 (5) Within 10 days after service of the notice of appeal or petition in a case concerning
24 an environmental leadership media campus project, the project applicant must pay a
25 fee of \$140,000 to the Court of Appeal.

26
27 ~~(5)~~(6) If the Court of Appeal incurs the costs of any special master appointed by the Court
28 of Appeal in the case or of any contract personnel retained by the Court of Appeal
29 to work on the case, the person or entity that applied for certification of the project
30 or the project applicant must also pay, within 10 days of being ordered by the court,
31 those incurred or estimated costs.

32
33 ~~(6)~~(7) If the party fails to timely pay the fee or costs specified in this rule, the court may
34 impose sanctions that the court finds appropriate after notifying the party and
35 providing the party with an opportunity to pay the required fee or costs.

36
37 ~~(7)~~(8) Any fee or cost paid under this rule is not a recoverable cost.