

ASSEMBLY THIRD READING

AB 2059 (Wilson)

As Amended April 22, 2026

Majority vote

SUMMARY

Provides, for purposes of the California Environmental Quality Act (CEQA), that a transportation project is presumed to have a less than significant transportation impact as determined by the vehicle-miles-traveled (VMT) metric if at least 80 percent of the project lies within one or more "nonmetropolitan counties", as defined, with specified exceptions for highway projects that add general purpose lanes.

Major Provisions

- 1) Provides that a transportation project is presumed to have a less than significant transportation impact as determined by the VMT metric if at least 80 percent of the project lies within one or more nonmetropolitan counties.
- 2) Provides that this presumption does not apply to a transportation project that adds one or more general purpose lanes to the state highway system unless there is a demonstrated safety or evacuation need for the project.
- 3) Defines for purposes of the bill:
 - a) "Demonstrated evacuation need" means a project that is specifically identified as necessary to provide evacuation capacity for the affected area in an adopted local hazard mitigation plan, general plan safety element, local emergency operations plan, or other local or regional emergency evacuation plan approved by a city, county, or regional planning agency through a public process.
 - b) "Demonstrated safety need" means a project for which the lead agency demonstrates, through documented collision, injury, or fatality data specific to the project location, or through a risk-based or systemic safety analysis consistent with state and federal guidance, that the proposed project includes safety countermeasures that are necessary to reduce the number and severity of injuries or the number of fatalities, including reducing specific risks to vulnerable road users.
 - c) "Nonmetropolitan county" means a nonmetropolitan county designated by the Methodology for Determining Rural Status of Project Site for 2025 Applications issued by the California Tax Credit Allocation Committee on January 1, 2025 (including 22 rural counties).
 - d) "Transportation project" means a project undertaken by a public agency that consists of the planning, design, construction, reconstruction, rehabilitation, improvement, expansion, or operation of a highway, road, bridge, transit facility, rail facility, bicycle or pedestrian facility, or other public transportation infrastructure.

COMMENTS

Level of service (LOS) is a measure used by traffic engineers to determine the effectiveness of elements of transportation infrastructure. LOS measures the presence of traffic and how quickly cars can move through a street. LOS was used for decades to analyze transportation impacts under CEQA. However, several years ago LOS became regarded as outdated, based on concerns it neglects transit, pedestrian crossings, and bicycles. Critics contended that an over-reliance on LOS considerations by planners had led to widening intersections and roadways to move automobile traffic faster at the expense of other, less polluting modes of transportation.

In response, SB 743 (Steinberg), Chapter 386, Statutes of 2013, required the Office of Land Use and Climate Innovation (LCI) to update the criteria for analyzing transportation impacts of projects to replace LOS in areas within a one-half mile of a major transit stop known as "transit priority areas" (TPAs). According to SB 743, "(n)ew methodologies under (CEQA) are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing (GHG) emissions and traffic-related air pollution, promoting the development of multimodal transportation system, and providing clean, efficient access to destinations." Under SB 743, the criteria were required to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. For areas outside of a TPA, LCI was authorized to adopt guidelines that would establish alternative metrics to LOS. Additionally, LCI could retain LOS as a part of those alternative metrics outside of a TPA, if and where LCI deemed appropriate.

Pursuant to SB 743, LCI proposed changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts and to apply VMT statewide. VMT measures the amount and distance of automobile travel attributable to a project. The Guidelines took effect July 2020 and agencies are now required to analyze the transportation impacts of a project using a VMT metric instead of LOS.

There are legitimate and unique challenges when it comes to mitigating VMT in rural communities, where there may be a lack of practical alternatives to driving. These communities may be isolated from public transit, have little demand for development of multi-family affordable housing, and have weather, topography, and/or commute distances that make active transportation an unrealistic option. While a new statewide VMT mitigation program provides an available and certain VMT mitigation option for any project anywhere, for some rural projects, the benefits of the affordable housing funded may be far removed from the project area. At the same time, it is unlikely there will be many highway expansion projects with significant VMT mitigation obligations in small rural counties, so the problem is likely limited.

According to the Author

AB 2059 is a narrow, practical update to how transportation impacts in rural communities are analyzed under CEQA. In rural communities, travel distances are long, transit options are limited, and land use patterns are dispersed. Driving is not optional, it is a necessity. As a result, the standard VMT mitigation strategies like transit investments, trip reduction programs, mode shift are often infeasible or ineffective. The narrow exemption in AB 2059 will help ensure that important transportation projects move forward in a timely manner.

Arguments in Support

According to the Nevada County Transportation Commission, AB 2059 helps restore balance. It recognizes that rural transportation agencies must be able to advance projects that address safety

deficiencies, system preservation needs, and emergency evacuation objectives without being burdened by mitigation requirements that can consume scarce transportation dollars and delay urgently needed improvements. NCTC especially appreciates that the bill acknowledges the importance of demonstrated safety and evacuation need. In Nevada County, wildfire risk and emergency response considerations are not theoretical – they are central to transportation planning. CEQA should not stand in the way of projects needed to protect life and improve the resilience of the transportation network.

Arguments in Opposition

None received for current (April 22) version.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) LCI estimates a one-time General Fund cost of approximately \$75,000 to update its CEQA Guidelines to account for the changes proposed by this bill.
- 2) The Department of Transportation (Caltrans) anticipates minor and absorbable costs to update its guidelines and procedures. Typically, transportation projects satisfy their VMT mitigation obligations by contributing to, among other things, local or regional active transportation improvements, transit service enhancements, transit-oriented development, and transportation demand management programs. For Caltrans-led projects captured under this bill, Caltrans assumes the less-than-significant transportation impact presumption may result in indeterminate cost savings to the department from having to conduct less or no VMT mitigation for the project.

VOTES

ASM NATURAL RESOURCES: 14-0-0

YES: Bryan, Ellis, Alanis, Connolly, Garcia, Haney, Hoover, Kalra, Macedo, Muratsuchi, Pellerin, Schultz, Wicks, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Bauer-Kahan, Calderon, Caloza, Ellis, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: April 22, 2026

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FN: 0002585