

CONCURRENCE IN SENATE AMENDMENTS

AB 2059 (Wilson)

As Amended August 25, 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 70% of the project lies within one or more "nonmetropolitan counties", as defined, with specified exceptions for highway projects that add general purpose lanes, provided the lead agency issues a notice of preparation (NOP) for the project's environmental impact report (EIR) on or before December 31, 2031. Requires the Department of Transportation (Caltrans), on or before December 31, 2030, to develop guidance on VMT mitigation measures for transportation projects in nonmetropolitan counties.

Senate Amendments

- 1) Require Caltrans, in consultation with the Office of Land Use and Climate Innovation (LCI) and the SB 743 Implementation Working Group Rural VMT Action Subcommittee, to develop guidance on VMT mitigation measures for transportation projects in nonmetropolitan counties, as specified.
- 2) Reduce the fraction of the project that must lie with nonmetropolitan counties from 80% to 70% for purposes of eligibility for the presumption of a less than significant VMT impact.
- 3) Provide that this presumption only applies to a project if the lead agency has issued a NOP for the project's EIR on or before December 31, 2031.

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 However, several years ago LOS became regarded as outdated, based on concerns it neglects transit, pedestrian crossings, and bicycles.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 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.

FISCAL COMMENTS

According to the Senate Appropriations Committee, one-time costs, possibly in the high tens of thousands or low hundreds of thousands of dollars (General Fund), for Caltrans and LCI to develop, publish, and integrate CEQA guidance, as well as to update guidelines and procedures.

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

ASSEMBLY FLOOR: 72-0-8

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Calderon, Dixon, Gallagher, Lee, Quirk-Silva, Celeste Rodriguez, Stefani, Wicks

UPDATED

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CONSULTANT: Lawrence Lingbloom / NAT. RES. / (916)319-2092

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