BILL: SB 677 (Wiener, D-San Francisco)
Introduced February 21, 2025
Amended January 5, 2026
Amended January 8, 2026

SUBJECT: SB 677 would revise definitions related to transit-oriented development from previously signed legislation SB 79 (Chapter 512, Statutes of 2025).

STATUS: Pending in Assembly
Passed Senate Third Reading (24-10)
Passed Senate Committee on Local Government (5-2)
Passed Senate Committee on Housing (10-1)

SUMMARY AS OF FEBRUARY 4, 2026:

SB 677 is a clean-up bill to SB 79 (Chapter 512, Statutes of 2025), the Abundant and Affordable Homes Near Transit Act, which significantly changed California land-use law by authorizing increased housing density near transit-oriented development (TOD) stops with urban transit counties, as defined in the bill. SB 79 established statewide minimum development standards for housing near qualifying transit facilities by making housing a permitted use and limiting local discretionary land use controls in these areas. Much of SB 79's provisions will take effect on July 1, 2026, with some enforcement provisions taking place January 1, 2027. Prior to those dates, metropolitan planning organizations (MPO), including the Southern California Association of Governments (SCAG), must create maps delineating the TOD stops, and the California Department of Housing and Community Development (HCD) is to develop guidance. Due to several ambiguities in SB 79, including how and which counties meet the definition of an urban transit county, what rail and transit services count towards meeting the definition of TOD stop, how MPOs are to create the required maps, and how far away from the TOD stops the permitting provisions would apply, clean-up legislation is necessary.

Rather than addressing some of these critical questions, SB 677 narrowly amends SB 79. Under SB 79, in order to meet the definition of an urban transit county, a county must have at least 15 passenger rail stations. Passenger rail is undefined in the bill. Once a county is defined as an urban transit county, TOD stops would be subject to the provisions of the bill. Two categories of TOD stops are included:

- "Tier 1 TOD Stop," is a stop served by "heavy rail transit" or "very high-frequency commuter rail," defined to include a station with commuter rail service with at least 72 trains per day in both directions.
- "Tier 2 TOD Stop," is a stop that is served by light rail transit, including streetcar service, "high-frequency commuter rail" service, defined to mean a commuter rail service operating a total of at least 48 trains per day across both directions, or bus rapid transit service.

SB 677 only amends the definition of "high-frequency commuter rail." The amendment to the definition would clarify it only applies to public rail service and also includes intercity

rail stations. This potentially expands SB 79 application to more explicitly include stations that are served by intercity rail, that is not otherwise considered “Amtrak Long Distance Service.” The revised definition also clarifies that the service level of 48 passenger trains is to be based on an average per weekday service in all directions. Finally, the revised definition clarifies that this is not based on the entire service of that rail entity, but the service operating at that specific station. Similar clarification is not made to the definition of “very high-frequency commuter rail.

EFFECTS ON ORANGE COUNTY:

SB 677 is intended as a clean-up measure to SB 79; however, it does not adequately address the Orange County Transportation Authority's (OCTA) key concerns related to the implementation of the legislation. Key issues with SB 79 include unclear and evolving definitions related to urban transit counties, commuter and intercity rail service frequency, the potential over-application of Tier 1 transit-oriented development (TOD) standards to Metrolink and Amtrak stations, increased litigation risk for local jurisdictions, and substantial reliance on forthcoming guidance from HCD and SCAG. Further, by overriding local decision making around transit corridors, this framework creates significant risk for existing transit service and future projects, creating an incentive to decrease service levels or forgo transit development to preserve local land-use authority.

These unresolved issues create uncertainty for local governments and transit agencies and complicate coordinated transportation and land-use planning efforts. For instance, under SB 79, it is unclear whether Orange County will meet the definition of “urban transit county.” Because “passenger rail station” is undefined in the bill, some have interpreted this to mean that a federal definition must be used. Under that definition, Orange County would not be classified as an urban transit county. However, alternative interpretations are that Orange County will be an urban transit county once the OC Streetcar becomes operational, due to its classification as light rail transit under SB 79. This lack of clarification presents enormous legal uncertainty.

Rather than clarifying these issues, SB 677 revises and expands the definition of “high-frequency commuter rail” to include commuter and intercity rail stations based on average weekday train counts. This change may increase the number of rail stations subject to higher-tier TOD classifications without providing clear implementation guidance or addressing how service fluctuations, shared corridors, or intercity rail operations should be evaluated.

For OCTA and its partners, these definitional uncertainties increase exposure to legal challenges and place additional pressure on local agencies to interpret and implement state law in advance of finalized guidance from HCD and SCAG. The continued reliance on future guidance, combined with uncertain statutory definitions, creates implementation risk and could lead to inconsistent application across jurisdictions. Further, SB 79 creates a paradigm where opposition may exist to transit service levels and new services to avoid application of SB 79. This undermines state and regional mobility, environmental and economic goals. In addition, because transit service may be altered at any time, a development could be built near a transit stop that currently meets the requirements but

later does not. This scenario would undermine the overall goals of SB 79. Instead, opportunities should be explored to further incentivize cities and local jurisdictions towards increased transit opportunities. Overall, this uncertainty complicates long-range planning for OCTA facilities and transit corridors and may undermine collaborative planning efforts with local governments.

To address the outstanding concerns associated with SB 79, amendments to SB 677 should focus on improving clarity, reducing unintended consequences, and preserving local support for transit investments. Recommended amendments to SB 677 include the following:

- Delaying SB 79's effective dates set for implementation and enforcement to allow for additional stakeholder discussion and definitional clarity.
- Clarifying a narrow application limited to the Bay Area rather than a uniform statewide mandate.
- Explicit exemption of Orange County as an urban transit county.
- Basing participation and related implementation and enforcement provisions on a voluntary basis, by allowing local jurisdictions to "opt-in" to the mandate.

As currently drafted, SB 677 is not adequate clean-up legislation for SB 79, and therefore an OPPOSE UNLESS AMENDED position is consistent with OCTA's 2026-27 State Legislative Platform principles to "Support legislation to amend the implementation of SB 79 (Chapter 512, Statutes of 2025) by updating definitions and making other changes as needed to ensure continued community support for transit projects."

OCTA POSITION:

Staff recommends: OPPOSE UNLESS AMENDED

AMENDED IN SENATE JANUARY 8, 2026

AMENDED IN SENATE JANUARY 5, 2026

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE APRIL 1, 2025

SENATE BILL No. 677

Introduced by Senator Wiener

February 21, 2025

An act to amend ~~Sections 65912.156, 65912.157, and 65912.158~~ *Section 65912.156* of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 677, as amended, Wiener. Housing development: transit-oriented development.

Existing law requires that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with certain applicable requirements, as provided. Among these requirements, existing law establishes requirements concerning height limits, density, and residential floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided, and requires a development to meet specified labor standards that require that a specified affidavit be signed under penalty of perjury, under specified circumstances. Existing law specifies that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval, as provided. Existing law defines, among other terms, the term "high-frequency commuter rail" for purposes of these provisions

to mean a commuter rail service operating a total of at least 48 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, and not meeting the standard for very high frequency commuter rail, at any point in the past three years. Existing law also defines the term "Tier 2 transit-oriented development stop" for these purposes to mean a TOD stop within an urban transit county, as defined, excluding a Tier 1 transit-oriented development stop, as defined, served by light rail transit, by high-frequency commuter rail, or by bus service meeting specified standards.

This bill would revise the definition of "high-frequency commuter rail" to instead mean a public commuter or intercity rail station with a total of at least 48 passenger trains on average per weekday across all directions, not including temporary service changes of less than one month or unplanned disruptions, and not meeting the standard for very high frequency commuter rail, at any point in the past three years. By increasing the duties of local officials, and by expanding the crime of perjury, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

~~Existing law requires that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with certain applicable requirements, as provided. Among these requirements, existing law establishes requirements concerning height limits, density, and residential floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided; prohibits a proposed development under these provisions from being located on sites where the development would require demolition of housing, or that was previously used for housing, that is subject to rent or price controls, as provided; and requires a development to meet specified labor standards that require that a specified affidavit be signed under penalty of perjury, under specified circumstances. Existing law specifies that a development proposed pursuant to these provisions is eligible for streamlined,~~

ministerial approval, as provided. Existing law defines, among other terms, the term "transit-oriented development stop" for purposes of these provisions to mean a major transit stop, as defined by specified law, and to additionally include stops on a route for which a preferred alternative has been selected or are identified in a regional transportation improvement program, that is served by specified types of transit services, exclusive of certain new transit routes or extensions not identified in the applicable regional transportation plan on or before January 1, 2026, as specified. Existing law also defines the term "Tier 2 transit-oriented development stop" for these purposes to mean a TOD stop within an urban transit county, as defined, excluding a Tier 1 transit-oriented development stop, as defined, served by light rail transit, by high-frequency commuter rail, or by bus service meeting specified standards.

This bill would revise the definition of "transit-oriented development stop" to instead mean a major transit stop, as defined, that is served by the above-described types of transit services, exclusive of any newly planned transit route or extension that was not identified in the applicable regional transportation plan on or before January 1, 2026, as specified. The bill would also revise the definitions of "transit-oriented development stop" and "Tier 2 transit-oriented development stop" to include stops served by high-frequency ferry service, as defined. The bill would delete the definition of "rail transit" and, instead, define the term "rail transit station" for purposes of these provisions, as specified. The bill would additionally prohibit a transit-oriented housing development under these provisions from being located on an existing parcel of land or site governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. By increasing the duties of local officials, and by expanding the crime of perjury, this bill would impose a state-mandated local program.

Existing law authorizes a transit agency's board of directors to adopt agency TOD zoning standards for district-owned real property located in a TOD zone, as defined, which establishes minimum zoning requirements for an agency TOD project for, among other things, residential floor area ratio, as provided.

This bill would remove the specification that the TOD zoning standards for floor area ratio be for residential floor area ratio only, thereby requiring that the ordinance establish floor area ratio standards generally for district-owned real property within the TOD zone.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for specified reasons.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 65912.156 of the Government Code is amended to read:

65912.156. For purposes of this chapter, the following definitions apply:

(a) "Adjacent" means within 200 feet of any pedestrian access point to a transit-oriented development stop.

(b) "Commuter rail" means a public ~~rail~~ transit *rail* service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service.

(c) "Department" means the Department of Housing and Community Development.

(d) "Heavy rail transit" means a public electric railway line with the capacity for a heavy volume of traffic using high-speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading. "Heavy rail transit" does not include California High-Speed Rail.

(e) "High-frequency commuter rail" means a *public* commuter *or intercity* rail ~~service operating~~ *station with* a total of at least 48 *passenger* trains *on average* per ~~day~~ *weekday* across ~~both~~ *all* directions, not including temporary service changes of less than one month or unplanned disruptions, and not meeting the standard for very high frequency commuter rail, at any point in the past three years.

(f) "High-resource area" means an area designated as highest resource or high resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the department.

(g) "Housing development project" has the same meaning as defined in Section 65589.5, but does not include a project of which

any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For the purposes of this subdivision, the term "other transient lodging" does not include either of the following:

(1) A residential hotel, as defined in Section 50519 of the Health and Safety Code.

(2) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.

(h) "Light rail transit" includes streetcar, trolley, and tramway service. "Light rail transit" does not include airport people movers.

(i) "Net habitable square footage" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

(j) "Low-resource area" means an area designated as low resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the department.

(k) "Rail transit" has the same meaning as defined in Section 99602 of the Public Utilities Code.

(*l*) "Residential floor area ratio" means the ratio of net habitable square footage dedicated to residential use to the area of the lot.

(m) "Transit-oriented development zone" means the area within one-half mile of a transit-oriented development stop.

(n) "Tier 1 transit-oriented development stop" means a transit-oriented development stop within an urban transit county served by heavy rail transit or very high frequency commuter rail.

(o) "Tier 2 transit-oriented development stop" means a transit-oriented development stop within an urban transit county, excluding a Tier 1 transit-oriented development stop, served by light rail transit, by high-frequency commuter rail, or by bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

(p) "Transit-oriented development stop" means a major transit stop, as defined by Section 21064.3 of the Public Resources Code,

and also including stops on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program, that is served by heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or bus service within an urban transit county meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code. When a new transit route or extension is planned that was not identified in the applicable regional transportation plan on or before January 1, 2026, those stops shall not be eligible as transit-oriented development stops unless they would be eligible as Tier 1 transit-oriented development stops. If a county becomes an urban transit county subsequent to July 1, 2026, then bus service in that county shall remain ineligible for designation of a transit-oriented development stop.

(q) "Urban transit county" means a county with more than 15 passenger rail stations.

(r) "Very high frequency commuter rail" means a commuter rail service with a total of at least 72 trains per day across both directions, not including temporary service changes of less than one month or unplanned disruptions, at any point in the past three years.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

All matter omitted in this version of the bill appears in the bill as amended in the Senate, January 5, 2026. (JR11)

O