



AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

April 1, 2026

The Honorable Lori Wilson
California State Assembly
1021 O Street, Suite 8110
Sacramento, CA 95814

Subject: **AB 2059 (Wilson) – SUPPORT IF AMENDED**

Dear Assembly Member Wilson:

The Orange County Transportation Authority (OCTA) Board of Directors respectfully supports AB 2059, if amended, which would establish a cap on the cost of mitigation measures required to address transportation impacts under the California Environmental Quality Act (CEQA) related to vehicle miles traveled (VMT).

OCTA appreciates the intent of AB 2059 to provide greater clarity and cost certainty in the application of VMT mitigation requirements. Since the transition from level of service to VMT under CEQA, transportation projects have faced increasing challenges in identifying feasible and proportionate mitigation measures. In many cases, required mitigation strategies can be difficult to implement and result in costs that may jeopardize the delivery of critical transportation improvements. OCTA has encountered mitigation costs that would significantly increase the overall cost of projects that inherently provide air quality benefits, as much as doubling the cost of projects.

By establishing a reasonable cap on VMT mitigation costs, AB 2059 represents an important step toward ensuring that CEQA requirements do not unduly constrain the advancement of necessary transportation infrastructure through arbitrary mitigation requirements. This is particularly important for projects that address critical safety needs, improve system reliability, and enhance multimodal mobility options. Providing a clear standard for economic feasibility will help lead agencies make more consistent determinations and reduce uncertainty in the project development process.

OCTA is particularly supportive of the bill's recognition that excessive mitigation costs may be deemed economically infeasible under CEQA. However, OCTA recommends amendments to ensure that these provisions are applied in a manner that reflects the realities of transportation project delivery across all regions, including urbanized areas like Orange County. As currently drafted, the bill's provisions are limited to projects located within rural counties, which restricts the broader applicability of these important reforms.

The Honorable Lori Wilson
April 1, 2026
Page 2

Expanding the applicability of the mitigation cost cap would help ensure that transportation agencies can continue to deliver projects that improve mobility while maintaining consistency with the State's environmental goals.

If amended, AB 2059 would align with OCTA's 2025-26 State Legislative Platform principles to "support streamlined environmental review processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections;" and to "support efforts to ensure local flexibility meeting the State's greenhouse gas emission reduction goals, including project mitigation requirements."

If you or your staff have any questions, please contact Kristin Jacinto, Executive Director of Government Relations, at (714) 560-5754 or kjacinto@octa.net.

Sincerely,



Jamey M. Federico
Chair

JMF:cb

c: Members, Orange County State Legislative Delegation
Darrell E. Johnson, Chief Executive Officer
Topp Strategies

AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2059

Introduced by Assembly Member Wilson
(Coauthors: Assembly Members Aguiar-Curry, Carrillo, and Hoover)

February 18, 2026

An act to amend Section 29000 of *add Section 21081.4 to the Public Resources Code, relating to conservation: environmental quality.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2059, as amended, Wilson. ~~Suisun Marsh Preservation Act of 1977.~~ *California Environmental Quality Act: transportation impacts: vehicle miles traveled: mitigation.*

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires the Office of Land Use and Climate Innovation to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the CEQA implementation guidelines to establish criteria for determining the significance of transportation impacts of projects within transit priority

areas, and requires the criteria to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. CEQA requires the office to recommend potential metrics, including, among other metrics, vehicle miles traveled, to measure these transportation impacts.

This bill would, except as provided, specify that the total cost of mitigation measures required to address a significant transportation impact as determined by the vehicle miles traveled metric is not to exceed 5% of the estimated total project costs. The bill would specify that mitigation measures to address a significant transportation impact as determined by the vehicle miles traveled metric that exceed the 5% limit are deemed to be economically infeasible for the purposes of CEQA. Because the bill would impose additional duties on a lead agency in its analysis of mitigated measures required to address significant transportation impacts, 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 a specified reason.

~~The Suisun Marsh Preservation Act of 1977 requires the San Francisco Bay Conservation and Development Commission to have primary state responsibility for the implementation of the act, including the issuance of marsh development permits, as specified.~~

~~This bill would make nonsubstantive changes to the provision of law that names the act.~~

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

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

- 1 SECTION 1. Section 21081.4 is added to the Public Resources
- 2 Code, to read:
- 3 21081.4. (a) For purposes of this section, the following
- 4 definitions apply:
- 5 (1) "Demonstrated evacuation need" means a project is
- 6 necessary to increase the capacity and speed of traffic flow during
- 7 emergency evacuations, to implement physical or operational

1 *improvements to reduce fatalities and injuries during a disaster,*
2 *to provide safe evacuation options for individuals with access or*
3 *functional needs, to ensure a transportation facility remains*
4 *functional during disasters, or to provide alternative routes,*
5 *particularly in rural or high-vulnerability areas.*

6 (2) *“Demonstrated safety need” means a project is necessary*
7 *to reduce the number and severity of collisions, to upgrade*
8 *infrastructure to meet current, safer design standards, or to*
9 *improve safety for all users, including specific risks to vulnerable*
10 *road users.*

11 (3) *“Estimated total project cost” means the total capital*
12 *construction cost of the transportation project, as estimated for*
13 *purposes of the environmental review document prepared pursuant*
14 *to this division.*

15 (4) *“Rural county” means a county with a population of less*
16 *than 200,000 persons, as determined by the most recent federal*
17 *decennial census or the most recent population estimates published*
18 *by the Department of Finance.*

19 (5) *“Transportation project” means a project undertaken by a*
20 *public agency that consists of the planning, design, construction,*
21 *reconstruction, rehabilitation, improvement, expansion, or*
22 *operation of a highway, road, bridge, transit facility, rail facility,*
23 *bicycle or pedestrian facility, or other public transportation*
24 *infrastructure.*

25 (b) (1) *Notwithstanding any other law, for a transportation*
26 *project located within a rural county, the total cost of mitigation*
27 *measures required to address a significant transportation impact*
28 *as determined by the vehicle miles traveled metric developed*
29 *pursuant to Section 21099 shall not exceed 5 percent of the*
30 *estimated total project cost.*

31 (2) *Any mitigation measure required to mitigated a significant*
32 *transportation impact as determined by the vehicle miles traveled*
33 *metric developed pursuant to Section 21099 that exceeds the*
34 *limitation established in paragraph (1) shall be deemed*
35 *economically infeasible for purposes of this division.*

36 (c) *Subdivision (b) does not apply to a transportation project*
37 *that adds one or more general purpose lanes to the state highway*
38 *system unless there is a demonstrated safety or evacuation need*
39 *for the project.*

1 (d) *This section does not prohibit a lead agency from approving*
2 *a project with significant and unavoidable impacts pursuant to*
3 *Section 21081, if the agency adopts a statement of overriding*
4 *considerations pursuant to Section 21081 and subdivision (b) of*
5 *Section 15093 of Title 14 of the California Code of Regulations.*

6 SEC. 2. *No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *a local agency or school district has the authority to levy service*
9 *charges, fees, or assessments sufficient to pay for the program or*
10 *level of service mandated by this act, within the meaning of Section*
11 *17556 of the Government Code.*

12 ~~SECTION 1. Section 29000 of the Public Resources Code is~~
13 ~~amended to read:~~

14 ~~29000. This division shall be known, and may be cited, as the~~
15 ~~Suisun Marsh Preservation Act of 1977.~~