CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL** **NO. 71**

**Introduced by Senator Wiener**
**(Coauthors: Assembly Members Chen and Lee)**

January 14, 2025

An act to amend Sections 21080.20 and 21080.25 of the Public Resources Code, relating to environmental quality.

# LEGISLATIVE COUNSEL'S DIGEST

SB 71, as introduced, Wiener. California Environmental Quality Act: exemptions: transit projects.

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, until January 1, 2030, exempts from its requirements active transportation plans, pedestrian plans, or bicycle transportation plans for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles.

This bill would extend the operation of the above-mentioned exemption indefinitely. The bill would also exempt a transit comprehensive operational analysis, as defined, a transit route readjustment, or other transit agency route addition, elimination, or modification, from the requirements of CEQA. Because a lead agency would be required to determine whether a plan qualifies for this exemption, the bill would impose a state-mandated local program.

CEQA, until January 1, 2030, exempts from its requirements certain transportation-related projects, such as pedestrian and bicycles facilities, transit prioritization projects, public projects for the institution or increase of bus rapid transit, bus, or light rail service, including the construction or rehabilitation of stations, terminals, or existing operations facilities, and public projects for the construction or maintenance of infrastructure of facilities to charge, refuel, or maintain zero-emission public transit buses, trains, or ferries, as provided. CEQA requires, except as provided, those exempted projects to be carried out by a local agency and meet certain requirements, including certain labor requirements.

This bill would extend the operation of the above-mentioned exemption indefinitely. The bill would exempt from the requirements of CEQA a public project for the improvement of bus rapid transit, bus, or light rail service, including the maintenance, public projects for the improvement, institution, or increase of shuttles and ferries, and for the maintenance, construction, or rehabilitation of stops which will be exclusively used by zero-

emission, near-zero-emission, low oxide of nitrogen engine, compressed natural gas fuel, fuel cell, or hybrid powertrain buses, shuttles, ferries, or light rail vehicles, as provided. The bill would exempt a project carried out by a public transit agency conducted in compliance with specified regulations of the State Air Resources Board relating to commercial harbor craft and in-use locomotives. Because a lead agency would be required to determine whether a project qualifies for this exemption, the bill would impose a state-mandated local program.

Existing law requires a CEQA exempt project exceeding specified dollar amounts to meet certain criteria, as provided.

This bill would instead require a CEQA exempt project that is, based on the project engineer's cost estimate, anticipated to exceed a specified dollar amount, to meet certain criteria, as provided. The bill would require the Office of Land Use and Climate Innovation, beginning January 1, 2026, and every two years thereafter, to adjust these amounts to reflect changes in the California Consumer Price Index, and publish the updated amounts on its internet website.

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.

# Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

---

# Bill Text

# THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 21080.20 of the Public Resources Code is amended to read:

**21080.20.** (a) (1) *(A)* This division does not apply to an active transportation plan, a pedestrian plan, or a bicycle transportation plan for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles.

*(B) This division does not apply to a transit comprehensive operational analysis, transit route readjustment, or other transit agency route addition, elimination, or modification.*

(2) An active transportation plan or pedestrian plan is encouraged to include the consideration of environmental factors, but that consideration does not inhibit or preclude the application of this section.

(3) An individual project that is a part of an active transportation ~~plan or~~ *plan,* pedestrian ~~plan~~ *plan, or transit comprehensive operational analysis* remains subject to this division unless another exemption applies to that project.

(b) Before determining that a project described in subdivision (a) is exempt pursuant to this section, the lead agency shall hold noticed public hearings in areas affected by the project to hear and respond to public comments. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code by the public agency in a newspaper of general circulation in the area affected by the proposed project. If

more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(c) If a local agency determines that a project is not subject to this division pursuant to this section and it determines to approve or carry out that project, the notice shall be filed with the Office of Planning and Research and the county clerk in the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152.

(d) For purposes of this section, the following definitions apply:

(1) "Active transportation plan" means a plan developed by a local jurisdiction that promotes and encourages people to choose walking, bicycling, or rolling through the creation of safe, comfortable, connected, and accessible walking, bicycling, or rolling networks, and encourages alternatives to single-occupancy vehicle trips.

(2) "Pedestrian plan" means a plan developed by a local jurisdiction that establishes a comprehensive, coordinated approach to improving pedestrian infrastructure and safety.

*(3) "Transit comprehensive operational analysis" means a plan that redesigns or modifies a transit operator's or local agency's public transit service network, including the routing of fixed route and microtransit services.*

~~(e)This section shall remain in effect only until January 1, 2030, and as of that date is repealed.~~

**SEC. 2.** Section 21080.25 of the Public Resources Code is amended to read:

**21080.25.** (a) For purposes of this section, the following definitions apply:

(1) "Affordable housing" means any of the following:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents or sales prices to levels affordable, as defined in Section 50052.5 or 50053 of the Health and Safety Code, to persons and families of moderate, lower, or very low income, as defined in Section 50079.5, 50093, or 50105 of the Health and Safety Code, respectively.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that had been occupied by tenants within five years from the date of approval of the development agreement by a primary tenant who was low income and did not leave voluntarily.

(2) "Bicycle facilities" includes, but is not limited to, bicycle parking, bicycle sharing facilities, and bikeways as defined in Section 890.4 of the Streets and Highways Code.

(3) "High-occupancy vehicle" means a vehicle with three or more occupants.

(4) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes a street.

(5) "Local agency" means a public transit operator, city, county, city and county, special district, joint powers authority, local or regional transportation agency, or congestion management agency.

(6) "Part-time transit lanes" means designated highway shoulders that support the operation of transit vehicles during specified times and are not open to nonpublic transit vehicles at any time.

(7) “Project labor agreement” has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(8) “Public transit operator” has the same meaning as in Section 99210 of the Public Utilities Code.

(9) “Skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(10) “Transit lanes” means street design elements that delineate space within the roadbed as exclusive to transit use, either full or part time.

(11) “Transit prioritization projects” means any of the following transit project types on highways or in the public right-of-way:

(A) Signal and sign changes, such as signal coordination, signal timing modifications, signal modifications, or the installation of traffic signs or new signals.

(B) The installation of wayside technology and onboard technology.

(C) The installation of ramp meters.

(D) The conversion to dedicated transit lanes, including transit queue jump or bypass lanes, shared turning lanes and turn restrictions, the narrowing of lanes to allow for dedicated transit lanes or transit reliability improvements, or the widening of existing transit travel lanes by removing or restricting street parking.

(E) Transit stop access and safety improvements, including, but not limited to, the installation of *bus shelters, lighting,* transit bulbs and the installation of transit boarding islands.

(12) “Transportation demand management program” means a specific program of strategies, incentives, and tools to be implemented, including, with specified annual status reporting obligations, to reduce vehicle trips by providing opportunities for the public to choose sustainable travel options, such as transit, bicycle riding, or walking. A specific program of strategies, incentives, and tools includes, but is not limited to, any of the following:

(A) Provision of onsite electric vehicle charging stations in excess of applicable requirements.

(B) Provision of dedicated parking for car share or zero-emission vehicles, or both types of vehicles, in excess of applicable requirements.

(C) Provision of bicycle parking in excess of applicable requirements.

(b) This division does not apply to any of the following projects:

(1) Pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way.

(2) Projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians within the public right-of-way.

(3) Transit prioritization projects.

(4) A project for the designation and conversion of general purpose lanes to high-occupancy vehicle lanes or bus-only lanes, or highway shoulders to part-time transit lanes, for use either during peak congestion hours or

all day on highways with existing public transit service or where a public transit agency will be implementing public transit service as identified in a short range transit plan.

(5) A public project for the ~~institution~~ *improvement, institution,* or increase of bus rapid transit, *shuttle,* bus, *ferry,* or light rail service, including the ~~construction~~ *maintenance, construction,* or rehabilitation of *stops,* stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission, near-zero-emission, low oxide of nitrogen engine, compressed natural gas fuel, fuel cell, or hybrid powertrain ~~buses~~ *buses, shuttles, ferries,* or light rail vehicles, on existing public rights-of-way or existing highway rights-of-way, whether or not the right-of-way is in use for public mass transit. The project shall be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(6) A public project for the institution or increase of passenger rail service, other than light rail service eligible under paragraph (5), including the construction or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission trains. The project shall be located entirely within an existing rail right-of-way or existing highway right-of-way, whether or not the right-of-way is in use for passenger rail transit.

(7) (A) A public project to construct or maintain infrastructure or facilities to charge, refuel, power, or maintain zero-emission public transit buses, trains, or ferries, provided the project is carried out by a public transit agency in compliance with, the State Air Resources Board's Innovative Clean Transit regulations (Article 4.3 (commencing with Section 2023) of Chapter 1 of Division 3 of Title 13 of the California Code of ~~Regulations)~~ *Regulations), the Commercial Harbor Craft regulations (Article 4.3 (commencing with Section 2299.5) of Chapter 5.1 of Division 3 of Title 13 of the California Code of Regulations and Article 4.3 (commencing with Section 93118.5) of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations), the In-Use Locomotive regulations (Article 8 (commencing with Section 2478) of Chapter 9 of Division 3 of Title 13 of the California Code of Regulations),* or any regulations identified by the State Air Resources Board's 2020 Mobile Source Strategy, adopted on October 28, 2021, and the project is located on property owned by the local agency or within an existing public right-of-way or on property owned by a public or private utility.

(B) A lead agency applying an exemption pursuant to this paragraph for hydrogen refueling infrastructure or facilities necessary to refuel or maintain zero-emission public transit buses, trains, or ferries shall comply with clauses (i), (iii), and (iv) of subparagraph (D) of, and with subparagraph (E) of, paragraph (1) of subdivision (d).

(8) The maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with a project identified in paragraphs (1) to (7), inclusive.

(9) A project that consists exclusively of a combination of any of the components of a project identified in paragraphs (1) to (8), inclusive.

(10) A planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs.

(c) Except as provided in subdivision (g), a project exempt from this division under this section shall meet all of the following criteria:

(1) *(A)* A local agency is carrying out the project and is the lead agency for the project.

*(B) The lead agency's governing board shall take an action at a public meeting to approve a project subject to subdivision (b).*

(2) The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way. The project shall not include the addition of any auxiliary lanes.

(3) The construction of the project shall not require the demolition of affordable housing units.

(d) (1) ~~For a project exceeding one hundred million dollars ($100,000,000), a project exempt from this division under this section~~ *A project that is exempt from this division under this section that is, based on the project engineer's cost estimate at the time the local agency takes an action pursuant to subparagraph (B) of paragraph (1) of subdivision (c), anticipated to exceed one hundred million dollars ($100,000,000)* shall also meet all of the ~~following:~~ *following criteria:*

(A) The project is incorporated in a regional transportation plan, sustainable communities strategy, general plan, or other plan that has undergone a programmatic-level environmental review pursuant to this division within 10 years of the approval of the project.

(B) The project's construction impacts are fully mitigated consistent with applicable law.

(C) (i) The lead agency shall complete and consider the results of a project business case and a racial equity analysis. The Office of Planning and Research may set guidelines for the project business case and the racial equity analysis or delegate that authority to metropolitan planning organizations.

~~(ii)The project business case required under this subparagraph shall set forth the rationale for why the project should be implemented to solve a problem or address an opportunity, outline strategic goals and objectives of the project, evaluate other options to achieve the project's objectives, describe the economic costs and benefits of the project, describe the financial implications of the project, and establish what is required to deliver and operate the project.~~

~~(iii)~~

*(ii)* The racial equity analysis required under this subparagraph shall identify the racial equity impacts of the project, identify who will benefit from and be burdened by the project, and, where significant or disproportionate impacts exist, suggest strategies, designs, or actions to mitigate those impacts.

(D) The lead agency shall hold noticed public meetings as follows:

(i) Before determining that a project is exempt pursuant to this section, the lead agency shall hold at least three noticed public meetings in the project area to hear and respond to public comments.

(ii) At least one of the three public meetings shall review the project business case and the racial equity analysis. The review of these documents does not inhibit or preclude application of this section.

(iii) The lead agency shall conduct at least two noticed public meetings annually during project construction for the public to provide comments.

(iv) The public meetings held pursuant to clauses (i) to (iii), inclusive, shall be in the form of either a public community planning meeting held in the project area or in the form of a regularly scheduled meeting of the governing body of the lead agency.

(E) The lead agency shall give public notice of the meetings in subparagraph (D) to the last known name and address of all the organizations and individuals that have previously requested notice and shall also give the general public notice using at least one of the following procedures:

(i) Publication of the notice in a newspaper of general circulation in the area affected by the project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice onsite and offsite in the area where the project is located.

(iii) Posting of the notice on the lead agency's internet website and social media accounts.

(2) In addition to the requirements of paragraph (1), for a project described in that paragraph for which at least 50 percent of the project or project's stops and stations are located in an area that is at risk of residential displacement and that will have a maximum of 15-minute peak headways, the local agency shall complete an analysis of residential displacement and suggest antidisplacement strategies, designs, or actions. For a project subject to this paragraph, the lead agency shall define or identify areas at risk of residential displacement.

*(3) The amount in paragraph (1) shall be adjusted pursuant to subdivision (j).*

(e) ~~For a project exceeding fifty million dollars ($50,000,000), a project exempt from this division under this section~~ *(1) A project that is exempt from this division under this section that is, based on the project engineer's cost estimate at the time the local agency takes an action pursuant to subparagraph (B) of paragraph(1) of subdivision (c), anticipated to exceed fifty million dollars ($50,000,000)* shall also comply with clauses (i), (iii), and (iv) of subparagraph (D) of, and with subparagraph (E) of, paragraph (1) of subdivision (d).

*(2) The amount in paragraph (1) shall be adjusted pursuant to subdivision (j).*

(f) (1) (A) Except as provided in subdivision (g), ~~in addition to the requirements of~~ *as part of the lead agency's governing board action pursuant to subparagraph (B) of paragraph (1) of* subdivision (c), ~~following the granting of an exemption under this section,~~ the lead agency shall ~~take an action at a public meeting of its governing board to~~ certify that the project will be completed by a skilled and trained workforce.

(B) Subparagraph (A) does not apply if the lead agency has an existing policy or certification approved by its governing board that requires the use of a skilled and trained workforce to complete the project if the lead agency is a signatory to a project labor agreement that will require the use of a skilled and trained workforce on the project.

(2) (A) Except as provided in subparagraph (B), for a project that is exempted under this section, the lead agency shall not enter into a construction contract with any entity unless the entity provides to the lead agency an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(B) Subparagraph (A) does not apply if any of the following requirements are met:

(i) The lead agency has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project to use a skilled and trained workforce and the entity has agreed to be bound by that project labor agreement.

(ii) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the lead agency before January 1, 2021.

(iii) The entity contracted to perform the project entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project to use a skilled and trained workforce.

(g) Subdivisions (c) and (f) do not apply to a project described in paragraph (10) of subdivision (b).

(h) If the lead agency determines that a project is not subject to this division pursuant to this section, and the lead agency determines to carry out that project, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152.

(i) (1) The amendments made to paragraph (5) of subdivision (b) by Chapter 987 of the Statutes of 2022 (Senate Bill 922 of the 2021–22 Regular Session) may apply to projects for which a lead agency has filed a notice of exemption under this section before January 1, 2023.

(2) For projects for which a lead agency has filed a notice of exemption under this section before January 1, 2023, notwithstanding subdivision (d), as it read on December 31, 2022, the lead agency may certify that the project will be completed by a skilled and trained workforce after the granting of the exemption under this section or the lead agency may demonstrate compliance with subparagraph (B) of paragraph (1) of subdivision (f).

~~(j)This section shall remain in effect only until January 1, 2030, and as of that date is repealed.~~

*(j) Beginning January 1, 2026, and every two years thereafter, the Office of Land Use and Climate Innovation shall adjust the amounts reflected in paragraph (1) of subdivision (c) and paragraph (1) of subdivision (e) to reflect changes in the California Consumer Price Index, and publish the updated amounts on its internet website.*

**SEC. 3.** 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, within the meaning of Section 17556 of the Government Code.