

Date of Hearing: April 21, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 902 (Schultz) – As Amended April 10, 2025

SUBJECT: Transportation planning and programming: barriers to wildlife movement

SUMMARY: Requires regional planning organizations to evaluate transportation networks to avoid, minimize, or mitigate impacts and barriers to wildlife movement, and requires a lead agency to remediate barriers to wildlife connectivity in conjunction with the transportation projects. Specifically, **this bill**:

- 1) Requires metropolitan planning organizations (MPOs) and regional transportation agencies (RTPAs) in their the next revision of the regional transportation plan or sustainable communities strategy (RTP/SCS), to the extent feasible, to;
 - a) Identify and analyze connectivity areas, permeability, and natural landscape areas;
 - b) Identify and analyze existing or planned wildlife passage features;
 - c) Identify strategies and the general location of uses and transportation networks in a manner that avoids, minimizes, or mitigates impacts and barriers to wildlife movement to the greatest extent feasible; and,
 - d) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.
- 2) In developing an RTP/SCS, requires an MPO to:
 - a) Recommend for implementation appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development;
 - b) Consult with the Department of Fish and Wildlife (CDFW), and any California Native American tribe within the boundaries of the MPO;
 - c) Consider relevant best available science as appropriate; and,
 - d) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity.
- 3) Allows an MPO to:
 - a) Consult with cities or counties within or outside of their region, and appropriate local, state, or federal agencies, or academic institutions; and,
 - b) Incorporate relevant information, guidelines, and standards from applicable conservation elements, habitat conservation plan, natural community conservation plans, and local coastal plans.
- 4) Clarifies that this policy shall not be interpreted as superseding the exercise of the land use authority of cities and counties within the region.

- 5) Requires a lead agency to perform an assessment, in consultation with CDFW, to identify potential wildlife connectivity barriers and any needs for improved permeability before commencing project design for a transportation infrastructure project located in a connectivity area that adds a traffic lane or that has the potential to significantly impair wildlife connectivity based on criteria developed by the Department of Transportation (Caltrans) and CDFW:
 - a) Requires the lead agency to consider factors affecting wildlife connectivity that provide scalable solutions for all defined species needs, in consultation with CDFW;
 - b) Allows the lead agency to incorporate relevant guidelines and standards in applicable habitat conservation plans;
 - c) Requires the lead agency to submit the assessment to CDFW, and if any structural barrier to wildlife connectivity exists or will be added by the project in the connectivity, requires the lead agency to remediate barriers to wildlife connectivity in conjunction with the project;
 - d) Requires the lead agency to publish on its internet website a list of all of the transportation infrastructure projects that require remediation;
 - e) Allows lead agencies to use compensatory mitigation credits if CDFW concurs with the use of those credits; and,
 - f) Makes findings and declarations related to transportation barriers to wildlife movement, California's biodiversity, and previous legislation related to wildlife connectivity.

EXISTING LAW:

- 1) Requires every city and county to prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. (Government Code Section (GOV) 65302)
- 2) Requires the general plan to include a conservation element that considers the effect of development within the jurisdiction for the conservation, development, and utilization of natural resources. (GOV 65302)
- 3) Requires the general plan to include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. (GOV 65302)
- 4) Requires the conservation element of a local general plan to consider the impact of development on the movement of wildlife and habitat connectivity, and identify and analyze wildlife passage features to ensure that planned development does not undermine the effectiveness of those features. (GOV 65302)
- 5) Vests CDFW with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish and Game Code Section (FGC) 1802)
- 6) Requires CDFW to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, as provided. (FGC 1930.5)

- 7) Authorizes the CDFW to approve compensatory mitigation credits for wildlife connectivity actions taken under specified programs. (FGC 1856)
- 8) Establishes the California Department of Transportation (Caltrans) and provides that it has full possession and control of all state highways and property and rights in property acquired for state highway purposes, construct all state highways. (Streets and Highways Code Section (SHC) 90)
- 9) Establishes a duty of Caltrans to plan, design, construct, operate, and maintain transportation systems that the Legislature has made, or may make, the responsibility of the department (Government Code Section (GOV) 14030)
- 10) Require Caltrans, for any project on the state highway system in a connectivity area, as defined, that adds a traffic lane or that has the potential to significantly impair wildlife connectivity, to perform an assessment, in consultation with the CDFW, to identify potential wildlife connectivity barriers and any needs for improved permeability, as specified. Require Caltrans to submit the assessment to the CDFW and, if any structural barrier to wildlife connectivity exists or will be added by the project for target species in the connectivity area, requires the implementing agency to remediate barriers to wildlife connectivity in conjunction with the project. (SHC 158.2)
- 11) Create the Transportation Wildlife Connectivity Remediation Program for the purposes of improving wildlife connectivity across transportation systems in connectivity areas, and, upon appropriation of funds by the Legislature, require Caltrans as a part of the program to develop projects that support the remediation and improvement of wildlife connectivity across transportation systems, including the state highway system, as specified. (SHC 158.4)
- 12) Creates the Advance Mitigation Program (AMP) in Caltrans to enhance communications between Caltrans and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable environmental requirements, to accelerate project delivery, and to mitigate, to the maximum extent required by law, environmental impacts from transportation infrastructure projects. (SHC 800)
- 13) Creates the Advance Mitigation Account (account) and continuously appropriates moneys in the account for purposes of the AMP. Authorizes funds in the account to be used for specified activities, including, among others things, for purchasing, or funding the purchase of, credits from mitigation banks, conservation banks, or in-lieu fee programs approved by one or more regulatory agencies and, under certain circumstances, for implementing, or funding the implementation of, advance mitigation. (Streets and Highways Code (SHC) Section 800.7)

FISCAL EFFECT: Unknown

COMMENTS: The state's transportation system (highways, local roads, and rail) can create barriers to safe movement for wildlife. Intact biological corridors help maintain healthy populations of plants and animals by allowing genetic exchange, species migration, and repopulation following catastrophes. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes. Studies have found that inbreeding within smaller populations of

animals can lead to population declines and loss of genetic diversity. Roads can also directly harm wildlife through roadkill, further impacting population sizes and genetic diversity.

The state transportation system's lack of wildlife crossing infrastructure has resulted in a transportation system that can pose a detriment to California's people, wildlife, and natural ecosystems. Improving wildlife habitat connectivity across roads is highly effective at reducing wildlife collisions, reducing the impacts of roads on imperiled species, improving climate change resilience by facilitating migration, and making travel on roadways safer.

Built infrastructure such as wildlife crossings decrease incidents of fatal collisions by giving animals an alternate route to cross busy roads. A crossing is typically an overpass or an underpass that allows animals to move safely from one side of the road to the other. Barriers to fish passage (such as a lack of culverts that carry a stream under a road) prevent aquatic species from reaching upstream habitat where they breed and grow. The removal of dams and increasing the size of culverts can return upstream access for fish species. Culverts, when sized correctly, can also be utilized by terrestrial species.

In CDFW's 2022 report "Restoring California's Wildlife Connectivity 2022" approximately 150 segments of linear infrastructure have been identified as wildlife barriers, including 18 new segments added in 2022. Of those barrier segments, 62 were identified as priority wildlife barriers in 2022 and 12 were included on the statewide top priority list. Nearly all the known barriers are associated with the State Highway System (SHS), but railroads, canals, high-speed rail alignments, and local roads are also represented. Some segments may be impacted by more than one infrastructure type, such as a high-speed rail alignment along a highway.

According to Caltrans, as lanes have been added to the SHS and traffic has increased, roadkill rates have also increased. Hot spot roadkill areas have been documented on virtually every route in the state, the majority of which correlate with threatened and endangered species habitat areas and ranges of managed herds or fully protected species. According to the Caltrans Wildlife Connectivity Barriers website, Caltrans currently has 15 remediation projects funded, 17 planned project locations, and 76 unfunded priorities.

Wildlife-vehicle collisions: Wildlife-vehicle collisions are a significant threat to public health and safety, and result in numerous animal fatalities. According to data from the California Highway Patrol (CHP), more than 8,000 large game wildlife-vehicle collisions have occurred statewide from 2014 to 2020 resulting in over 1,500 injuries and at least 24 fatalities to motorists and passengers. For context, there are roughly 500,000 traffic accidents annually statewide.

It is important to note that the CHP does not have information on every collision and not all collisions are reported. Researchers at the UC Davis Road Ecology Center estimate that about 20,000 California vehicles collide with deer annually, accounting for about 90% of wildlife collisions. State Farm Insurance estimates that California had more than 23,000 collisions with large wildlife annually based on insurance claims for 2017-2018.

The Road Ecology Center estimates that the total cost of reported wildlife-vehicle collisions for 2017 was at least \$300 million and could be as high as \$600 million if accidents claimed to insurance companies, but not reported to law enforcement, are included. UC Davis' Roadkill Hotspot Report states, "Between 2016 and 2020, inclusive, 302 mountain lions and 557 black bears were reported killed on roads."

Local general plans and conservation elements. The conservation element is one of the seven elements a local government is required to include in its long range general plan. This element must address the identification, conservation, development, and use of natural resources including water, forests, soils, waterways, wildlife, and mineral deposits. A local government may also consider issues related to flood control, water and air pollution, erosion, farmland conversion, endangered species, and timing and impact of logging and mining activities. As of 2024, state law requires the general plan to address the impact of development on the movement of wildlife and habitat connectivity and identify and analyze wildlife passage features to ensure that planned development does not undermine the effectiveness of those features.

RTP/SCS and regional planning. In California, 18 MPOs in urban areas and 26 RTPAs in rural areas plan for regional transportation needs. MPOs prepare the RTP which has a long-term horizon of at least 20 years and identifies existing and future transportation needs. It includes rough cost estimates for transportation projects and is fiscally constrained, but specific fund sources are usually not identified. The RTP must conform to federal air quality requirements in nonattainment or maintenance areas. Federal law requires MPOs/ RTPAs to submit an RTP at least every four years.

The Sustainable Communities and Climate Protection Act, SB 375 (Steinberg), Chapter 728, Statutes of 2008 required MPOs to develop Sustainable Community Strategies (SCS) that align transportation, housing, and land use decisions with achieving greenhouse gas emissions (GHG) reduction targets the California Air Resources Board (CARB) sets. As part of the SB 375 process, CARB establishes regional GHG emissions reduction targets for each jurisdiction. MPOs must produce a SCS that (i) identifies the general location of uses, residential densities, and building intensities within the region; (ii) identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the RTP taking into account net migration into the region, population growth, household formation and employment growth; (iii) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region; (iv) identifies a transportation network to service the transportation needs of the region; (v) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region; (vi) considers the state housing goals, as specified; (vii) sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce GHG emissions from automobiles and light trucks to achieve the GHG emission reduction targets.

Staff comments. This bill builds on existing requirements that Caltrans and local governments identify and analyze wildlife passages as part of implementing transportation projects by also requiring regional planning organizations (MPOs and RTPAs) to identify and analyze wildlife passages as part of the RTP/SCS.

This bill requires MPOs/RTPAs to conduct significant analysis to include wildlife connectivity projects in the RTP/SCS. While MPOs are regional planning entities, they do not implement transportation infrastructure projects. Local governments and Caltrans implement transportation projects. This bill gives MPOs land use authority by requiring the development of wildlife connectivity remediation projects.

Additionally, this bill establishes significant project changes at the state and local level by requiring a lead agency to identify potential wildlife connectivity barriers and any needs for improved permeability before commencing project design for a transportation infrastructure

project located in a connectivity area that adds a traffic lane or that has the potential to significantly impair wildlife connectivity based on criteria Caltrans and CDFW develop.

The requirements in this bill place a significant burden on regional and state governments, and will likely drive up the cost of development and transportation infrastructure projects.

The committee may wish to propose the following amendments:

- 1) Strike “and development” from Section 1 (a) (1);
- 2) Strike Section 2 and 3 of the bill;
- 3) Add the following language;

Streets and Highways Code Section 158.6 is added to read:

(a) (1) For any transportation infrastructure project located in a connectivity area beginning with the project initiation phase on or after January 1, 2026, that may significantly impair wildlife connectivity, the lead agency shall incorporate appropriate wildlife passage features as defined in Streets and Highways Code section 158 to feasibly avoid, minimize, or mitigate further impairing wildlife connectivity.

(2) Lead agencies may use compensatory mitigation credits approved pursuant to Section 1957 of the Fish and Game Code to satisfy the requirements of this section if the Department of Fish and Wildlife concurs with the use of those credits.

According to the author, “Protecting and enhancing wildlife connectivity is crucial for wildlife, climate resilience, and public safety. Species like mountain lions, California tiger salamanders, and desert tortoises face existential threats due to barriers like roads, which prevent them from finding food, shelter, and mates, and adapting to climate change. These barriers to movement can lead to inbreeding, genetic isolation, and local extinction, and animals crossing busy roads in search of resources pose dangers to both wildlife and motorists.

Despite California's progress in prioritizing wildlife connectivity, regional transportation planning processes do not currently require consideration of wildlife habitats and wildlife connectivity. The Connected Communities Act is a critical step towards connecting habitats to combat climate and biodiversity crises. Considering connectivity in regional planning will improve species resiliency, protect animals and people from dangerous collisions, and preserve California's remarkable biodiversity. Coordinated planning and good governance are essential to achieving the state's connectivity goals as well as its 30x30 conservation goals established by Executive Order N-82-20.”

In support, the Center for Biological Diversity writes, “California has made bold strides to be a leader in prioritizing wildlife connectivity in land-use planning. With your support of the Connected Communities Act, California will take a critical step towards connecting habitats necessary to combat the climate and biodiversity crisis. Wildlife need to be able to access resources regardless of political boundaries and jurisdictions. The forward-thinking, comprehensive planning required by this Act will give California's iconic wildlife, like mountain lions, desert tortoises, and California tiger salamanders, a fighting chance to survive and recover.”

In opposition, the California Building Industry Association writes, “On behalf of the California Building Industry Association (CBIA), we write to express our strong opposition to AB 902, which would impose new requirements on regional transportation planning and development to mitigate barriers to wildlife movement. Given its far-reaching implications, we have also tagged this measure with a "Housing Killer" designation.”

Previous legislation. AB 1889 (Friedman) Chapter 686, Statutes of 2024 requires the conservation element of a local general plan to consider the impact of development on the movement of wildlife and habitat connectivity. This bill also requires a city or county, upon the next revision of one or more general plan elements on or after January 1, 2028, to update the conservation element to, among other things, identify and analyze wildlife passage features to ensure that planned development does not undermine the effectiveness of those features.

AB 2344 (Friedman and Kalra) Chapter 964, Statutes of 2022 requires the California Department of Transportation (Caltrans), in consultation with the Department of Fish and Wildlife (DFW) and other appropriate agencies, to take actions to address wildlife connectivity needs related to the state highway system.

SB 790 (Stern), Chapter 738, Statutes of 2021, authorizes the DFW to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration, such as adding an overpass or underpass for a roadway, as provided.

AB 1189 (Bloom), 2021-22 Session, would have prohibited Caltrans from charging administration indirect cost recovery for any wildlife crossing project that receives private funding for more than 50% of the project cost, as provided. The bill was never set for hearing in the Assembly Transportation Committee.

SB 1372 (Monning of 2020), would have instituted structural reforms at the CDFW and Caltrans to facilitate wildlife corridors, among other things. The bill was not moved by the author due to the COVID-19 pandemic.

SB 395 (Archuleta), Chapter 869, Statutes of 2019, authorizes the Fish and Game Commission, upon appropriation, to establish a pilot wildlife salvage permit program authorizing the roadkill of certain game species to be taken for human consumption, and, upon appropriation, authorizes the CDFW to take certain actions to support the salvage pilot program, as specified.

SB 1 (Beall), Chapter 5, Statutes of 2017, increases several taxes and fees to raise roughly \$5.2 billion in new transportation revenues annually, and establishes the AMP, among other provisions.

SB 857 (Kuehl), Chapter 589, Statutes of 2005, requires Caltrans to prepare an annual report to the Legislature describing the status of Caltrans’ progress in locating, assessing, and remediating barriers to fish passage, as defined. SB 857 requires Caltrans to also complete assessments of potential barriers to anadromous fish prior to commencing any project using state or federal transportation funds.

REGISTERED SUPPORT / OPPOSITION:**Support**

American River Conservancy
Animal Legal Defense Fund
Animal Welfare Institute
Arroyos & Foothills Conservancy
Backcountry Hunters and Anglers, California Chapter
Ban Sup
Brentwood Alliance of Canyons & Hillsides
California Central Coast Chapter of the Wildlife Society
California Environmental Voters
California Native Plant Society
California Native Plant Society, Alta Peak Chapter
California River Watch
California Wildlife Foundation
CalWild
Canyon Back Alliance
Center for Biological Diversity
Channel Islands Restoration
Citizens for Los Angeles Wildlife
Cleaneearth4kids.org
Coalition for Responsible Transportation Priorities
Coastal Ranches Conservancy
Concerned Resource & Environmental Workers
Defenders of Wildlife
Endangered Habitats League
Environmental Protection Information Center
Farm Sanctuary
Felidae Conservation Fund
Forest Unlimited
Friends of Ballona Wetlands
Friends of Griffith Park
Friends of Plumas Wilderness
Friends of the Inyo
Grassland Water District
Green Foothills
Greenbelt Alliance
Greenspace - the Cambria Land Trust
Hills for Everyone
Humane World for Animals
Ks Connectivity
Land Trust for Santa Barbara County
Los Angeles Waterkeeper
Los Padres Forestwatch
Madrone Audubon Society, Sonoma County
Mid-Peninsula Regional Open Space District
Mojave Desert Land Trust

Nature Conservancy
North County Watch
Pathways for Wildlife
Paula Lane Action Network
Peninsula Open Space Trust
Planning and Conservation League
Poison Free Agoura
Poison Free Malibu
Preserve Wild Santee
Prosperity California
Raptors are the Solution
San Diego Humane Society - Project Wildlife
Santa Barbara Botanic Garden
Santa Clara Valley Open Space Authority
Santa Susana Mountain Park Association
Save Joshua Tree Wildlife
SC Wildlands
Sequoia Riverlands Trust
Sierra Business Council
Sierra Club California
Sierra Forest Legacy
Sierra Nevada Alliance
Sierra State Parks Foundation
So-Cal 350 Climate Action
Social Compassion in Legislation
Streets for All
The Climate Reality Project, Bay Area Chapter
The Climate Reality Project, California State Coalition
The Climate Reality Project, Los Angeles Chapter
The Climate Reality Project, Riverside County Chapter
The Climate Reality Project, Sacramento Chapter
The Climate Reality Project, San Diego Chapter
The Climate Reality Project, San Fernando Valley CA Chapter
The Cougar Fund
The Escondido Creek Conservancy
The River Otter Ecology Project
Treepeople Land Trust
Truckee Donner Land Trust
United Neighborhoods for Los Angeles (UN4LA)
Urban Wildlife Research Project
Voters for Animal Rights
Wildfutures
Wildlands Network

Opposition

California Building Industry Association
City of Colton

Analysis Prepared by: Julia Kingsley / TRANS. / (916) 319-2093