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AB-902 Transportation projects: barriers to wildlife movement. (2025-2026)

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AMENDED IN SENATE JULY 10, 2025

AMENDED IN ASSEMBLY MAY 23, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 902

Introduced by Assembly Member Schultz

February 19, 2025

An act to add Section 158.6 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 902, as amended, Schultz. Transportation projects: barriers to wildlife movement.

Existing law requires the Department of Transportation (Caltrans), for any project on the state highway system in a connectivity area that adds a traffic lane or that has the potential to significantly impair wildlife connectivity, to perform an assessment, in consultation with the Department of Fish and Wildlife (DFW), to identify potential wildlife connectivity barriers and any needs for improved permeability, as specified. Existing law requires the implementing agency to remediate barriers to wildlife connectivity in conjunction with the project if any structural barrier to wildlife connectivity exists or will be added by the project for target species in the connectivity area, as provided. Existing law authorizes Caltrans to use compensatory mitigation credits to satisfy this requirement if DFW concurs with the use of those credits.

This bill would require a lead agency to incorporate appropriate wildlife passage features into a transportation infrastructure project in a connectivity area, as specified. By requiring a lead agency to expand the scope of its transportation project, the bill would impose a state-mandated local program. The bill would exempt a project on the state highway system from this requirement if Caltrans is the lead agency. The bill would authorize a lead agency to use compensatory mitigation credits to satisfy this requirement, as specified.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Transportation infrastructure can adversely impact wildlife by reducing or eliminating their core habitat, severing connections between habitats, and interfering with their behavioral patterns and ability to access food, water, shelter, and genetically diverse mates.

(2) Climate change is a significant threat to California's biodiversity. As climate change alters the habitat, ranges, and movement patterns of numerous animals and plants, wildlife must have the ability to shift their ranges to effectively adapt to changed climatic conditions and resource availability. Moreover, wildlife must be able to move to effectively respond to extreme weather events, including wildfire, drought, and floods.

(3) As set forth in Assembly Bill 2344 (Chapter 964 of the Statutes of 2022), commonly known as the Safe Roads and Wildlife Protection Act, it is the policy of the state to protect, restore, and enhance the functioning of fish, wildlife, and habitat connectivity in connection with the planning, construction, and improvement of transportation infrastructure throughout the state.

~~(b)(1) Because regional transportation agencies and metropolitan planning organizations have a role in the funding, construction, operation, and maintenance of transportation infrastructure, it is the intent of the Legislature, in carrying out the policy of the state, to consider and incorporate measures for the avoidance, minimization, and mitigation of impacts to fish, wildlife, and habitat connectivity arising from their activities.~~

~~(2) It is the intent of the Legislature that metropolitan planning organizations and regional transportation agencies implement measures to remediate barriers to wildlife connectivity within their regions, including on transportation infrastructure.~~

(4) Assembly Bill 2344, among other things, established various requirements to address the state highway system's impact on wildlife.

(5) Roads outside of the state highway system also adversely impact wildlife.

(b) It is the intent of the Legislature, in carrying out the policy of the state, that local agencies leading the funding and construction of roads consider and incorporate measures for the avoidance, minimization, and mitigation of impacts to fish, wildlife, and habitat connectivity arising from their activities.

(c) This act shall be known, and may be cited, as the ~~Connected Communities~~ *Safer Roads* Act.

SEC. 2. Section 158.6 is added to the Streets and Highways Code, to read:

158.6. (a) A lead agency shall incorporate appropriate wildlife passage features to feasibly avoid, minimize, and mitigate further impairment to wildlife connectivity into a transportation infrastructure project ~~in a connectivity area that may significantly impair wildlife connectivity. that meets all of the following criteria:~~

(1) The project is in a connectivity area identified as lands within Terrestrial Connectivity ranks 3, 4, or 5 of the Department of Fish and Wildlife's Areas of Conservation Emphasis, or in a connectivity area identified in a general plan updated pursuant to paragraph (4) subdivision (d) of Section 65302 of the Government Code.

(2) The project may significantly impair wildlife connectivity.

(3) The project initiation phase begins on or after January 1, 2028.

(b) A lead agency 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.

~~(c) This section only applies to a project with a project initiation phase beginning on or after January 1, 2026.~~

~~(d)~~

(c) This section does not apply to projects on the state highway system in which the Department of Transportation is the lead agency.

(d) For purposes of this section, "transportation infrastructure project" only includes projects to create a new highway or add a new lane to an existing highway and does not include any of the following:

(1) Projects for the operation, repair, maintenance, or minor alteration of existing transportation infrastructure, involving negligible or no expansion of use.

(2) Projects for the reconstruction or replacement of existing transportation facilities.

(3) Projects to create bicycle lanes and sidewalks within an existing right-of-way.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.