

SB 145 –ENVIRONMENTAL MITIGATION: DEPARTMENT OF TRANSPORTATION

Fact Sheet

SUMMARY:

SB 145 streamlines the implementation of environmental mitigation measures for the efficient delivery of Caltrans projects.

SHS Mitigation for Wildlife Crossings under the California Endangered Species Act

Specifies that for CESA connectivity mitigation, transportation funding identified in the State Highway System Management Plan is presumed to provide adequate funding for the long-term maintenance of a habitat connectivity or wildlife corridor facility on the state highway system. However, long-term maintenance of the landscape on or habitat around the facility would require an applicant to provide an endowment.

Authority to Purchase and Transfer Land for Mitigation

- Authorizes Caltrans to purchase and/or transfer land for mitigation purposes, to a governmental entity, special district, nonprofit organization, for-profit entity, person, or other entity.
- Authorizes Caltrans to create, hold or transfer endowments (sunsets after 12/31/2033).
- Authorizes Caltrans to use cooperative agreements for the transactions.

Exemptions to bidding requirements

- Exempts Caltrans from bidding requirements when a regulatory agency requires the transportation project to go to a specific mitigation provider.
- Exempts Caltrans from bidding requirements for transportation project credit purchases and advance mitigation credit purchases.
 - Requires an alternative means of soliciting or evaluating credit availability and price worked out in cooperation with DGS.

- Sunsets after 12/31/2033.

Agreements and Advance Payments

- Authorizes Caltrans to enter into agreements with governmental, non-profit or for-profit entities for transportation project mitigation, mitigation property management, or advance mitigation purposes.
- Specifically authorizes Caltrans to make advance payments.
- These provisions sunset after 12/31/2033.

Reporting Requirement

Caltrans is required to report annually to the Legislature on any endowments it creates or transfers, mitigation property it acquires or transfers, or agreements that it enters into for mitigation purposes. If required information is included in the Advance Mitigation Program's Biennial Report to the Legislature, a reference to the biennial report is sufficient to comply with the reporting requirements. The first report is due 7/1/2025. Reporting requirements sunset after 12/31/2033.

Brightline Wildlife Crossings

Caltrans is authorized to enter into agreements for the purpose of project efficiencies in development and implementation of three new wildlife over crossings planned for Interstate 15 in San Bernardino County, to improve connectivity for Desert Bighorn Sheep, as part of the Brightline intercity rail project.

Provisions Go into Effect Immediately

SB145 was passed as an emergency provision, so it goes into effect immediately upon signing.