



AB 98 (Carrillo and Reyes) Implementation Challenges and Clean Up Priorities

Background

AB 98 creates statewide limitations on new or expanded logistics use developments on existing and rezoned industrial sites within 900 feet of sensitive receptors, unless specific standards are met. The bill requires all local jurisdictions to update the circulation element of their general plans by 2026 for certain jurisdiction and 2028 for all others to address truck traffic. AB 98 also authorizes the Attorney General to fine local jurisdictions if they are not in compliance with the mandatory circulation element update by the dates specified.

Challenges with Implementation and Lack of Resources and Tools

Planners are concerned with the expansion of mandatory zoning restrictions for specified and broadly-defined “logistics uses,” as well as new prescriptive requirements to update the general plan circulation element, which will require substantial work and funding in a short amount of time and can lead to fines if not completed on time or implemented correctly. They are also concerned with how terms and definitions could be interpreted, and how mandatory zoning standards prescribed in the bill would be applied and enforced more generally. More broadly, AB 98 creates a new planning mandate, in addition to several other bills signed into law in 2024, that will require a substantial amount of work to update other elements of the general plan. Planners are attempting to keep pace with the level and scale of new planning-related laws that are passed year over year, however many jurisdictions simply lack resources, both in terms of funding and staff capacity, to keep up with the cumulative impacts imposed by these new mandates, absent state resources.

APA California AB 98 Clean Up Priorities

1. Amend Section 65302.02 to Require an Ordinance or Other Plan Adoption to Implement Truck Routes Rather than Requiring an update in the General Plan

- Rather than imposing a new long-range planning process focused exclusively on truck routes via the general plan circulation element, AB 98 should require an implementation-focused ordinance or other plan to put requirements in regulation.
- Updating the general plan is a lengthy and expensive process. It typically takes 2-3 years (minimum) because of the extensive time required by local agencies to prepare a scope of work, budget, secure funding, procure and contract with consultants, do the actual planning and outreach work, and then comply with CEQA prior to adopting the updated general plan element(s). They must also ensure other elements within the general plan are consistent with adopted changes.
- Local agencies are now required to comply with numerous new laws requiring updates to various elements of the general plan with inconsistent timelines. In addition to two other bills signed into law in 2024 requiring general plan updates, AB 98 specifically triggers other required updates to the circulation element, which will compound requirements and timelines. Examples of bills recently signed into law that require updates to other elements of the general plan, in addition to AB 98, include:
 - AB 1889 (2024) – requires conservation element update to address wildlife habitat connectivity by 2028.
 - SB 2694 (2024) – requires safety element update to address extreme heat by 2028.
 - SB 1425 (2022) — requires open space element update to address rewilding, climate resilience, and equitable access to open space by 2026.
 - SB 932 (2022) – requires circulation element update to address multi-modal mobility upon next major update to the circulation element.
 - SB 1000 (2018) – requires environmental justice element or equivalent be prepared for communities with defined disadvantaged communities, upon next update of two or more elements.
 - SB 379 (2015) and SB 1035 (2018) – requires safety element update to address climate adaptation and ongoing updates every 8 years triggered by housing element updates.



- By comparison, an ordinance update process can be more efficient, as amending the local municipal code is a stand-alone action. This includes initial outreach, preparing a staff report, conducting one or more hearings and CEQA review to determine if a negative declaration is needed. Communities without identified truck routes would also need to conduct transportation studies and broader public outreach.
- While costs to prepare and adopt an ordinance are not insignificant, they are more manageable than a full scale general plan update and align with existing Vehicle Code requiring ordinances for designating commercial truck routes.

2. Provide a Safe Harbor for Enforcement in Inland Empire Jurisdictions

- Jurisdictions in the Inland Empire are required to complete the General Plan update under AB 98 by 1/1/2026 or face steep penalties. As noted above, General Plan updates take substantial time and put simply, cannot feasibly be updated in the current timeframe mandated in the bill. Especially with the robust community engagement requirement.
- While APA California believes this provision should be delayed until at least 1/1/2027, an alternative would be to provide a safe harbor for jurisdictions who are demonstrating a good faith effort to comply. Jurisdictions should not be fined for a timeline that, as written, is infeasible to meet.

3. General Clean Up of Definitions and Text to Ease Implementation

- There are several definitions and standards in the bill that need to be clarified to ensure planners understand who is intended to be regulated and how to apply mandatory zoning standards accordingly.
- Additionally, how those terms are used throughout the bill needs to be used consistently throughout the law and the statute would benefit from general clarifying clean up.