



CITY OF DEL MAR

June 26, 2026

The Honorable Toks Omishakin
Secretary, California State Transportation Agency
915 Capitol Mall, Suite 350B
Sacramento, CA 95814
LOSSAN.SB1098@calsta.ca.gov

**RE: LOSSAN Rail Corridor Working Group (SB 1098) Report — NOTICE OF
OPPOSITION TO CEQA STREAMLINING RECOMMENDATIONS**

Dear Secretary Omishakin:

The City of Del Mar opposes the California Environmental Quality Act (CEQA) streamlining recommendations contained in the California State Transportation Agency's (CalSTA) LOSSAN Rail Corridor Working Group (Working Group) Report to the Legislature, issued under SB 1098 (Gov. Code § 14072.6). The City submits these comments within the Report's public review period, which closes July 3, 2026, and urges CalSTA to remove the CEQA streamlining recommendations before the Report is transmitted to the Legislature.

The Report makes three CEQA streamlining recommendations for passenger rail projects (Report, pp. 3, 17):

- A new statutory CEQA exemption for rail-carrier activities under Surface Transportation Board authority, covering the “construction, acquisition, operation, abandonment, or discontinuance” of tracks and facilities.
- Define review deadlines for agency comments and approvals, paired with a formal conflict-resolution protocol for multi-jurisdictional disputes. The Report sets no figure; it directs that deadlines be established. Currently, the comment period on an Environmental Impact Report is 30 days under 14 CCR § 15087(d), commonly extended to 45 days, for documents that run to thousands of technical pages. Imposing fixed, unspecified deadlines on that already-short window, with an escalation process that can override a local agency's concerns, is the compression at issue.
- Make permanent the expedited CEQA judicial review of SB 149 (Statutes of 2023), under which a court is directed to resolve a challenge within 270 days.

Each change would significantly weaken CEQA review for major rail projects.

These recommendations rest on no factual predicate. The Report identifies no incident in which CEQA review delayed or obstructed rail operations or emergency repairs. For more than two decades, the City, the San Diego Association of Governments (SANDAG), the North County Transit District (NCTD), and the California Coastal Commission have cooperatively delivered

bluff stabilization on the Del Mar Bluffs, where roughly 1.7 miles of track sit atop an actively eroding coastline. Four phases of bluff stabilization have been completed, and the current \$88 million Phase 5 is nearing completion, with more than \$110 million invested overall. Throughout, emergency repairs have been made promptly and without administrative obstruction.

The relief the Working Group proposes has already been rejected for this corridor. In May 2023, the Surface Transportation Board (STB) denied NCTD's petition for a broad declaratory order seeking the same kind of categorical exemption, finding that environmental consistency review can generally be harmonized with federal law, that such relief should not override voluntary agreements, and that future disputes are better resolved case by case. Railroads also retain a federal remedy under the ICC Termination Act (49 U.S.C. § 10501(b)), which preempts state action that genuinely interferes with rail operations under a demanding, fact-specific standard the Report does not attempt to meet. A categorical CEQA exemption is unnecessary.

The exemption is also contrary to California law and sweeping in reach. In *Friends of the Eel River v. North Coast Railroad Authority* (2017), the California Supreme Court held that applying CEQA to a state-created public railroad such as NCTD is an exercise of state self-governance, not preempted regulation; the recommendation would effectively seek to overturn that holding. Because NCTD, BNSF, and Union Pacific are all common carriers under STB jurisdiction, the exemption would remove virtually every project along the LOSSAN corridor from CEQA, and by its terms would reach railroad activity anywhere in California, where roughly 27 freight railroads operate over nearly 5,000 miles of track. It could also extend to work on City and State property beyond NCTD's 100-foot right-of-way, such as the beach toe walls already built on City and State land. And it is self-defeating: if these projects are exempt from CEQA entirely, the companion comment deadlines and 270-day litigation limit serve no purpose.

These proposed CEQA revisions strike at the core of Del Mar's interests, along with the interest of other communities along the LOSSAN rail corridor. The San Diego LOSSAN Rail Realignment Project is among the most consequential projects the Del Mar community has ever faced, and a complete CEQA review is the City's principal safeguard for its coastal bluffs, the San Dieguito Lagoon, public beach access, scenic resources, and community character. If the proposed exemption becomes law, SANDAG could abandon the Environmental Impact Report and exempt the project's core construction components from CEQA entirely, stripping the City of any meaningful avenue to identify or mitigate significant environmental impacts. The compressed comment periods and conflict-resolution process compound the harm, leaving the City too little time to review voluminous EIRs and too little voice when its concerns conflict with the project sponsor's schedule.

Exempting environmental review of an actively eroding coastal bluff is also dangerous. Without adequate review and public input, the recommendations would increase, not reduce, the risk of geologic failure and harm to passengers, rail workers, beachgoers, and the public, while threatening the fragile bluffs, public beach access, and coastal resources the City is charged with protecting.

Also, importantly, these recommendations are inconsistent with the Legislative intent of SB 1098, which directed the Working Group to address rail-service coordination, operations,

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management, and funding, not to rewrite CEQA. Recasting a rail-coordination mandate as a vehicle to dismantle environmental review is precisely the kind of overreach the City will continue to oppose. CEQA review must not be weakened or replaced by a lesser process for major rail projects.

The City does not oppose the Report as a whole. It supports the Report's recognition of the corridor's coastal resiliency challenges and the need for close coordination among state agencies, local jurisdictions, and rail operators. However, the City of Del Mar urges CalSTA to remove the three CEQA streamlining recommendations from the Report before it is transmitted to the Legislature, and to ensure that any future rail-streamlining proposal preserves full CEQA review and local agencies' ability to protect their communities.

Consistent with the California Coastal Commission's comments, the City urges CalSTA to use the additional time available under the proposed one-year deadline extension (SB 1324) to conduct the fuller public engagement that SB 1098 requires, and to add a recommendation that accelerates studies of long-term corridor solutions, including relocation of the rail line inland, away from the vulnerable bluffs.

The City stands ready to serve as a resource. Please contact Clem Brown, Assistant City Manager, at (858) 375-9524 or cbrown@delmar.ca.us.

Sincerely,



Tracy Martinez
Mayor

Cc: Del Mar City Council
The Honorable Alex Padilla, United States Senator
The Honorable Adam Schiff, United States Senator
The Honorable Mike Levin, U.S. House of Representatives (49th District)
The Honorable Catherine Blakespear, California State Senate (38th District)
The Honorable Tasha Boerner, California State Assembly (77th District)
The Honorable Terra Lawson-Remer, San Diego County Board of Supervisors (D3)
League of California Cities (Cal Cities)
California Coastal Commission
San Diego Association of Governments (SANDAG)
Ashley Jones, City Manager
Christina M. Cameron, City Attorney