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June 22, 2026

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Southern California Rail Revitalization Act Working Group
Attention: Anthony J. Serna, Senior Advisor and Policy Lead, Rail and Transit
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**Re: Coalition's Comment No. 1 to Southern California Rail Revitalization Act (SB 1098) Working Group's "Public Comment Draft" Dated June 10, 2026**

Dear Senator Blakespear, other distinguished members of the Senate and Assembly, and members of the Southern California Rail Revitalization Act Working Group:

The Coalition for Safer Trains is a grassroots organization of citizens dedicated to preserving the environment and economic well-being of cities along San Diego's coast that host the LOSSAN corridor.

We reviewed the initial draft recommendations published on May 11, 2026 of the Working Group created by the Southern California Rail Revitalization Act sponsored by Senator Blakespear, enacted on September 24, 2024 (the "Legislation"). We submitted comments to the Working Group on that draft by letter dated May 17, 2026. We thank Mr. Anthony Serna (CalSTA) for taking time to meet in person with representatives of the Coalition on May 19, 2026 to hear our comments and concerns regarding the May 11, 2026 draft.

What follows are comments and concerns regarding the "Public Comment Draft" of the Working Group recommendations to the Legislature published June 11, 2026. This is our first letter commenting on the June 11, 2026 draft (as we seek clarification of certain other recommendations not addressed herein).

The final version of the draft recommendations is to be submitted by the Working Group to the Legislature on the specific topics outlined in the Legislation. We support Senator Blakespear's proposed legislation (SB 1324) that would provide a year's extension to the original February 2026 deadline for the required report because the public will not have had sufficient time to digest and comment on the June 11, 2026 Draft by July 3, 2026 and because, as discussed below, the Working Group should be augmented to comply with the Legislation.

The following are our comments and concerns, subject to supplementation:

## I. The Working Group's Members Do Not Reflect the Legislation's Mandate

The Legislation mandates that the Secretary of Transportation create a Working Group whose member entities are described in Government Code section 14072.6(b). The Working Group entities are to include track owners and certain governmental agencies as well as **"business, community, transportation, environmental, labor, and civic organizations**."

The members of the WG do not include representatives from: "business, community, … environmental, labor, and civic organizations" as the Legislation requires. The public successfully petitioned for the inclusion of the Coastal Commission to the Working Group, but, currently, rail interests are nonetheless **very disproportionately** represented in the Working Group. Certain rail policy subject areas, such as Policy Area B, are technical in nature and require rail agency expertise. But other policy subject areas, such as Policy area C which includes "Changes to state statutes, rules, or funding necessary to improve services in the corridor," have the potential to profoundly and permanently affect the environment and the local communities hosting the LOSSAN corridor. That is why the Legislation mandates that all interested stakeholders be represented in the WG.

We agree with the Coastal Commission's comment dated June 4, 2026[1] **that the public has a critical interest in ensuring that projects along the rail line protect and enhance access to our beaches and avoid impacts to coastal resources,** an interest that is **co-equal** to the public interest served by maintaining service along the LOSSAN corridor. The Legislation recognizes the impact that the recommendations of the WG are expected to have on the coastal environment and local communities.[2] Unfortunately, the Legislative mandate has not been honored because membership in the Working Group is skewed towards transportation interests and does not reflect the balance needed from participation from the environmental, business and civic groups.[3]

In addition, the public at large was effectively barred from attending the Working Group meetings prior to May 11, 2026 (even as spectators). A few weeks' opportunity accorded to the public to provide input cannot cure the fundamental flaws in the make-up of the Working

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[1] https://calsta.ca.gov/-/media/calsta-media/documents/sb-1098-lossan-working-group-ccc-comments-a11y.pdf

[2] The Legislation provides: "The working group shall consider the known and expected impacts of recommendations on the coastal environment and local communities, and consider opportunities to support the coastal zone and local communities when making recommendations." (Gov. Code section 14072.6 (c)(2))

[3] The agency members of the Working Group are: Caltrans, the Federal Transit Administration (FTA), The Los Angeles County Metropolitan Transportation Authority (LA Metro), the LOSSAN Agency, Metrolink, North County Transit District (NCTD), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), San Diego Association of Governments (SANDAG), Santa Barbara County Association of Governments (SBCAG), Southern California Association of Governments (SCAG), Ventura County Transportation Commission (VCTC) and the California Coastal Commission. (June 10, 2026 Draft Recommendations, p.3)

Group. It needs to be augmented and balanced to comply with the statute, otherwise its recommendations will be invalid.

## II. Policy Area C – "Changes to state statutes, rules, or funding necessary to improve services in the corridor"

**Working Group Recommendations, 4.1: "Changes to state statutes, etc."**

"**4.1 Changes to State Statutes or Rules**

**……..**

"3. Clarify CEQA and **add the following to the existing statutory exemption**: Activities by an [sic] rail carrier or on behalf of a rail carrier under the authority of the Surface Transportation Board for the 'construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State.'" (emphasis added)

### Coalition Comment to Recommendation No 3 of Section 4.1, Policy Area C

**The Coalition strongly opposes WG recommendation 3 in Section 4.1.[4] because, in sum, the recommendation, if enacted:**

- **Adds a Sweeping Exemption to CEQA that Would Rewrite Settled California Environmental Law**

- **Expands Categories of Rail Projects in California that Escape Environmental Study and Mitigation to Communities**

- **Enacts a Sweeping New CEQA Exemption That Would Undermine Existing State Funding Contracts Which Were Granted Without Considering the Exemption**

- **Abdicates Oversight and Authority Over California-Created Agencies and Rail Projects by the State of California as Enforced by the California Attorney General and Transfers it to a Remote Federal Administrative Agency that Prioritizes Freight Commerce**

[4] Recommendation No. 3 of 4.1 was not in the May 11, 2026 draft that the Coalition was sent for comment, nor identified at our meeting with Mr. Serna on May 19. There was no public meeting discussing it. It was apparently added shortly before publication of the Draft for Public Comment issued June 11, 2026. It is not referenced in the Coastal Commission's comment letter of June 4, 2026.

- **Is Not Within the Mandate of the Legislation**

**The more detailed basis for the Coalition opposition:**

1. **Recommendation No. 3 of Section 4.1 Proposed Exemption to CEQA Reverses Settled California Environmental Law and Abdicate California's Power to Regulate, Transferring it to a Federal Agency.**

    - This Working Group recommendation would have the Legislature **overrule** California Supreme Court's long-standing decision in *Friends of Eel River v. North Coast Railroad Authority, (2017) 3 Cal. 5th 677 ("Eel River").* There the Court rejected a railroad's argument that CEQA was preempted by the *same federal statute* on whose language the recommendation is modeled.[5]

    - In rejecting a railroad's argument of federal preemption, the Court held that California has the power to enforce CEQA compliance on projects of California-created public agencies (examples of which are NCTD, OCTA, SANDAG and the NCRA), as a matter of state sovereignty and self-governance.

    - Specifically, the California Supreme Court ruled that *49 USC Section 10501(b)* of the ICCTA does not preempt CEQA for rail projects of state-created agencies, stating:

        ***"(A)pplication of CEQA in this context constitutes <u>self-governance on the part of a sovereign state</u> and at the same time on the part of an owner. It appears to us extremely unlikely that Congress, in enacting the ICCTA, intended to preempt a state's adoption and use of <u>the tools of self-governance</u> in this situation, or to leave the state, as owner, without any means of establishing the basic principles under which it will undertake significant capital expenditures." 3 Cal. 5th at 724.*** *(emphasis added)*

        *The Court further stated:*

        ***"The ICCTA's deregulatory sweep must protect the <u>zone of autonomy belonging to the state</u> when it is the owner, such that within the deregulated zone, the state as owner may <u>make its decisions based on its own guidelines</u> rather than some anarchic absence of rules of decision." 3 Cal. 5th at 724*** *(emphasis added).*

.......

[5] The language of recommendation No. 3 of 4.1 is borrowed from language of the Interstate Commerce Commission Termination Act ("ICCTA"), 49 USC 10501(b), addressed by the Court in *Eel River.*

***"(A)pplication of CEQA…constitutes the <u>state's governance of its own subdivision</u>, a matter of self-management that the ICCTA presumptively was not intended to entirely preempt." 3 Cal. 5th at 723-724.*** *(emphasis added).*

- The proposed new CEQA exemption needlessly abdicates the State of California's power over rail development projects in California. The exemption transfers environmental oversight of our coast and inland cities through which LOSSAN passes to the **Surface Transportation Board, a remote federal agency whose primary purpose is the economic regulation of freight transport, with no inherent interest in protecting the environment or passenger rail lines.** Railroad entities will undoubtedly urge liberal application of the exemption to serve their own economic interests. The recommendation would change state law to exempt significant environment-altering coastal and inland rail projects from CEQA compliance *as a matter of state law.*

- The recommendation is not a "clarification" of CEQA as characterized in the draft; it is a **dramatic change** to current California law. It would profoundly affect the San Diego coastal environment by weakening environmental protections on coastal and inland railroad projects, including construction of all rail "facilities" and auxiliary and other track projects on bluffs, beaches, bridges, lagoons or anywhere.[6]

  The Working Group has failed to explain why this statutory exemption is required to boost ridership and improve passenger rail lines in the LOSSAN corridor. By creating this exemption, the Legislation would relinquish the state's own sovereign oversight to a federal agency, the STB, that is required to prioritize the movement of freight. This self-imposed waiver would relinquish the state's power over its own agencies to protect its sovereign police powers, local environmental standards, and land-use authority and allows it to be overridden by federal law. Abdicating our state's oversight of an environmentally sensitive coastline to a federal regulatory agency mandated to prioritize freight rail movement does not advance the goals of Senate Bill 1098.

## 2. Recommendation 3 of Section 4.1 Legislates a New CEQA Exemption That Undermines State Funding Contract Requirements for Compliance with CEQA

[6] The proposed expansion of the CEQA exemption was not called out in the "Key findings and recommendations" section of the draft, pp. 3-4, though it should have been.

- State funding contracts with California transportation agencies and rail carriers (such as NCTD, OCTA and SANDAG) require rail carrier projects to comply with CEQA or show an exemption. For example, hundreds of millions of Transit and Intercity Rail Capital Program ("TIRCP") project funds granted to NCTD and SANDAG require compliance with CEQA and are not exempted under current exemptions.[7]

- The Working Group's recommendation would circumvent provisions in state contracts with rail carriers designed by California to ensure that projects spending money on passenger and rail complies with California's existing "permitting and mitigation duties," including those required by CEQA.

- If accepted, hundreds of millions in state funding on current and future rail projects would be swept up under the new exemption (or create litigation regarding the change to the statute) and would escape environmental scrutiny and mitigation; hence, the recommendation would not only reverse state law, it would create a new exemption not in existence at the time of agreements, for current State of California's funding agreements (such as TIRCP) that require compliance with CEQA as a condition to funding of railroad projects.

3. **Recommendation 3 of Section 4.1 Would Transfer Oversight and Authority Over California Rail Projects to a Remote Federal Administrative Agency**

- The Working Group's proposed expansion of CEQA exemptions would transfer authority over the environmental consequences of rail facilities construction on California's Coastal and inland cities from California and local communities that host the LOSSAN corridor to the Surface Transportation Board as a matter of *state law.*

- **California environmental laws are intentionally stronger than federal laws. The recommendation is the latest attempt by some railroad interests to preempt or eviscerate California' environmental laws and substitute a remote federal agency governing freight as the decision-maker over California's environment.**

- The STB is a remote Washington D.C.-based administrative agency of unelected appointees focused on advancing the economic interests of freight carriers.

[7] See, e.g., California State Transportation Agency Transit and Intercity Rail Capital Program (TIRCP), Master Agreement No. 64 NCTDMA (granting $501,000, 000 to Recipient NCTD for rail projects) dated effective October 1, 2018, Article III, Section 3 (Special Requirements), subsection A.3. ("Recipient shall conform to all permit and mitigation duties associated with Project….") and subsection O (requiring compliance or documentation of an exemption from CEQA), and Master Agreement 64NCTDMA A01. Dated effective October 2, 2021. (same)

**Why would the State of California abdicate its sovereign authority of environmental oversight to the Surface Transportation Board?** CEQA environmental review of such projects is critical to protecting the numerous environmentally sensitive areas in California that railroad tracks and facilities traverse and occupy, including in the LOSSAN corridor. Allowing railroads to bypass the environmental review mandated by CEQA will lead to the construction of facilities and auxiliary tracks that do not adequately account for multi-decade sea-level rise and accelerated coastal bluff failures. The proposed new and sweeping statutory exemption to CEQA would lead to substantial adverse environmental impacts on California, particularly on the coastal environment of Southern California, which has already been adversely affected by continuing massive construction in the LOSSAN Corridor.

4. **Recommendation 3 of Section 4.1 Is Outside of the Legislation.**
The Legislation asked the Working Group for recommendations regarding "(C) Changes to state statutes, rules, or funding necessary to improve the **quality, performance, usage, management, or frequency of passenger rail services** with a focus on streamlining, clarifying, and improving existing processes or procedures."[8] The Working Group's recommendation to add a sweeping exemption to CEQA is not "necessary" or even germane to achieve any of these goals, it simply eviscerates the statute in relation to rail construction projects involving rail facilities and auxiliary tracks and transfers decisions over San Diego's environment and transportation to a remote federal agency.

**The Coalition requests that the Legislature promptly and soundly reject Recommendation 3 of Section 4.1 of the draft recommendations of the Working Group.**

Thank you for the opportunity to comment on the Working Group's recommendations on policy areas affecting the LOSSAN corridor and the hosting communities affected by it.

Respectfully submitted on behalf of the Coalition for Safer Trains, by

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Shirli Weiss, Esq.
Dr. Michael Deftos
Dr. Camilla Rang
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[8] CA Senate Bill 1098 (Blakespear 2024), (adding) Government Code Section 14072.6 subsection (c)(1)(C).