



July 3, 2026

Delivered via email to LOSSAN.SB1098@calsta.ca.gov

California State Transportation Agency SB 1098 LOSSAN Rail Corridor Working Group

To: Anthony J. Serna, Senior Advisor & Policy Lead, Rail and Transit

**RE: Comments on the SB 1098 LOSSAN Rail Corridor Working Group Public Comment Draft
(June 10, 2026)**

Dear Secretary Omishakin, Mr. Serna, and members of the Working Group:

The Surfrider Foundation is a nonprofit dedicated to the protection and enjoyment of the ocean, waves, and beaches. We are an active stakeholder in the future of the LOSSAN corridor, where shoreline armoring to protect the rail line is steadily eliminating public beaches in San Clemente and in Del Mar. In San Clemente, rock revetments placed under emergency permits have eliminated public beach and large-scale armoring is now proposed at San Clemente State Beach. And in Del Mar, two decades of bluff armoring have accompanied a still-unrealized plan to move the tracks. We appreciate the opportunity to comment on the June 10 Public Comment Draft, and we support Senator Blakespear's proposed one-year extension (SB 1324) so the corridor's communities and the public have adequate time to engage.

Our comments come down to one principle: the public's interest in its beaches and coastal access is at stake alongside its interest in a functioning rail line, and the California Coastal Act is how the state protects the first. The draft does not yet reflect that.

A rail line can be moved, but a beach cannot be replaced. The Coastal Act is how the state keeps that straight.

The beaches along this corridor generate substantial economic activity and serve millions of visitors each year. They are not amenities the state can replace. When the rail line is disrupted, bus bridges carry passengers through. But when a beach is armored away, there is no substitute; the public simply loses it. The Coastal Act is the tool the state uses to weigh shoreline armoring against the public beach it consumes, and the report should state plainly that protecting the rail corridor cannot come at the uncompensated expense of the beaches the same public owns. We were glad to see the Coastal Commission make this same point in its June 4 comments.

Add a recommendation to accelerate relocation planning.

The draft frames coastal "resiliency" almost entirely as protecting the existing alignment in place. It is silent on the only durable answer: moving the tracks away from beaches and bluffs that are subject to coastal hazards, i.e. erosion and sea level rise. Armoring is, at best, a time-limited bridge. Sea-level rise will outpace it, and every dollar spent entrenching the line on the shore is a dollar not spent moving it. A report on this corridor's future that omits relocation is incomplete. We support accelerated long-term planning and moving the tracks off the beach and bluff. We are not alone in this request. Both the Coastal Commission (June 4) and the City of Del Mar (June 26) asked the working group to add a recommendation accelerating studies of long-term corridor solutions, including managed retreat of the rail away from the shoreline.

Preserve the Coastal Development Permit process (Section 2.2, Recommendation 1).

The draft proposes an MOU to "streamline" coastal-zone rail projects and floats running them through CZMA federal consistency review in lieu of a Coastal Development Permit (CDP). We do not oppose federal consistency review when it is the legally appropriate path. But it should not be substituted for a CDP simply to save time. In Surfrider's experience, the CDP process produces better and more enforceable outcomes. CDPs are enforced under the Coastal Act in state court, and their conditions are not subject to a federal override. The Commission itself told the working group on June 4 that the CDP is the superior approach for these projects. We ask that the report drop the 'in lieu of a CDP' framing. Any MOU or agreement should also make clear that it will not lock in streamlining decisions ahead of public, project-by-project review. That review is essential whenever a project involves shoreline armoring, or any other element that could harm beaches or public access and therefore require mitigation.

Keep emergency and streamlining measures consistent with the Coastal Act, with enforceable follow-through (Section 2.2, Recommendation 2, and the emergency-response recommendations).

Recommendation 2 offers a streamlined pathway to "repair, replace, or enhance" existing protective structures such as seawalls, while saying nothing about streamlining the alternatives. This has it backwards. Surfrider supports faster pathways for nature-based adaptation, which protects rail infrastructure without consuming the public beach. We oppose making the repair and replacement of seawalls routine, and we oppose any streamlined treatment of their *enhancement*. Enlarging an existing structure is new development, with new impacts to the beach and public access, and it must undergo full Coastal Act review, not a maintenance fast-track.

A streamlined pathway to "repair, replace, or enhance" protective infrastructure risks turning temporary emergency armoring into permanent, expanding armoring. This pattern is already

playing out in San Clemente: emergency rock goes in, and the follow-up regular permit that is supposed to evaluate it, mitigate it, or require its removal never arrives. Any process that trades the permanent loss of a public beach for the temporary protection of the rail line has its priorities backwards.

Whatever streamlined or emergency pathway the report endorses should therefore be conditioned on full Coastal Act consistency and carry an enforceable, time-bound requirement to complete the follow-up CDP, with mitigation. Where armoring is allowed as a bridge to relocation, it should come with a removal commitment tied to that relocation, as the Commission required for the Del Mar Bluffs project when it conditioned approval on eventual removal of the seawalls once the line is moved to a sustainable location.

Remove the proposed CEQA exemption (Section 4.1, Recommendation 3).

Surfrider opposes the new CEQA exemption in Section 4.1, Recommendation 3, and urges its removal before the report goes to the Legislature. The exemption would remove rail-carrier activities "under the authority of the Surface Transportation Board" from CEQA altogether, handing California's review of projects built by its own agencies to a federal body whose mandate is freight commerce. It would write into state law a version of the same categorical relief that North County Transit District (NCTD) sought, and failed to obtain, at the federal level over a three-year proceeding. In May 2023, the Surface Transportation Board found NCTD's preemption arguments unpersuasive, rejected the argument that its corridor work is categorically beyond state environmental review, and directed that such questions be resolved case by case (Finance Docket No. 36433). The exemption is also written around federal rail authority that does not extend to much of the work at issue. The seawalls and riprap on this corridor are routinely built on public state and city beaches and tidelands, outside any rail right-of-way. That work is not "transportation by rail carrier" under the ICCTA, and it is not within the Board's jurisdiction. Surfrider made this point on the record in that proceeding. This recommendation should be struck.

Honor the statute's requirement that environmental and community voices be at the table.

SB 1098 requires the working group to include business, community, environmental, labor, and civic organizations, and to consider the known and expected impacts of its recommendations on the coastal environment and local communities (Gov. Code § 14072.6(b), (c)(2)). The current membership does not reflect that requirement. The perspectives most affected by shoreline armoring — environmental and local community organizations — are not represented. We support using the SB 1324 extension to correct this and to conduct the fuller public engagement

the statute calls for, so the working group's recommendations carry the broad understanding and support the Legislature intended.

Surfrider supports the goals of SB 1098 and a reliable, well-coordinated rail corridor. The corridor's beaches and its rail line both serve the public, and both can be protected: by keeping full Coastal Act and CEQA review intact, by treating armoring as a bridge rather than a destination, and by accelerating the relocation that is this corridor's only durable future. We appreciate your consideration and are glad to serve as a resource.

Sincerely,

Mitch Silverstein
California Policy Senior Coordinator
Surfrider Foundation
msilverstein@surfrider.org
619.736.7757

Michaela Coats
Southern California Regional Manager
Surfrider Foundation
mcoats@surfrider.org

Jim Jaffee & Kristin Brinner
Beach Preservation Leads
Surfrider Foundation San Diego County
beachpres@sandiego.surfrider.org

Kelly Capps
Executive Committee Chair
Surfrider Foundation South Orange County
chair@southoc.surfrider.org