



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER: 37-11/10/2022-0794
STATE CLEARING HOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN DIEGO ASSOCIATION OF GOVERNMENTS	LEAD AGENCY EMAIL	DATE 11/10/2022
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2022-0794	

PROJECT TITLE
SORRENTO TO MIRAMAR CURVE REALIGNMENT AND SECOND TRACK-PHASE 2

PROJECT APPLICANT NAME SAN DIEGO ASSOCIATION OF GOVERNMENTS	PROJECT APPLICANT EMAIL	PHONE NUMBER 619-699-7390
PROJECT APPLICANT ADDRESS 401 B STREET, SUITE 800	CITY SAN DIEGO	STATE CA
		ZIP CODE 92101

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,548.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	0.00
<hr/>			
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X <i>D Butler</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk; DANIEL BUTLER, Deputy
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Payment Reference #: AUTH CODE: 04936D ORDER# 152708364



**SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET**

FILED
Nov 10, 2022 10:56 AM
Ernest J. Dronenburg, Jr.
SAN DIEGO COUNTY CLERK
File # 2022-000906
State Receipt # 37111020220794

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

**SORRENTO TO MIRAMAR CURVE REALIGNMENT AND SECOND TRACK -
PHASE 2**

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

**FILED IN THE OFFICE OF THE SAN DIEGO
COUNTY CLERK ON** November 10, 2022
Posted November 10, 2022 **Removed** _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Notice of Exemption

To:

Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of San Diego
1600 Pacific Highway, Suite 260
San Diego, CA 92101

From:

San Diego Association of Governments [Lead Agency]
401 B Street, Suite 800
San Diego, CA 92101

Project Applicant: San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Project Title: Sorrento to Miramar Curve Realignment and Second Track – Phase 2

Project Location: City of San Diego, San Diego County.

Description of Specific Location, Nature, Purpose, and Beneficiaries of Project: SANDAG is working to add approximately three miles of second main track to the San Diego region's coastal rail corridor between the Sorrento Valley Station and Miramar Road in the City of San Diego (collectively, "Project"). The Project is being designed and constructed in two phases. The first phase, now complete, added a mile of double track and replaced an aging wooden trestle bridge south of the Sorrento Valley COASTER station. SANDAG has now initiated the second Project phase (Phase 2), which would complete the Project.

Phase 2 includes constructing the remaining two miles of new second mainline track, parallel to the existing track, from east of Interstate 805 (I-805) to the "Miramar Wye," a spur track junction just south of Miramar Road. The North County Transit District (NCTD), Amtrak, and Burlington Northern and Santa Fe Railway (BNSF) operate on this segment of the LOSSAN Corridor.

The existing portion of single track causes a significant bottleneck to rail traffic, creating train "meets" which forces one train to wait on a siding track until the opposing train passes. Additionally, this section of track is one of the slowest, steepest, and sharpest curve territories of any segment on the LOSSAN Corridor, where speeds are restricted to 25-mph for passenger trains and 20-mph for freight. Adding a second track would substantially increase schedule reliability, enhance operational flexibility, increase capacity, and allow for improved maintenance cycles. The existing sharp radius curves would be realigned with longer radius curves to increase the design speed for intercity and commuter trains from 25-mph to 40-mph. Freight trains would still be speed limited to 25-mph due to downhill braking restrictions. However, making this rail corridor more efficient will not only help improve travel times and accommodate existing train volumes, but also meet future demand for intercity, commuter, and freight services.

Phase 2 is located within existing San Diego Metropolitan System (MTS) railroad right-of-way (ROW) between Mile Post (MP) 251 and MP 253, and would require soil excavation and deposition within and outside of the ROW. Proposed improvements include large earthwork cuts, significant drainage improvements, retaining walls, railroad signal improvements and pier protection wall improvements for the Miramar Road Overpass columns. All cut retaining walls would receive an architectural "rockscape" finish and concrete staining to blend in with the surrounding hillsides.

Phase 2 would add approximately 11,860 linear feet (2.25 miles) of new second track and reduce the existing steep curves within the alignment. New and/or larger cuts and fills would be created along the existing alignment to allow the existing curves to be reduced. Eight walls of varying types, including soldier piles with lagging and tie-backs, cast-in-place walls, soil nail walls, and free-standing pier protection walls, would be constructed to support new cuts and fills, and to protect Miramar Road. The walls would vary between 130 to 1,432 feet long and up to 142 feet high. Phase 2 does not include any bridge structures.

The double-tracking of the Sorrento to Miramar stretch of the LOSSAN Rail Corridor has been contemplated since the late 1980s. In 1989, NCTD certified an Environmental Impact Report ("EIR") for the Oceanside-San Diego Commuter Rail Project, which analyzed the purchase of right-of-way, the beginning of Coaster service, and the construction of additional improvements, including stations and track improvements. The 1989 EIR also analyzed an alternative alignment for double-tracking within the existing rail right-of-way. In 2000, SANDAG certified the 2020 Regional Transportation Plan EIR, which proposed double-tracking the LOSSAN corridor from Oceanside to San Diego.

In 2009, the FRA and the California Department of Transportation ("Caltrans") adopted a Program EIR/EIS for the LOSSAN Rail Corridor. The Program EIR/EIS was a Tier 1 environmental review document that evaluated conceptual corridor alignments and station options for improvements of the entire LOSSAN rail corridor.

The FRA prepared an Environmental Assessment ("EA") for Phase 2 and adopted a Finding of No Significant Impact ("FONSI") under NEPA in May 2018.

Current plans, both at the regional and corridor wide level, call for the level of service for intercity and commuter passenger and freight rail services to double in this segment by 2030, from a current average of 50 trains per weekday to 101 trains per weekday in 2030. Double-tracking of the Sorrento to Miramar portion of the LOSSAN Rail Corridor is also necessary to meet those service goals. Specifically, the California State Rail Plan identifies the programs and policies needed for the state's rail program to play a key role in meeting current and future intercity travel demand. Capacity improvements in the San Diego portion of the Pacific Surfliner passenger corridor are an important component of the plan. Furthermore, SANDAG's 2021 Regional Plan (Regional Plan) identifies an improved LOSSAN Rail Corridor as a major transportation goal, calling for bridge replacements, double tracking, and station improvements needed to provide additional passenger rail service as an alternative to driving the busy Interstate 5 (I-5) corridor. Double tracking this segment of rail, together with other double track projects planned as part of the Regional Plan, are essential elements needed to meet this demand.

Name of Public Agency Approving Project: San Diego Association of Governments

Name of Public Agency Carrying out Project: San Diego Association of Governments

Exempt Status:

Statutory Exemption. State code number: 21080(b)(10); 21080(b)(12); CEQA Guidelines 15275

CEQA does not apply to Phase 2, which is a specified mass transit facility under Public Resources Code section 21080, subdivisions (b)(10) and (b)(12), and CEQA Guidelines section 15275.

Furthermore, to the degree that Phase 2 activities are undertaken by a rail carrier or under the auspices of a rail carrier, state and local regulation of transportation by a rail carrier is preempted under the federal Interstate Commerce Commission Termination Act ("ICCTA"), 49 U.S. Section 10101 et seq., if it would have the effect of unreasonably burdening or interfering with rail transportation. The federal Surface Transportation Board ("STB") has "exclusive" jurisdiction over "transportation by rail carriers" and "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." (49 U.S.C. § 10501(b), emphasis added.).

Reasons Why Exempt from CEQA

The table below explains the reasons why the proposed project qualifies for a Statutory Exemption pursuant to Public Resources Code Section 21080(b)(10), 21080(b)(12) and CEQA Guidelines 15275.

CEQA Exemption	Reasons Why Proposed Project Qualifies for Exemption
<i>Statutory Exemption, Section 21080(b) and CEQA Guidelines 15275</i>	
<p><i>Public Resources Code, Division 13: Environmental Quality 21080(b)(10)</i></p> <p>A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.</p> <p><i>Public Resources Code, Division 13: Environmental Quality 21080(b)(12)</i></p> <p>Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.</p> <p><i>CEQA Guidelines § 15275. Specified Mass Transit Projects.</i></p> <p>CEQA does not apply to the following mass transit projects:</p> <p>(a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.</p> <p>(b) Facility extensions not to exceed four miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.</p>	<p>The proposed project qualifies for a statutory exemption from CEQA. The statutory exemption applies to specified mass transit facilities.</p> <p>As noted above, the purpose of the proposed project is to increase the reliability, operational flexibility, and capacity of the LOSSAN rail corridor to add passenger service to meet current and future transportation demands. The existing single track in the proposed project area creates a bottleneck for trains traveling along the corridor. The proposed project qualifies for this exemption because it consists of constructing 2.25 miles of a second mainline track (double tracking) which would allow for an increase in service throughout the corridor and is required for transfer of passengers from or to exclusive public mass transit guideway or busway transit services.</p>

Responsible Agency Contact Person: Keith Greer

Area Code/Telephone: 619-699-7390

Signature: Horas Keith

Date: November 9, 2022

Title: Chief Executive Officer

Signed by Lead Agency

San Diego County



Transaction #: 6826337
Receipt #: 2022490926

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 11/10/2022
Cashier Location: SD

Print Date: 11/10/2022 10:57 am

Payment Summary

Total Fees	\$50.00
Total Payments	\$50.00
Balance:	\$0.00

Payment	
VITALCHEK PAYMENT	\$50.00
Total Payments	\$50.00
Filing	
CEQA - NOE	FILE #: 2022-000906 Date: 11/10/2022 10:56AM Pages: 5
	State Receipt # 37-11/10/2022-0794
Fees: Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:	\$50.00
Grand Total - All Documents:	\$50.00