

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
619-699-1900

Project Title: Batiquitos Lagoon Double Track Project

Project Location: Cities of Carlsbad and Encinitas, San Diego County.

Description of Specific Location, Nature, Purpose, and Beneficiaries of Project:

The Project consists of the construction of a second mainline rail track along approximately 1 mile of the existing LOSSAN (Los Angeles – San Diego – San Luis Obispo) rail corridor through the Batiquitos Lagoon. The Project is part of a larger phased, multi-year effort to create a double track configuration on the entire LOSSAN rail corridor within San Diego County to improve commuter rail and freight rail service by increasing train capacity, improving railroad operations, and enhancing reliability. The purpose of the Project is to increase the reliability, operational flexibility, and capacity of the LOSSAN rail corridor to add passenger and freight rail service to meet future transportation demands. The existing single track in the Project area creates a bottleneck for trains traveling along the corridor.

According to SANDAG's 2021 Regional Plan (Regional Plan), double tracking this segment of rail, together with other double track projects planned as part of the Regional Plan, is an essential element needed to meet the demand for bulk goods movement from the Port of San Diego and the region. The LOSSAN corridor is the only viable freight rail link between San Diego and the rest of the nation. Each bridge in the LOSSAN rail corridor is a vital link in the railroad infrastructure; without them, the railroad cannot perform its function as an integral part of the national rail network. Therefore, the replacement of each aging, wooden-trestle bridge along the line is justified as an essential part of the regional LOSSAN rail corridor and, by virtue of its location, the entire national rail network. Railroad Bridge 234.8 (across Batiquitos Lagoon) is within the North County Transit District (NCTD)'s portion of the LOSSAN rail corridor and aids in the movement of people and goods within southern California and beyond. To meet rail operation and infrastructure needs, the life expectancy of Bridge 234.8 will need to be increased, through replacement, as part of the Project.

The Project includes replacement of the existing single-track timber rail bridge (Bridge 234.8) with a double-track concrete bridge, with upgrades to hydraulic, structural, and utility components. The Project includes the reuse of sand through beach nourishment and the enhancement and stabilization of the existing W-2 least tern nest site. The nest site restoration will be designed to restore and stabilize the eroded nest site back to the original 4.2 acres.

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 Federal Railroad Administration (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.

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 Batiquitos Lagoon 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 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. The Project will accommodate increased frequency of passenger and freight trains along the LOSSAN corridor, including through Batiquitos Lagoon, to encourage increased ridership of the train and remove vehicles from the highways as part of the transportation and growth planning in SANDAG's Regional Plan.

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 Guidelines 15333

CEQA does not apply to the Project, which is a specified mass transit facility under Public Resources Code section 21080, subdivisions (b)(10) and (b)(12), and CEQA Guidelines sections 15275 and 15333.

Furthermore, to the degree that Project 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 and 15333.

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><i>CEQA Guidelines § 15333. Small Habitat Restoration Projects.</i></p> <p>CEQA does not apply to small habitat restoration projects not to exceed five acres in size to assure</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 approximately 1 mile 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> <p>The proposed project includes the restoration of the 4.2-acre W-2 least tern nesting site. This restoration is occurring at the direction of the U.S. Fish and Wildlife Service.</p>

CEQA Exemption	Reasons Why Proposed Project Qualifies for Exemption
<p>the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:</p> <p>(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,</p> <p>(b) There are no hazardous materials at or around the project site that may be disturbed or removed, and</p> <p>(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p>	

Responsible Agency Contact Person: Keith Greer

Area Code/Telephone: 619-699-1900

Signature: 

Date: June 13, 2024

Title: Chief Executive Officer

Signed by Lead Agency