



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Clem Brown, Assistant City Manager
Ashley Jones, City Manager

DATE: July 16, 2024

SUBJECT: City of Del Mar Comments on the Notice of Preparation of a Draft Environmental Impact Report for the LOSSAN Rail Realignment Project

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council: 1) Review the proposed City comments on the Notice of Preparation of a Draft Environmental Impact Report for the LOSSAN Rail Realignment Project (Attachment A), provide any additional feedback, and direct staff to submit final comments to the San Diego Association of Governments (SANDAG) by the July 19, 2024, public comment deadline; and 2) Review the City of Del Mar Guiding Principles Related to LOSSAN Rail Realignment Project (Attachment B) and provide feedback or direction to staff on potential changes.

BACKGROUND:

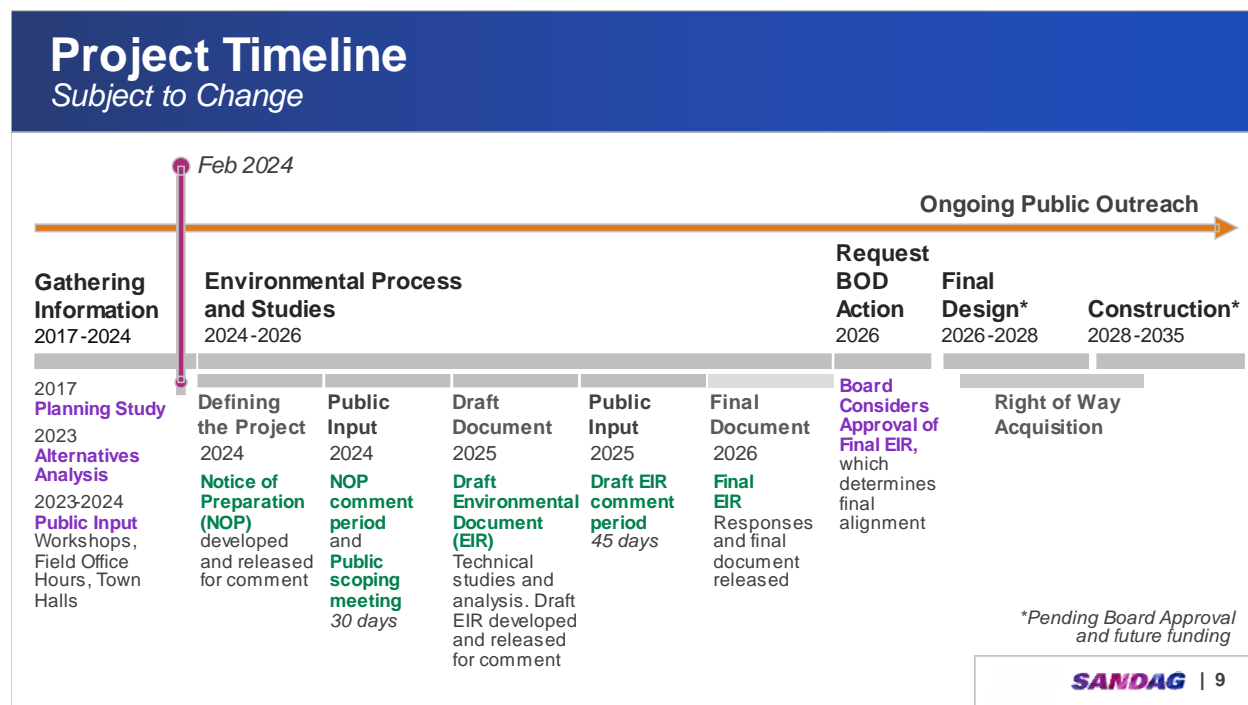
The City of Del Mar has closely monitored the SANDAG LOSSAN Rail Realignment project (Project) since public outreach began in 2020. The Project includes studying options for removing the rail line from the fragile Del Mar coastal bluffs to an inland location by 2035. The Project has generated a high level of community concern and engagement. While SANDAG is leading and has ultimate authority over the Project, the City has taken significant steps to keep the public informed, share information in a timely manner, and stay actively engaged on the Project.

On February 5, 2024, the City Council received a presentation from SANDAG that provided a recap of the work that had taken place to date on the Project, a summary of public feedback received, and information about the upcoming environmental review process (<https://delmar.12milesout.com/video/meeting/bad81412-6f93-4f8a-a97e-ba1265611b0c>).

The first step in the environmental review process is the issuance of a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) and an associated public scoping meeting. More specifically, the NOP is the preliminary step in the State's California Environmental Quality Act (CEQA) process that will determine the technical studies needed to develop an EIR for the Project. The NOP is a public process that gives stakeholders the opportunity to inform what alignment alternatives will be included in the environmental review, the environmental concerns and potential impacts to be studied, and the opportunity to provide general feedback, questions and comments about the Project. The figure below

City Council Action:

includes SANDAG's tentative schedule for the upcoming environmental review process for the Project.

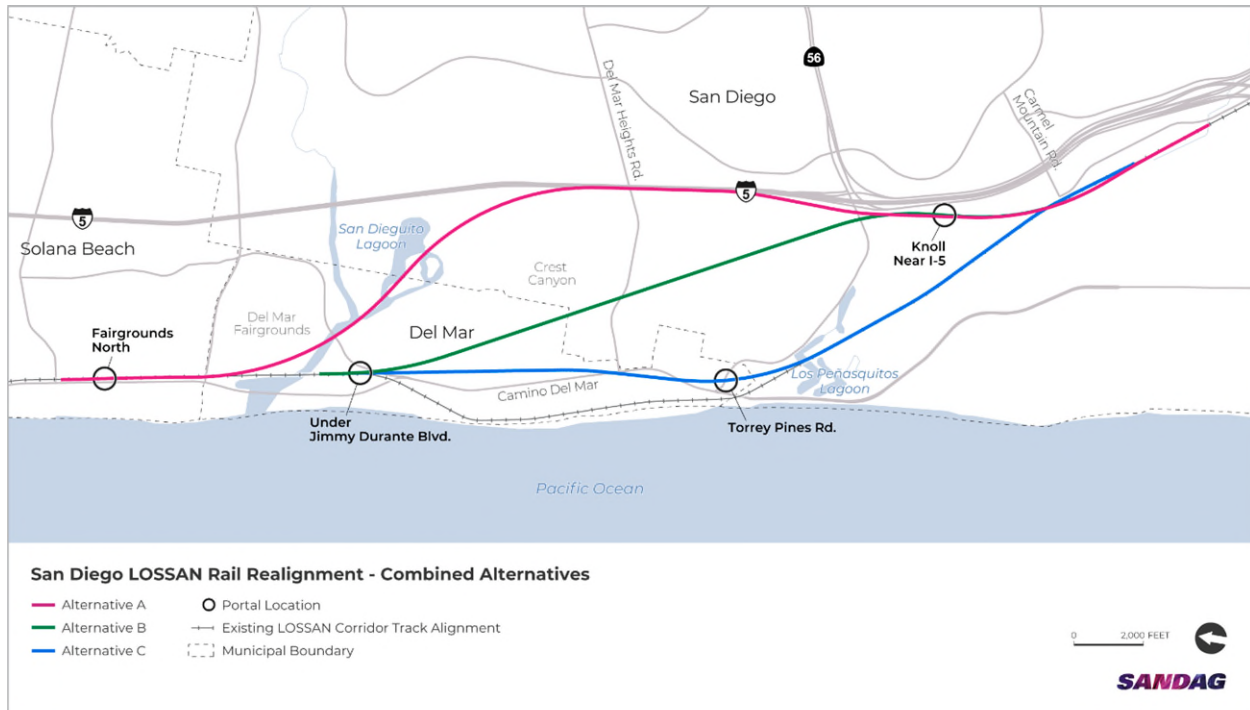


SANDAG released the NOP on June 4, 2024 (Attachment C), with a 45-day public comment period through July 19, 2024. To ensure sufficient time for public review and comment, the Council directed staff to formally request a 15-day extension to the NOP comment period. However, on June 28, 2024, SANDAG's Board of Directors discussed the NOP and decided not to extend the deadline beyond July 19, 2024.

At a high level, the NOP includes a description of the project area, summary of prior planning document and studies for the Project, history of public outreach efforts, Project objectives, description of the Project, potential portal locations (i.e., where the rail line transitions from above grade to below grade), and three (3) Alternative Alignments to be evaluated during the environmental review process. The three alignments to be further analyzed include:

1. *Alternative A – I-5 Alignment*
2. *Alternative B – Crest Canyon Alignment*
3. *Alternative C – Camino del Mar Alignment*

The following map excerpted from the NOP shows the approximate locations of the proposed portal locations and three alignments:



The NOP identifies the following potential environmental impacts to be studied for all three alignments:

- | | |
|------------------------------------|--|
| 1. Aesthetics | 11. Mineral Resources |
| 2. Air quality | 12. Noise and Vibration |
| 3. Biological Resources | 13. Population and Housing |
| 4. Cultural Resources | 14. Public Services |
| 5. Energy | 15. Recreation |
| 6. Geology and Soils | 16. Transportation |
| 7. Greenhouse Gas Emissions | 17. Tribal Cultural Resources |
| 8. Hazards and Hazardous Materials | 18. Utilities and Service Systems |
| 9. Hydrology and Water Quality | 19. Wildfire |
| 10. Land Use and Planning | 20. Mandatory Findings of Significance |

In addition, the Draft EIR will address cumulative impacts, growth-inducing impacts, and other mandatory CEQA topics.

DISCUSSION/ANALYSIS:

The City has until July 19, 2024, to provide comments to SANDAG on the scope of the NOP, which will take into consideration the concerns that have been raised by the community (e.g., noise, vibrations, risks associated with freight/military munitions, acquisition of private property, alignments to be studied, etc.) and how it aligns with the City Council's Guiding Principles for the Project.

On June 17, 2024, the City Council received an overview of the NOP, heard comments from the public, and reviewed preliminary comments on the NOP provided by members of the City Council. A recording of that discussion is archived on the City's website here:

(<https://delmar.12milesout.com/video/meeting/758724be-96ad-40dd-b841-e2bd88ede780>).

The following day, June 18, 2024, SANDAG hosted a public scoping meeting for the environmental review process for the Project. At the meeting, SANDAG provided an overview of the Project and the environmental review process, and received written and oral public input on the NOP, including the alternatives under consideration and potential environmental impacts. City staff and members of the Council attended the meeting in a listening and information-gathering capacity and did not make formal comments. A recording of SANDAG's presentation from the scoping meeting is available on their YouTube channel at: <https://www.youtube.com/watch?reload=9&v=vpXifX3FAX0>.

At the direction of the City Council, staff coordinated with City on-call environmental consulting firm SWCA Environmental Consultants (SWCA), to review the NOP document for consistency with CEQA guidelines. SWCA's comments and recommendations are incorporated as appropriate into the City's draft comments. In addition, the City Council retained special legal counsel with CEQA expertise, Doug Carstens with Carstens, Black & Minter, LLP, to review the NOP and assist with finalizing the City's NOP comments. As part of this effort, all public comments provided to date orally or in writing were taken into consideration.

FISCAL IMPACT:

There is no fiscal action to be taken by the Council related to this agenda item.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

NEXUS TO COUNCIL GOALS AND PRIORITIES:

City involvement in major SANDAG initiatives, including the LOSSAN Rail Realignment Project, is a Tier 1 City Council priority.

ATTACHMENTS:

Attachment A – Draft City Comments on the LOSSAN Rail Realignment NOP
Attachment B – City Guiding Principles Related to LOSSAN Rail Realignment Project
Attachment C – SANDAG Notice of Preparation



CITY OF DEL MAR

July 18, 2024

San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101
ATTN: Tim Pesce

Re: City of Del Mar Comments on the Notice of Preparation (NOP) of a Draft
Environmental Impact Report (EIR) for the LOSSAN Rail Realignment Project

Dear Mr. Pesce,

Thank you for the opportunity to comment on the LOSSAN Rail Realignment Project ("Project"). The City of Del Mar provides the following comments in an effort to ensure that the Draft Environmental Impact Report ("DEIR") fully analyzes the Project and a range of alternatives aimed at avoiding the Project's adverse impacts. Our comments reflect the grave concerns that our community members have expressed in public hearings to the City Council. The Project and its alternatives have the potential to significantly impact our community's quality of life, property values, and our unique and sensitive coastal resources.

The Project's expansive environmental impacts have potential to threaten our community character, history, and our citizens' health and wellbeing.

I. The Project Description and Descriptions of Project Alternatives are Vague and Incomplete.

Generally, the NOP is deficient in several regards. First, both the Project Description and the three Alternatives fail to provide enough detail for a reader to determine the scope and level of environmental impacts. It fails to identify a complete list of construction related impacts, short-term and long-term health risks, socioeconomic impacts, the property condemnation process and what properties could be taken, hazardous material transportation risks, geologic impacts, and the full impact on coastal resources.

Additionally, while the NOP identifies three alternative rail alignments, it does not clearly identify the "proposed project." The California Environmental Quality Act ("CEQA") requires a "proposed project" to be identified along with a "range of reasonable alternatives" to that proposed project. The EIR's "bona fide subject" must be "[t]he defined project and not some different project." (*Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929, 938.) Further, inadequate or unstable descriptions of the project may mislead the public and thwart the EIR process. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656.)

Without a clear identification of the proposed project, members of the public cannot comment meaningfully on the NOP. (*Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 676.) "A project description that gives conflicting signals to decision makers and

the public about the nature of the project is fundamentally inadequate and misleading.” (*South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.) Here, the public is asked to conjure what a reasonable range of alternatives might be to each of three proposed alignments, and to numerous options for portal locations. The current NOP identifies alternatives, but not the required proposed “bona fide” project. (CEQA Guidelines Sections 15378 and Section 15126.6).

Critically, the NOP does not identify whether rail removal from the bluff is part of the Project to be addressed in the DEIR. The NOP states part of the project objective is to “Improve rail service reliability by relocating the existing railroad tracks away from the eroding coastal bluffs in Del Mar.” But the project description cannot fail to describe key elements of the Project. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35.)

CEQA explicitly defines a project to be studied in an EIR as “the whole of an action” and does not allow breaking a project into smaller pieces to reduce the cumulative effects of a larger project. Section 15378 subdivision (a) of the CEQA Guidelines clearly defines a “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” (See also, *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263, 283-284 [“environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences.”].)

Here, the DEIR must consider all project elements, including the removal of existing rail structures and any additional facilities as part of the overall project.

II. NEPA is Required.

While the NOP suggests that a National Environmental Policy Act (“NEPA”) document is required and will be prepared, the NOP omits the identification of the lead agency for that document. It is unclear why the relevant federal agency for NEPA review is omitted. The Federal Rail Administration’s (“FRA”) mission is “to enable the safe, reliable, and efficient movement of people and goods.” Thus, the FRA would be the likely candidate, or alternatively, the Surface Transportation Board, which is charged with economic regulation of rail. In any case, regardless of the agency a joint EIR/EIS (Environmental Impact Study) should be prepared for the Project. The coordination between the State, SANDAG, and the federal government is critically important to this project and owed to the citizens of the region. Given that the Project will be subject to NEPA, the EIR needs to address irreversible changes to the environment. (CEQA Guidelines Section 15127). It is undeniable that the Project will have significant irreversible impacts to local coastal communities, wetlands, and require the relocation of residents.

III. The City of Del Mar Is a “Responsible Agency” Under CEQA.

The City of Del Mar is a “Responsible Agency” under CEQA and maintains all review and adoption rights granted under CEQA. CEQA defines a “Responsible Agency” as “an agency other than the lead agency with a legal responsibility for carrying out or approving a project” and mandates that “a responsible agency... be involved during the project scoping, planning and CEQA document preparation stages.” (CEQA Guidelines, Sections 15096 and 15381). Here, the City of Del Mar will have the authority and the discretion to issue Coastal Development permits and approve other

discretionary permits such as encroachment permits and traffic plans. Accordingly, the City qualifies as a Responsible Agency under CEQA and must be treated as such.

IV. Objectives are Incomplete.

The Objectives listed in the NOP, and particularly in regard to the 2021 Regional Plan and the 2018 California State Rail Plan, are too broad. Moreover, the objectives provide no definitive method of comparing the environmental impacts of the project alternatives with one another. Other objectives should be included when evaluating the relative benefits of the Project to its alternatives, such as quantifying the impacts from condemnation including its costs, the number of properties affected, impacts to residents, property value impacts, and timing considerations. And while the NOP broadly identifies some environmental impacts based on their resource categories, the NOP and any EIR/EIS should rank the significance of such impacts compared to other impacts. For example, if one alternative impacts wetland resource while another alternative does not but has other serious public safety impacts how will the agency resolve these conflicts between the objectives. The objectives should also include the relative impacts to the character of the coastal communities. Will one coastal city bear all of the adverse impacts of the Project when compared to another coastal communities. In sum, the objectives fail to take in consideration the impacts on each coastal community or city and the objectives should recognize the historic and unique character of each impacted community.

V. Construction Impacts Have Not been Defined.

CEQA requires that construction impacts be analyzed, even though they are temporary. (*City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392, 1425.) The NOP fails to properly identify the full range of construction related impacts in both the Project Description and its Alternatives. It is a given that construction of the Project or the selection of any one of the Alternatives will involve several years of construction. These multiyear projects are complex and have discrete construction phases and elements. Each phase of construction should be analyzed, and each major project element should be evaluated. For example, the boring tunnels or cut and cover should each be fully evaluated as their own discrete project element.

During each construction phase the DEIR must address impacts and include appropriate mitigation measures to reduce levels to insignificance related to:

- Noise impacts to residents, the number of residents impacted compared to the no-project alternative or the three alternatives listed in the NOP.
- Vibration impacts to adjacent residents or businesses.
- Air pollution impacts during the course of construction and the number of residents impacted by the Project and its alternatives.
- Water pollution runoff that includes surface and ground water deterioration or impacts associated with accidental spills.
- Risks associated with hazardous materials, including petroleum products during construction.

- Increases of risks and expected frequency of derailment or other rail accidents occurring as a result of construction activities.
- Direct and indirect impacts to the San Dieguito and Peñasquitos Lagoons during each phase of construction.
- Impacts to public health during construction and the lifetime of the tunnel.
- Identification of unstable soils and other geologic risks during construction.
- Identification of how drainage and runoff issues will be mitigated.
- Identification of the impacts from tunneling when the tunnel is below the water table and of any required dewatering.
- Identification of where soils will be disposed, including location, manner, and volume of soil disposal.
- Identification of increases in toxic emissions during each phase of operation.
- Identification of locations subject to nighttime construction and potential impacts to birds, other wildlife, and nearby residents.
- Identification of all related traffic impacts and mitigation, including alternate traffic routes. The duration of each alternate traffic route should be identified and a reasonable range of traffic mitigation measures should be provided.
- Identification at a NEPA level of all economic and social impacts to each city, its residents, and its businesses.
- Identification of the public safety risk from derailments, pedestrian strikes, transportation of military munitions, and hazardous waste transportation.

VI. The Project and Each Alternative Should Be Fully Analyzed.

The alternatives analysis is the “core of the EIR.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.) “One of [an EIR’s] major functions . . . is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights Improvement Ass’n. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400.) Accordingly, the Project and all alternatives should be reviewed in the DEIR at the same thorough level of analysis. Given the expansive scope and complexity of the Project each alternative should be evaluated at the same level as the Project Description. Full analysis of each alternative is the only transparent method of insuring that the decision makers understand the full range of impacts of each alternative. The fundamental purpose of CEQA is to ensure informed decision-making. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515.) This

includes socioeconomic impacts, condemnation impacts, and resource protection issues, which are required under NEPA.

The DEIR should specifically analyze the following potential environmental impacts:

- a. Geotechnical impacts including long-term settling, water drainage, impact of earthquakes, sea-level rise, composition of soils, and settlement of the tunnel structures.
- b. Long term impacts of single bore vs. twin bore tunnel construction.
- c. Impacts to the San Dieguito and Los Peñasquitos Lagoons.
- d. Impacts to the hydrology of the San Dieguito River and the City of Del Mar's ability to construct a living levee(s).
- e. Impacts on property values.
- f. Disruption to the community from relocation of residents.
- g. Identification of which properties will be subject to eminent domain.
- h. Identification of the short-term and long-term impacts to the coastal communities tourism industries.
- i. The impacts to the City of Del Mar revenues during construction and including the long-term economic impacts to the City.
- j. Future operation increases should be clearly quantified and as rail traffic increase each associated environmental impact should be identified and addressed.
- k. The DEIR should analyze the environmental benefits of each alternative alignment as compared to the Project description. Again, each alternative should be fully analyzed at the same level of the Project Description.
- l. The DEIR should include examples of similar freight train tunnels that have been constructed under residential areas and provide both the short-term and long-term impacts to residential communities.
- m. The DEIR should visually document and map the precise path the proposed Project Description and the alternatives routes.
- n. The EIR preparer should use drones to visually map the proposed portal locations to create realistic 3D renderings.
- o. Provide the public with three-dimensional models (physical or computer graphic) of the alternative portals, permanent facilities, private and public property to be acquired,

elevated Jimmy Durante Boulevard, new above ground track alignment with elevated berms, floodwalls, U-structures, and cut and cover tunnels with their locations, designs and any landscaping details.

- p. Prior to and in the DEIR, SANDAG should install story poles showing building/tunnel ventilation locations, and at each proposed portal site for the public to view prior to the close of the comment period.

VII. The DEIR Should Address the Range of Socioeconomic Impacts to Each Coastal Community.

It is appropriate for the DEIR to address socioeconomic impacts associated with the Project and for each of its three alternatives. The Project has the potential to literally fractionize communities, cause mass relocations of residents, disrupt tourism for many years, decrease property values, and increase health risks. CEQA provides the ability for SANDAG to address these project consequences in CEQA Guidelines Section 15131(b):

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.

The Project will split Del Mar above and below ground. The social and economic impacts to the business community, to City finances, to property values, to Fairgrounds attendance, short and long-term impacts to tourism, and indirect impacts to the community's sense of wellbeing and safety all should be addressed.

VIII. Other CEQA Issues Must Be Addressed in the DEIR.

The DEIR should address additional CEQA issues, including, but not limited to:

1. The DEIR should address for Alternative A (I-5 Alignment), the additional impact of requiring a 2% grade (downward north to south) in the Solana Beach trench on top of the already planned double tracking construction.
2. The DEIR should also include if there is any additional trenching needed for the downward grade beyond what is needed for the double tracking. The DEIR should also identify if the trench will be "covered" and where covering would occur.
3. The DEIR should identify the trade-offs and parameters to be considered when deciding where to end tunneling and start cut-and-cover at the north end of Alternative A.
4. Identify the incremental cost of double tracking in Solana Beach versus Alternative A.

5. As part of the Alternative analysis, identify whether tunneling can extend further northward and thus shift the cut-and-cover north, closer to Via de la Valle.
6. Identify the necessary tunnel depth to reduce impacts from noise and vibration to a level of insignificance.
7. Identify the impacts and the required minimum depth to locate the rail tunnel under existing homes.
8. The DEIR should identify all right-of-way acquisitions by APN for the Project and its alternatives.
9. Identify specific (by APN) residential and commercial property located within 500 feet of portals/tunnels for all alignments.
10. In addition to public views, identify all private property view modifications for the Project and for each alternative.
11. Address if there will be significant impacts to Steven's Creek resulting from the Project and its alternatives.
12. Show the ventilation plan for the Project and each alternative.
13. Identify the noise impacts of each tunnel ventilation system including impacts to adjacent properties.
14. Identify and incorporate mitigation measures to dampen noise emanating from the trains and extending out of the portals to local residences and businesses for the Project and its alternatives.
15. Identify and incorporate mitigation measures for any tunnels located under private properties and businesses, including state-of-the art vibration dampening technology, such the Springed System installed for the tracks built under the London opera house on the newly constructed Elizabethan Line.
16. The DEIR noise analysis should also include the noise frequency and impacts of, including, but not limited to, train horn; wheels screeching; locomotive noise; whooshing sounds when train enters tunnel portal; and high-speed passenger and freight trains.
17. The DEIR should include noise and vibration simulations.
18. The DEIR should identify the typical freight trains lengths currently running on the along the bluffs and if the new tunnels limit train size or nighttime durations.
19. Identify the current and expected type of freight carried and to be carried on the rail system.

20. Identify and incorporate enhanced safety measures associated with the tunnel to reduce the possibility of derailments.
21. Identify how deep each of the portals will be for Alignments B & C, and how much of the structure(s) will be above ground.
22. Identify for the Project and all alternatives if additional structures will be needed for flood walls, gates, higher bridges, berms, and levees.
23. Identify the evaluation criteria that determines the environmentally superior alternative and any ranking criteria.
24. The DEIR should address whether the removal of the tracks from the North Portal and/or from the CDM Bridge to Coast Blvd will be analyzed.
25. The DEIR should address all future actions relating to the land under the current tracks and what will occur to those vacated lands. It should address the ownership of those lands post vacation and the uses for those lands.
26. The DEIR should address the mitigation opportunities for the RR Wye property and the old spur line to the North County Transit District parking lot.
27. The DEIR should include studies of all potential flood areas including the North Beach and the Wye properties including identification of what type of structures will be used to mitigate floods.
28. The DEIR should recognize that the rail relocation project is of “Statewide, Regional, or Area wide Significance” within the meaning of CEQA Guidelines Section 15206. Accordingly, the DEIR should be prepared under those Guidelines.
29. Another alternative that the DEIR should include is bifurcating rail service by separating the freight rail service from passenger service and moving freight service further inland, while leaving passenger service in the City of Del Mar.
30. The DEIR should include all location options for the northern portal structures. Each alternative should include different location options for the portals.
31. The DEIR alternative section should consider the option of locating a north portal farther north between the CDM/JDB intersection and the RR trestle.
32. The DEIR should provide a detailed timeline for the public, which should include timelines of the EIR process, property acquisition, the complete construction schedule with all major milestones, and other critical path timelines.
33. The DEIR should discuss any alternatives that were considered in the scoping process but were later rejected. The rejected alternatives should contain a reasonable explanation why they were dismissed.

34. As the lead agency, SANDAG should make available their technical consultants in a follow-on public forum and prior to the EIR certification hearing.
35. The DEIR should assess impacts on the hydrology of the San Dieguito River Floodplain for the portal proposed under Jimmy Durante Boulevard. The DEIR should consider the effect of the alteration of the 100-year floodplain caused by raising the current track bed south of the San Dieguito River on the higher berm and protecting its descent to the portal (which is below the 100-year floodplain) with flood walls, a U structure, and a cut and cover tunnel (with floodgates at the portal). This effectively divides the 100-year floodplain of the North Commercial District and North Beach neighborhood into two. The DEIR should consider whether this approach will alter the flooding potential of the North Commercial District or North Beach neighborhoods. Should this be the case, mitigation measure will be required and must be incorporated into the Project. This analysis should take into consideration flooding from both heavy rains and tidal surges with expected sea level rise over the anticipated lifetime of the tunnel. Mitigation must be disclosed and objectively evaluated in the DEIR.
36. The NOP scoping document notes the 2022 construction cost estimates for the 3 alignments: Option A = \$4.14 billion; Option B = \$2.28 billion; and Option C = \$1.85 billion. Given substantial increases in construction costs over the past 2 years, this project description and alternative analysis should be updated and adjusted for future inflation and the numbers should reflect current 2024 dollars.
37. Given the substantial but significantly varying financial costs of the three alternative routes, as well as the growing public concern about the Project, the EIR should include a financial and economic cost benefit analysis of the Project. These economic studies should consider the low ridership of the passenger trains.

We appreciate the opportunity to comment on the NOP for the LOSSAN Rail Realignment Project and look forward to working with SANDAG in the coming months to address the many important concerns being raised by the public and various Project stakeholders.

Sincerely,

Dave Druker
Mayor

**CITY OF DEL MAR
GUIDING PRINCIPLES RELATED TO THE LOSSAN RAIL
REALIGNMENT PROJECT**

The City Council of the City of Del Mar endorses the following guiding principles regarding the San Diego Association of Governments (SANDAG) LOSSAN Rail Realignment Project. City Council adoption of these guiding principles establishes the City of Del Mar's official position regarding this important project. Comments by individual Councilmembers that conflict with these adopted guiding principles are not representative of the City's position.

- 1) Removing the rail line from the environmentally sensitive and fragile Del Mar Bluffs to an inland location by 2035 is a top priority for the City and the region.
- 2) The San Diego Association of Governments (SANDAG) must thoroughly explore all portal locations that eliminate impacts to, and the need for acquisition of, private property.
- 3) It is critically important that SANDAG engage the public through every means possible to ensure a robust public participation process in which the public can participate fully, receive answers to questions, and provide feedback for consideration prior to decisions being made.
- 4) The coming SANDAG studies must include a reasonable range of feasible alternative rail alignments, including the I-5 and proposed Fairgrounds alignments, and must also include a "no project" alternative as required by federal and state environmental laws.
- 5) An independent, forward-looking cost benefit analysis must be performed comparing the cost and benefits of the proposed final project to the alternatives, and should consider costs due to risks of bluff failure.
- 6) Del Mar expects to be intimately involved in the SANDAG study process with an opportunity to comment at each stage along the way.
- 7) Recognizing that elimination of the rail line is not within the power of the City of Del Mar, SANDAG, or the North County Transit District, Del Mar encourages those who want to advocate for closure of the rail line to address their comments to the federal and state governments who hold this authority and their respective representatives.
- 8) The City Council pledges to be open and transparent with the public regarding this important project and expects SANDAG to do the same.
- 9) In addition to the Coastal Commission requirements related to the Del Mar Bluffs 5 Project mitigation, the LOSSAN Rail Realignment Project should include removal of seawalls and the creation of a trail wherever the tracks are removed in Del Mar.
- 10) With regard to study of a potential Fairgrounds rail alignment, SANDAG must respect and protect the operational, economic, environmental and planning needs of the 22nd DAA and of the proposed Del Mar housing program on the Fairgrounds, and as a key stakeholder, the 22nd DAA must be proactively engaged by SANDAG throughout the process.

Council Adopted 11/13/2023; Amended 12/18/2023

Notice of Preparation of a Draft Environmental Impact Report

June 4, 2024

Subject

Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the [San Diego-Los Angeles-San Diego-San Luis Obispo \(LOSSAN\) Rail Realignment \(SDLRR\) Project](#) (Project) located in the cities of Solana Beach, Del Mar, and San Diego, California.

Introduction

The San Diego Association of Governments (SANDAG), as the Lead Agency under the California Environmental Quality Act (CEQA), is initiating the preparation of a Draft EIR for the SDLRR Project and is issuing this NOP to initiate scoping to solicit input on the Project, including alternatives under consideration and environmental effects. SANDAG has decided to forego preparing an Initial Study (*CEQA Guidelines* 15063(a)) and move directly into the preparation of a Draft EIR. In addition to soliciting input from the public, SANDAG is requesting feedback from agencies as to the scope and content of environmental information that is relevant to an agency's statutory responsibilities in connection with the SDLRR Project (e.g., if this Draft Environmental Impact Report [EIR] will be used by an agency to issue an approval for the SDLRR Project).

The SDLRR Project may require approvals and/or permits from agencies that would be subject to environmental review pursuant to the National Environmental Policy Act (NEPA). A NEPA Lead Agency has not yet been identified. Once the NEPA Lead Agency is identified, that agency will formally initiate the NEPA process.

Background

The San Diego Subdivision is an approximately 60-mile section of the 351-mile LOSSAN Rail Corridor, linking San Diego, Los Angeles, and San Luis Obispo from the Orange County line to the Santa Fe Depot in Downtown San Diego. The LOSSAN Rail Corridor is the second busiest intercity passenger rail corridor in the United States and supports commuter (COASTER), intercity (Pacific Surfliner), and freight (BNSF) rail services. Currently, three quarters of the San Diego Subdivision is double tracked, resulting in a total of approximately 15 miles of single track and 45 miles of double track.

SANDAG Responsibilities

The San Diego Regional Transportation Consolidation Act (Senate Bill [SB] 1703 Peace) assigned SANDAG the responsibility for planning, funding allocation, project development, and construction in the San Diego region for all transit projects, including heavy rail. The North County Transit District and San Diego Metropolitan Transit System retained the responsibility for the maintenance and operation of the rail services. As such, SANDAG is the CEQA Lead Agency for rail line construction projects proposed in San Diego County. In its role as the Metropolitan Planning Organization under federal and state law, SANDAG is also responsible for the development of the Regional Transportation Plan and a Sustainable Communities Strategy. The Regional Transportation Plan identifies transportation infrastructure investments and programming of transportation funding over a 30-year

timeframe within the San Diego region in consideration of projected economic and population growth. The 2021 Regional Plan combines the Regional Transportation Plan and Sustainable Communities Strategy to achieve the regional greenhouse gas emissions reduction targets set by the California Air Resources Board. SANDAG's current plan was adopted by the SANDAG Board of Directors in December 2021, with an amendment approved in October 2023.

As described in the 2021 Regional Plan, the regional vision for the San Diego Subdivision would result in an increase in commuter rail service operating at higher speeds in order to reduce travel times and provide a competitive alternative to driving, as well as aiding in continuation of goods movement through the region. The 2021 Regional Plan contemplates double tracking the remaining single-track segments of the LOSSAN Rail Corridor within San Diego County, modifications to the track configuration to accommodate higher speeds, and relocation of rail track into more climate resilient areas.

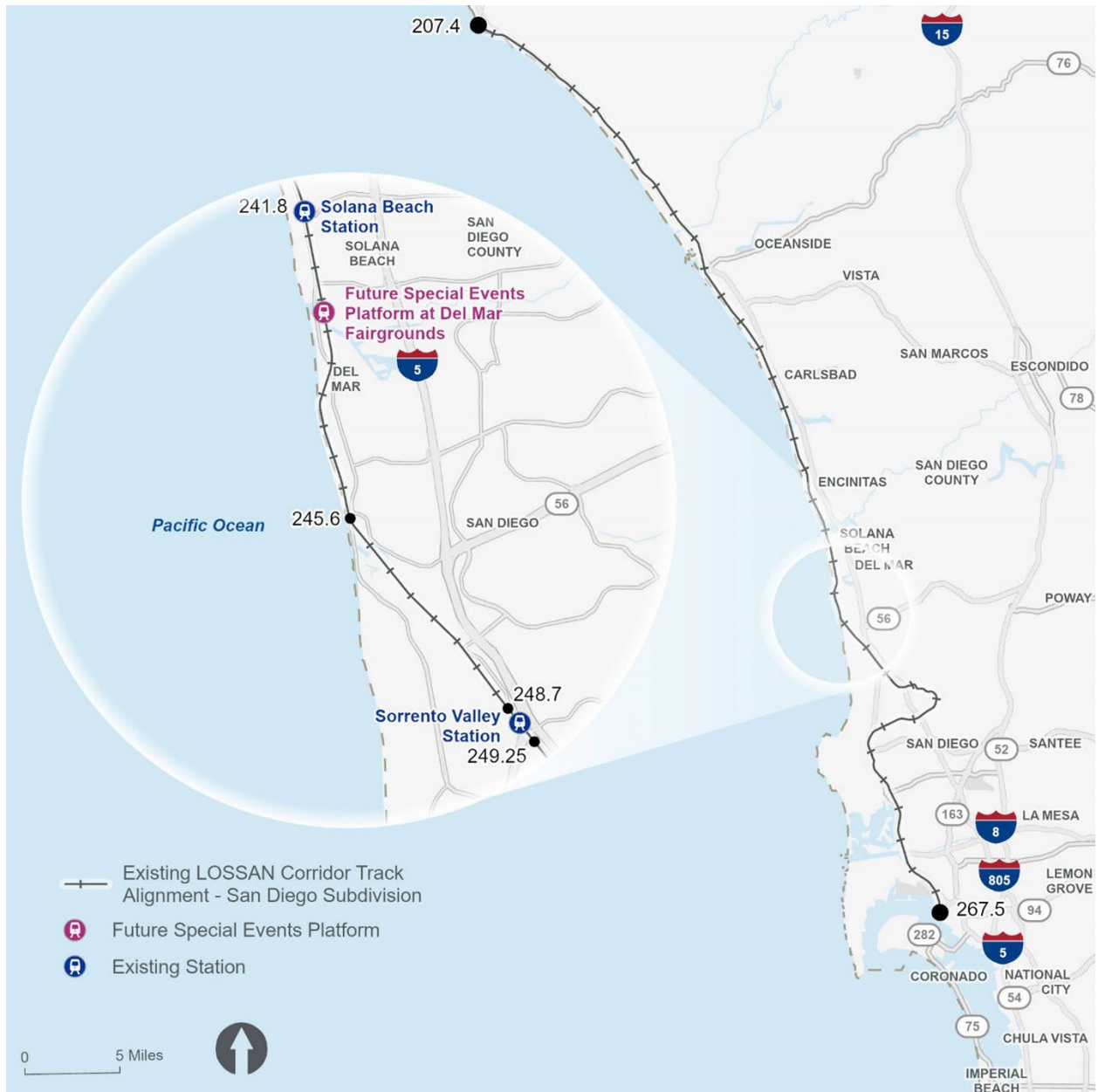
The segment of the San Diego Subdivision within the SDLRR Project area has experienced temporary closures and speed reductions resulting from bluff collapses, erosion, and repair work to stabilize the bluffs and protect the rail corridor from more substantial erosion effects. Four bluff stabilization projects have been completed in Del Mar since 2003, with the construction of Phase 4 recently completed in 2021. A fifth stabilization project (Phase 5) began construction in spring 2024. Phase 5 focuses on addressing additional seismic and stabilization needs, installing additional support columns, and replacing aging drainage structures to support the existing tracks.

In addition to the stabilization projects, several emergency repairs have been required since 1996 due to bluff failures that threatened train operations. While the Phase 5 stabilization project addresses safety and operational concerns with a 30-year design life, the stabilization projects and emergency repairs do not provide a long-term solution for sea level rise and the ongoing coastal erosion that pose substantial safety and economic risks to the region. Bluff retreat is estimated to occur at an average rate of 0.4 to 0.6 foot per year; however, large episodic bluff failures can result in more than 20 feet of bluff edge retreat in a single event. The California Coastal Commission has required that SANDAG evaluate realignment of the rail corridor off the bluffs to a more resilient location as part of their condition of approval for Phases 4 and 5 of the above-mentioned stabilization work. Further stabilization and emergency repair projects are likely to be required until the rail corridor is relocated from the coastal bluffs.

Study Area

The Project is located within portions of the cities of Solana Beach, Del Mar, and San Diego, as depicted on Figure 1. The Project study area begins at Solana Beach Station in the north and ends at the Sorrento Valley Station in the south. The study area is generally bounded to the west by the Pacific Ocean and to the east by Interstate 5 (I-5).

Figure 1. Project Location



Note: Within the San Diego Subdivision, right-of-way north of Milepost 245.6 is owned by North County Transit District and right-of-way south of Milepost 245.6 is owned by Metropolitan Transit System. The Future Special Events Platform has been approved and fully funded but will be constructed as part of the San Dieguito Double Track Project.

Planning Documents and Prior Studies

The Project is part of a larger program of improvements to be implemented on the LOSSAN Rail Corridor to enhance the reliability of existing services between San Luis Obispo, Los Angeles, and San Diego. Previous planning and environmental studies have been undertaken to analyze the potential for realigning the San Diego Subdivision in the Project study area away from the coastal bluffs and primarily within tunnels through the cities of Del Mar and San Diego.

- In **2007**, the California Department of Transportation (Caltrans) and the Federal Railroad Administration (FRA) finalized the **Los Angeles—San Diego Final Program EIR/Environmental Impact Statement (EIS)**¹, and on March 18, 2009, a **Record of Decision**² was published which records the decisions the United States Department of Transportation (U.S. DOT) made for proposed improvements to the LOSSAN Rail Corridor between Los Angeles and San Diego. The Program EIR/EIS carried forward two alternatives proposing tunnel options that deviated from the existing railroad alignment.
- In **August 2014**, the California Coastal Commission unanimously approved the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (**PWP/TREP**). Jointly prepared by SANDAG and Caltrans, the PWP/TREP is a single, integrated document that establishes a framework for comprehensively planning, reviewing, and permitting of multimodal transportation improvements along a 27-mile corridor in North San Diego County that maintains and enhances public access and protects sensitive coastal resources. The scope of improvements discussed within the Project study area includes two conceptual alignments for a “rail tunnel to move the existing rail alignment away from the Del Mar bluffs, which are susceptible to failure and unable to accommodate double tracking due to significant excavation, stabilization and ongoing maintenance needs of such a facility” (Chapter 4).
- In **December 2017**, SANDAG published a report entitled Conceptual Engineering and Environmental Constraints for Double Track Alignment Alternatives Between Del Mar Fairgrounds and Sorrento Valley³ that analyzed the feasibility of five potential options for relocating the existing San Diego Subdivision onto a new alignment with a double track tunnel away from the Del Mar bluffs. The study included conceptual engineering and preliminary construction costs for each alignment option.

¹ Web Page: <https://railroads.dot.gov/elibrary/los-angeles-san-diego-lossan-corridor-program-final-programmatic-eireis>
 PDF: https://railroads.dot.gov/sites/fra.dot.gov/files/2023-10/2.2.11%20LOSSAN%20Programmatic%20EIR-EIS%20%282007%29_PDFa.pdf

² Web Page: <https://railroads.dot.gov/elibrary/los-angeles-san-diego-lossan-corridor-program-eireis-record-decision>
 PDF: https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/192/LOSSAN_ROD_FINAL_2009.pdf

³ Web Page: <https://www.SANDAG.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/del-mar-bluffs-stabilization/alignment-alternatives-and-environmental-constraints-study-2017-2023-09-08.pdf>
 Appendices: <https://www.SANDAG.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/del-mar-bluffs-stabilization/alignment-alternatives-and-environmental-constraints-study-2017-appendices-2023-09-08.pdf>

- In **September 2018**, Caltrans released the *2018 California State Rail Plan*, which established a statewide vision describing a future integrated rail system that provides comprehensive and coordinated service to passengers through more frequent service, and convenient transfers between rail services and transit. The plan recognized the challenges coastal erosion and sea level rise pose to the railroad tracks atop the eroding bluffs in Del Mar. It noted that about 50 trains on weekdays (mostly passenger), traverse the Del Mar Bluffs, and sea level rise will accelerate erosion of the bluffs, threatening stability and the viability of the route. The plan states “erosion by 2100 could eliminate the rail line completely, as well as adjacent homes, absent preventative measures.”
- In **December 2021**, SANDAG adopted the 2021 Regional Plan, which envisioned an expanded system of transit services to reduce greenhouse gases from automobiles, while promoting safe, clean, and economically friendly ways to move goods throughout the region and beyond. The 2021 Regional Plan envisioned the relocation, straightening, and double tracking of the rail line through the study area to a more climate resilient location that could reduce travel time and service reliability.
- In **June 2022**, the California Coastal Commission issued a Federal Consistency Certification (No. 0005-21) for the Del Mar Bluff Stabilization V project, which required the removal of all shoreline armoring after the expiration of the 30-year authorization period. The 30-year authorization period was to “allow SANDAG to protect the important railway line while planning of the pursuing [its] relocation.”
- In **August 2023**, SANDAG released the [San Dieguito to Sorrento Valley Double Track Del Mar Tunnels Alternatives Analysis Report](#), which refined five potential alignment alternatives based on the previous conceptual engineering study and evaluated them against a set of performance criteria. Two of these alternatives were advanced to 10 percent conceptual engineering and were further analyzed for engineering and environmental considerations. Based on feedback from stakeholders and community groups, four additional potential tunnel portal locations were then also evaluated to further minimize impacts on the community and private properties. Additional conceptual alignments were considered at a high level to demonstrate potential connections between various portal locations.

Recent Public Outreach

Leading up to the release of the NOP, SANDAG conducted public outreach events to inform, engage, and solicit public input to refine the description of the Project and the range of alternatives to be identified in the NOP. The meetings are listed below and videos for many of these meetings are available on the [SANDAG website](#).

- July 24, 2023: SANDAG presentation to Del Mar City Council
- August 30, 2023: SD LOSSAN Rail Realignment Del Mar Community Open House
- October 4, 2023: LOSSAN Tunneling Workshop
- October 19, 2023: LOSSAN Virtual Information Session
- November 6, 2023: LOSSAN Alignments Workshop Del Mar
- November 7, 2023 – December 19, 2023: Weekly Community Field Office Hours
- November 15, 2023: LOSSAN Alignments Workshop Carmel Valley
- February 5, 2024: SANDAG presentation to Del Mar City Council

- March 19, 2024: SANDAG presentation to Torrey Pines Community Planning Board

Project Objectives

The Project objectives are as follows:

- Improve rail service reliability by relocating the existing railroad tracks away from the eroding coastal bluffs in Del Mar.
- Maintain passenger rail service to the existing train stations serving Solana Beach and Sorrento Valley and accommodate direct rail access to the 22nd District Agricultural Association (Del Mar Fairgrounds).
- Minimize impacts in the surrounding communities during and after construction.
- Avoid and/or minimize impacts on biological, cultural, and recreational resources of national, state, or local significance, including publicly owned parks, beaches, wetlands, ecological reserves, wildlife or waterfowl refuges, and any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places.
- Help meet the goals of the 2021 Regional Plan and the 2018 California State Rail Plan by increasing passenger and freight train capacity, further reducing travel times, improving reliability, and accommodating additional rail service.
- Improve coastal access and safety by eliminating at-grade railroad crossings and minimizing other pedestrian-rail points of interaction.

Project Description

SANDAG proposes to relocate the existing single-track alignment of the San Diego Subdivision potentially through the Cities of Solana Beach, Del Mar, and San Diego, where the rail line runs along a terrace on the coastal bluffs, to a double-track alignment between the Solana Beach Station and the north end of Sorrento Valley in the City of San Diego. The new alignment would relocate existing rail service from along the coastal bluffs to a new alignment away from the bluffs, primarily located within tunnels through Del Mar and San Diego. The new alignment may include aerial structures and berms. The relocation and double tracking of the alignment would eliminate reliability risks caused by bluff erosion and provide greater track capacity and a higher operating speed for trains that use the corridor, enabling projected increases in service and minimizing conflicts with pedestrians. The Project will include removal of existing stabilization infrastructure, consistent with the California Coastal Commission's conditions of approval for the Del Mar stabilization projects.

Pursuant to State CEQA Guidelines, the SDLRR Draft EIR will consider a No Project Alternative and a reasonable range of Project alternatives. In accordance with CEQA, SANDAG has identified alternatives to be analyzed in the Draft EIR based on their potential feasibility, ability to attain the majority of the Project objectives, and potential to avoid or substantially lessen the significant effects of the Project and evaluate the comparative merits of the alternatives (California Code of Regulations title 14 § 15126.6).

As a result of prior planning studies and community engagement, in addition to the No Project alternative, three Project alternatives are proposed for analysis in the Draft EIR, as depicted on Figure 3. Each Project alternative would require a north and south portal, a tunnel connecting the portals, and double tracking of the rail line.

The Project comprises the following infrastructure components, which are also included in each of the three Project alternatives (definitions for several of these components are included in the callout box and depicted on Figure 2).

- Removal of existing rail infrastructure (e.g. rail track, ties, and ballast) on areas no longer needed after track relocation
- Construction of bridge structures
- Construction of U-structures, retaining walls, and floodwalls
- Construction of twin-bored tunnels and cut-and-cover tunnels
- Construction of tunnel portals and associated portal infrastructure
- Installation of a tunnel system power supply
- Installation of tunnel ventilation systems
- Installation of communication systems, including signals, switches, and control points
- Modifications to drainage and roadways, as needed
- Relocation of utilities, as needed
- Potential placement of beach-quality sand excavated from tunnel boring activities onto beach(es) or near shore, in the vicinity of the study area
- Removal of prior bluff stabilization improvements consistent with the California Coastal Commission's certification of Federal Consistency Certifications

Graded: rail tracks constructed on flat ground, earthen berms, or cuts into hillsides.

Floodwalls: a freestanding structure built along a shore or bank to prevent encroachment of floodwaters.

Berm: a segment of track that is on raised ground.

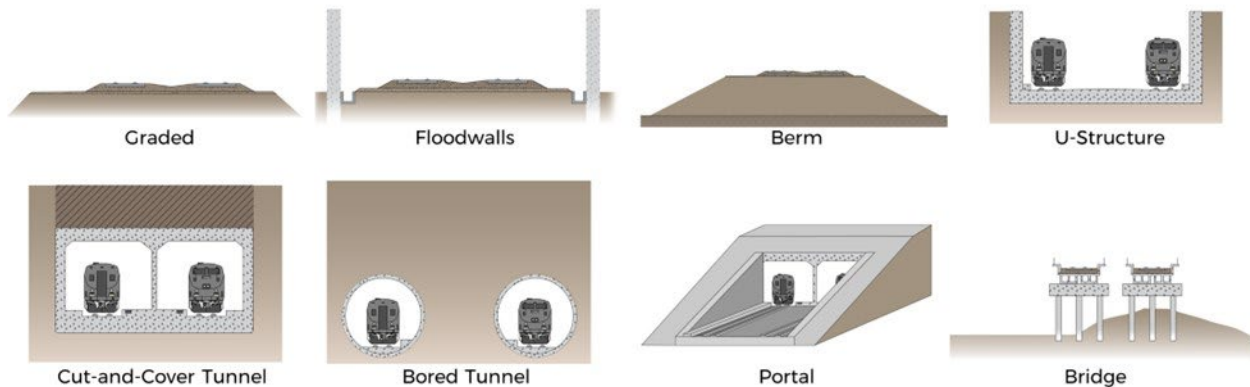
U-structure: a rectangular shaped structure with only three sides that is excavated from the surface and leaves an opening in the surface to allow the track to transition from a tunnel to the surface level.

Cut-and-cover tunnel: a rectangular shaped tunnel that is constructed within a trench which is excavated from the surface and then covered after it is constructed.

Bored tunnel: a circular shaped tunnel that is constructed using a tunnel boring machine that digs or bores through the earth without removing the ground above.

Portal: entrance to the tunnel.

Bridge: aerial structure carrying the rail tracks over roadways, canyons, or water.

Figure 2. Project Components**North Portals**

Two north portal locations have been identified depending on the track alignment. The portal locations are as follows:

Under Jimmy Durante Boulevard

This proposed portal would be located north of the intersection of Camino Del Mar and Jimmy Durante Boulevard. The portal's infrastructure would cross underneath Jimmy Durante Boulevard, which would be raised. The portal structures would potentially extend into commercial and residential properties.

Fairgrounds North

This proposed portal would be located north of the fairgrounds within the railroad trench in Solana Beach. The portal's infrastructure would start south of the existing Solana Beach Station.

South Portals

Two south portal locations have been identified depending on the track alignment. The portal locations are as follows:

Torrey Pines Road

This proposed portal would be located near the intersection of Carmel Valley Road and North Torrey Pines Road. The portal infrastructure would cross underneath Carmel Valley Road and potentially extend into residential properties.

Knoll Near I-5

This proposed portal would be located at a knoll south of Carmel Valley Road between I-5 and the segment of Sorrento Valley Road Trail that is closed to public vehicular traffic but open for bikes, pedestrians, and authorized vehicles. The portal infrastructure would be within the undeveloped knoll and extend into the Los Peñasquitos Lagoon.

Alternative A I-5 Alignment:

As depicted on Figure 4, Alternative A is approximately 6.8 miles in length and would descend immediately south of the Solana Beach Station, enter the Fairgrounds North Portal, then continue south into the fairgrounds, where there would be a new underground special events platform. The alignment would continue under the San Dieguito Lagoon and turn to follow under the I-5 freeway, then continue south and exit at the Knoll Near I-5 South Portal. The alignment would then rise above ground as it transitions back into the existing railroad alignment north of the Sorrento Valley Station.

Alternative B Crest Canyon Alignment:

As depicted on Figure 5, Alternative B is approximately 5.3 miles in length and would descend immediately south of the rail bridge that spans over the San Dieguito Lagoon and enter the Under Jimmy Durante Boulevard North Portal, then continue south and exit at the Knoll Near I-5 South Portal. The tracks would then rise as it transitions back into the existing railroad alignment north of the Sorrento Valley Station.

Alternative C Camino del Mar Alignment:

As depicted on Figure 6, Alternative C is approximately 4.9 miles in length and would descend immediately south of the rail bridge that spans over the San Dieguito Lagoon and enter the Under Jimmy Durante Boulevard North Portal. This alternative would continue south and exit at the Torrey Pines Road South Portal, bridge over the Los Peñasquitos Lagoon, and then transition back to the existing railroad alignment. The existing railroad alignment within Los Peñasquitos Lagoon would be double tracked, which would require raising and widening the existing berm in the lagoon to address flooding and sea level rise projections.

Potential Environmental Effects

The EIR will address impacts to the following resource categories listed in Appendix G:

- | | |
|------------------------------------|--|
| 1. Aesthetics | 11. Mineral Resources |
| 2. Air Quality | 12. Noise and Vibration |
| 3. Biological Resources | 13. Population and Housing |
| 4. Cultural Resources | 14. Public Services |
| 5. Energy | 15. Recreation |
| 6. Geology and Soils | 16. Transportation |
| 7. Greenhouse Gas Emissions | 17. Tribal Cultural Resources |
| 8. Hazards and Hazardous Materials | 18. Utilities and Service Systems |
| 9. Hydrology and Water Quality | 19. Wildfire |
| 10. Land Use and Planning | 20. Mandatory Findings of Significance |

In addition, the EIR will address cumulative impacts, growth-inducing impacts, and other mandatory CEQA topics.

Comments Requested

Comments in response to this NOP should be provided to SANDAG at the earliest possible date but not later than 45 days after receipt of this notice (June 4, 2024). Your comments may be submitted in writing to SANDAG no later than **July 19, 2024**.

SANDAG is seeking input on the Draft EIR scope, including the alternatives under consideration and potential environmental effects. A public scoping meeting is scheduled on June 18, 2024, from 6:00 to 7:30 p.m., as noted below. Written comments should be sent to SANDAG, 401 B Street, Suite 800, San Diego, CA 92101, ATTN: Tim Pesce; via email with subject line "SDLRR Project NOP" to: LOSSANcorridor@sandag.org; or online at SANDAG.org/railrealignment. Comments may also be provided orally or in writing via the public scoping meeting.

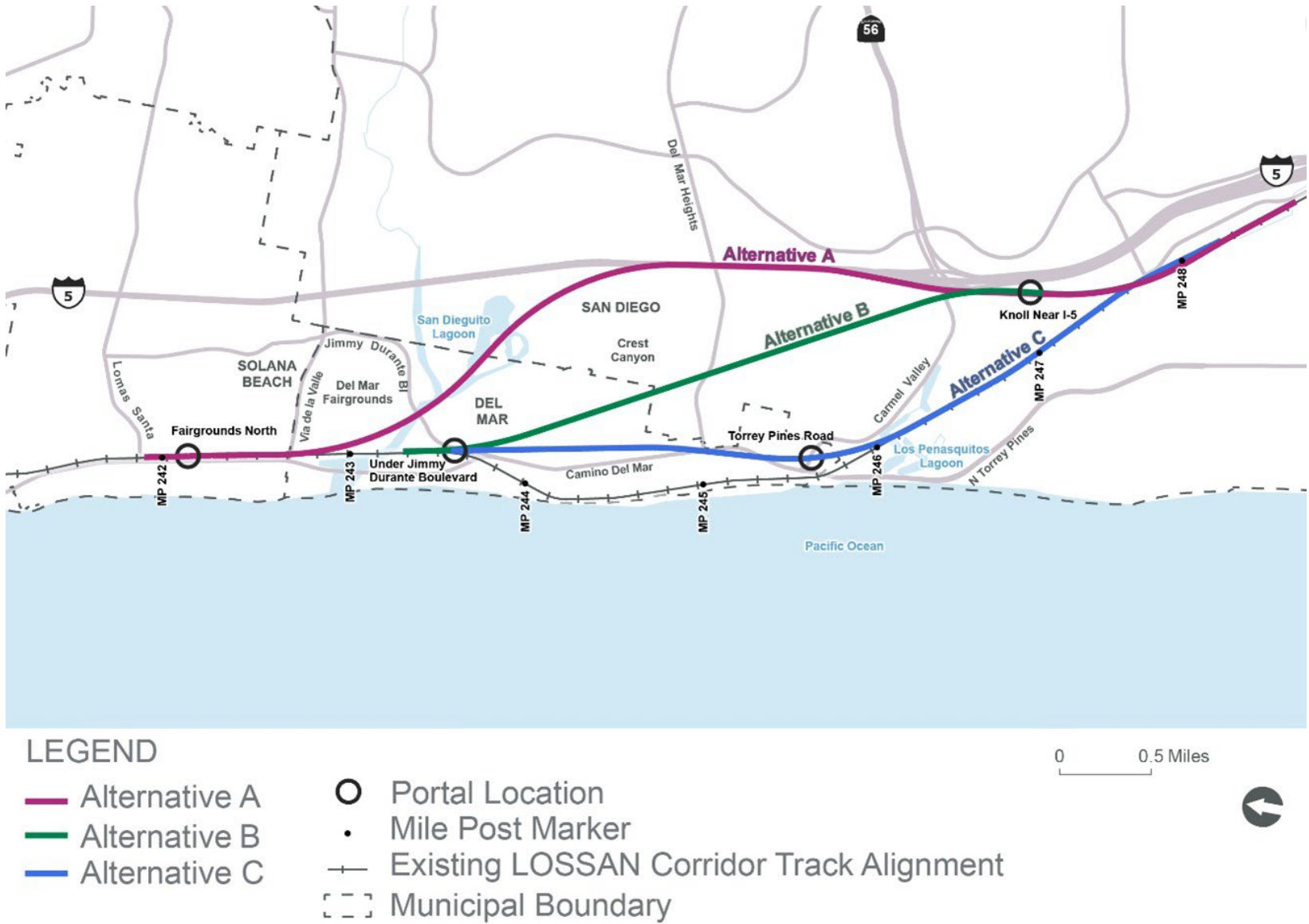
Public Scoping Meetings

Pursuant to Public Resources Code Section 21083.9, a public scoping meeting is scheduled for June 18, 2024, from 6:00 – 7:30 p.m. at the San Diego Marriott Del Mar, 11966 El Camino Real, San Diego, CA 92130.

Additional Information

For additional information regarding the SDLRR Project, the scoping period, or the environmental process, please contact LOSSANcorridor@sandag.org or visit SANDAG.org/railrealignment.

Figure 3. Three Project Alternatives



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Figure 4. Alternative A I-5 Alignment



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Figure 5. Alternative B Crest Canyon Alignment



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Figure 6. Alternative C Camino del Mar Alignment



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