



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

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

DATE: June 16, 2025

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

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council review the City's proposed comments (Attachment A) on the Updated Notice of Preparation of a Draft Environmental Impact Report for the San Diego LOSSAN Rail Realignment Project (Attachment B), provide any additional feedback, and direct staff to submit final comments to the San Diego Association of Governments (SANDAG) by the public comment deadline of June 20, 2025.

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.

Prior Notice of Preparation (NOP)

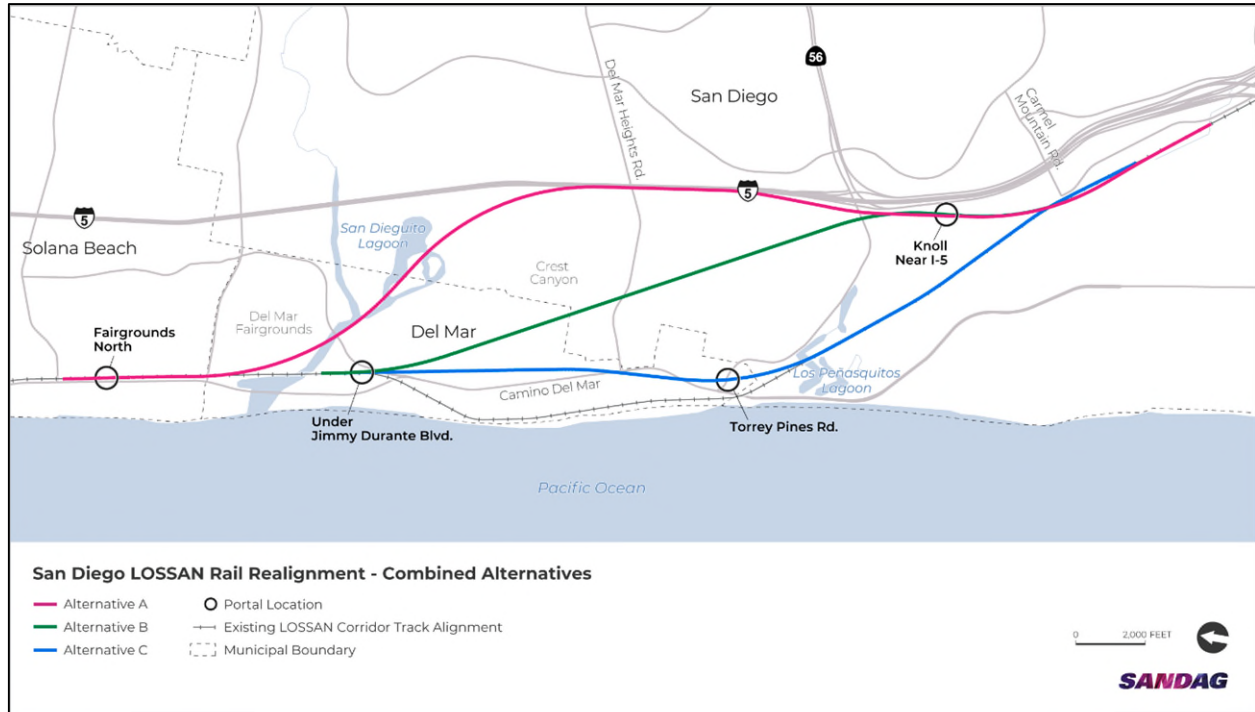
On June 4, 2024, SANDAG initiated the environmental review process for the Project, as required by the California Environmental Quality Act (CEQA), with the issuance of a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) that included a 45-day public comment period. The NOP is the preliminary step in the State's CEQA process that will determine the technical studies needed to develop a DEIR 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 2024 NOP included the following three proposed alignments and a "no build" alternative:

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

City Council Action:

The following map excerpted from the 2024 NOP shows the approximate locations of the proposed portal locations and three alignments at that time:



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>.

At the direction of the City Council, staff coordinated with City on-call environmental consulting firm SWCA Environmental Consultants, and 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. On July 16, 2024, the City Council approved the City's comment letter on the NOP, which is included as Attachment C.

Value Analysis Study

After the conclusion of the scoping period on July 19, 2024, SANDAG initiated a Value Analysis (VA) Study process involving representatives from SANDAG member agencies and other public agency stakeholders to gather further input on the proposed alternatives in the NOP and collaboratively develop other potential project alignments for consideration. The City of Del Mar, alongside multiple agencies, provided input via a series of workshops and meetings held between September and December 2024. The VA team identified key themes to be incorporated into updated Project Objectives that would inform the alternative concepts developed as part of the VA Study. The key themes include:

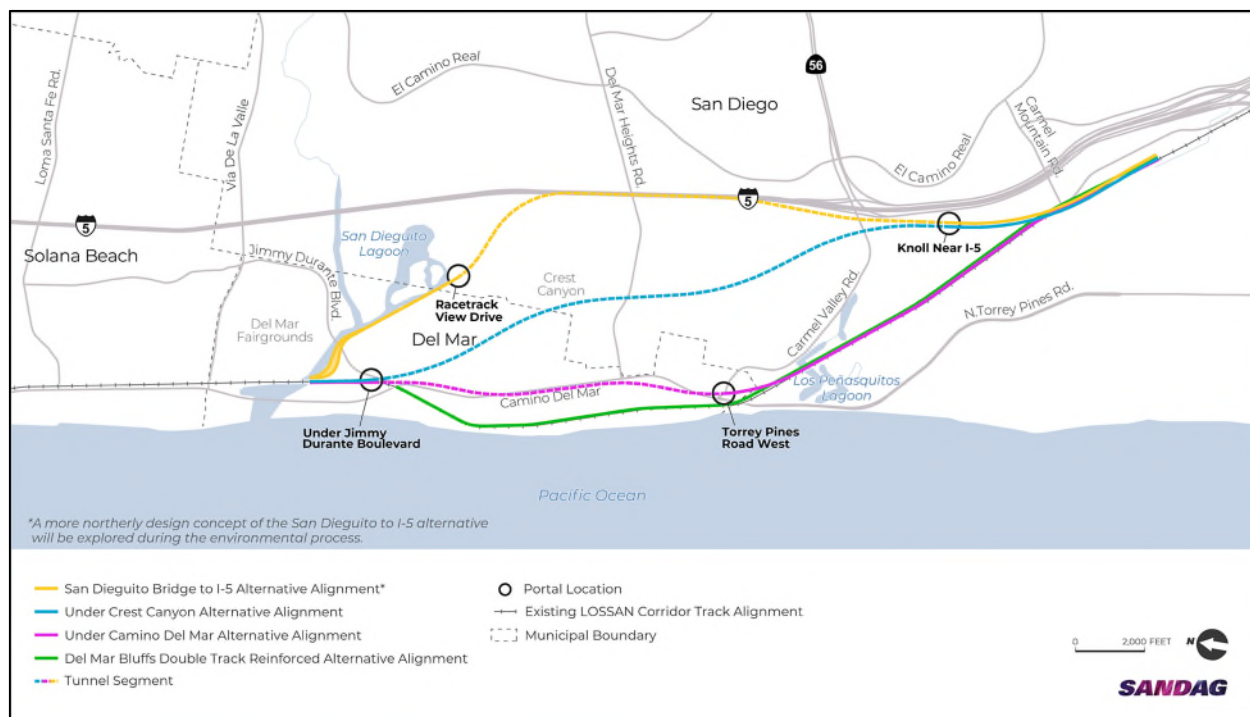
- Minimizing effects to private properties, including subsurface easements
- Minimizing disruptions to economic generators
- Demonstrating public stewardship by minimizing conflicts with prior and ongoing investments

The VA process resulted in the development of 16 alternative alignments, which included the three NOP alternative alignments and 13 new concepts. The Del Mar City Council received an informational presentation of the VA process and the additional alternative alignments identified by SANDAG staff at the Council meeting on February 18, 2025. A recording of the presentation is available on the City's website here:

<https://delmar.12milesout.com/video/meeting/e2a58716-e8e7-48be-aded-cf298e4b8ae8>.

The final VA Study Report is available on the SANDAG website and linked here: <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/lossan-realignment/sandag-lossan-rail-realignment-final-value-analysis-study-report-2025-02-07.pdf>.

Following the completion of the VA Study Report, SANDAG reviewed the 16 alternative alignments, as well as prior studies and public feedback, and proposed five rail alignment options—four realignments and one no-build option—to the SANDAG Board of Directors for consideration to advance for analysis in the DEIR. A map of the four alternative alignments is included below:



The City of Del Mar held a special City Council meeting on February 27, 2025, to address the VA Study Report and approve a City comment letter to the SANDAG Board (Attachment D). The letter expressed concerns about all four realignment options proposed by SANDAG staff.

On February 28, 2025, the SANDAG Board of Directors voted to move the proposed Project goals, objectives, and four alternative alignments, including a no build alternative, forward into the environmental review phase.

DISCUSSION/ANALYSIS:

Updated NOP

An Updated NOP (Attachment B) was released in May 2025, starting a 45-day scoping period to collect feedback. A public scoping meeting was held on May 29, 2025, at the Del Mar Fairgrounds. SANDAG is seeking input on the scope of the DEIR, with comments accepted through June 30, 2025.

City staff worked with the City Attorney and special legal counsel with CEQA expertise, Doug Carstens with Carstens, Black & Minter, LLP, to prepare the City's official draft comment letter to the Updated NOP, which is included as Attachment A. The draft comment letter addresses the City's concerns with the Project and the four alternative alignments and their adverse impact on the City of Del Mar. The letter asserts that given the disproportionate and significant potential impacts to the City, as well as SANDAG's lack of approval authority over the Project, the Lead Agency role, for the purpose of overseeing the environmental review of the Project, should be transferred to the City.

In addition, the letter addresses City concerns regarding the vague and incomplete project objectives, project description, and the insufficient level of detail provided for the four alternative alignments. The draft comment letter also notes that the current Project alternative alignments are deficient. The City, if it were the Lead Agency, would explore alternative solutions with the goal of avoiding significant impacts to the City. For these reasons, the letter includes a request for a meeting with SANDAG staff to discuss whether an agreement can be reached to transfer the Lead Agency role from SANDAG to City in lieu of going through the State's CEQA process.

Staff requests that the City Council review the proposed City comment letter, provide feedback or request changes, and direct staff to submit final comments to SANDAG by the public comment deadline of June 20, 2025.

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 San Diego LOSSAN Rail Realignment Project, is a Tier 1 City Council priority.

ATTACHMENTS:

- Attachment A – Draft City Comment Letter on the Updated LOSSAN Rail Realignment NOP
- Attachment B – SANDAG Updated Notice of Preparation
- Attachment C – 2024 NOP City of Del Mar Comment Letter
- Attachment D – City of Del Mar Value Analysis Study Report Comment Letter



CITY OF DEL MAR

June 16, 2025

DRAFT

San Diego Association of Governments (SANDAG)
 1011 Union Street, Suite 400
 San Diego, CA 92101
 ATTN: LOSSAN Comments

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

LOSSAN Rail Realignment Project Team,

This letter is respectfully submitted on behalf of the City of Del Mar (City) as approved by the Del Mar City Council on June 16, 2025.

The City has closely monitored the SANDAG LOSSAN Rail Realignment project (Project) since public outreach began in 2020, given its potential to significantly and negatively impact Del Mar's quality of life. City representatives participated in the 2024 Value Analysis (VA) process and have been a driving force in encouraging SANDAG to identify alternative alignments that mitigate potential impacts to the City to the maximum extent practicable. However, the fundamental issue at hand is that SANDAG is not the proper Lead Agency to oversee the preparation of a Draft Environmental Impact Report (DEIR) for the Project under the California Environmental Quality Act (CEQA). For SANDAG to continue in this role will ensure that the DEIR and the entire CEQA process are defective.

The City appreciates the opportunity to formally submit the following comments and concerns regarding the Project's Updated Notice of Preparation (NOP) for the DEIR that was issued by SANDAG on May 16, 2025. The Updated NOP includes revised Project goals and objectives, a description and alternative alignments to be analyzed in the DEIR; however, **this is a City role and not SANDAG's**.

The comments below 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 disproportionately and adversely impact our community's quality of life, tourism, local businesses, tax revenue, property values, and significantly impact our unique and sensitive coastal resources. Further, the Project's expansive environmental impacts have potential to forever alter the community character of our City, its history, and adversely impact our citizens' health and wellbeing. **Given these impacts and SANDAG's lack of approval authority over the Project, the Lead Agency role should be transferred to the City.** The City would like to discuss this transfer with SANDAG staff prior to seeking formal determination of the Lead Agency through the State's process.

I. SANDAG is Not the Proper Lead Agency under CEQA.

SANDAG is the incorrect Lead Agency for the Project, and as a consequence any further actions to advance the environment review of the LOSSAN project is invalid and prejudicial to CEQA. Under CEQA, SANDAG is the **least favored** Lead Agency because it is a special purpose district, has the least regulatory oversight, assumes no environmental consequences from its limited actions, and is not the first agency to issue land use or development permits. Instead, SANDAG is merely a project manager and banker of Federal funds, should they be granted for the Project, and a contract manager that oversees the consultants processing the environmental documentation and associated engineering studies. Nearly all local municipalities have these abilities.

Conversely, the City, its community members, businesses, and visitors will all be significantly impacted by the Project. Unlike other SANDAG projects, the Realignment Project is almost entirely within the jurisdictional boundaries of the City. Therefore, it is the City that will be most impacted by air toxic emissions, short- and long-term traffic impacts, public access blockages to the coastline, sensitive coastal and wetland resource impacts, vibration impacts to residents and businesses, noise impacts to homes and businesses, and residents will face significant condemnation proceedings, property devaluation, and loss of marketability of their homes and businesses.

The City will be required to amend its Local Coastal Program (LCP), Community Plan Amendment, Zone Code and Map Amendment, issuance of Coastal Development Permits, Design Review Permits, grading permits, tree removal permits, encroachment permits, grant land leases, and in some cases, issue building permits for the Project. SANDAG has none of these regulatory roles.

CEQA defines the criteria for determining what agency should serve as a Lead Agency (14 CCR Sec. 15051). A Lead Agency is different than a Responsible Agency in that they exercise control of the preparation of the Environmental Impact Report (EIR) and related documentation for the project. SANDAG has historically acted in the capacity of Lead Agency for rail and highway projects under the authority granted to them under Senate Bill 1703. (As codified in Cal.Gov. Code 29532.1 and Division 12.7 of the CA Pub. Utilities Code). However, Senate Bill 1703 does not grant SANDAG plenary powers to function as the Lead Agency in all circumstances.

As discussed below, Senate Bill 1703 recognizes that SANDAG “shall not have any authority over local land use decisions affecting permitting or zoning of public or private development projects.” (CA Gov. Code Sec. 132354.6). In summary, Senate Bill 1703 leaves zoning and other land use controls in the hands of local government. Having the City act as the Lead Agency is a recognition that the City will be disproportionately impacted by the Project, and a further realization that it is the City who is the first to act in approving or denying several significant permits, zoning, and Local Coastal Program approvals.

A. SANDAG Cannot Override Local Land Use Control or Act As the CEQA Lead Agency in all Cases.

The powers granted to SANDAG under SB 1703 include the following:

1. Sue and be sued;

2. To acquire any property by any means, and to hold, manage, occupy, develop, jointly develop, dispose of, convey, or encumber property;
3. To create a leasehold interest in property for the benefit of the consolidated agency;
4. To acquire, by eminent domain, any property necessary to carry out any of its powers or functions;
5. To merge or split parcels, adjust boundary lines, or take similar actions as part of the acquisition of land or as needed in order to carry out its functions;
6. To construct, acquire, develop, jointly develop, maintain, operate, lease, and dispose of work, property, rights-of-way, and facilities; and
7. To enter into and perform all necessary contracts, and to do any other things to carry out the purposes of this chapter. (CA Gov. Code Sec. 132354).

However, none of the powers listed above state that SANDAG is specifically granted Lead Agency status under CEQA. More importantly, Section 132354.6 states: “*Except as otherwise provided by law, [SANDAG] shall not have any authority over local land use decisions affecting permitting or zoning of public and private development.*” (CA Gov. Code Sec. 132354.6). Therefore, the conflicting provisions of SB 1703 and CEQA allow the City to assert that it should function as the CEQA Lead Agency. Further, the courts have the determination of Lead Agency as a procedural question subject to independent review. (Planning & Conservation League v. Department of Water Resources (2000) 83 Cal.App.4th 892,905-906). Improperly acting as Lead Agency is a failure to proceed in the manner required by law and an abuse of discretion. (PCL v. DWR, supra, 83 Cal.App.4th at 912).

B. Criteria for Identifying the Lead Agency.

CEQA provides the criteria for determining the Lead Agency when there is a dispute between two agencies seeking to function as the Lead Agency. Where two or more public agencies will be involved with a project, the determination of which *agency* will be the Lead Agency shall be governed by the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

(1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

(2) Where a city prezones an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the pre zoning. The local agency formation commission shall function as a Responsible Agency.

(c) Where more than one public agency equally meets the criteria in subdivision (b), the agency which will act first on the project in question will normally be the Lead Agency.

(d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the Lead Agency, the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

The City has compelling arguments for functioning as the Lead Agency or having similar oversight rights of a Lead Agency. The City faces irreparable harm from the alternative alignments as currently proposed for the Project.

The City also has significant approval authority over the Project because it will have to amend its LCP, Community Plan, Zoning Code and Map, issue Coastal Development, Design Review, grading, building, encroachment, and tree removal permits, and approve a host of other zoning changes.

C. Request for Formal Lead Agency Consultation.

Therefore, the City formally requests a consultation with SANDAG's senior management team to resolve any dispute that it may have with the City acting as the Lead Agency for the Project.

II. The Public Works Exception Under the California Coastal Act does not Apply to the Project.

SANDAG may not legitimately assert that the City has lost regulatory control over the Project because of the public works project exception under the California Coastal Act. The public works project is a narrowly applied provision of the California Coastal Act that allows for a public works project to override local LCPs for the greater good of the community.

Relevant section of the Coastal Act:

“Any person authorized to undertake a project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

“If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.” (Calif. Coastal [§ 30515.](#))

In 2014, the California Coastal Commission approved a North Coast Corridor Public Works Plan for SANDAG, and one of its many features included rail upgrades, such as double tracking along the current rail footprint. It did not, however, include the alternative alignments currently proposed for environmental review in the DEIR. Further, SANDAG did not follow the procedures established in Section 30515 of the Coastal Act of first seeking the City's approval of an LCP amendment.

For SANDAG to effectively use the North Coast Corridor Public Works Plan to override the City's LCP, the EIR/EIS would have to be certified and then SANDAG would submit an LCP amendment to the City. Should the City deny the LCP amendment, then SANDAG could appeal the denial to the California Coastal Commission for consideration. SANDAG has not met these regulatory requirements to effectively use the Public Works Plan to override the City's LCP.

In summary, the California Coastal Commission's approval of the 2014 North Coast Corridor Public Works Plan does not override the City's authority under the Coastal Act to issue an LCP amendment for the Project. It is worth noting that the 11-year-old plan does not reflect the alternative alignments currently proposed, and in 2014, SANDAG failed to follow the necessary procedures to *first* submit an LCP amendment to the City prior to submitting the plan to the Coastal Commission for approval. These procedural failures and the fact that the 2014 North Coast Corridor Public Works Plan does not reflect the currently proposed alternative alignments voids the application of that plan to the Project.

III. The Project Objectives Place Rail Operations Above the Protection of Coastal Resources.

The first project objective is to improve reliability of rail service at the expense of the City's businesses, residents, and the natural environment. This is highlighted by the fact that the goal is to "minimize negative effects" or "minimize impacts" to coastal resources or homes and businesses. CEQA's role is to reduce significant environmental impacts to below a level of significance. (Public Resources Code Sec. 21081; CEQA Guidelines Sec. 15021). Placing operational efficiency above the protection of the natural environment is contrary to the principles of CEQA.

IV. The Project Objectives are Unclear and Incomplete.

The project goal and objectives included in the Updated NOP appear to place operational objectives before that of protecting the Del Mar community while the objectives state that the Project will minimize impacts to homes, businesses, and to natural resources it appears that any operational concern can override these impacts and that is not what CEQA requires. It further appears that the operational objectives could unfairly limit or unduly constrain the proposed alternative alignments making the protection of the Del Mar community a secondary concern rather than a primary concern of SANDAG. In sum, the Updated NOP's objectives predetermine the outcome of the DEIR, and consequently, could forever change the character of our City.

As the City stated in its comments to the 2024 NOP, the objectives provide no definitive method of comparing the environmental impacts of the Project alternatives with one another or provide a means to fairly weigh which objectives have precedence over another alternative this is because the operational objectives appear to override community and environmental impacts. 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 on residents and businesses, property value impacts, and timing

considerations. Also missing in the objectives are the avoidance and/or minimization of negative impacts on air quality and public health and safety. Nowhere in the objectives is public health seriously considered. If an alternative places our residents at risk from toxic air pollution it should be disregarded from the outset.

Determining the relative weight of an objective from the onset of the EIR process is foundational to transparency, not providing this decision-making framework before the DEIR is released for public review obscures the value of the objectives and leaves these decisions to staff alone.

The objectives should also include the relative impacts to the character of the coastal communities. At present only the City of Del Mar is being asked to bear all the adverse impacts of the Project when compared to other coastal communities. In sum, the objectives fail to take into consideration the impacts on each coastal community or city and the objectives should place the historic and unique character of each impacted coastal community above operational efficiencies.

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

The City remains concerned with SANDAG's approach of advancing multiple concepts (in this case, four alternative alignments including the "no build" option) for analysis in the DEIR without a clearly defined "Project Description" and without sufficient detail to understand the precise location of each of the alternatives. The Updated NOP continues to speak in terms of alternatives and fails to identify the actual project. Alternatives, under CEQA, are required to lessen the environmental consequences of the Project. Here, there is no single identified Project, just various alternatives. This basic failure further demonstrates why SANDAG should not be the Lead Agency.

CEQA requires a "proposed project" to be identified along with a "range of reasonable alternatives" to that proposed project. (*Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 290 ["The presentation of five very different alternative projects in the DEIR without the designation of a stable project was an obstacle to informed public participation"].) 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 in any meaningful way to the potential impacts of the project because there has been no identification of the proposed project. (*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 the four proposed alignments, and to numerous options for portal locations. SANDAG staff's recommendations to the Board of Directors identifies alternatives, but not the required proposed "bona fide" project. (CEQA Guidelines Sections 15378 and Section 15126.6).

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.

VII. There is no Federal Lead Agency.

SANDAG has yet to name their federal partner, which is critically important. The Project cannot proceed without federal funding and federal authorization. Failure to identify this federal partner will lead to a defective EIR because once an EIS is drafted, it is likely to contradict or add new evidence of impacts that are new or different than what the EIR evaluated. SANDAG, and more properly, the City should not proceed with the CEQA process until such time that a federal Lead Agency and a federal funding commitment has been made. Failure to secure a federal Lead Agency and associated funding is a prerequisite to proceeding with CEQA otherwise SANDAG is wasting valuable City and public resources. Finally, it is clear by federal statute that the Surface Transportation Board has plenary authority over rail expansion projects, yet they have to date shown no interest in the LOSSAN project. SANDAG is not entitled to shop for a favorable federal Lead Agency they are instead required to follow the regulations of the agency that has jurisdiction of major federal actions. (49 C.F.R. Part 1105).

VIII. The Range of Alternatives are Deficient.

The four alternatives do not provide solutions to the unprecedented impacts that the City will be asked to absorb. The City as a Lead Agency would explore solutions that avoid all impacts to the City and more directly connect to the I-5 corridor. Alternatives that transit through the City are not acceptable. Alternatives that result in significant condemnation proceeding are equally not acceptable. Yet, no alternatives were presented that avoid these profound impacts. In the below we provide a few summary comments as it relates to each of the four alternatives. However, SANDAG has again failed to identify a single proposed Project, and to substitute multiple alternatives does not solve the need to actually define the project.

- San Dieguito Bridge to 1-5 Alignment: This 6.8-mile alternative that follows the lagoon along an elevated bridge to a cut and cover tunnel and then transitions to an undergrounding project has significant promise to reduce community impacts to the City. However, the key question left unaddressed is will this alternative be acceptable to the resource agencies given its proximity to protected wetlands? Should this alignment intrude into wetlands, how viable is this alternative? Moreover, the elevated bridge along the lagoon will impact protected public views to the coastline. The route could become more acceptable if it was contained fully in an underground tunnel or if the alignment was directed further away from protected wetlands and the community.

- Under Crest Canyon Alignment: This alternative includes a north portal location that would require eminent domain to take private property and result in significant short-term and long-term impacts to Jimmy Durante Boulevard. This roadway is one of the City's main arterial roadways and would cause major disruption to the entire City's roadway system. Finally, this alternative continues to require subsurface easements.
- Under Camino Del Mar Alignment: This alignment includes north and south portal locations in the City that require eminent domain of private property. Like the "Under Crest Canyon" alternative, this alignment would result in significant short-term and long-term impacts to Jimmy Durante Boulevard. Again, subsurface easements would also be required.
- Del Mar Bluffs Double Track Reinforced Alignment: This alternative would result in significant and permanent impacts to protected and sensitive coastal resources, and the removal of permitted private encroachments in North County Transit District (NCTD) right-of-way. Environmental permitting of this alignment would face significant challenges. Again, it is worth noting that this alternative was previously studied and dismissed as infeasible for the reasons described above.

We appreciate the opportunity to comment on the NOP for the San Diego LOSSAN Rail Realignment Project and look forward to our discussion concerning the transfer of Lead Agency functions to the City.

Sincerely,

Terry Gaasterland
Mayor

cc: Del Mar City Council
Ashley Jones, Del Mar City Manager
Mario Orso, SANDAG Chief Executive Officer
Maria Rodriguez Molina, SANDAG Director of Mega Projects, Border, and Goods Movement

Updated Notice of Preparation of a Draft Environmental Impact Report

May 16, 2025

Subject

Updated 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 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 continuing to initiate the preparation of a Draft EIR for the SDLRR Project and is issuing this Updated NOP to reflect outreach conducted to date and solicit additional input on the Project, including alternatives under consideration and environmental effects. SANDAG is preparing an Environmental Impact Report for the Project and 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 relied upon by the agency to satisfy CEQA obligations).

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.

Prior Notice of Preparation and Subsequent Public Input

On June 4, 2024, SANDAG initiated formal environmental review of the SDLRR Project under CEQA, with the release of a NOP of a Draft EIR for the Project. The NOP identified three proposed build alternative alignments for consideration in an EIR, in addition to a No Project Alternative. SANDAG's release of the NOP initiated a Draft EIR scoping period under CEQA which lasted through July 19, 2024, and sought to solicit public and stakeholder input on the alternatives identified.

Results of Public and Stakeholder Input – In response to feedback received during the scoping period and feedback from the SANDAG Board of Directors, SANDAG initiated a Value Analysis (VA) Study process comprised of representatives from SANDAG member agencies and other public agency stakeholders to gather additional input on the proposed alternatives included in the NOP and collaboratively brainstorm ideas for other potential project alignments. The VA Study was completed via a series of workshops and meetings between September and December 2024 with representatives from the cities of Carlsbad, Del Mar, Encinitas, San Diego, and Solana Beach; the 22nd District Agricultural Association (Del Mar Fairgrounds); the California Department of Transportation (Caltrans); and the North County Transit District (NCTD). The San Diego Metropolitan Transit System and City of Oceanside were invited but declined to participate. The VA Study was a collaborative and technically driven process, leveraging the knowledge of the multidisciplinary VA team,

including subject matter experts and stakeholders, with the goal of providing a fresh look at alternative concepts that would address the challenges that sea level rise and the eroding Del Mar bluffs pose to the reliability of passenger and freight service on the bluffs.

Throughout this process, the VA team stressed the following themes: desire to minimize risks from sea level rise and negative effects on biological resources and communities. The VA team also stressed the importance of public stewardship, including preserving prior and ongoing investments in the LOSSAN corridor and considerations on the cost of constructing and maintaining the Project. The VA team also provided the following input:

- Interest was noted for alignments to focus on minimizing effects to private property, including subsurface easements.
- Interest in exploring alignments that did not require portals, including an option that would keep the railroad tracks on the bluffs, as well as alignments with slower design speeds.
- Interest, consistent with feedback received during outreach efforts in 2023 and comments on the June 2024 NOP, to continue to study an Interstate 5 (I-5) alignment that is similar to alignments identified in prior studies (e.g., 2007 LOSSAN Programmatic EIR/EIS, 2023 Alternatives Analysis).
- Desire to minimize disruptions to economic generators, such as the Del Mar Fairgrounds and minimize conflicts with prior and ongoing infrastructure investments.

Collectively, these themes and input were incorporated into the updated Project objectives and the alternative concepts developed as part of the VA Study. Upon conclusion of the VA Study, staff applied the themes to the four alternatives described under the “Project Description” heading. The Final VA Study Report is available on the project [website](#).

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 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. NCTD 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 projects proposed in San Diego County. As the County’s 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.

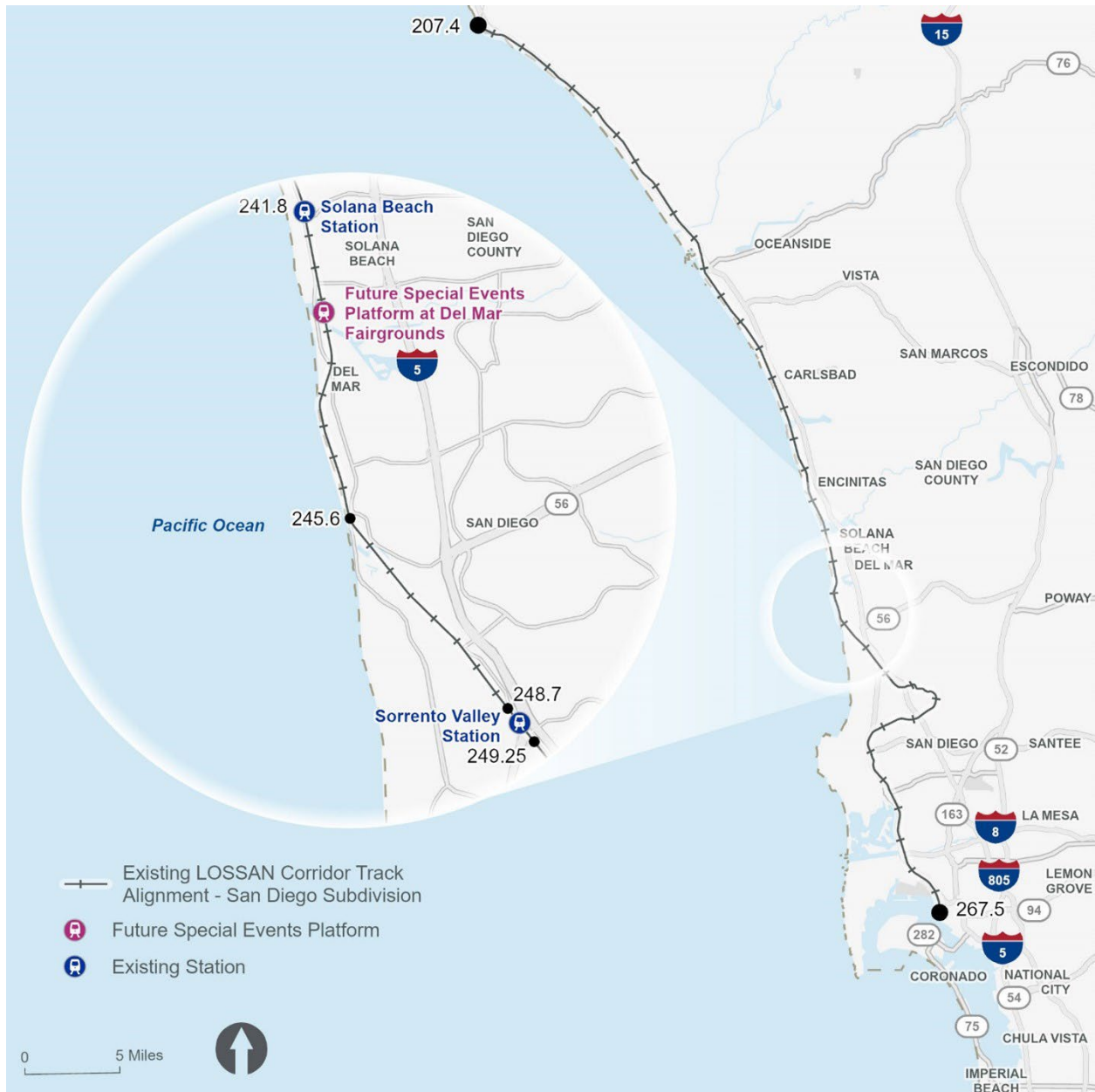
The segment of the San Diego Subdivision within the SDLRR Project area has experienced temporary closures and speed reductions resulting from bluff collapses, erosion, and repair work to stabilize the bluffs and protect the rail corridor from more substantial erosion effects. Four bluff stabilization 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, multiple 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 (CCC) has required that SANDAG evaluate the removal of stabilization infrastructure prior to the expiration of the term of CCC approvals as part of their conditions of approval for current stabilization work. Further stabilization and emergency repair projects are likely to be required until the rail corridor is relocated from the coastal bluffs, or a more long-term structurally fortified solution is provided.

Study Area

The Project is located within portions of the cities of Del Mar and San Diego, as depicted on Figure 1. The Project study area begins at the future Special Events Platform that will be constructed as part of the San Dieguito Double Track Project 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 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 and 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 and double tracking the San Diego Subdivision in the Project study area through the cities of Del Mar and San Diego.

- In **2007**, 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 CCC unanimously approved the *North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP)*³. 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](#)

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://dot.ca.gov/caltrans-near-me/district-11/programs/district-11-environmental/i-5pwp-toc/overview#Introduction>

[Mar Fairgrounds and Sorrento Valley](#)⁴ 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.

- In **September 2018**, Caltrans released the [2018 California State Rail Plan](#)⁵, 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](#)⁶, 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 CCC issued a Federal Consistency Certification (No. 0005-21) for the Del Mar Bluff Stabilization V project, which required SANDAG to evaluate 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](#)⁷, 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

⁴ 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>

⁵ Web Page: <https://dot.ca.gov/programs/rail/2018-california-state-rail-plan>

⁶ Web Page: <https://www.sandag.org/regional-plan/2021-regional-plan/final-2021-regional-plan>

⁷ PDF: <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/del-mar-bluffs-stabilization/lossan-sdsdvt-alternatives-analysis-2023-09-01.pdf>

conceptual alignments were considered at a high level to demonstrate potential connections between various portal locations.

- In **May 2024** SANDAG released the [Alignments Screening Report](#)⁸, which documented, assessed, and incorporated into the formal environmental review process for the SDLRR Project the alignments developed as a result of previous planning studies, additional design, and public engagement in advance of the commencement of the formal environmental review process. The report recommended a subset of alignments for inclusion in the June 2024 NOP for the SDLRR Project for further input on the Draft EIR scope and the alignments identified in the NOP.
- In **June 2024** SANDAG released the [NOP](#)⁹ which initiated formal environmental review of the SDLRR Project under CEQA. The NOP identified three proposed alternative alignments for consideration in the Draft EIR, and a No Project Alternative.
- In **January 2025** Caltrans released the final [2024 California State Rail Plan](#)¹⁰, which states “The rail line around San Clemente and the Del Mar bluffs in California is a scenic and crucial segment of the coastal rail corridor, connecting the southern Orange County area to San Diego, and facing ongoing challenges related to erosion and environmental concerns. The State views improving the resiliency in these areas as absolutely critical...” It goes on to recognize relocation of the tracks off the bluffs in Del Mar as a potential way to permanently improve climate resiliency and commits to providing funding and working to streamline the delivery of priority projects in this key corridor.
- In **February 2025** SANDAG released the [Final Value Analysis Study Report](#)¹¹, which documented the VA Study that was completed via a series of workshops and meetings with representatives from the cities of Carlsbad, Del Mar, Encinitas, San Diego, and Solana Beach; the Del Mar Fairgrounds; Caltrans; and NCTD from September through December 2024. The VA Study was a collaborative process leveraging the knowledge of the multidisciplinary VA team to brainstorm ideas for potential project alignments and other refinements to the Project. The VA Study Report is a summary of the VA Study and presents the ideas, suggestions, and alternative concepts developed and evaluated collaboratively by the VA team.
- In **May 2025** SANDAG released the [San Diego LOSSAN Rail Realignment Project Post Value Analysis Study Assessment](#)¹², which documented the steps taken by SANDAG staff following the VA Study. The outcomes of the VA Study Report helped inform SANDAG staff considerations of potential alternative concepts and refinements. This

⁸ PDF: <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/lossan-realignment/sd-lossan-rail-realignment-screening-2024-06-03.pdf>

⁹ PDF: <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/lossan-realignment/sd-lossan-rail-realignment-nop-2024-06-03.pdf>

¹⁰ Web Page: <https://dot.ca.gov/programs/rail/california-state-rail-plan>

¹¹ PDF: <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/featured-projects/lossan-rail-improvements-del-mar-bluffs/lossan-realignment/sandag-lossan-rail-realignment-final-value-analysis-study-report-2025-02-07.pdf>

¹² PDF: <https://www.sandag.org/sdlrrpostvastudyassessment>

document summarizes the SANDAG staff recommendation, based on information gained during the VA Study.

Public Outreach

Leading up to and following the release of the June 2024 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
- April 19, 2024: Oceanside Transit Center
- April 22, 2024: Encinitas Transit Center
- April 26, 2024: Solana Beach Transit Center
- April 30, 2024: Solana Beach Transit Center
- May 3, 2024: Old Town Transit Center
- May 14, 2024: Carlsbad Village Transit Center
- May 17, 2024: 12th and Imperial Transit Center
- June 1, 2024: Del Mar Farmer’s Market
- June 5, 2024: Solana Beach Transit Center
- June 7, 2024: Solana Beach Transit Center
- June 11, 2024: Solana Beach Transit Center
- June 18, 2024: Public Scoping Meeting
- June 26, 2024: Solana Beach City Council Meeting
- June 28, 2024: Carlsbad Village Station
- July 10, 2024: Encinitas Transit Center
- July 16, 2024: Oceanside Transit Center
- July 18, 2024: SANDAG presentation to NCTD Board of Directors
- July 26: Solana Beach Transit Center
- February 11, 2025: SANDAG presentation to 22nd District Agricultural Association (i.e., Del Mar Fairgrounds) Board meeting
- February 12, 2025: SANDAG presentation to Solana Beach City Council
- February 13, 2025: Solana Beach Office Hours

- February 18, 2025: SANDAG presentation to Del Mar City Council
- February 19, 2025: Del Mar Public Information Session
- February 20, 2025: SANDAG presentation to Torrey Pines Community Planning Board
- February 28, 2025: SANDAG Board of Directors meeting

Project Goal and Objectives

The Project goal is as follows:

- To maintain and enhance passenger and freight service along the San Diego segment of the LOSSAN rail corridor.

The Project objectives are as follows:

- Improve rail service reliability by minimizing risks from climate change, including consideration of sea level rise, flooding, and the stability of the coastal bluffs.
- Maintain passenger rail service to Solana Beach and Sorrento Valley and accommodate direct rail access to the 22nd District Agricultural Association (Del Mar Fairgrounds) while minimizing disruptions to passenger and freight service during construction.
- Minimize impacts to existing homes, businesses, tourism, and major economic generators, including the Del Mar Fairgrounds, and transportation facilities during and after construction.
- Avoid and/or minimize negative effects, and where possible enhance biological, cultural, and recreational resources of national, state, or local significance, including publicly owned parks, recreational trails, 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 2024 California State Rail Plan by increasing passenger and freight train capacity, further reducing travel times, improving reliability, and considering existing and planned investments.
- Improve coastal access and safety by eliminating at grade railroad crossings and minimizing points of interaction between rail and all other modes of transportation.
- Demonstrate good public stewardship by delivering the project in a timely way that considers prior and ongoing investments, construction, right-of-way, operations, and maintenance costs.

Project Description

SANDAG proposes to improve resiliency and reliability of the segment of the San Diego Subdivision within the cities of Del Mar and San Diego where the rail line runs along a terrace on the eroding coastal bluffs. This includes double tracking the alignment between the future Special Events Platform that will be constructed as part of the San Dieguito Double Track Project in the City of Del Mar and the north end of Sorrento Valley in the City of San Diego. The improved resiliency and double tracking of the alignment would reduce reliability risks caused by bluff erosion and provide greater track capacity for trains that use the corridor, enabling projected increases in service and minimizing conflicts with pedestrians. The Project may include removal of existing stabilization infrastructure, consistent with the CCC'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 Project goal and 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, community engagement, comments received during the 2024 NOP scoping period, and the VA Study, in addition to the No Project alternative, four alternative alignments are proposed for analysis in the Draft EIR, as depicted on Figure 3. Of the four alternative alignments, three include a tunnel and have common components including a north and south portal, a bored tunnel connecting the portals, and double tracking of the rail line. These common components are described below under the heading “Tunnel Alternatives”. The fourth alternative alignment does not include a tunnel or portals and is described below under the heading “Non-Tunnel Alternative”.

The alignment types and infrastructure components defined in the callout box and depicted on Figure 2 are applicable to multiple of the alternative alignments.

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.

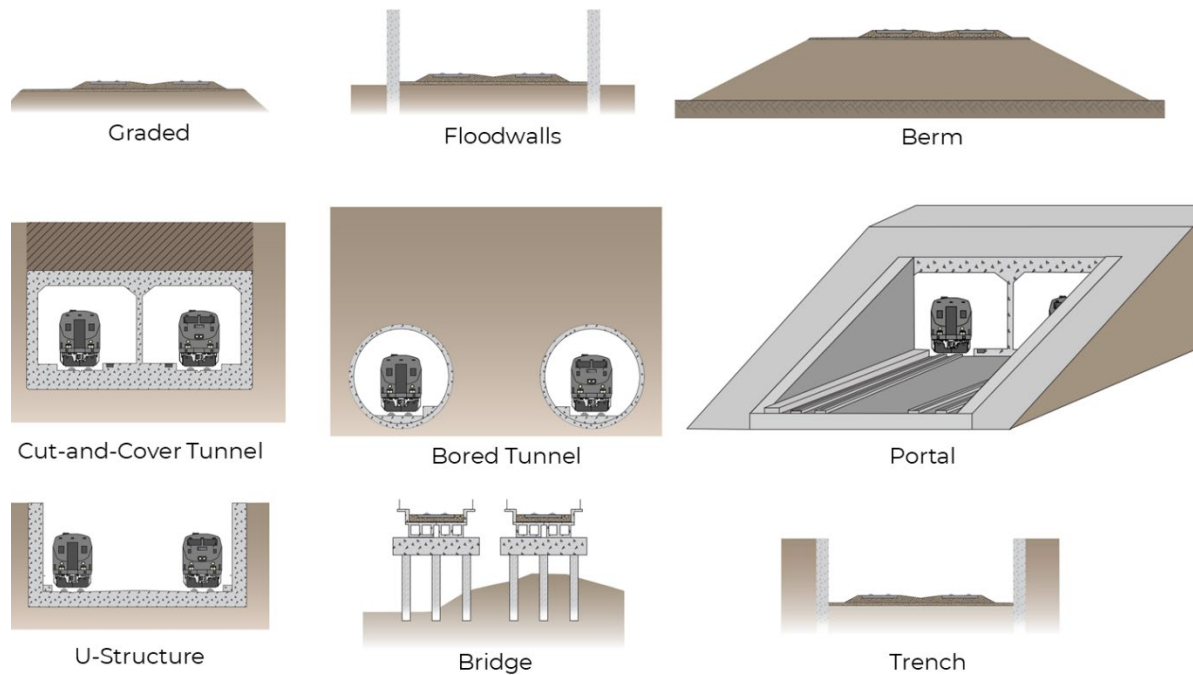
Bored tunnel: a circular shaped tunnel that is constructed using a tunnel boring machine that digs or bores through the earth without removing the ground above.

Portal: entrance to the tunnel.

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

Trench: a depressed section which is excavated from the surface that is typically protected with retaining walls.

Figure 2. Project Alignment Types and Infrastructure Components



Tunnel Alternative Alignments

The three tunnel alternative alignments are (1) San Dieguito Bridge to I-5 Alternative Alignment; (2) Under Crest Canyon Alternative Alignment; and (3) Under Camino Del Mar Alternative Alignment. Each alternative alignment is described below and includes the following components:

- Removal of existing rail infrastructure (e.g. rail track, ties, and ballast) on areas no longer needed after track relocation (timing of removal dependent on coordination with, and approval by, the rail owner and operators)
- 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 CCC's certification of Federal Consistency Certifications

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.

Racetrack View Drive

This proposed portal would be located east of Crest Canyon Trail and south of Racetrack View Drive. The portal infrastructure would be located within the northern portion of Crest Canyon Open Space Park.

South Portals

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

Torrey Pines Road West

This proposed portal would be located near the intersection of Carmel Valley Road and North Torrey Pines Road. The portal infrastructure would be located on the southside of Carmel Valley Road.

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.

San Dieguito Bridge to I-5 Alternative Alignment:

As depicted on Figure 4, the San Dieguito Bridge to I-5 Knoll Alternative has two design variations that will be evaluated at the northern extent. One variation would transition from the south end of the future San Dieguito Double Track Project bridge and the other would transition from the south end of the future Special Events Platform. Both options would curve to the east toward the intersection of Jimmy Durante Boulevard and San Dieguito Drive. The alignment would be on a bridge located adjacent to the south side of San Dieguito Lagoon. The alignment would pass over Jimmy Durante Boulevard and continue over Racetrack View Drive on a bridge and then enter the Racetrack View Drive North Portal. The alignment would continue southeast 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.

During the post-VA Study period, SANDAG also conducted outreach in stakeholder communities. During those events, stakeholders described a more northerly variation of this alternative alignment. Staff will explore this design concept during the environmental process.

Under Crest Canyon Alternative Alignment:

As depicted on Figure 5, the Under Crest Canyon Alternative Alignment is approximately 5.1 miles in length and would descend immediately south of the future San Dieguito Double Track Project bridge that spans over the San Dieguito Lagoon and enter the Under Jimmy Durante Boulevard North Portal, then continue south, following under Crest Canyon, and exit at the Knoll Near I-5 South Portal. The tracks would then rise above ground as it transitions back into the existing railroad alignment north of the Sorrento Valley Station.

Under Camino Del Mar Alternative Alignment:

As depicted on Figure 6, the Under Camino Del Mar Alternative Alignment is approximately 4.9 miles in length and would descend immediately south of the future San Dieguito Double Track Project bridge that spans over the San Dieguito Lagoon and enter the Under Jimmy Durante Boulevard North Portal. This alternative would continue south, following mostly under Camino Del Mar, and exit at the Torrey Pines Road West South Portal, on a 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.

Non-Tunnel Alternative Alignment

Del Mar Bluffs Double Track Reinforced Alternative Alignment

The non-tunnel alternative alignment, referred to as the Del Mar Bluffs Double Track Reinforced Alternative Alignment, includes the following components:

- Construction of a second railroad track adjacent to the existing line on the Del Mar bluffs
- Construction of a trench and retaining walls
- Construction of bluff stabilization elements, including new and expanded seawalls
- Construction of new and/or retrofit of existing bridge structures
- 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 the trench excavation activities onto beach(es) or near shore, in the vicinity of the study area
- Grade separation of the rail line under Coast Boulevard

As depicted on Figure 7, the Del Mar Bluffs Double Track Reinforced Alternative Alignment would begin south of the Camino Del Mar roadway bridge and descend into a trench along the existing railroad alignment to the south and pass under Coast Boulevard removing the existing at-grade roadway crossing (i.e., railroad grade separation). The grade separation would also require raising Coast Boulevard to provide the necessary clearance. This alternative would continue south ascending to grade along the existing railroad alignment with grading and drainage improvements. This segment would require retaining walls along the eastern boundary. On the western side, adjacent to the beach, this alternative would include slope stabilization, including approximately 1.5 miles of sea walls up to approximately 20 feet in height. This alternative alignment would expand and increase the size of the existing stabilization infrastructure. The existing North Torrey Pines Road Overhead Bridge at the southern end of the bluffs may require modifications to accommodate the additional track. South of this bridge, the alternative would continue south on bridge and widened berm over 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.

No Project Alternative

The No Project Alternative would consist of the continuation of an existing single-track alignment along the bluffs that would require the continuation of major stabilization efforts to protect the tracks. The stabilization efforts would require the continued use and possible expansion of the existing stabilization infrastructure.

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 (May 16, 2025). Your comments may be submitted in writing to SANDAG no later than **June 30, 2025**.

SANDAG is seeking input on the Draft EIR scope, including the alternative alignments under consideration and potential environmental effects. A public scoping meeting is scheduled on May 29, 2025, from 6:00 to 7:30 p.m., as noted below. Written comments should be sent to SANDAG, 1011 Union Street, Suite 400, San Diego, CA 92101, ATTN: LOSSAN Comments; via email with subject line “SDLRR Project NOP” to: LOSSANcomments@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

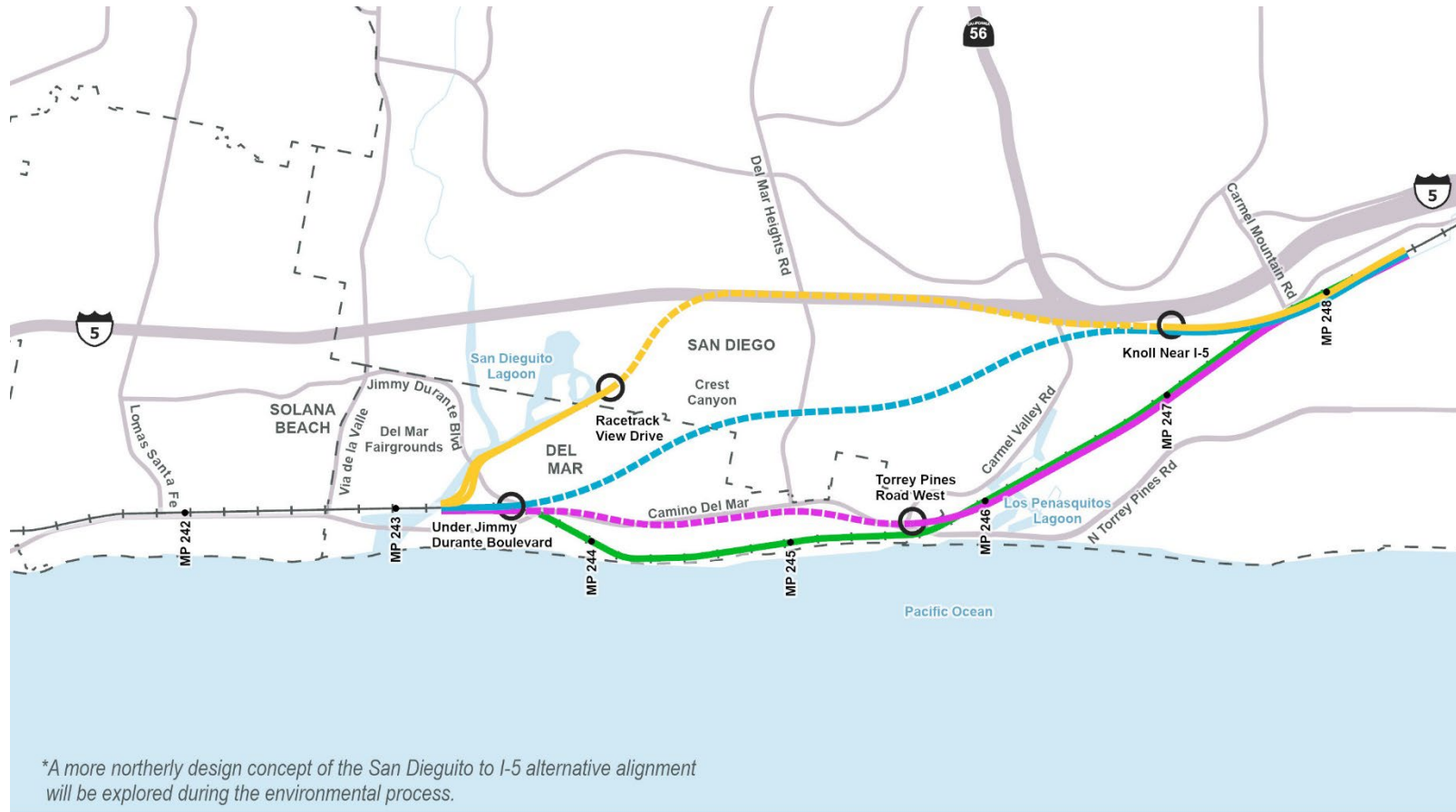
Pursuant to Public Resources Code Section 21083.9, a public scoping meeting is scheduled for May 29, 2025, from 6:00 p.m. to 7:30 p.m. at The Sound at the Del Mar Fairgrounds, 2260 Jimmy Durante Boulevard, Del Mar, CA 92014.

Additional Information

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

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Figure 3. Four Project Alternative Alignments



- San Dieguito Bridge to I-5 Alternative Alignment*
 - Under Crest Canyon Alternative Alignment
 - Under Camino Del Mar Alternative Alignment
 - Del Mar Bluffs Double Track Reinforced Alternative Alignment
 - - - Tunnel Segment
 - Portal Location
 - Mile Post Marker
 - Existing LOSSAN Corridor Track Alignment
 - Municipal Boundary
- 0 0.5 Miles ↻

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Figure 4. San Dieguito to I-5 Alternative Alignment



- Bored Tunnel
 - Cut-and-Cover Tunnel
 - Bridge
 - Floodwalls
 - Graded
 - U-Section
 - Tunnel Segment
 - Portal Location
 - Mile Post Marker
 - ++ Existing LOSSAN Corridor Track Alignment
 - Municipal Boundary
- 0 0.5 Miles

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Figure 5. Under Crest Canyon Alternative Alignment



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Figure 6. Under Camino Del Mar Alternative Alignment



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Figure 7. Del Mar Bluffs Double Track Reinforced Alternative Alignment



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CITY OF DEL MAR

July 19, 2024

San Diego Association of Governments (SANDAG)
 401 B Street, Suite 800
 San Diego, CA 92101
LOSSANcorridor@sandag.org
 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 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 adversely impact our community’s quality of life, tourism, local businesses, tax revenue, 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 SANDAG omitted the identification of the relevant federal agency. 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 regarding 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 and businesses, 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 a 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 the adverse impacts of the Project when compared to other 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.

Impacts to be Addressed During Construction:

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 and businesses, the number of residents and businesses impacted compared to the no-project alternative and the three alternatives listed in the NOP.
- Vibration impacts to adjacent residents and businesses, and the potential occurrence of earthquakes during construction.
- Air pollution impacts during construction and the number of residents and businesses impacted by the Project and its alternatives.

- Water pollution runoff that includes surface and ground water deterioration or impacts associated with accidental spills during construction.
- Risks associated with hazardous materials, including petroleum products during construction.
- Evaluation of the increased risk of derailments or other rail accidents from construction activities.
- Direct and indirect impacts to the San Dieguito and Peñasquitos Lagoons during each phase of construction.
- Impacts to public health during construction.
- Identification of unstable soils and other geologic risks during construction.
- Identification of how drainage and runoff issues will be mitigated during construction.
- 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 pollutant emissions during each phase of construction.
- 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 and emergency evacuation routes. The duration of each alternate traffic route should be identified, and a reasonable range of traffic mitigation measures should be provided.
- Impacts on property values and the loss of tax revenue.

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.

Impacts to be Addressed During Rail Operations Post-Construction:

The DEIR should specifically analyze the following potential environmental impacts due to rail operations after the Project is constructed:

- Geotechnical impacts including long-term settling, water drainage, impact of earthquakes, sea-level rise, composition of soils, and settlement of the tunnel structures.
- Long term impacts of single bore vs. twin bore tunnel construction.
- Impacts to the San Dieguito and Los Peñasquitos Lagoons.
- Impacts to the hydrology of the San Dieguito River and the City of Del Mar's ability to construct a living levee(s).
- Impacts on property values and the loss of tax revenue.
- Disruption to the community from relocation of residents and businesses.
- Identification of which properties will be subject to eminent domain.
- Identification of the short-term and long-term impacts to the tourism industries of the coastal communities.
- Impacts to City of Del Mar revenues during operations and including the long-term economic impacts to the City.
- Future increases of passenger and freight operations should be clearly quantified, and as rail traffic increases, each associated environmental impact should be identified and mitigation measures proposed.
- The DEIR should analyze the environmental benefits of each alternative alignment as compared to the Project. Again, each alternative should be fully analyzed at the same level of the Project.
- The DEIR should include examples of similar passenger and freight train tunnels that have been constructed under residential areas with similar geological features and provide both the short-term and long-term impacts to both the residential and business communities.
- The DEIR should visually document and map the precise path of the Project and the alternatives routes.

- The EIR preparer should use drones to visually map the proposed portal locations to create realistic 3D renderings.
- 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.
- 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.
- The DEIR should consider the worst-case scenario and the associated public health and safety concerns of a freight train derailment occurring within a tunnel and account for trains that carry hazardous and/or flammable materials. In this regard, the DEIR should address the personnel and emergency equipment needed to respond to such an event, and whether the tunnel design will integrate fire suppression systems, public alert systems, and whether evacuation plans will be put in place prior to operations.
- The DEIR should address pollutant air emissions from the tunnel portals and/or ventilation systems. The DEIR should address the public health impacts from these pollutants and identify the sensitive receptors living or working near these pollutant point sources.
- Identification at a NEPA level of all economic and social impacts to each city in the Project area and their residents and businesses.
- Identification of the public safety risk from derailments, pedestrian strikes, transportation of military munitions, and hazardous waste transportation.

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 and businesses, 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 residents and the business community, City finances, property values, 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:

- 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.
- 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.
- 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.
- Identify the incremental cost of double tracking in Solana Beach versus Alternative A.
- 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.
- Identify the necessary tunnel depth to avoid or reduce noise and vibration impacts to residential and business properties that are above or near the tunnel to a level of insignificance.
- The DEIR should identify all right-of-way acquisitions by Assessor Parcel Number (APN) for the Project and its alternatives.
- Identify specific (by APN) residential and commercial property located within 500 feet of portals/tunnels for all alignments.
- In addition to public views, identify all private property view modifications for the Project and for each alternative.
- Address if there will be significant impacts to Steven's Creek resulting from the Project and its alternatives.
- Show the ventilation plan for the Project and each alternative.
- Identify the noise impacts of each tunnel ventilation system including impacts to adjacent properties.

- Identify and incorporate mitigation measures to reduce noise impacts emanating from the trains that extend out from the portals and to local residences and businesses for the Project and its alternatives.
- 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 (London, England) on the newly constructed Elizabethan Line.
- The DEIR noise analysis should also include the noise frequency and impacts of, including, but not limited to, train horn; wheels screeching; signal crossings; locomotive noise; whooshing sounds when train enters tunnel portal; and high-speed passenger and freight trains.
- The DEIR should include noise and vibration simulations.
- 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.
- Identify the current and expected type of freight carried and to be carried on the rail system.
- Identify and incorporate enhanced safety measures associated with the tunnel to reduce the possibility of derailments.
- Identify how deep each of the portals will be for Alignments B & C, and how much of the structure(s) will be above ground.
- Identify for the Project and all alternatives if additional structures will be needed for flood walls, gates, higher bridges, berms, and levees.
- Identify the evaluation criteria that determines the environmentally superior alternative and any ranking criteria.
- The DEIR should address whether the removal of the tracks from the North Portal and/or from the Camino del Mar Bridge to Coast Blvd will be analyzed.
- 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.
- The DEIR should address the mitigation opportunities for the railroad Wye property and the old spur line to the North County Transit District parking lot.
- 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.

- The DEIR should recognize that the 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.
- 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.
- The DEIR should include all location options for the northern portal structures. Each alternative should include different location options for the portals.
- The DEIR alternative section should consider the option of locating a north portal farther north between the Camino del Mar/Jimmy Durante Boulevard intersection and the railroad trestle.
- 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.
- 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.
- As the lead agency, SANDAG should make available their technical consultants in a follow-on public forum and prior to the EIR certification hearing.
- 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(s) 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.
- The Alignment Screening Report (SANDAG, May 31, 2024) notes the 2022 construction cost estimates for the 3 alignments: Alternative A (referred to as Alignment P7-A) = \$4.14 billion; Alternative B (referred to as Alignment 5) = \$2.28 billion; and Alternative C (referred to as Alignment 3)= \$1.85 billion. Given substantial increases in construction costs over the past 2 years, the Project and alternatives should be updated and adjusted for future inflation and the costs should reflect current 2024 dollars.

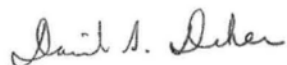
July 19, 2024

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- 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,

A handwritten signature in cursive script that reads "Dave Druker".

Dave Druker
Mayor



CITY OF DEL MAR

February 27, 2025

San Diego Association of Governments (SANDAG)
 401 B Street, Suite 800
 San Diego, CA 92101
clerkoftheboard@sandag.org
 ATTN: Clerk of the Board

Re: City of Del Mar Comments on the San Diego LOSSAN Rail Realignment Project Objectives and Alternative Alignments

Honorable Members of the SANDAG Board,

This letter is respectfully being submitted on behalf of the City of Del Mar as approved by the Del Mar City Council on February 27, 2025.

On February 28, 2025, you will be asked to provide feedback on the project goals and objectives for the San Diego LOSSAN Rail Realignment Project (Realignment Project) and provide direction on the alternative alignments to be analyzed in the Draft Environmental Impact Report (DEIR).

Given the significant long-term impacts of the LOSSAN project, the City of Del Mar (City) has closely monitored the Realignment Project since public outreach first began in 2020. Most recently, the City Council received an informational presentation on the Value Analysis (VA) process and the additional alternative alignments identified by SANDAG staff post-VA process at our Council meeting on February 18, 2025. **No other city or stakeholder will be more adversely impacted by the project than the City of Del Mar.**

At the meeting, the City Council did not ask questions or make comments regarding the alternative alignments now being considered based on the City's role as a California Environmental Quality Act (CEQA) "responsible agency." It is the City's intent to keep all options open to preserve any future challenges that we may later make in protecting the City's interest. **The City will be the only jurisdiction having to amend its Local Coastal Program, issue Coastal Development Permits, and consider a host of other approvals.**

The City appreciates the opportunity to formally submit the following comments and concerns regarding the Board's consideration of the Realignment Project's goals, objectives and alternative alignments to analyze in the DEIR.

These comments reflect the grave concerns that our community members have expressed in public hearings to the City Council. **The Realignment Project and its alternatives have the potential to disproportionately and adversely impact the Del Mar community's quality of life, tourism, local businesses, tax revenue, property values, and significantly impact our unique and sensitive coastal resources.** Further, the Realignment Project's expansive environmental impacts have potential to forever alter the community character of our City, its history, and adversely impact citizens' health and wellbeing.

I. Application of Project Objectives is Unclear and Incomplete.

The project goal and objectives included in the VA Study Report, which are now presented to the SANDAG Board for consideration, include refinements from the objectives included in the previously issued Notice of Preparation (NOP). As noted in the report, these refinements were not universally agreed upon by the VA participant stakeholder agencies. The City remains concerned that the objectives referencing that the Realignment Project "...consider existing and ongoing investments" along the LOSSAN rail corridor unfairly limit and unduly constrain the alternative alignments that will be considered in the DEIR. In sum, this objective predetermines the outcome of the DEIR.

Further, the identified objectives provide no definitive method of comparing the environmental impacts of the Realignment Project alternatives with one another, nor do they provide a means to fairly weigh which objectives have precedence over another. Other objectives should be included when evaluating the relative benefits of the Realignment Project to its alternatives, such as quantifying the impacts from condemnation, including its costs, the number of properties affected, impacts on residents and businesses, property value impacts, and timing considerations. Also missing in the objectives are the avoidance and/or minimization of negative impacts on air quality and public health and safety. Nowhere in the objectives is public health considered. Yet, the project objectives state that expanded rail service is a goal of the project. This translates to greater and more significant public health impacts and the objectives should account for these detrimental impacts.

And, while some of the project objectives broadly mention the avoidance/minimization of potential negative environmental impacts, the weighting of those objectives compared to other objectives (such as improved rail service or reducing travel times) has not been provided. For example, if one alternative impacts a wetland resource while another alternative does not, how are these objectives reconciled, what objective wins out, does a wetland suffer because a particular route provides greater rail efficiency? Determining the relative weight of an objective from the onset of the EIR process is foundational to transparency. Not providing this decision-making framework – before the DEIR is released for public review – obscures the value of the objectives and leaves these decisions to staff alone.

The objectives should also include the relative impacts to the character of the coastal communities. At present, only the City of Del Mar is being asked to bear all the adverse impacts of the Realignment Project when compared to other coastal communities. The objectives fail to take into consideration the impacts on each coastal community or city and should recognize the historic and unique character of each impacted coastal community.

II. City of Del Mar is a "Responsible Agency" Under CEQA

The City 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 will be required to amend its Local Coastal Program (LCP) that must then be approved and certified by the California Coastal Commission. Only with an LCP amendment will the City have the ability

and the discretion to issue Coastal Development Permits, consider encroachment permits, agree to leases for construction staging areas, consider building permits for construction activities, and a host of other discretionary actions that will be required for the project. As a Responsible Agency, the City must consider the adequacy of the Environmental Impact Report (EIR) when considering its approval actions. If the EIR fails to meet the requirements of CEQA, the City may challenge it, prepare a subsequent EIR, or in some cases assume the role of Lead Agency. Accordingly, it is important that the objectives be weighed and aligned with the reality of the long-term impacts to the City of Del Mar.

III. Concerns with Proposed Alternative Alignments

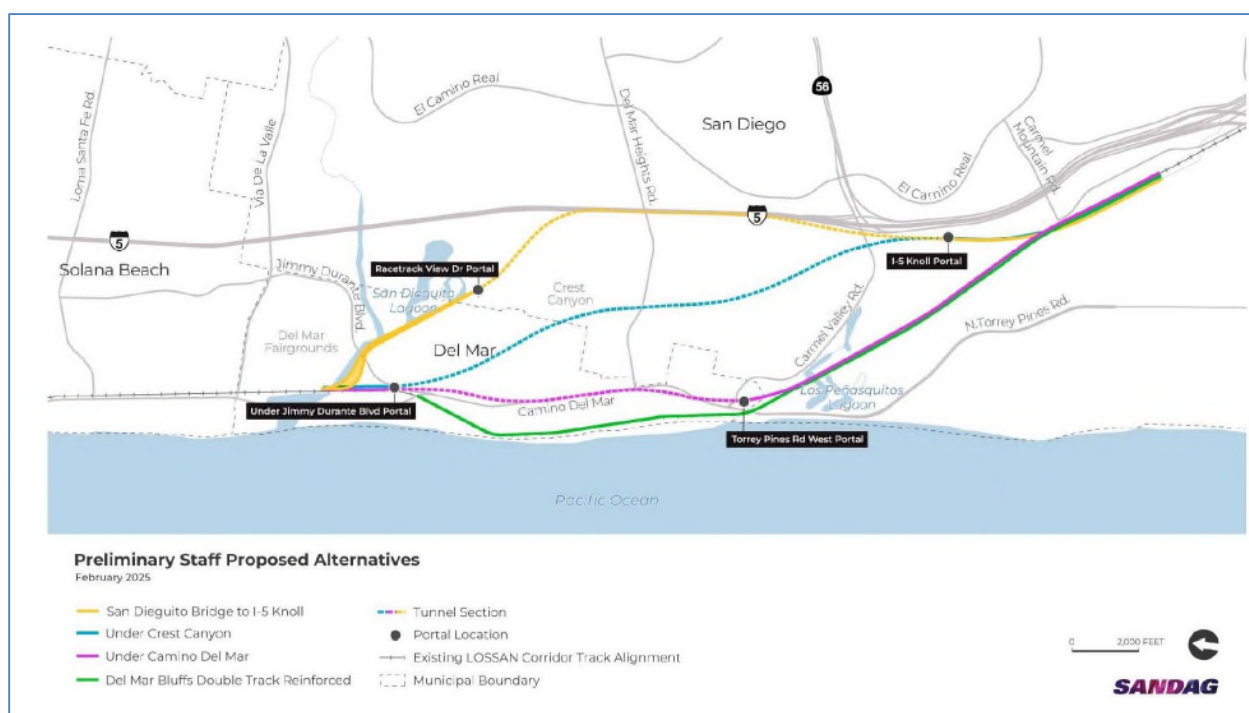
The VA process resulted in the development of 16 alternative alignments that include the three NOP alternative alignments and 13 new concepts. After the VA process was completed, SANDAG evaluated these alternative alignments and reviewed prior project studies and is now recommending that four alignment options, in addition to a “no build” alternative, be included for analysis in the DEIR.

It is important to note that CEQA requires the evaluation of all reasonably feasible alternatives that can reduce impacts below a level of significance. In short, the EIR would be defective if only the chosen four alternatives are evaluated. All feasible alternatives that reasonably meet the objectives should be considered. This includes routes that avoid impacts to wetlands and the community. Moreover, from a National Environmental Policy Act (NEPA) perspective, alternatives that go beyond SANDAG’s jurisdiction should be considered because bluff failure is not endemic to San Diego County alone. Below are the City’s comments and concerns regarding the four alignment options as currently proposed by SANDAG staff:

- San Dieguito Bridge to I-5 Knoll (yellow line on map): This alignment places the project’s impacts solely within the cities of Del Mar and San Diego and would result in significant and adverse environmental impacts to highly productive wetland habitat in the San Dieguito Lagoon. Based on the limited information provided, it appears this alignment would result in the need for both public and private property acquisition (eminent domain) within the City of Del Mar. Further, a majority of this route is located within a floodplain. Moreover, it is worth noting that this alignment was evaluated in the VA process but was ultimately dismissed as infeasible and not advanced as one of the 16 concepts.
- Under Crest Canyon (Under Jimmy Durante to I-5 Knoll) (blue line on map): This alignment includes a north portal location that would require acquisition (eminent domain) of private property and would result in significant short and long-term impacts to Jimmy Durante Boulevard, including elevating the roadway adjacent to residential homes. This is one of the City’s main arterial roadways and would cause major disruption to the entire City’s roadway system. This alternative also continues to require private property subsurface easements. This alignment would put freight trains under residential homes, and places a portal that will emit toxic air pollutants next to homes.
- Under Camino Del Mar (Under Jimmy Durante to Torrey Pines Road West) (pink line on map): This alignment includes north and south portal locations in the City of Del Mar that require acquisition (eminent domain) of private property. Like the “Under Crest Canyon” alternative, this alignment would result in significant short and long-term impacts to Jimmy Durante Boulevard, including reconfiguration of one of the City’s largest intersections.

Private property subsurface easements would also be required. This alignment would also put freight trains under residential homes, and places two portals that will emit toxic air pollutants next to homes.

- Del Mar Bluffs Double Track Reinforced (green line on map): This concept would result in significant and permanent impacts to protected and sensitive coastal resources, and the removal of permitted private encroachments in North County Transit District (NCTD) right-of-way. Double tracking in this area would increase train volume, resulting in increased air quality impacts. Environmental permitting of this alignment would face significant challenges, including the processing of Coastal Development Permits. Importantly, it must be noted that this alternative was previously studied in the 2007 LOSSAN Program EIR and eliminated for the reasons described above.



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

The City remains concerned with SANDAG’s approach of advancing multiple concepts (in this case, four alternative alignment options plus a “no build” option) for analysis in the DEIR without a clearly defined “Project Description” and with insufficient detail of the alternatives, particularly the San Dieguito Bridge to I-5 Knoll alignment, for the public to determine the scope and level of environmental impacts.

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 Realignment

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.)

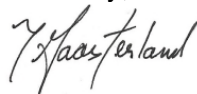
Without a clear identification of the proposed project, members of the public cannot comment meaningfully on the potential impacts. (*Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 676.) “A project description that gives conflicting signals to decision makers and the 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 the four proposed alignments, and to numerous options for portal locations. SANDAG staff’s recommendations to the Board of Directors identifies alternatives, but not the required proposed “bona fide” project. (CEQA Guidelines Sections 15378 and Section 15126.6).

V. 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 Realignment 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 Realignment 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. Because the EIR will be a combined EIR/EIS that must satisfy federal NEPA requirements, the level of detail of alternatives must be similar to the level of detail of the project itself. An EIS must “[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.” (40 C.F.R. section 1502.14, subdivision (b).)

We appreciate the opportunity to comment on SANDAG staff’s recommendations to the Board of Directors on the Realignment Project and anticipate working with SANDAG to address the many important and substantial concerns being raised by the public and various stakeholders.

Sincerely,



Terry Gaasterland
Mayor

cc: Del Mar City Council
Ashley Jones, Del Mar City Manager
Mario Orso, SANDAG Chief Executive Officer

Maria Rodriguez Molina, SANDAG Director of Mega Projects, Border, and Goods
Movement