CITY OF SOLANA BEACH
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June 30, 2025

Mario Orso, Chief Executive Officer
San Diego Association of Governments (SANDAG)
Attn: LOSSAN Comments
1011 Union Street, Suite 400
San Diego, CA 92101
E-mail: LOSSANcomments@sandag.org

RE: City of Solana Beach Comments Regarding San Diego LOSSAN Railroad Project Revised CEQA Notice of Preparation (May 2025)

Dear Mr. Orso:

The City of Solana Beach (City) appreciates the opportunity to comment on the San Diego Association of Government's (SANDAG) Revised Notice of Preparation of Draft Environmental Impact Report (2025 NOP) per the California Environmental Quality Act (CEQA) for the San Diego LOSSAN Railroad Project (Project). The Project proposes to realign the existing rail line between Sorrento Valley and Solana Beach away from the eroding bluffs adjacent to the Pacific Ocean near the City of Del Mar.

The City commends SANDAG's reassessment and revision of the NOP from the prior NOP released in June 2024 (2024 NOP). The 2025 NOP is a significant improvement over the 2024 NOP: the 2025 NOP provides far more certainty about the scope of the Project compared to the 2024 NOP, clarifies the Project objectives, and incorporates critical technical and stakeholder feedback. These revisions will ensure that the Project achieves its objectives while preserving the environment, safeguarding local quality of life, avoiding disruption to business and economic engines, and protecting private property.

The City has various recommendations for the environmental analysis to be performed for the Project that are described in this letter. However, the City's specific comments regarding the 2025 NOP are focused on three main issues: (1) concurrence for SANDAG as the appropriate lead agency for this Project under CEQA; (2) possible refinements to the San Dieguito Bridge-to-I-5 Alignment (Yellow Line); and (3) prioritizing rail service enhancement and reliability in the Project.

I. BACKGROUND

SANDAG released the 2025 NOP on May 16, 2025, following requests for revisions and additional stakeholder input in response to the 2024 NOP. The 2025 NOP identifies the "Project" as the "San Diego-Los Angeles-San Luis Obispo (LOSSAN) Rail Realignment Project." Like the 2024 NOP, the 2025 NOP explains that segments of the LOSSAN rail corridor within the San

Diego area have experienced bluff collapses and erosion resulting in closures, speed reductions, and repeated bluff stabilization projects. The California Coastal Commission is requiring SANDAG to evaluate realignment of the segment of the LOSSAN corridor away from its current location on the eroding bluffs. The 2025 NOP defines the Project's "study area" as follows: "The Project is located within portions of the cities of Del Mar and San Diego…. 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."

The Project goals and objectives were discussed as part of the SANDAG's Values Analysis process and in renewed consultation with technical and representative stakeholders following release of the 2024 NOP. The 2025 NOP includes the updated one (1) project goal and six (6) project objectives for the Project:

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

Project Objectives:

1. Improve rail service reliability by minimizing risks from climate change, including consideration of sea level rise, flooding, and the stability of the coastal bluffs.

2. 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.

3. Minimize impacts to existing homes, businesses, tourism, and major economic generators, including the Del Mar Fairgrounds, and transportation facilities during and after construction.

4. 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.

5. 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.

6. Improve coastal access and safety by eliminating at grade railroad crossings and minimizing points of interaction between rail and all other modes of transportation.

7. 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.

The 2025 NOP identifies four (4) alternative routes for realignment and a No Project Alternative. The four alignments are the results of more intensive technical evaluation and more significant stakeholder consultation than was conducted for the alignments presented in the 2024 NOP. The City commends SANDAG for reconsidering the 2024 NOP alignments and producing the 2025 NOP in response to important data and feedback.

A. San Dieguito Bridge to I-5 Alignment: "Yellow Line"

The Yellow Line would run from either the south side of the San Dieguito Double-Track Project bridge or the future Special Events Platform at the north end of this proposed alignment, and continues south and east over Jimmy Durante Boulevard and Racetrack View Drive, then into a tunnel that generally follows the I-5 freeway before terminating at the knoll near Carmel Valley Road (Knoll).

Per SANDAG's May 2025 San Diego LOSSAN Rail Realignment Project Post Value Analysis Study Assessment (2025 Assessment), the purpose of the Yellow Line "is to locate the bored tunnel alignment underneath I-5 while minimizing private subsurface easements and effects to the City of Del Mar, the Del Mar Fairgrounds, and the future San Dieguito Bridge to the extent practicable." The 2025 Assessment explained that some stakeholders advocated for a more northerly variation of the Yellow Line—**the City requests that more details about this more northerly variation – including design speed; whether it is below-, at-, or above-grade; and functionality for all users of the rail corridor – be disclosed to the public**, as discussed below.

SANDAG estimates the Yellow Line will cost from **$3.8 billion to $5.1 billion**.

B. Under Crest Canyon (Jimmy Durante to I-5 Knoll): "Blue Line"

The Blue Line would run south of the future San Dieguito Double Track Project bridge and enter a new tunnel portal under Jimmy Durante Boulevard, then continue south, following under Crest Canyon, and exit at the Knoll near I-5.

The 2025 Assessment explained that the purpose of the Blue Line is to develop an alignment that would support 110-mph speeds within a bored tunnel, which would result in fewer subsurface easements needed from private properties compared to a 90-mph alignment.

SANDAG estimates the Blue Line will cost from **$3.7 billion to $5.0 billion**.

C. Under Camino Del Mar (Jimmy Durante to Torrey Pines Rd.): "Purple Line"

The Purple Line would run south of the future San Dieguito Double Track Project bridge and enter a new portal under Jimmy Durante Boulevard, then continue south under Camino Del Mar, and exit at the Torrey Pines Road West on a bridge over the Los Peñasquitos Lagoon. The existing berm in the Lagoon would be raised and widened to address flooding and sea level rise.

The 2025 Assessment explained that the purpose of the Purple Line is to develop an alignment that minimizes subsurface easements needed from private properties by locating the tunnel directly under Camino Del Mar and using a design speed of 90 mph within the tunnel.

SANDAG estimates the Purple Line will cost from **$3.3 billion to $4.4 billion**.

D. Non-Tunnel Alternative Alignment (Del Mar Bluffs): Green Line

The Green Line is intended to reinforce the existing rail line on Del Mar Bluffs. The Green Line would begin south of the Camino Del Mar roadway bridge and continue south along the existing alignment and under Coast Boulevard. The line would then continue south on the existing tracks with grading and drainage improvements and retaining walls along the eastern side, and slope stabilization and sea walls on the western side. The Green Line would continue south over the Torrey Pines Overhead Bridge, and then over a raised and widened berm over the Los Peñasquitos Lagoon before transitioning back to the existing alignment.

The 2025 Assessment explained that the purpose of the Green Line was to develop a proposal that would maintain the location of the existing rail line and also reinforce the line. The Green Line also adds a second track east of the existing tracks and includes a grade separation to address the at-grade crossing at Coast Boulevard. Neither the 2025 NOP nor the 2025 Assessment appear to disclose the anticipated design speeds for the Green Line—**the City requests that anticipated design speeds for the Green Line be provided.**

SANDAG estimates the Green Line will cost from **$1.9 billion to $2.5 billion**.

E. No Project Alternative

The 2025 NOP also includes a "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 2025 Assessment similarly explains that the No Project Alternative "would include the continuation of major stabilization efforts that would be required to protect the existing *single-track alignment*," and that "ongoing efforts to maintain *single-track operations* could include installation and maintenance of new and/or expanded retaining walls, drainage improvements, erosion control measures, and/or sea walls."

These descriptions indicate that the No Project Alternative would maintain the existing *single-track* alignment, rather than involve a new double-track. **Please confirm that the No Project Alternative retains the existing single-track alignment, with continued stabilization improvements, and does not include construction of a double-track alignment.**

The City also recommends that when SANDAG evaluates the No Project Alternative, it include an analysis of mitigation measures to address the at-grade crossing at Ocean Boulevard, as well as of future bluff stabilization measures that can minimize the impacts of coastal erosion on the rail infrastructure and private property immediately to the east. It is recommended that SANDAG consider beach nourishment efforts and other resiliency measures as potential mitigation for these on-going maintenance activities.

II. DISCUSSION

The 2025 NOP is a significant improvement over the 2024 NOP. The 2025 NOP provides more certainty about the Project and incorporates critical stakeholder feedback. The City's specific comments regarding the 2025 NOP are focused on three main issues: (1) concurrence for SANDAG as the appropriate lead agency for this Project; (2) possible refinements to the San Dieguito Bridge-to-I-5 Alignment (Yellow Line); and (3) prioritizing rail service enhancement as

an outcome for the Project. The City's more general recommendations for the environmental analysis to be performed for the Project are also discussed in this letter.

Please note that the City may be a Responsible Agency under CEQA and may be required to issue permits for access, encroachments, hauling, and other traffic-control measures within City rights-of-way for temporary and permanent improvements related to the Project.

A. Specific Comments Regarding the 2025 NOP

1. SANDAG is the Appropriate Lead Agency for the Project

Under CEQA, the lead agency on a proposed project is the agency that has "principal responsibility for carrying out or approving" the project and that is responsible for preparing the CEQA documentation and environmental review for the project. (Pub. Resources Code, § 21067; CEQA Guidelines, § 15050.) This is true even if the project will be located in another agency's jurisdiction. (CEQA Guidelines, § 15051(a).) When multiple agencies are involved, the agency "that shoulders *primary responsibility* for creating and implementing a project is the lead agency, even though other public agencies have a role in approving or realizing it." (*Plan. & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 239 [emphasis added].)

Conversely, agencies with only tangential roles in approving or implementing a project are not lead agencies. (*Plan. and Conservation League v. Dept. of Water Res.* (2000) 83 Cal.App.4th 892, 904–905.) Rather, these agencies are likely "responsible agencies," which are agencies with limited discretionary authority over a project. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) Responsible agencies must rely on the CEQA analyses prepared by the lead agency, and do not prepare separate analyses. (CEQA Guidelines, § 15096(a); *Bakman v. Dept. of Transp.* (1979) 99 Cal.App.3d 665, 679.) As such, the responsible agency must consider only those impacts within its jurisdiction. (Pub. Resources Code, §§ 21001.1, subd. (d); 21153, subd. (c); CEQA Guidelines, § 15096(d), (g).) In rare cases where more than one agency has a "substantial claim" to act as lead agency, a lead agency may be designated by agreement, or by the State Office of Planning and Research. (Pub. Resources Code, § 21165; CEQA Guidelines, §§ 15051(d), 15053.) However, such agreements cannot be used to designate a lead agency that does not qualify as such under the CEQA statutes and Guidelines. (*Plan. and Conservation League*, *supra*, 83 Cal.App.4th at p. 906.)

For the LOSSAN Project, SANDAG is the appropriate lead agency under CEQA, and there are no other agencies with substantial claims to act as lead agency based on the above regulatory framework or case law. As the 2025 NOP explains, the San Diego Regional Transportation Consolidation Act of 2002 designated SANDAG as the transportation planning agency for San Diego County and assigned SANDAG the responsibility for "planning, funding allocation, project development, and construction in the San Diego region for all transit projects, including heavy rail."[1] Further, SANDAG is the agency designated by federal and state law as San Diego County's Metropolitan Planning Organization, tasked with developing the region's Regional Transportation

[1] See Senate Bill No. 1703 (Peace, 2002), <https://www.sandag.org/-/media/SANDAG/Documents/PDF/footer/legal/senate-bill-no-1703.pdf>.

Plan and Sustainable Communities Strategy, which govern long-term regional transportation and transit projects.[2]

SANDAG's role as the region's legally designated transit planning agency under state and federal law makes it the appropriate lead agency for the LOSSAN Project; there is no other comparable agency. The Project may impact land—both temporarily (construction) and permanently (operation)—within several local cities, the North County Transit District, the California 22nd District Agricultural Association, Caltrans, and numerous other stakeholders such as special utility districts and organizations associated with the lagoons and tributaries. SANDAG is the only regional agency that can plausibly represent all these stakeholders and their interests. Moreover, because the Project is indisputably a transit project, it is precisely within SANDAG's jurisdiction as required by the 2022 San Diego Regional Transportation Consolidation Act.

No doubt multiple agencies will qualify to serve as responsible agencies for the Project, including affected cities that must issue building, encroachment, and other permits to the Project; regulatory agencies with authority over the air, water, soil, and other natural resources that will be affected by the Project; and transportation agencies such as North County Transit District, Caltrans and the U.S. Federal Railroad Administration, who need to review and approve the Project's impacts to the Interstate 5 freeway and to domestic freight lines. However, each of these agencies' discretionary authority over the Project is limited in scope and jurisdiction, and none qualify as lead agency for the Project. For all these reasons, SANDAG is the only logical lead agency for the Project.

2. Yellow Line Refinements: Locations and Design Speeds

The 2025 Assessment disclosed that some stakeholders have proposed alternative northerly variations of the Yellow Line. However, there is no further discussion or analysis of these alternative variations in the 2025 NOP. The City recommends that (1) such variations be timely disclosed and analyzed; (2) any changes proposed on 22nd Agricultural District land be closely coordinated to minimize impacts to usable area, parking, and circulation, and (3) that any changes to the Yellow Line's alignment not result in operational design speeds that are lower than existing speeds and that (4) environmental impacts to the lagoon (e.g., functionality, ecosystem, animal species, etc.)and homes are minimized.

3. SANDAG Should Prioritize Rail Service Efficiency and Reliability

The City recommends that SANDAG prioritize regional rail transit operational efficiency and reliability as an outcome of the Project regardless of which alignment is ultimately selected.

The Project's goal is to "maintain and *enhance* passenger and freight service" on this segment of the LOSSAN corridor, and so SANDAG should focus on producing a Project that maintains and enhances existing stations, stimulates tourism and economic growth, and provides viable and dependable options for commuters wishing to avoid automobile travel. While increased speeds are desirable, a Project that improves rail service while enhancing local quality of life and promoting prosperity is far preferable to a faster rail service that undermines those goals. A Project that dilapidates local stations or engages in disruptive operations would

[2] See SANDAG, Bylaws and Policies (2025), <https://www.sandag.org/mandates>.

not achieve the goal of enhancing passenger and freight service. We encourage SANDAG to prioritize this perspective for any alignment it ultimately selects for the Project.

B. General Recommendations for Analysis by Issue Area

The City recommends that SANDAG evaluate the Project using the factors provided for each environmental issue area identified by CEQA Guidelines Appendix G. The City focuses here only on some issue areas, and incorporates as applicable the general comments provided regarding all the Appendix G issue areas in its prior comment letter for the 2024 NOP (See Attachment A). The comments provided in this letter are based on the rail line alignments provided in the 2025 NOP; if significant changes or mitigation measures alter these alignments, the City shall be afforded an opportunity to submit revised or supplemental comments to address the scope and analysis of potential impacts that could affect City residents and businesses.

1. Air Quality

The City strongly recommends that SANDAG prepare Health Risk Assessments (HRAs) for a variety of scenarios or a master HRA for alignments that would alter existing operations. The potential air quality impacts of the Project could be significant under any new alignment, and HRAs of the Project's air quality impacts to new populations or generation of increased emissions not presently existing are essential to guide decision-makers in selecting the alternative that is least harmful to the public.

2. Greenhouse Gas Emissions

The City recommends that greenhouse gas (GHG) emissions be evaluated in a manner that demonstrates how operational factors such as alignment length, depth, and design speed affect GHG emissions. Similarly, SANDAG should examine how construction of each of the alignments affects GHG emissions.

3. Hazards and Hazardous Materials

The Project is intended to realign the railway lines away from collapsing bluffs for both passenger rail services and also for freight services, including potentially hazardous freight materials. Freight lines traveling along these corridors already transport gasoline, fertilizers, cement, lumber, automobiles, and other materials that could present hazards. Analysis of the risks associated with transportation of these materials through the various new alignments should be conducted.

4. Hydrology and Water Quality

The Yellow Line, the Purple Line, the Blue Line, and the Green Line all entail constructing structures over or adjacent to lagoons. We recommend that SANDAG conduct evaluations of the water quality and hydrology impacts of structures both over and adjacent to lagoons, and the analysis should include evaluation of both construction and operational impacts, as well as impacts to water quality in the event of spills or other accidents.

III. CONCLUSION

The City reiterates our appreciation for the additional engagement, technical evaluation, and coordinated work on refinements in the 2025 NOP. The 2025 NOP provides far more certainty about the scope of the Project and incorporates critical feedback obtained from the cities and agencies who participated throughout the Values Analysis process. Advancing these alignments will ensure that the Project objectives can be achieved while minimizing impacts to homes, existing infrastructure, and the environment. We look forward to working with SANDAG further on this Project.

Sincerely,



Alyssa Muto
City Manager

Attachment A: City of Solana Beach Letter of Comment on the NOP (2024)

CITY OF SOLANA BEACH
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July 18, 2024

San Diego Association of Governments (SANDAG)
Attn: Tim Pesce
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RE: City of Solana Beach Comments Regarding San Diego LOSSAN Railroad Project CEQA Notice of Preparation

Dear Mr. Pesce:

The City of Solana Beach (City) appreciates the opportunity to comment on the San Diego Association of Government's (SANDAG) Notice of Preparation of Draft Environmental Impact Report (NOP) per the California Environmental Quality Act (CEQA) for the San Diego LOSSAN Railroad Project (Project). The Project proposes to realign the existing railroad line between Sorrento Valley and Solana Beach away from the eroding bluffs adjacent to the Pacific Ocean near Del Mar.

While the City is providing significant comments in response to the NOP, many of our comments are specifically concerning the scope of the project, the project objectives, issue areas to be analyzed, and/or the alternatives, due to the incomplete and confusing NOP issued for this project. Specifically, the Project as defined in the NOP lacks an accurate, stable, and finite project description, describing instead three distinct separate project alternatives without identification of a preferred option. Additionally, the *Project* has been both presented as "moving the rail off of the coastal bluffs of Del Mar" and "linking the Sorrento Valley station to the Solana Beach station". These are more appropriately objectives for the Project under CEQA and not a Project Description that would include all components of the project, location or footprint of disturbance, and project features that should be described and incorporated into the Project *prior* to the analysis conducted under CEQA. Moreover, not all the alternatives are reasonable or feasible, and at least one alternative–Alternative A–does not meet the most basic objectives of the project, nor does it reduce any environmental impacts compared to those likely to occur as a result of Alternatives B or C.

The City of Solana Beach urges SANDAG to remove Alternative A. We reiterate our offer and our commitment to explore more environmentally, socially, and economically viable alternatives for the rail realignment project. Alignment A is the most environmentally harmful alternative; could cause disastrous impacts to the Del Mar Fairgrounds and recreational and open space lands; costs double the amount of other alignments; and threatens both existing multi-family residential units in Solana Beach, as well as affordable homes under proposal by Del Mar on the Fairgrounds property. As part of this letter, the City provides details and

discussion on this issue and other substantive and procedural concerns based on the limited information contained within the NOP. The City also provides comments and scoping recommendations for further analysis by issue area, to add needed details to SANDAG's technical analyses so the public can be provided with a better understanding of the Project, the range of alternatives, and any potential impacts.

I. BACKGROUND

SANDAG released the NOP on June 4, 2024. The NOP identifies the "Project" as the "San Diego-Los Angeles-San Luis Obispo (LOSSAN) Rail Realignment Project." The NOP explains that segments of the LOSSAN rail corridor within the San Diego area have experienced bluff collapses and erosion resulting in closures, speed reductions, and repeated bluff stabilization projects. Per the NOP, the California Coastal Commission is requiring SANDAG to evaluate realignment of the segment of the LOSSAN corridor between Sorrento Valley and Solana Beach (the project "study area") away from its current location on the eroding bluffs. A Project Description needs to be more clearly identified beyond its objectives. An appropriate project description must include all aspects of the Project including, but not limited to, the plans to remove the existing rail on the bluff, reuse of the current rail alignment, and details of the cut and cover design.

SANDAG's NOP identified six project objectives for the Project:

1. Improve rail service reliability by relocating the existing railroad tracks away from the eroding coastal bluffs in Del Mar;

2. Maintain passenger rail service to the existing train stations serving Solana Beach and Sorrento Valley and accommodate direct rail access to the 22nd District Agricultural Association (Del Mar Fairgrounds);

3. Minimize impacts in the surrounding communities during and after construction;

4. Avoid and/or minimize impacts on biological, cultural, and recreational resources of national, state, or local significance, including publicly owned parks, beaches, wetlands, ecological reserves, wildlife or waterfowl refuges, and any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places;

5. Help meet the goals of the 2021 Regional Plan and the 2018 California State Rail Plan by increasing passenger and freight train capacity, further reducing travel times, improving reliability, and accommodating additional rail service; and

6. Improve coastal access and safety by eliminating at-grade railroad crossings and minimizing other pedestrian-rail points of interaction.

The NOP identifies three alternative routes for realignment away from the bluffs. These three alternatives were distilled from over 50 alternatives proposed by SANDAG and certain stakeholders. Alternative A is the longest, most expensive, and most complex to construct. It envisions boring a tunnel starting at a knoll at Interstate 5 in a location between Carmel Mountain Road and Carmel Valley Road (Knoll), running parallel to and below Interstate 5, turning northwest to run underneath the San Dieguito Lagoon and the Del Mar Fairgrounds

(Fairgrounds), to finally emerge from a cut-and-cover tunnel beneath Solana Beach's central business district. Alternative A will result in slower rail operating speeds than current conditions. This alignment will result in temporary and permanent impacts to the Solana Beach Coastal Rail Trail, Solana Beach, Stevens Creek, the Fairgrounds, and the San Dieguito Lagoon as well as to residences and business along Cedros Avenue and Via de la Valle. Alternative A will generate almost 547,000 one-way construction truck trips—over one million round-trip truck trips. SANDAG estimates that Alternative A will cost $4.14 billion for engineering and construction costs alone. The agency calculates that Alternative A meets only four of the six objectives identified for the realignment Project. Specifically, Alternative A fails to meet two Project objectives because it would not minimize impacts to surrounding communities, nor would it preserve biological, cultural, or recreational resources of significance.

Alternative B would construct a tunnel starting at the Knoll that would run through the Del Mar Bluff and emerge near the intersection of Camino del Mar and Jimmy Durante Boulevard. This alternative is well within the middle range of length of all alternatives considered by SANDAG and is almost 8,000 feet shorter than Alternative A. Alternative B maintains current rail operating speeds and results in the fewest impacts to transportation infrastructure of all alignments considered. Alternative B results in the least impact to sensitive resources and to public lands of the three alternatives in the NOP. At an estimated cost of $2.28 billion, Alternative B was well within the median range of costs of all alternatives considered by SANDAG, and is approximately 55 percent of the cost of Alternative A. Unlike Alternative A, SANDAG calculates that Alternative B meets all six of the Project's objectives.

Alternative C is the shortest of the three alternatives in the NOP. This alignment would traverse northwest across the Los Peñasquitos Lagoon, to a portal near Torrey Pines Road, and then descend into a subterranean tunnel running roughly parallel to Camino del Mar before emerging near the intersection of Camino del Mar and Jimmy Durante Boulevard. Alternative C meets current rail operating speeds and requires constructing a railway bridge over Los Peñasquitos Lagoon. Alternative C is the cheapest of three alternatives presented in the NOP at an estimated cost of $1.85 billion. It would be approximately 45 percent of the costs of Alternative A and comparable to the median-range costs of Alternative B. Unlike Alternative A, SANDAG calculates that Alternative C meets all six of the Project's objectives.

II. DISCUSSION

The City's recommendations for SANDAG to improve the NOP and CEQA process overall for this Project are provided below, according to each issue area identified by SANDAG, and in the "checklist" provided in CEQA Guidelines Appendix G. The City has significant concerns both about the substance of the NOP and about the public engagement process used by SANDAG to develop and unveil the alternatives presented in the NOP. We describe these concerns in more detail below. Additionally, depending on the "Project Description," the City may be a Responsible Agency under CEQA and would be required to issue permits for access, encroachments, hauling, and other traffic-control measures related to project improvements within City rights-of-way for temporary and permanent improvements associated with the Project.

A. Recommendations for Analysis by Issue Area

The City requests that SANDAG evaluate alternatives to the Project using the recommendations provided for each environmental factor identified by CEQA Guidelines Appendix G below:

1. Aesthetics

The City has protected views, including designated public scenic viewsheds and regulatory protection of private views. SANDAG should conduct a detailed analysis of both public designated scenic viewsheds and also consider the regulatory requirements for private views protected under the City of Solana Beach Municipal Code.

2. Agriculture and Forestry Resources

SANDAG explains that it did not consider the Agricultural and Forestry Resources factor because it did not identify any such resources in the Project area, presumably for all three alternatives. The City recommends that SANDAG consult with the State of California's 22nd Agricultural District (potentially a Responsible Agency for this Project) to confirm that no agricultural or forestry resources are located within the San Dieguito Lagoon and Fairgrounds areas.

3. Air Quality

The City strongly recommends that SANDAG prepare Health Risk Assessments for a variety of scenarios or a master Health Risk Assessment for each of the three alternatives. The potential air quality impacts of the Project are significant and substantial, and could persist for years while the Project is constructed and operating. Thorough, reliable, and comprehensive health risk assessments of the Project's air quality impacts are essential to guide decision-makers in selecting the alternative that is least harmful to the public.

First, health risk assessments must be performed for the various tunnels contemplated by the three alternatives. The tunnels will trap concentrated diesel exhaust and other emissions from freight and other trains that will eventually vent out of portals into surrounding areas. This concern is particularly acute under Alternative A, which would construct the longest tunnel of all the alternatives (approximately 20,000 feet of bored tunnel and 6,500 feet of cut-and-cover tunnel, totaling about 26,500 feet—approximately five miles—of covered tunnel). The portals at both ends of this tunnel, particularly the north end, which vents in the City's residential and business areas, will therefore be venting almost five miles' worth of train emissions. Additionally, emissions will concentrate in the underground special events platform beneath the Fairgrounds and the San Dieguito Lagoon under Alternative A. These emissions would need to be vented out, possibly through shafts or fan systems, to the surface near the Fairgrounds and the San Dieguito Lagoon. It is vital that the emissions from the five-mile tunnel envisioned by Alternative A, and the emissions from the tunnels envisioned under Alternatives B and C, be analyzed, quantified, modeled, and thoroughly understood by performing a health risk assessment before any alternatives are adopted.

Second, health risk assessments must be made of the construction truck trip air quality impacts that will be caused by each of the alternatives. The NOP calculates that Alternative A

will generate 547,200 *one-way* truck trips for disposal of construction materials, equating to almost 1.1 million round-trip truck trips. The truck trips under Alternative A are more than double the truck trips under Alternative B, and more than *four times* the amount of truck trips under Alternative C. Moreover, these figures only account for truck trips associated with disposal of construction materials for the bored tunnels, cut-and-cover tunnels, and U-structures; they do not account for truck trips associated with roadway construction, bridge construction, emissions from construction equipment, or automobile trips associated with construction workers and other Project personnel. It is essential that a health risk assessment be conducted to examine all vehicle and equipment emissions associated with each alternative; describe how neighboring communities would be impacted; and compare the impacts across the alternatives.

Finally, health risk assessments should examine both construction-related air quality impacts as well as operational air quality impacts. Construction of any of the alternatives is anticipated to take seven-to-ten years, or longer, and operational impacts, such as emissions concentrated in tunnels, will persist indefinitely. It is vital that health risk assessments educate the public and decision-makers about the shorter-term and long-term air quality impacts of the alternatives. Furthermore, this analysis should take into account the cumulative condition of the double-tracking construction, bridge replacement, and construction of the seasonal platform, as well as other nearby construction and/or infrastructure projects that would expose specific populations of people to toxic air emissions over an extended period of time.

4. Biological Resources

The various alternatives to the Project envision varying and distinct impacts to sensitive and other biological resources. The lack of this information in the NOP has caused confusion and misinformation to spread rampantly. It is vital that SANDAG analyze the following issues so that decision-makers and the public have a full and accurate understanding of the potential impacts to biological resources posed by the Project alternatives:

(a) Over-the-Lagoon or Under-the-Lagoon?

Neither SANDAG's screening reports nor the NOP discuss the relative merits or impacts associated with constructing bridge structures over lagoons as compared to constructing tunnels under lagoons. At one public meeting, SANDAG noted that potential benefits of bridge structures included provision of shady areas and that they do not impede water flow. There was little information or understanding expressed regarding the relative benefits of a tunnel beneath a lagoon by comparison. Would either project require temporary damming or diversion structures? Does either alternative enhance wildlife habitat? What are each option's temporary and permanent impacts on water quality? Thorough understanding of these issues is required.

(b) Nature and Number of Sensitive Resources Impacted

SANDAG needs to provide a more thorough comparison of how many sensitive biological resources will be affected by the various Project alternatives. For example, Alternative A would affect not only San Dieguito Lagoon, but would also impact Stevens Creek and require temporary damming and diversion of the San Dieguito River. Alternative C would require construction of a bridge structure over Los Peñasquitos Lagoon, although, as discussed above, there may be benefits to bridge structures. By contrast, Alternative B seems to have fewer

impacts to sensitive or other biological resources. Better understanding of the nature and number of sensitive biological resources impacted by the Project alternatives is needed.

(c) Mitigation and Restoration Plans

The NOP does not discuss what mitigation or restoration measures, if any, SANDAG has planned for repurposing and restoring the Del Mar sea bluffs once the rail tracks have been removed. Similarly, there is scant information about what kind of mitigation is envisioned for either Los Peñasquitos Lagoon or San Dieguito Lagoon if rail tracks are removed from these resources, nor is there any discussion of the approximately six-acre park that is rumored to be constructed above the northern cut-and-cover section of Alternative A in Solana Beach. SANDAG needs to provide better identification and descriptions of potential mitigation and restoration activities that will be required for each and all alternatives in order that a more complete understanding of, and the potential mitigation and remedies for, each alternative's impacts to biological resources can be developed before a preferred alternative is selected.

5. Cultural Resources

The Fairgrounds is the major cultural resource that could be affected by the Project. It is an historic icon of the San Diego region, and an essential community, financial, recreational, and architectural asset. It is one of the region's prime revenue-generating facilities, producing valuable local jobs, and is a gathering place for tourists and San Diego residents from far and wide. It is critical that a thorough analysis of the Project's impact on the Fairgrounds be performed. Alternative A in particular would pose considerable threats to Fairgrounds property and operations. SANDAG acknowledges that this alignment (which requires digging a tunnel and a new special events platform about 80 feet below the Fairgrounds) will disrupt events and operations at the facility, limit the numbers of people and access points to Fairgrounds events, and require temporary and permanent condemnation of Fairgrounds property. Moreover, construction of Alternative A could take at least a decade; therefore, these impacts will be long-lasting and far-reaching for the communities that depend on the Fairgrounds for revenue, income, employment, and recreation. Thus, these impacts to one of San Diego County's premier cultural resources should be fully evaluated.

6. Energy

The CEQA thresholds refer to the unnecessary use of energy that is wasteful or unnecessary as a result of construction or operation. SANDAG should conduct an analysis of the energy consumption required for construction under each alternative, as well as throughout operation. Additionally, given the cumulative nature of the projects occurring within this corridor, Solana Beach requests that SANDAG include a cumulative analysis of the energy consumption/usage associated not only with the construction of the proposed project under each alternative, but also with any rail improvement projects within the same alignment that are planned, such as the double tracking, bridge replacement, and seasonal platform. This should include the analysis of the energy used and (if later demolished for construction of an alternative under the rail realignment) disclosure of that used energy.

7. Geology and Soils

The Project alternatives would affect various types of geology and soils in ways that need to be better understood, as described below.

(a) Under-the-Lagoon or Over-the-Lagoon?

As discussed above, SANDAG has provided little information or understanding of the relative benefits of a tunnel beneath a lagoon as compared to a bridge over a lagoon. How would either affect geology and soils? Do porous soils beneath lagoons and rivers present stability risks?

(b) Liquefaction and Subsidence Issues

Stakeholders are expressing concern about whether tunneling through sandstone hills is safe, and whether tunneling through these materials could cause liquefaction and subsidence of overlying soils and sand. Concerns are also permeating about whether tunneling through sandstone and other coastal soils creates more vibration issues than tunneling through more solid materials.

8. Greenhouse Gas Emissions

The City has similar concerns regarding greenhouse gas (GHG) emissions as it does for air quality impacts under the various Project alternatives. What GHG emissions are associated with train operations, if any? What GHG emissions are associated with the various tunnel lengths—would longer tunnels generate more GHG emissions? How does construction of the various tunnel lengths affect GHG emissions, and how do the various alignments' construction of tunnels compare in generating GHG emissions?

Similarly, thorough comparisons must be made of the GHG emissions associated with the construction truck trips anticipated under each alternative. Alternative A has more than double the amount of truck trips as Alternative B, or more than four times those of Alternative C—does Alternative A generate exponentially more GHG emissions as a result? Of course, GHG emissions associated with other construction equipment and with passenger vehicles will also need to be considered and compared across the Project alternatives.

Finally, as with air quality impacts, GHG emissions should be quantified and compared across Project alternatives for both construction-related emissions and operational emissions. This should include analysis of the cumulative condition that considers other projects planned to occur between now and the start of the rail realignment project, and the related GHG emissions that would be emitted for construction of multiple projects that may occur within the same rail corridor.

9. Hazards and Hazardous Materials

The Project is intended to realign the railway lines away from collapsing bluffs for both passenger rail services and also for freight services, including potentially hazardous freight materials. Freight lines traveling along these corridors already transport gasoline, fertilizers, cement, lumber, automobiles, and other materials that could present hazards. Analysis of the risks associated with transportation of these materials through the various alignments is

needed. For example, can hazardous materials be contained in a tunnel in the event of a spill or other accident? How are impacts different for a tunnel under a lagoon and public events facility as compared to alignments under roadways or deep within hillsides? What types of cleanup activities would be required in the event of an accident, and what are the comparative potential impacts to sensitive biological resources and community cultural resources under each alternative?

10. Hydrology and Water Quality

Alternatives A and C entail either constructing bridges over lagoons and wetlands, or constructing tunnels beneath lagoons and wetlands. It is critical, as described in the Biological Resources section above, that SANDAG conduct thorough evaluations of the water quality and hydrology impacts of both bridges over lagoons and tunnels beneath lagoons. Analyses should include evaluation of both construction and operational impacts, as well as impacts to water quality in the event of spills or other accidents. Finally, comparison of Alternative A and C's water quality impacts to Alternative B, which seems to have far fewer potential water quality impacts, is essential.

11. Land Use and Planning

Some of the Project alternatives would require abandoning or deconstructing various projects for which funds have already been spent and which are, in some cases, already in operation. Alternative A, for example, would require demolition of both the San Dieguito Bridge and the Fairgrounds special events platform, which have both been funded and construction activities begun or are imminent. It is nonsensical to engage in planning and land use activities that vitiate already-completed or just-completed projects and facilities, and approval of an alignment that deconstructs and abandons these projects would be a significant waste of scarce grant funds and taxpayer resources. SANDAG must provide more information about how the various Project alternatives would nullify already-established plans and currently operating projects, as well as the relative resulting costs to the region and taxpayer resources.

12. Mineral Resources

Sand resources are a finite resource within the San Diego region. SANDAG needs to analyze and plan for the disposal and/or reuse of sand extracted as part of the Project, and the indirect impacts related to the extraction of these resources. Additionally, SANDAG should conduct a thorough analysis of the potential mineral resources that may exist and the loss of availability of these resources as a result of the various project alternatives.

13. Noise

The Project, no matter the alignment or alternative selected, will produce construction and operational noise impacts. SANDAG's task is to select the alternative that is feasible, meets most of the Project objectives, and produces the least amount of noise impacts as possible. Given the potential severity of the potential noise impacts involved, the City recommends that SANDAG conduct noise analyses similar to health risk assessments conducted for air quality impacts, including examination of the impacts of persistent noise on adjacent sensitive receptors and communities. Particular focus should be given to receptors nearby tunnel portal locations and U-structure facilities, where train noise is likely to be most acute. Noise impacts on

these receptors should be compared across all Project alternatives so that the least impactful alternative can be advanced. Additionally, construction noise impacts must be studied, particularly for receptors along roadways affected by construction and in public recreational areas, such as the Los Peñasquitos and San Dieguito Lagoons and at the Fairgrounds.

Finally, a technical comparison must be made of the various impacts produced by noise as compared to the impacts produced solely by ground or other vibrations. The Project alternatives have different impacts, and some alternatives seem likely to produce more noise impacts while others produce more vibration impacts. Measuring and comparing these different kinds of impacts is necessary to evaluate how to minimize the most harm to the most receptors, while meeting most of the Project objectives.

14. Population and Housing

All of the alignments under consideration for the Project involve some degree of housing impacts, whether by eminent domain or otherwise. The sensitivity of this issue requires very careful and thorough analysis of the relative benefits and drawbacks of each alternative.

SANDAG must consider whether the housing impacts affect affordable housing or market-rate housing, and what kind of regional effects will result from the loss of each type of housing. SANDAG should also describe the differences between temporary losses of housing from construction activities versus permanent losses of housing from Project operations, as compared across the Project alternatives. Finally, SANDAG must analyze and clearly differentiate the comparisons between full elimination of housing, versus temporary nuisance impacts, such as noise or vibrations. Clearly, permanently eliminating housing is an order of magnitude more severe than mere disturbance caused by intermittent or distant noises or vibrations.

In sum, SANDAG's analysis of the Project's potential impacts to housing should compare the alternatives using these metrics so that decision-makers and the public can understand the affordable-versus-market rate dynamics in housing impacts, the varying regionwide impacts, and the technical, real-world differences between nuisance impacts caused solely by nuisance conditions compared to the impacts associated with full elimination of housing stock.

15. Public Services

The City of Solana Beach relies on sales tax revenue to fund many of its public services. The Project, particularly Alternative A, would affect many sources of the City's sales tax revenue, such as the Fairgrounds, the recreational areas surrounding the Fairgrounds, and the businesses along Cedros Avenue. Therefore, the public services funded by this sales tax revenue would be directly impacted, negatively affecting existing infrastructure and services.

Furthermore, the 22nd Agricultural District lands comprising the Fairgrounds are public lands and are intended for recreational uses. SANDAG should analyze any potential impacts to not only the availability of public recreational services, but also on public recreational facilities and activities (e.g., direct impacts to the San Diego Fairgrounds) across all the alternatives, as required under CEQA for potential recreation impacts, as discussed below.

16. Recreation

SANDAG describes the benefits of Alternative A as including the fact that it would impact the most amount of public lands of the three alternatives identified in the NOP. It is unclear why this is described as a benefit, unless an unnamed Project objective includes prioritization of private property owners over public resources. Considering use of public lands as a benefit obscures the potential impacts associated with such a decision, particularly for communities that rely on public lands for recreational and health purposes. Alternative A would require extensive impacts to public recreational resources in order to construct and operate the subterranean tunnel beneath the San Dieguito Lagoon and the Fairgrounds. Not only would these impacts persist for seven-to-ten years or more during construction of Alternative A, but Alternative A would require permanent occupation of portions of the Fairgrounds, impact Stevens Creek, and destroy the Solana Beach Coastal Rail Trail. Alternative C would require construction of a bridge structure over Los Peñasquitos Lagoon, although the relative long-term benefits and drawbacks of a bridge need to be studied further. Alternative B seems to pose the least threats to public recreational facilities of all the alternatives.

SANDAG needs to conduct an in-depth evaluation of the relative impacts to public recreational facilities across the various Project alternatives. It is patent that Alternative A is designed to encumber public recreational lands and facilities to the maximum degree, and to avoid private lands at all costs. This alternative is grossly inequitable because it harms lower-income communities and the public at large in order to mollify wealthy landowners. It also upends the entire eminent domain scheme, which operates by compensating private property owners in favor of the public good, not the other way around.

17. Transportation

SANDAG's screening reports and NOP describe some of the transportation impacts of the various alignments considered for Project alternatives. However, as with other areas discussed herein, the analysis of transportation impacts needs further detail and comparison across alternatives.

(a) Roadway Transportation Impacts

The roadway transportation impacts of different iterations of Alternative A were analyzed to varying degrees in both the 2023 and 2024 alignment screening studies. The 2023 report is unclear as to what is being analyzed under the "I-5 Alternative." Figure 3-5 of that report does not depict the I-5 Alternative as extending into Solana Beach, but later descriptions (pp. 65-66) of the alignment explain that it would require reconstruction of the Via de la Valle overpass and deepening the existing trench north into Solana Beach adjacent to South Cedros Avenue. The 2023 report also anticipated that the I-5 Alternative would require destruction of the planned San Dieguito Double Track and Fairgrounds special events platform, and would cause permanent impacts to the Fairgrounds' southern parking lot. As is the case with the alternatives in the NOP, the I-5 Alternative is not clearly described, the precise location of the alignment is vague, and there are inconsistent explanations of the alignment's anticipated impacts.

The 2024 assessment evaluated what would become Alternative A, and anticipated that construction access and maintaining rail services between Solana Beach and Sorrento Valley stations for Alternative A would impact Via de la Valle, Lomas Santa Fe Drive, South Highway

101, and South Cedros Avenue, and that Fairgrounds event access would be affected at Via de la Valle and Jimmy Durante Boulevard. Additionally, in order to maintain rail services during construction of the proposed northerly exit/entry point located, additional temporary tracks need to be constructed within the existing trench between Lomas Santa Fe and Via de la Valle in Solana Beach. Due to limited space, the existing trench would need to be widened well beyond the existing improvements and would require substantial grading activities for several years.

Finally, Alternative A's construction impacts and acquisition of additional temporary staging/construction areas needs to be evaluated and the feasibility should be discussed with the affected agencies, i.e. the cities of Solana Beach and Del Mar. These are significant impacts to vital roadways within the local community, and these impacts should be quantified so that stakeholders can understand the scale, locations, and duration of these impacts, as well as how they compare to roadway impacts caused by Alternatives B and C.

(b) Rail Passenger Service Impacts

SANDAG's varying reports discuss maximum passenger rail speed times during construction and operation of the various Project alternatives, but the information is spread across several different reports and pages, and it is challenging to glean a true comparative understanding of the rail passenger service impacts of each alternative from the presentation of the data. For example, Table 6-6 of the 2024 assessment displays the various "restrictive speeds during construction" for both passenger and freight rail service, and section 6.2.2.5 discusses the "design speeds" of the various alternatives, but there is no simple comparative table or analysis otherwise that displays the differences between Alternatives A, B, and C for construction speed restrictions, maximum operating speeds, and time saved from current speeds. Given that one of the primary Project objectives is to improve passenger rail speed and reliability, it is confounding that a simple comparative analysis of how each alternative meets these basic criteria is absent from the reports and the NOP. We strongly recommend that SANDAG revise the NOP to include this comparative analysis.

18. Tribal Cultural Resources

The proposed Project has the potential to damage or destroy unknown subsurface archaeological or tribal cultural resources which could result in a substantial adverse change in the significance of a unique archaeological resource, and the relative impacts of each alternative on tribal cultural resources must be fully analyzed and compared.

19. Utilities and Service Systems

The 2024 assessment, at Table 6-5, provides a basic comparison of the various alignments' impacts to public utilities. Alternative C, represented by Alignment 3, appears to have the fewest utility impacts of the three alternatives in the NOP. However, Alternatives A and B both would cause impacts to a City of San Diego 54-inch trunk sewer and a 36-inch water main that would necessitate "extensive coordination" with the City. Notably, alternatives excluded from the NOP, such as Alignments 1, 7, 9, and 11 had equal or fewer utility conflicts than Alternatives A and B, and although the 2024 assessment discusses various utility conflicts in some detail, there is no clear explanation why Alternatives A and B were selected instead of other alignments that had fewer or no utility conflicts. The City recommends that SANDAG

provide more detailed discussion of its rationale for selecting Alternatives A and B instead of alignments with fewer utility conflicts.

SANDAG should further identify any other facilities including sewer and water lines, pump stations, roadways, or other public facilities that may need to be replaced as part of this project. Moreover, an analysis of indirect impacts of the project on water quality, roadway emissions, and other negative environmental impacts on City infrastructure should be considered as part of the analysis of project alternatives. Of note, Table 6-5 fails to include utilities located within/attached and/or between the Via de la Valle and Lomas Santa Fe bridges. Water, sewer, storm drain and recycled water utilities exist that serve properties in both Del Mar and Solana Beach that would likely be affected by Alternative A, but there is no discussion of these potential impacts in the NOP.

20. Wildfires

SANDAG should consider how emergency response will be conducted during construction and operation of the Project should a wildland fire ignite or incident on I-5 occur that shuts down freeway access in both north and south directions. Limited access to the region during construction and operation of the Project would impact not only traffic circulation, but also evacuation sites, as the Fairgrounds is presently designated as a wildfire evacuation location for the region.

21. Mandatory Findings of Significance

CEQA requires lead agencies to determine if proposed projects would "substantially degrade" environmental quality, wildlife habitat of a fish or wildlife species, threaten a plant or animal community, or eliminate important historical or prehistorical resources. Agencies must also evaluate whether a proposed project will have cumulatively considerable impacts when combined with the effects of other past, current, or future projects. Finally, agencies must consider whether a proposed project would have environmental effects causing "substantial adverse effects" on human beings. (CEQA Guidelines, App. G.)

The NOP does not contain this analysis. Given that the Project, particularly Alternatives A and C, will affect sensitive lagoon and wetlands resources, such analyses are critical. Moreover, the potential air quality and noise impacts discussed above could impose substantial adverse health and quality-of-life impacts on regional communities. SANDAG must perform comparative analyses of each Project alternative so that stakeholders are able to easily understand the relative impacts of each alternative and their respective significance.

B. <u>Substantive Concerns with the NOP</u>

1. No Accurate, Stable, and Finite Project Description

An "accurate, stable and finite" project description is indispensable to an informative and legally sufficient CEQA document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) CEQA documents that contain "curtailed or distorted" project descriptions prevent the public and decision-makers from fully and accurately evaluating a project's benefits and costs, applying appropriate mitigation measures, and evaluating other alternatives proposed. (*Id.* at pp. 192-93.) A project description that sends "conflicting signals to decision makers and the public

about the nature and scope of the project is fundamentally inadequate and misleading." (*Washoe Meadows Community v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287.) Indeed, "a curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at p. 288.) An adequate project description must contain the "precise location and boundaries" of the proposed project, a list of project objectives, descriptions of the project's technical, economic, and environmental characteristics, and identification of applicable agencies, permits, approvals, and decisions implicated by the project. (Cal. Code Regs., tit. 14, § 15124; hereafter CEQA Guidelines.)

The NOP's project description is not accurate, stable, or finite, and prevents the public and decision-makers from fully understanding the scope of the Project, the potential impacts, appropriate mitigation measures, and true alternatives. Indeed, the project description does not describe a single "project," but rather three separate projects, Alternatives A, B, and C, all have different locations and different potential impacts, and would require distinct mitigation measures. The NOP fails to identify which of these alternatives is the preferred option, and none of the alternatives contains fixed geographic locations, technical details, or clear descriptions of potential environmental, social, and economic impacts. Although SANDAG insists these details will be provided in the Draft Environmental Impact Report (DEIR), the DEIR is only due in 2025 or 2026, and SANDAG's decisions not to identify a preferred alternative and provide more details about each alternative are already creating the problems described: the NOP sends the public and decision-makers conflicting signals about which alignment is SANDAG's preferred alternative, omits the actual details of the alignments, and confuses stakeholders about whether they should respond to one of the alternative alignments provided, or all three. Moreover, the alternative alignments have not received equal engineering evaluations, leaving the public to speculate whether some alternatives are "red herrings" that are not seriously being considered.

Even the Project's name is unstable and has shifted over time. The NOP describes the Project as the "San Diego-Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Realignment (SDLRR) Project," but SANDAG has also described the Project at public meetings as a project to "connect Sorrento Valley to Solana Beach." The connection between Sorrento Valley and Solana Beach currently exists, so it is unclear what this project name references. We recommend that SANDAG revise the NOP to identify a stable, preferred alternative alignment, and provide additional details about the preferred alternative and other alternatives so that all stakeholders have a firm understanding of what the actual project is and where they should focus their evaluations and comments.

Finally, the Project Description must include details of what will happen to the existing rail line after completion of the Project and analyze the removal and/or reuse of the areas/properties that would be vacated or disposed of as part of this project.

2. The NOP Does Not Contain a Reasonable Range of Feasible Project Alternatives

CEQA requires that environmental analyses identify a preferred project as well as reasonable and feasible alternatives to the preferred project, especially alternatives that would reduce a preferred project's significant environmental impacts. The CEQA Guidelines specifically explain that environmental documents "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant

effects of the project…." (Guidelines, § 15126.6, subds. (a), (c).) The range of alternatives must be sufficient to encourage "informed decision-making and public participation," and the agency must disclose why it selected or removed alternatives from consideration. (*Id.* at subd. (a).) Suitable alternatives are those that reduce significant environmental effects, attain most project objectives, and are feasible, reasonable, and realistic. (*Id.* at subd. (c).) The feasibility of an alternative may be analyzed using factors such as site suitability, economic viability, availability of infrastructure, and other pending plans and projects. (*Id.* at subd. (f)(1).) The selection and analyses of alternatives is governed by a "rule of reason" requiring that only feasible alternatives that meet most project objectives, while avoiding or lessening environmental impacts, be thoroughly considered in the environmental documents. (*Id.* at subd. (f).)

The NOP's range of three alternatives is inexplicable. Specifically, the inclusion of Alternative A in the NOP instead of other alternatives that were rejected lacks substantial evidence and is not explained by any "rule of reason." First, Alternative A meets only four of the six Project objectives identified by SANDAG,[1] while Alternatives B and C meet all six Project objectives. Moreover, Alternative A also meets fewer Project objectives than *eleven* other alternatives that were excluded from the NOP. Of these eleven alternatives, *ten* met all six of the Project objectives. SANDAG determined that four of these ten were worth further evaluation based on duplicative features. Despite the fact that all four alternatives were shorter, required fewer truck trips, affected less public open space and recreational lands, caused fewer utility conflicts, and were cheaper than Alternative A, Alternative A was chosen instead of these alternatives. SANDAG does not provide substantial evidence justifying inclusion of Alternative A over other alternatives that were all environmentally superior according to SANDAG's own criteria, and the decision is devoid of reason.

Second, an earlier version of Alternative A was explicitly rejected by SANDAG in prior analyses. The agency concluded in the August 2023 report that an alignment practically identical to Alternative A, requiring digging tunnels beneath the Fairgrounds and San Dieguito Lagoon, was "impractical" for myriad reasons, including that it required deepening trenches "through most of Solana Beach," lowering the Solana Beach train station, relocating the Fairgrounds' special events platform into the underground tunnel, abandoning the newly built San Dieguito Bridge, reconstructing the Via de la Valle overpass, digging in Stevens Creek, damming the San Dieguito River, and imposing permanent infrastructure and utilities on Fairgrounds property. Therefore, not only was Alignment A included in the NOP instead of environmentally superior alternatives meeting all Project objectives, but Alignment A was included even though SANDAG had concluded less than a year earlier that it was "impractical" and infeasible. SANDAG has not explained why an alternative that it rejected less than a year ago was somehow included in the NOP's final three alternatives.

Third, inclusion of Alternative A alongside Alternatives B and C is nonsensical, given the comparative analyses and studies that have been invested in each alternative. Specifically, while Alternatives B and C have been designed to a ten percent conceptual engineering level, Alternative A has only received about 1 percent conceptual engineering design review. Moreover, the ten alternatives meeting all six Project objectives, but excluded from the NOP, had also received at least ten percent engineering design review. SANDAG does not provide any logical reasoning for why it included in the NOP's final three alternatives an alignment that

[1] The City notes that Alternative A probably only meets three or fewer Project objectives, not four.

has received less study and design review than multiple other excluded alternatives that had received more technical analysis and review.

In sum, the range of alternatives included for final consideration in the NOP is not reasonable or feasible. Specifically, the inclusion of Alternative A when compared to Alternatives B and C is illogical—Alternative A is inferior to Alternatives B and C according to SANDAG's own objective measures, so why has it been included alongside these alternatives? Moreover, the inclusion of Alternative A at the expense of other excluded alternatives has no rational basis. Multiple alternatives that were environmentally superior, more feasible, and that aligned with all six Project objectives were excluded from further consideration, but an alternative that entails more air quality impacts from truck trips, more impacts to public lands, meets fewer Project objectives, and that SANDAG considered prohibitively "impractical" less than a year ago was included in the final three NOP alternatives. For these reasons, the inclusion of Alternative A alongside Alternatives B and C, and at the expense of superior alternatives, is not justified by any "rule of reason," lacks substantial evidence, and frustrates informed decision-making and public participation.

3. The NOP's Lack of a Preferred Alternative Obscures the Project's Cumulative Impacts

"Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, § 15355.) CEQA analysis must include discussion of the "cumulatively considerable" significant impacts of a proposed project combined with the related impacts of other pending nearby projects. (CEQA Guidelines, § 15130, subd. (a).) Discussion of other projects causing related impacts may take the form of a list of past, present, and future probable projects, or a summary of growth and development projections in a state, regional, or local planning document. (*Id.* at subd. (b)(1).) The discussion must also define and explain the geographic area that would be affected by the cumulative impacts of the proposed project and other pending projects. (*Id.* at subd. (b)(3).) The discussion of cumulative impacts should be reasonable and practical, but must be more substantive than a mere conclusion unsupported by evidence or analysis. (*Id.* at subd. (b); *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411.)

SANDAG explains that discussion of cumulative impacts of the Project and other past, current, and future projects will be contained in the DEIR. However, in this case, the lack of any cumulative impacts discussion in the *NOP* is already causing confusion and concern, and is undermining the CEQA's goals of informing decision-makers and the public about the potential cumulative impacts of the Project. The NOP's identification of three distinct alternatives, without identifying a preliminary preferred alternative or an environmentally superior alternative, requires stakeholders to postulate as to the cumulative impacts of three potential projects, not one. The three alternatives have different geographic locations, affect different resources and communities, and have unequal environmental impacts. They all consequently will have different related nearby projects and associated cumulative impacts. Which ones should decision-makers and the public evaluate?

Moreover, the unequal conceptual design status of the various alternatives, with Alternative A receiving only one percent design review compared to Alternatives B and C's ten percent design review, suggests that an equal and defensible cumulative impacts comparison

between the various alternatives cannot even be performed. How can reliable inferences and conclusions be drawn about the cumulative impacts of a project that has received only one-tenth of the design review of the other alternative projects?

Perhaps acknowledging these problems, the NOP lacks any discussion whatsoever of the three alternatives' cumulative impacts. Nor did SANDAG's 2023 and 2024 alignment screening assessments contain any thorough discussion of cumulative impacts. However, it was possible to produce preliminary cumulative impacts discussions in the NOP because the prior screening reports contained some discussion of other projects that would be affected by the various alignments. For example, both screening reports discuss how Alternative A would require destruction and potential re-use of the San Dieguito Bridge and Fairgrounds special events platform facilities, but there is no mention in the NOP about what the combined cumulative air quality, traffic, noise, and other impacts would be caused by construction of Alternative A concurrently with the destruction of these facilities, nor what the combined years-long cumulative impacts might be if the projects were not constructed or deconstructed concurrently. Similar analyses are missing for Alternatives B and C.

The City notes that the NOP's failure to identify a preferred and/or environmentally superior alternative in the NOP, and the unequal analysis of those three alternatives, makes a truly reliable understanding of the actual Project's potential cumulative impacts impossible. Nevertheless, the NOP still fails to even attempt to describe the various potential cumulative impacts of each alternative, even though SANDAG's earlier analyses contain sufficient information to produce preliminary predictions. The NOP's failure to identify a preferred alternative, and its lack of any preliminary cumulative impacts discussion, has undermined CEQA's goals of informing stakeholders about potential cumulative project impacts, and has instead created confusion and uncertainty. Therefore, the City urges SANDAG to remove Alternative A, and we reiterate our offer to work with all regional stakeholders to meet our regional goals.

C. Concerns Regarding Inadequate Public Engagement

The City has acute and urgent concerns about SANDAG's public engagement process for the NOP. Specifically, the City is troubled that the vast majority of public engagement conducted by SANDAG prior to release of the NOP occurred with just one stakeholder, the City of Del Mar. Indeed, SANDAG's own NOP validates these concerns by documenting the extensive outreach provided to Del Mar residents and officials—the NOP identifies at least four occasions between July 2023 and February 2024 when SANDAG engaged with the Del Mar community specifically. There is no documentation of any corresponding outreach to the City of Solana Beach, nor to the City of San Diego, the 22nd Agricultural District, the Fairgrounds operators, the trustees of the San Dieguito and Los Peńasquitos Lagoons, nor any other stakeholder potentially affected by the Project—besides Del Mar.

Moreover, the May 2024 alignment screening report discloses that the "stakeholder" alignments that were evaluated in the screening report were sourced from the very same meetings with Del Mar described above, although residents of Carmel Valley and the Torrey Pines Community Planning Board were also ostensibly provided with one engagement event each. Solana Beach was not engaged at all during this time. These facts indicate that the "stakeholder" alignments evaluated in the May 2024 screening report were most likely added solely by the residents and officials from Del Mar, including the Alternative A alignment that

SANDAG's 2023 study had concluded was "impractical" and infeasible. Astoundingly, SANDAG's first official engagement with Solana Beach officials and residents about the Project occurred on June 26, 2024, almost a month *after* the NOP was released and *after* the Alternative A alignment proposed by the Del Mar stakeholders was included as one of the NOP's three final alternatives.

For these reasons, the NOP's range of alternatives is not only substantively problematic from technical, legal, and feasibility viewpoints, but it is also tainted by an unfair and prejudiced public engagement process that resulted in unevenly analyzed alternatives, misrepresentation of the various alignments' potential impacts, and a sense that SANDAG's decisions about the final three alternatives were motivated by factors other than feasibility and potential impacts. Informed decision-making and public participation are fundamental goals of the CEQA process, and the purpose of the statute is "to inform the public and its responsible officials of the environmental consequences of their decision before they are made." (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 713.) However, in this case, SANDAG's failure to meaningfully engage with all stakeholders in developing the NOP and the Project has left excluded stakeholders like the City frustrated that decisions about the Project are being made without their input and with a poor understanding of the various alternatives' potential consequences.

SANDAG can rectify these problems by meaningfully implementing the multi-jurisdictional stakeholder value analysis that was directed to be performed by the SANDAG Board of Directors on June 28, 2024. If SANDAG uses this value analysis to engage in thorough dialogue with *all* stakeholders, and to revise the NOP to reflect a wider, more feasible, and more-thoroughly analyzed range of alternatives, the problems of the agency's public engagement process may be mitigatable.

The City believes that a reasonable and feasible alignment for the Project can be selected that minimizes harm to local communities and sensitive natural and cultural resources, while meeting most or all of the Project objectives. However, the NOP released by SANDAG in June 2024 does not present a feasible range of alternatives, and the project description and analyses thus far have created confusion and concern about the nature of the Project and its potential impacts. The City urges SANDAG to remove Alternative A. We reiterate our offer and our commitment to explore a more environmentally, socially, and economically viable alternative for the rail realignment project, and recommend that SANDAG revise the NOP to include more analysis so that truly informed decisions can be made about this far-reaching Project.

Sincerely,

Alyssa Muto
City Manager