

CONSENT

Bill No: SB 1008
Author: Ochoa Bogh (R)
Introduced: 2/9/26
Vote: 27 - Urgency

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 5-0, 3/18/26
AYES: Blakespear, Valladares, Allen, Hurtado, Menjivar
NO VOTE RECORDED: Dahle, Gonzalez

SENATE ENERGY, U. & C. COMMITTEE: 17-0, 4/13/26
AYES: Allen, Ochoa Bogh, Archuleta, Arreguín, Becker, Caballero, Dahle,
Gonzalez, Grove, Hurtado, McNerney, Reyes, Richardson, Rubio, Stern,
Strickland, Wahab

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: California Environmental Quality Act: exemption: railroad grade crossing closure

SOURCE: Author

DIGEST: This bill re-establishes a California Environmental Quality Act (CEQA) exemption for the Public Utilities Commission's closure of a railroad crossing.

ANALYSIS:

Existing law:

- 1) Establishes CEQA, which requires lead agencies with the principal responsibility for carrying out or approving a project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for the project, unless the project is exempt from CEQA. (Public Resources Code (PRC) §21000 et seq.). If a project may have a

significant effect on the environment, the lead agency must prepare a draft EIR. (CEQA Guidelines §15064(a)(1), (f)(1))

- 2) Establishes over 135 CEQA exemptions in the public resources code, water code, government code and other statutes, and includes 33 categorical CEQA exemptions in the California Code of Regulations. (CEQA guidelines §15260-15285)
- 3) Establishes specific exemptions relating to railroads, including:
 - a) Development, construction, or operation of a heavy maintenance facility or other maintenance facility for electrically powered high-speed rail, or passenger rail stations for the purpose of serving the high speed rail meeting certain conditions (PRC § 21080.70)
 - b) Any railroad grade separation project that eliminates an existing grade crossing or reconstructs an existing grade separation. (§21080.13).
 - c) A transit comprehensive operational analysis, transit route readjustment, or other transit agency route addition, elimination, or modification (PRC § 21080.20(a)(B))
 - d) The institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. (PRC §21080(b)(10)).
 - e) Facility extensions not to exceed four miles in length required to transfer passengers from or to exclusive public mass transit guideway or busway public transit services. (PRC §21080(b)(12)).
 - f) A public project for the construction, operation, or repair of zero emission and near-zero powertrain vehicles, rail or cable cars, or rolling stock, among others. (PRC § 21080.25 (b)(5))
 - g) A public project for the maintenance, construction, or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission trains or certified Tier 4 or cleaner rolling stock or locomotives. (PRC § 21080.25 (b)(6))
- 4) Under the Public Utilities Act, provides various powers to the California Public Utilities Commission (PUC) relating to railroad crossings, including the exclusive power to determine, alter, or abolish rail crossings in the interest of public safety. (Public Utilities Code §1201 et seq.)

This bill:

- 1) Re-establishes a CEQA exemption for the PUC's closure of a railroad crossing, which expired on January 1, 2025, that meets the following criteria:
 - a) The PUC finds the crossing to present a threat to public safety;
 - b) The exemption does not apply to any project carried out by the High-Speed Rail Authority; and
 - c) The project applicant shall file a notice of the use of the exemption with the Office of Land Use and Climate Innovation (LCI) and the county clerk as applicable.
- 2) Includes an urgency clause

Background

- 1) *A, B, C's of CEQA*. CEQA is an environmental planning law designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment.

CEQA is enforced by civil lawsuits that can challenge any project's environmental review, and it is the only state environmental law that allows civil suits. Under CEQA, projects (unless they have a specific exemption) must undergo environmental analysis.

This process starts with an initial study which determines what level of further environmental review is needed for a given project. If a project has no significant effects on the environment, or if those effects can be fully mitigated, the project can move forward with a negative declaration (ND) or mitigated negative declaration (MND). If the initial study finds the project has potential significant effects on the environment, then a full EIR is conducted. An EIR provides a thorough environmental review of a proposed project.

- 2) *Transportation CEQA exemptions*. A project is exempt from CEQA if it is ministerial (i.e., it does not involve discretionary decisions), or if there is a specific statutory or categorical exemption that applies to the project. Statutory exemptions are created by the Legislature and typically apply even if a project has the potential to significantly affect the environment. In contrast, categorical exemptions, which are listed in the CEQA guidelines, generally do not apply if

there are significant environmental impacts associated with the project, including if (1) there is a reasonable possibility of a significant effect on the environment due to unusual circumstances; (2) significant cumulative impacts from projects of the same type will result; or (3) the project will have impacts on a uniquely sensitive environment.

The majority of transportation projects are exempt from CEQA. In October 2017, this committee conducted a survey of state agencies regarding CEQA to gain a better understanding of CEQA compliance and litigation. The survey covered a period of five years, Fiscal Years 2011/12 to 2015/16. The Department of Transportation (DOT) reported a total of 3,259 projects during the five-year period, and almost 90% of these projects were exempt from CEQA.

Since this survey was conducted, a number of bills have also included CEQA exemptions for rail projects specifically, including:

- a) A public project to construct or increase passenger rail service used for zero-emission trains and the maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with one of these projects;
- b) Transit route readjustment, or other transit agency route addition, elimination, or modification;
- c) The institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities; and
- d) A public project for the maintenance, construction, or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission trains or certified Tier 4 or cleaner rolling stock or locomotives.

Comments

- 1) *Purpose of Bill.* According to the author, “Senate Bill 1008 would renew the exemption from the California Environmental Quality Act (CEQA) for the closure of an at-grade rail crossing by order of the California Public Utilities Commission (CPUC) that expired on January 1, 2025. This is a non-controversial measure that restores a longstanding policy to ensure timely action on rail safety.

“Without this exemption, the CPUC must complete a CEQA review before closing an unsafe at-grade rail crossing, potentially delaying critical safety improvements and leaving communities exposed to preventable risks. SB 1008 simply reinstates the prior exemption, allowing the CPUC to continue exercising its authority to alter or abolish dangerous crossings in a timely manner to protect public safety.”

- 2) *Dusting off a CEQA exemption.* This bill re-establishes a CEQA exemption for railroad crossing closures that was first established in 2012 in AB 1665 (Galgiani, Chapter 721, Statutes of 2012) and then extended in 2019 with AB 1824 (Committee on Natural Resources, Chapter 466, Statutes of 2019). In reestablishing this CEQA exemption, it is worth considering the potential pros and cons of eliminating a project type from the public disclosure and environmental analysis required under CEQA.

A standalone closure of a rail crossing may have minimal environmental impacts, and the exemption is conditional on the PUC finding that the crossing presents a threat to public safety. The exemption is narrow and well defined, and it is unlikely to have environmentally harmful unintended consequences.

On the other hand, this CEQA exemption may provide only limited benefits: a search of CEQAnet, the state’s database of CEQA exemptions, contains only one use of this CEQA exemption since its establishment in 2012. This may be because railroad crossing closures tend to be bundled with other projects (such as changing or opening new rail lines). Those larger projects may go through the CEQA process, or may be CEQA exempt, especially given recent expanded CEQA exemptions for high-speed rail facilities, and operation, construction, and maintenance of zero-emission trains or certified Tier 4 or cleaner rail systems.

In short, while running a very low risk of leading to significant or harmful environmental impacts, this CEQA exemption is unlikely to be used.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 4/28/2026)

BNSF Railway
California Short Line Railroad Association

Pacific Merchant Shipping Association
Union Pacific Railroad

OPPOSITION: (Verified 4/28/2026)

None received

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4/29/26 16:22:16

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