

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

311180

April 24, 2026

Patrick J. Fuchs
Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
April 24, 2026
Part of
Public Record

Re: Docket No. EP 779 – Notice of Proposed Rulemaking to Update Environmental Regulations

Dear Chairman Fuchs:

On behalf of North County Transit – San Diego Railroad (NCTD), I write in strong support of the Surface Transportation Board's (Board) Notice of Proposed Rulemaking (NPRM) to clarify, update, and streamline its environmental regulations implementing the National Environmental Policy Act (NEPA). NCTD commends the Board for undertaking this important effort to modernize its environmental review framework, improve regulatory efficiency, and better align its processes with current law and practice.

NCTD supports the Board's goal of accelerating the delivery of critical rail infrastructure projects while maintaining appropriate environmental protections. As the owner and entity responsible for maintenance of the San Diego Subdivision of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor, the nation's second-busiest intercity passenger rail corridor, NCTD plays a vital role in facilitating interstate commerce, passenger mobility, and regional economic activity. NCTD is designated by the Board as a rail common carrier and serves as the Railroad of Record with the Federal Railroad Administration, with responsibility for safety oversight across the San Diego portion of the LOSSAN corridor.

NCTD routinely undertakes capital improvement, maintenance, and resilience projects necessary to ensure safety, maintain a state of good repair, and support reliable passenger and freight service. However, these efforts are frequently subject to lengthy and complex environmental review processes at multiple levels of government. While NCTD recognizes the importance of environmental stewardship, duplicative and outdated procedural requirements can result in significant project delays, increased costs, and reduced responsiveness to urgent infrastructure needs.

The NPRM represents a meaningful step toward improving regulatory clarity, efficiency, and consistency with government-wide NEPA implementation. In particular, NCTD supports the Board's proposed actions to:

- Streamline environmental review procedures to reduce unnecessary delay while preserving meaningful analysis;

One Community - Advancing Opportunities

- Update and clarify categorical exclusions (CEs) for actions that do not individually or cumulatively have significant environmental impacts;
- Expand CEs to include activities such as construction of connecting track within existing right-of-way, which are typically low-impact and routine in nature;
- Modernize Environmental Assessments (EA) and Environmental Impact Statements (EIS) procedures to reflect current agency practice and statutory amendments to NEPA;
- Limit applicant-prepared environmental reports for abandonments and discontinuances, thereby reducing administrative burden and improving process efficiency; and
- Establish procedures for emergency actions, enabling more timely responses to safety risks and infrastructure failures.

These reforms will help align the Board's regulations with the realities of modern rail project delivery, reduce redundancy with other federal and state environmental processes, and support more timely investment in rail infrastructure.

At the same time, NCTD appreciates and shares the concerns expressed by Board Member Karen J. Hedlund regarding the proposal to categorically exclude railroad abandonments from environmental review. While categorical exclusions can be appropriate for actions with minimal environmental impact, abandonment decisions can give rise to subsequent salvage operations, including track removal, material recovery, grading, and site disturbance, that may have meaningful environmental and historic preservation implications.

NCTD is particularly concerned that a categorical exclusion for abandonments could limit the Board's ability to impose environmental mitigation conditions on post-abandonment salvage activities. This concern is not merely theoretical. The San Diego Association of Governments (SANDAG), in partnership with NCTD and other local jurisdictions, is currently advancing planning efforts to potentially realign portions of the LOSSAN corridor within the cities of Del Mar and San Diego due to the well-documented risks associated with the coastal bluff erosion.

If a new alignment is implemented, the abandonment and subsequent salvage of existing rail infrastructure along sensitive coastal bluffs could present significant environmental, coastal, and historic preservation issues. These impacts may not be fully addressed through state or local processes alone, particularly where federal interests are implicated, such as interstate commerce, historic resources, or coastal zone considerations.

Accordingly, NCTD respectfully urges the Board to ensure that any final rule:

- Preserves the Board's authority to impose environmental and historic preservation conditions on salvage operations following abandonment;
- Clarifies that categorical exclusions for abandonment do not preclude appropriate environmental review or mitigation of post-abandonment activities where warranted; and
- Maintains a federal role in overseeing impacts to sensitive resources, particularly in complex or high-risk environments such as coastal corridors.

Maintaining this authority will ensure that the Board retains sufficient flexibility to address site-specific impacts while still achieving the NPRM's broader goal of regulatory streamlining.

For these reasons, NCTD strongly supports the Board's efforts to modernize and improve its NEPA implementing regulations. With the modifications described above, the final rule will better balance efficiency, environmental stewardship, and the practical realities of rail infrastructure delivery.

Thank you for the opportunity to comment on this important rulemaking. If you have any questions regarding my support, please contact Mary Dover, NCTD's Chief of Staff, at mdover@nctd.org or (760) 967-2895.

Sincerely,



Shawn M. Donaghy
Chief Executive Officer

cc: Michelle A. Shultz, Member, Surface Transportation Board
Karen J. Hedlund, Member, Surface Transportation Board
Lori A. Winfree, Deputy Chief Executive Officer and Chief General Counsel, NCTD
Mary Dover, Chief of Staff, NCTD

