

Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

SB 1008 (Ochoa Bogh) – As Introduced February 9, 2026

SENATE VOTE: 36-0

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

SUMMARY: Exempts from CEQA the closure of a railroad grade crossing ordered by the California Public Utilities Commission (CPUC) upon a finding that the crossing presents a threat to public safety. Specifically, **this bill:**

- 1) Exempts from CEQA the closure of a railroad grade crossing by order of the CPUC if the CPUC finds the crossing to present a threat to public safety.
- 2) Provides that the exemption is inapplicable to any crossing for high-speed rail or any crossing for a project carried out by the High-Speed Rail Authority.
- 3) Requires the lead agency to file the notice of exemption with the Office of Land Use and Climate Innovation (formerly Office of Planning and Research).
- 4) Imposes a state-mandated local program because this bill imposes additional duties on lead agencies with regard to the filing of the notice of exemption.
- 5) States this is an urgency statute necessary to take effect immediately to continue to protect public safety and allow local agencies the time needed to make long-term planning decisions.

EXISTING LAW:

- 1) Grants the CPUC exclusive authority over railroad crossings, including prescribing the terms of installation, operation, maintenance, use, and protection of each crossing, as well as requiring the closure or separation of grades at any crossing. (Public Utilities Code § 1201, *et seq.*)
- 2) Establishes the CPUC division responsible for railroad safety and assigns it responsibility for inspecting, investigating, and overseeing railroad rights-of-way, facilities, equipment, and operations, and for enforcing state and federal rail safety laws and regulations. (Public Utilities Code § 309.7)
- 3) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project which may have a significant effect on the environment to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA guidelines). (Public Resources Code § 21000, *et seq.*)

- 4) Exempted from CEQA, until January 1, 2025, the closure of a railroad grade crossing by order of the PUC when the PUC has found the crossing to present a threat to public safety, except for any crossing for high-speed rail. (former Public Resources Code § 21080.14)
- 5) Exempts from CEQA any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation. (Public Resources Code § 21080.13)
- 6) Exempts from CEQA high-speed rail maintenance facilities and stations that have been evaluated in a prior project-level EIR. (Public Resources Code § 21080.70)

FISCAL EFFECT: According to the Senate Appropriations Committee, the bill is expected to have negligible state costs pursuant to Senate Rule 28.8.

BACKGROUND:

California Environmental Quality Act (CEQA) Review Process – Enacted in 1970, CEQA requires public agencies¹ to evaluate the environmental impacts of projects before approving discretionary actions. The law is intended to inform decision-makers and the public of a project's potential environmental effects, identify feasible mitigation measures, and consider alternatives that may reduce environmental impacts. A project is subject to CEQA only if it involves a discretionary action by a public agency and may result in a direct or reasonably foreseeable indirect physical change to the environment.² CEQA review generally falls into three categories:

First, certain projects are exempt from CEQA through either statutory exemptions enacted by the Legislature or categorical exemptions for classes of projects determined not to have significant environmental impacts.³ Second, if a project is not exempt, the lead agency conducts an initial study and may adopt a Negative Declaration (ND) or Mitigated Negative Declaration (MND) if it determines that the project would not have significant environmental impacts or that identified impacts can be mitigated to a less-than-significant level.⁴ Third, projects that may result in significant environmental impacts require preparation of an Environmental Impact Report (EIR), which analyzes environmental effects, mitigation measures, and project alternatives and is subject to public review.⁵

CEQA generally requires lead agencies to complete and certify an Environmental Impact Report (EIR) within one year after an application is deemed complete and to complete a ND or MND within 180 days. These timelines may be extended under certain circumstances with the applicant's consent. Failure to adequately evaluate environmental impacts may result in litigation challenging the environmental review and project approval. Most CEQA lawsuits must be brought within 30 days of the approval of the final EIR⁶. As with most court proceedings questioning government decision-making and actions, CEQA litigation is heavily reliant on

¹ Public Resources Code, § 21063 defines public agency as any state agency, board, or commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

² 14 CCR Section 15060 (c)

³ 14 CCR Section 15062

⁴ *Gentry v. City of Murrieta* (1995) 36 Cal.App. 4th 1359

⁵ 14 CCR Section 15088

⁶ Public Utilities Code § 451,701,702,761, 762,768,770, and 1001

official government records as well as communications between stakeholders and government officials.

CPUC Rail Safety Oversight – CPUC serves as the state's primary rail safety regulator and has exclusive authority over rail crossings.⁷ Through its Rail Safety Division, the CPUC conducts inspections, investigates accidents, enforces state and federal rail safety requirements, and identifies potential safety hazards throughout California's rail network. CPUC inspectors are federally certified and work in coordination with the Federal Railroad Administration to oversee railroad operations, infrastructure, equipment, signal systems, track conditions, and the transportation of hazardous materials.

One of CPUC's primary responsibilities is the regulation of rail crossings. The CPUC reviews proposals to construct new crossings or modify existing crossings, investigates crossing-related incidents, evaluates potential safety improvements, and issues orders related to crossing design and operation. CPUC staff maintain a statewide rail crossing inventory database covering more than 14,000 open rail crossings statewide and conduct ongoing safety assessments to identify locations that may warrant additional warning devices, operational changes, or other safety improvements.⁸

Rail Safety – According to the CPUC's FY 2024–25 Railroad Safety Annual Report, California experienced 636 railroad-related incidents, down from 863 in the previous fiscal year. These incidents included derailments, hazardous materials releases, and crossing- or trespasser-related events. The report identified 174 fatalities and 125 injuries, the majority involving trespassers and roadway users rather than rail passengers or railroad employees.

COMMENTS:

- 1) *Author's Statement.* According to the author, “SB 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) *Need for this Bill.* Existing law grants the CPUC exclusive authority to alter, relocate, or abolish rail crossings when necessary to protect public safety. Prior law exempted certain CPUC-ordered rail crossing closures from review under CEQA, allowing the commission to act more quickly when it determined that a crossing posed a safety risk. That exemption expired on January 1, 2025. SB 1008 restores the exemption.

⁷ CPUC, Railroad Operations and Safety; <https://www.cpuc.ca.gov/industries-and-topics/rail-safety/railroad-operations-and-safety>

⁸ California Department of Transportation, Highway Rail Crossing Dataset; <https://data.ca.gov/dataset/highway-rail-crossing>

The exemption was first enacted by AB 1665 (Galgiani, Chapter 721, Statutes of 2012). It sunset in 2016, was extended to 2019 by SB 348 (Galgiani, Chapter 646, Statutes of 2015), and was later extended to January 1, 2025, by AB 1824 (Committee on Natural Resources, Chapter 466, Statutes of 2019). A search of CEQAnet, the state's database of CEQA exemptions, identified only one use of the exemption since it was first enacted in 2012 suggesting that the need for the exemption may be limited. Unlike prior versions of the exemption, SB 1008 does not include a sunset date.

- 3) *Support If Amended.* SB 1008 would exempt from CEQA the closure of a railroad grade crossing when the CPUC determines that the crossing poses a safety risk. This measure does not apply to high-speed rail crossings. Streets For All, a transportation and land-use advocacy organization, supports the bill if amended to remove that exclusion, asserting that Public Resources Code Section 21080.13 already provides a CEQA exemption for projects that eliminate a railroad crossing by constructing new infrastructure, such as an overpass or underpass. However, those projects differ from the crossing closures addressed by SB 1008. Public Resources Code Section 21080.13 applies to railroad grade separation projects involving the construction or reconstruction of infrastructure, while SB 1008 applies when an existing crossing is closed by order of the CPUC due to safety concerns. Given that the exemption cited by the organization appears to apply to a different type of project, its relevance to the bill's exclusion of high-speed rail crossings is unclear.

- 4) *Prior Legislation.*

AB 1824 (Committee on Natural Resources) extended the sunset date on the CEQA exemption for the closure of a railroad grade crossing by order of the CPUC to January 1, 2025. Status: Chapter 466, Statutes of 2019).

SB 348 (Galgiani) extended the sunset date on the CEQA exemption for the closure of a railroad grade crossing by order of the CPUC to January 1, 2019. Status: Chapter 143, Statutes of 2015.

AB 1665 (Galgiani) specifies CEQA does not apply to the closure of a railroad grade crossing by order of the CPUC when the CPUC found the crossing to present a threat to public safety, until January 1, 2016. Status: Chapter 721, Statutes of 2012.

REGISTERED SUPPORT / OPPOSITION:

Support

American Society of Civil Engineers-region 9
Bnsf Railway
California Short Line Railroad Association
Union Pacific Railroad

Support If Amended

Streets for All (UNREG)

Opposition

None on file.

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