
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Benjamin Allen, Chair
2025 - 2026 Regular**

Bill No: SB 1008 **Hearing Date:** 4/13/2026
Author: Ochoa Bogh
Version: 2/9/2026 Introduced
Urgency: Yes **Fiscal:** Yes
Consultant: Nidia Bautista

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

DIGEST: This bill exempts certain railroad grade crossings from the California Environmental Quality Act (CEQA).

ANALYSIS:

Existing law:

- 1) Establishes and vests the California Public Utilities Commission (CPUC) with regulatory authority over public utilities and common carriers, including rail (Article 12 of the California Constitution)
- 2) Establishes the CEQA which requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements and authorizes a lead agency, if it determines a certain project is exempt from CEQA, to file a notice of exemption. (Public Resources Code §21000 *et seq.*)
- 3) Establishes the division of the CPUC responsible for railroad safety to be responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description by rail. (Public Utilities Code §309.7)

- 4) Requires permission from the CPUC to be secured before a public road, highway, or street is constructed across the track of any railroad corporation at grade, or the track of any railroad corporation is constructed across a public road, highway, or street at grade, or the track of any railroad corporation is constructed across the track of any other railroad or street railroad corporation at grade, or the track of a street railroad corporation be constructed across the track of a railroad corporation at grade. Authorizes the CPUC to refuse permission or grant it upon such terms and conditions as it prescribes. (Public Utilities Code §1201)
- 5) Establishes specific exemptions relating to railroads, including: 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 and any railroad grade separation project that eliminates an existing grade crossing or reconstructs an existing grade separation. (Public Resources Code §§ 21080.70 and 21080.13)

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 regards to the filing of the notice of exemption.
- 5) States this is an urgency statute necessary to take effect immediately to continue to the protect public safety and allow local agencies the time needed to make long-term planning decisions.

Background

CPUC oversight of rail safety. As part of its longstanding and constitutional authorities, including those dating back to when it was the Railroad Commission, the CPUC has oversight of rail safety within the state and exclusive jurisdiction

over rail crossings. CPUC Rail Safety Division (RSD) is responsible for enforcing state and federal laws, regulations, CPUC General Orders (GO), and directives relating to transportation by railroads. Beyond mandated railroad safety activities specifically identified in these authorities, RSD inspectors continuously and proactively identify other potential safety hazards and conduct risk management and reduction work. The CPUC conducts inspections of the tracks and grade crossings for all rail systems, heavy-duty and light rail, in the state.

Rail safety incidents. According to the most recent CPUC Railroad Safety annual report, in FY 2024-2025, there were 636 reported railroad-related incidents in California, down from 863 in the previous fiscal year. Each incident falls into one or more categories: 380 were related to crossing or trespasser incidents (155 of which were at a grade-crossing), 62 were materials or hazardous materials spills, 124 were derailments, and 70 were in other categories. These incidents resulted in a total of 174 fatalities and 125 injuries (compared to 228 fatalities and 138 injuries in the previous year), mostly to trespassers and road users.

Safety of rail crossings. Within the RSD, CPUC staff ensure highway-rail and pathway-rail crossings are safely designed, constructed, and maintained. The Rail Crossings and Engineering Branch (RCEB) engineers evaluate requests to construct new rail crossings or modify existing crossings. RCEB staff also evaluate rail crossing configuration after train-related incidents occur at rail crossings, and review complaints regarding rail crossings safety or conditions. RCEB maintain an inventory of over 15,000 rail crossings in the state.

From the Senate Environmental Quality Committee:

Overview of CEQA Process. CEQA provides a process for evaluating the environmental effects of a project, and includes statutory exemptions, as well as categorical exemptions in the CEQA guidelines. If a project is not exempt from CEQA, an initial study is prepared to determine whether a project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Prior to approving any project that has received environmental review, an agency must make certain findings. If mitigation measures are required or

incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Comments

Need for this bill. This bill reinstates a previously adopted exemption from CEQA for rail crossing closures that the CPUC finds are a threat to public safety. This exemption was originally adopted by AB 1665 (Galgiani) of 2012, but sunset in 2016 and was subsequently extended to 2019 by SB 348 (Galgiani) of 2015, then to 2025 by AB 1824 (Committee on Natural Resources) of 2019. Unlike those previous versions, this bill does not include a sunset. According to the analysis of the Senate Environmental Quality Committee, the exemption had only been used in one instance since it was first adopted in 2012. Given the narrow application and the requirement, the CPUC must find a threat to public safety for a railroad grade crossing closure, reinstating this CEQA exemption seems very reasonable.

Dual Referral. This bill passed out of the Senate Environmental Quality Committee on March 18, 2026, with a vote of 5-0.

Prior/Related Legislation

AB 1824 (Committee on Natural Resources, Chapter 466, Statutes of 2019) 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.

SB 348 (Galgiani, Chapter 143, Statutes of 2015) 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.

AB 1665 (Galgiani, Chapter 721, Statutes of 2012) 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.

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

SUPPORT:

BNSF Railway Company
California Short Line Railroad Association
Streets For All, if amended
Union Pacific Railroad Company

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the Union Pacific Railroad Company, BNSF Railway Company, and California Short Line Railroad Association:

SB 1008 continues a vital CEQA exemption that streamlines critical safety initiatives and supports the Commission in reaching its railroad goals and complying with federal regulations. Originally passed in AB 1665 (Galgiani) from 2012, this exemption was then later reauthorized in 2019 under AB 1824 with a sunset date of January 1, 2025 ensuring that this common sense exemption remained in practice. ... We believe the safest crossing is no crossing, and we have an ongoing goal of reducing the overall number of crossings to improve safety for pedestrians, motorists, customers and communities.

-- END --