

BILL: SB 741 (Blakespear, D-Encinitas)
Introduced February 21, 2025

SUBJECT: SB 741 would clarify that a local emergency declared by a municipality, county, or special district qualifies as an emergency for coastal development permits.

STATUS: Introduced.

SUMMARY AS OF MARCH 5, 2025:

Under existing law, the California Coastal Commission (CCC) requires a coastal development permit when conducting work in the coastal zone. There are circumstances under which coastal development permits can be issued without full compliance with standard procedures, such as performing emergency work. For example, when rail service was suspended in San Clemente due to slope instability, it was deemed an emergency and the Orange County Transportation Authority (OCTA), as the right of way owner, was able to use an emergency authority to begin construction prior to having an approved permit. The emergency work must address immediate threats to protect life, property, or the environment. Emergency permits can be issued without delays for urgent situations, ensuring quicker responses to disasters.

SB 741 clarifies that the definition of an emergency for the purposes of issuing coastal development permits includes a local emergency declaration made by a municipality, county, or special district.

EFFECTS ON ORANGE COUNTY:

OCTA owns and maintains over 40 miles of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor in Orange County, which serves intercity, commuter, and freight rail operations, including about seven miles along the Southern California coast. Heavy rain and storm surges in September 2021 caused track movement near Cyprus Shore in San Clemente, leading the Southern California Regional Rail Authority (Metrolink) to suspend service for three weeks while crews stabilized the area with riprap. Despite these efforts, continued slope movement forced another suspension in September 2022, prompting the installation of over 200 ground anchors, successfully halting further shifting and allowing full passenger service to resume in April 2023. Further along the line, service was suspended at Casa Romantica on April 27, 2023, after a landslide threatened the track; a temporary 250-foot-long, 12-foot-high catchment wall was constructed, enabling service to resume on July 17, 2023. More recently, on January 24, 2024, a landslide at Mariposa Point sent debris onto the rail right-of-way, toppling sections of a pedestrian bridge and closing the coastal trail. A 200-foot temporary catchment wall was built to protect the track, allowing full service to resume on March 25, 2024.

With each failure of the rail line, costs mount. Each time work is required along the corridor, this impacts the 8 million annual passengers on Amtrak Pacific Surfliner, Metrolink, and COASTER trains, \$1 billion in freight crucial to the region's economy, and the United States Department of Defense strategic rail operations. These persistent threats have shut down passenger service for over a year cumulatively. For the LOSSAN Rail Corridor Agency, the closures have resulted in a net loss of \$14 million in revenue, which includes emergency bus bridges costing up to \$100,000 per day. OCTA has spent more than \$37 million so far on emergency fixes in the known ancient landslide area. Freight shipments crucial to the regional economy and military logistics have also faced significant delays. The biggest untold cost may be the loss of rail passengers who may never return due to the lack of rail service reliability.

While there has been substantial emergency work already done, a significant threat remains to both property and public infrastructure, with the potential for loss of life if a catastrophic bluff failure coincides with a passing train. Recognizing the ongoing emergency caused by continued weather impacts, OCTA conducted a Coastal Rail Resiliency Study in 2023, identifying four high-risk areas in San Clemente that require urgent reinforcement. Proposed solutions include emergency armoring, sand nourishment, a catchment wall, and other slope reinforcements. In 2024, OCTA secured \$305 million in state and federal funding for these stabilization projects. However, due to lengthy environmental analysis and permitting processes, immediate action is not possible. In May 2024, OCTA pursued an emergency coastal development permit from the CCC but was informed by the CCC this was not the appropriate mechanism because rail service remained operational. Without an emergency designation, OCTA must pursue a traditional coastal development permit, requiring extensive studies and environmental reviews under the California Environmental Quality Act. Under this process, construction on the high-risk areas is not expected to begin until 2028, delaying critical safety improvements.

It is critical to emphasize that the pursuit of emergency permitting is not an attempt to circumvent environmental regulations, but rather a response to a demonstrable and escalating threat. Between January 2024 and January 2025, a series of new landslides have occurred near previous emergency project areas. While these slides have not yet directly impacted rail service, the resulting debris is steadily moving toward the tracks, signaling ongoing hillside instability at multiple locations. Over the past year, mud and debris have continued to accumulate behind the 12-foot-high temporary catchment wall designed to protect rail operations. In some areas, the debris has reached nearly 11 feet, posing an imminent risk of spilling over and obstructing the corridor. These conditions underscore the urgent need for proactive stabilization measures to prevent further disruptions, rather than waiting for a catastrophic failure to justify emergency intervention.

SB 741 clarifies that a local emergency declared by a municipality, county, or special district qualifies as an emergency under the California Coastal Act, allowing agencies like OCTA to respond more quickly to threats. By recognizing local emergency declarations, this bill provides a proactive tool to prevent catastrophic disruptions rather than waiting for prolonged regulatory approvals. This would ensure stabilization projects can be implemented before service suspensions occur, protecting rail operations, regional mobility, and economic activity.

With secured funding in place, the primary obstacle to implementing critical reinforcement measures remains the permitting process. Delays in obtaining approvals could result in escalating costs, increased safety risks, and further degradation of the rail corridor. By streamlining emergency permitting authority, SB 741 removes a significant barrier to timely project delivery, allowing essential stabilization work to move forward as soon as risks are identified and a local emergency declaration is made. This would enhance long-term rail resilience and reduce the likelihood of future service interruptions caused by coastal erosion and extreme weather events.

A SUPPORT position is consistent with OCTA's 2025-26 State Legislative Platform principles to "Expedited permitting and project delivery for critical public transportation projects located within the coastal zone."

OCTA POSITION:

Staff recommends: SUPPORT

Introduced by Senator Blakespear

February 21, 2025

An act to amend Section 30624 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 741, as introduced, Blakespear. Coastal resources: coastal development permit: local emergency declaration.

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission to provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the development permit authority has been delegated to a local government, by an appropriate local official designated by resolution of the local government without compliance with the procedures prescribed in the act in cases of emergency, except as provided, and for certain nonemergency developments, as described.

This bill would include as an emergency, for purposes of the latter provision, a local emergency declaration by a municipality, county, or special district.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30624 of the Public Resources Code is
- 2 amended to read:

1 30624. (a) The commission shall provide, by regulation, for
2 the issuance of coastal development permits by the executive
3 director of the commission or, where the coastal development
4 permit authority has been delegated to a local government pursuant
5 to Section 30600.5, by an appropriate local official designated by
6 resolution of the local government without compliance with the
7 procedures specified in this chapter in cases of emergency,
8 *including a local emergency declaration by a municipality, county,*
9 *or special district,* other than an emergency provided for under
10 Section 30611, and for the following nonemergency developments:
11 improvements to any existing structure; any single-family dwelling;
12 any development of four dwelling units or less within any
13 incorporated area that does not require demolition; any other
14 developments not in excess of one hundred thousand dollars
15 (\$100,000) other than any division of land; and any development
16 specifically authorized as a principal permitted use and proposed
17 in an area for which the land use portion of the applicable local
18 coastal program has been certified.—~~Such~~ That permit for
19 nonemergency development shall not be effective until after
20 reasonable public notice and adequate time for the review of such
21 issuance has been provided.

22 (b) If one-third of the appointed members of the commission
23 so request at the first meeting following the issuance of ~~such~~ that
24 permit by the executive director, such issuance shall not be
25 effective, and, instead, the application shall be processed in
26 accordance with the commission's procedures for permits and
27 pursuant to the provisions of this chapter.

28 (c) ~~Any~~ A permit issued by a local official pursuant to the
29 ~~provisions of this section~~ shall be scheduled on the agenda of the
30 governing body of the local agency at its first scheduled meeting
31 after that permit has been issued. If, at that meeting, one-third of
32 the members of that governing body so request, the permit issued
33 by the local official shall not go into effect and the application for
34 a coastal development permit shall be processed by the local
35 government pursuant to Section 30600.5.

36 (d) ~~No monetary~~ Monetary limitations shall *not* be required for
37 emergencies covered by ~~the provisions of this section~~.

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