

# Sonoma-Marin Area Rail Transit District

Updated changes to CEQA law and CEQA exemption determination process

March 18, 2026



# Outline

- SB 71 Overview
- New Exemptions
- Project Thresholds
- Project Requirements
- Next Steps

# SB71 Overview

The new law:

1. Exempts certain transportation projects built within public right-of-way from CEQA
2. Establishes thresholds for project study and public engagement based on estimated project cost
3. Specifies requirements for projects study and public engagement for exempt projects that meet those thresholds
4. Requires the agency leading the project to certify the use of a skilled and trained workforce
5. DOES NOT impact the regulatory permit process and mitigation requirements for projects

# Project Exemptions

**The law statutorily exempts projects from CEQA. Project exemptions related to SMART include:**

- Bicycle and Pedestrian Facilities
- Passenger Rail projects that will be used by zero-emission or certified tier 4 locomotives. Includes:
  - Station construction, maintenance or rehabilitation
  - Projects that institute, improvement, and increase in the passenger rail service.

# Project Thresholds

- Specifies thresholds based on the project's engineer cost estimate that determine requirements that must be met
- Thresholds:
  - Project's engineer cost estimate is greater than \$50 million
  - Project's engineer cost estimate is greater than \$100 million
- These thresholds are to be updated biennially in line with the consumer price index

# CEQA Exemption Project Requirements

Project Cost > \$100 M	\$100 M < Project Cost < \$50 M	Project Cost < \$50 M
Prepared a Project Business Case	Not Applicable (NA)	NA
Prepare a Racial Equity Analysis	NA	NA
3 publicly noticed, public meetings with 1 of the 3 meetings dedicated to the racial equity analysis. (pre-exemption determination)	3 publicly noticed, public meetings (pre-exemption determination)	NA
2 publicly noticed meetings annually during construction	2 publicly noticed meetings annually during construction	NA
Agency to certify the use of a skilled and trained workforce	Agency to certify the use of a skilled and trained workforce	Agency to certify the use of a skilled and trained workforce
Must be included in a Plan with a programmatic environmental impact report (EIR)	NA	NA
Fully mitigated construction impacts	NA	NA

# Next Steps

- SMART looked to peer agencies for best practices of implementing CEQA exemptions for qualifying projects
- A sample checklist was drafted and attached to the board memo
- We will continue to work with our peers as the implementation of the law is carried out around the state.

# Questions?