

108TH CONGRESS  
1ST SESSION

# H. R. 2165

To prohibit the use of Federal funds for double tracking of the Pacific Surfliner corridor through the Historic Mission District and downtown area of San Juan Capistrano and along the coastal beaches of Dana Point and San Clemente.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2003

Mr. COX (for himself and Mr. CALVERT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To prohibit the use of Federal funds for double tracking of the Pacific Surfliner corridor through the Historic Mission District and downtown area of San Juan Capistrano and along the coastal beaches of Dana Point and San Clemente.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal and Historic  
5 Communities Protection Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) Since 1888, Southern Californians have  
2           been served by a railroad line that traverses scenic  
3           beaches and historic resources in south Orange  
4           County, California. Officials of the California High  
5           Speed Rail Authority and the California Department  
6           of Transportation have proposed plans that could fa-  
7           cilitate construction of an additional set of tracks on  
8           the coastal Pacific Surfliner corridor accommodating  
9           future high-speed rail cars. With 1,700,000 rail pas-  
10          sengers traveling in the corridor in 2002, double  
11          tracking the line would increase train traffic to an  
12          unacceptable level. It can threaten the environmental  
13          and economic stability of the local communities, and  
14          jeopardize the region's coastal and historic re-  
15          sources.

16          (2) The proposed double tracking plans of the  
17          California High Speed Rail Authority and the Cali-  
18          fornia Department of Transportation are incon-  
19          sistent with the spirit and intent of the National  
20          Costal Zone Management Act of 1972 as amended  
21          by The Coastal Zone Protection Act of 1996 (16  
22          U.S.C. 1451 note).

23          (3) The cities of Dana Point, San Juan  
24          Capistrano, and San Clemente, and the Orange  
25          County Transportation Authority overwhelmingly op-

1 pose double tracking of the existing Pacific Surfliner  
2 Corridor through the Historic Mission District and  
3 downtown area of San Juan Capistrano and along  
4 the coastal beaches of Dana Point and San  
5 Clemente.

6 (4) Because our Nation's transportation prior-  
7 ities should correspond to the wishes of the tax-  
8 payers who fund these projects, the active partici-  
9 tion of these cities in the decision making process is  
10 imperative to strengthen the local, State, and Fed-  
11 eral partnership that administers the route that is  
12 eventually chosen.

13 **SEC. 3. PROHIBITION ON USE OF FEDERAL FUNDS FOR**  
14 **DOUBLE TRACKING OF THE PACIFIC**  
15 **SURFLINER CORRIDOR THROUGH THE HIS-**  
16 **TORIC MISSION DISTRICT AND DOWNTOWN**  
17 **AREA OF SAN JUAN CAPISTRANO AND ALONG**  
18 **THE COASTAL BEACHES OF DANA POINT AND**  
19 **SAN CLEMENTE.**

20 (a) IN GENERAL.—After the date of enactment of  
21 this Act, the Secretary of Transportation may not provide  
22 funds to study, design, engineer, or construct double  
23 tracking of the Pacific Surfliner corridor through the Or-  
24 ange County, California coastal and historic cities of Dana  
25 Point, San Juan Capistrano, and San Clemente.

1 (b) FUNDS FOR PACIFIC SURFLINER.— No provision  
2 contained herein shall prohibit the Secretary of Transpor-  
3 tation from authorizing the expenditures of funds to sup-  
4 port Pacific Surfliner service in the corridor consistent  
5 with the provisions of the Rail Passenger Service Act of  
6 1970.

7 **SEC. 4. DEFINITION.**

8 For purposes of this Act, the term “double tracking”  
9 means the establishment of a second set of rail tracks on,  
10 under, or above an existing right-of-way, wherever coastal  
11 or historic resources, in the cities of San Clemente, San  
12 Juan Capistrano, or Dana Point, may be affected.

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