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15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 IN AND FOR THE COUNTY OF SAN BERNARDINO

17 SIERRA CLUB, EAST YARD COMMUNITIES
18 FOR ENVIRONMENTAL JUSTICE, NATURAL
19 RESOURCES DEFENSE COUNCIL, AND
CENTER FOR BIOLOGICAL DIVERSITY,

20 Petitioners,

21 v.

22 CITY OF BARSTOW, and DOES 1-20, inclusive,

23 Respondents,

24 BURLINGTON NORTHERN SANTA FE
25 RAILWAY COMPANY, LLC, and DOES 21-40,
26 inclusive,

27 Real Parties in Interest.
28

Case No.

California Environmental Quality Act (CEQA)

Streamlined CEQA Project

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY & INJUNCTIVE
RELIEF**

Code Civ. Proc. §§ 1085, 1094.5;
Pub. Resources Code §§ 21000 *et seq.*,
21189.80-21189.91

The proponent of the project at issue provided
notice to the lead agency that it was proceeding
under Public Resources Code sections
21189.80-21189.91 and is subject to this rule.

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1 **INTRODUCTION**

2 1. On June 16, 2026, the City Council for the City of Barstow (“the City”) approved the
3 Burlington Northern Santa Fe (“BNSF”) Barstow International Gateway railyard (“BIG” or “BIG
4 Project”). The BIG Project will be a 5,000-acre rail and logistics facility that includes 9 million square
5 feet of transload warehousing, an ancillary rail storage area, a block swap yard, and an intermodal
6 facility, making it the largest rail facility in the country.

7 2. On June 2, 2026, the City Council approved the Barstow General Plan Update (“General
8 Plan”), which takes actions to accommodate the BIG Project and forecasts Barstow’s significant
9 development over the next 25 years. The BIG Project and the General Plan are collectively referred to
10 herein as “the Project.”

11 3. The massive BIG Project will move shipping containers from the Ports of Los Angeles
12 and Long Beach (“Ports”) 130 miles to the High Desert town of Barstow, California, where goods will be
13 repackaged before they are shipped nationwide. Likewise, goods will travel from the rest of the nation to
14 Barstow and then onwards to the Ports.

15 4. BIG will operate 24 hours a day, 365 days per year.

16 5. BIG will use diesel locomotives, diesel trucks, and diesel railyard equipment, all of which
17 contribute significant amounts of pollution to a region already plagued by the nation’s worst air quality.
18 Specifically, the project proponent, BNSF, intends to operate diesel switcher locomotives, which are
19 locomotives that move trains within the railyard itself; a “captive fleet” of diesel line-haul locomotives to
20 travel back and forth from the Ports to Barstow on a closed loop; diesel line-haul locomotives to travel to
21 and from the Project from the east; and diesel railyard equipment, such as rubber-tired gantry cranes and
22 transport refrigeration units to manage goods at the Project site. BIG will also receive hundreds of trucks
23 per day, all of which are expected to be fueled by diesel.

24 6. The City, as the lead agency for the Project, must prepare a California Environmental
25 Quality Act (“CEQA”) environmental review disclosing the Project’s environmental impacts for public
26 review and comment, and must adopt all feasible mitigation measures to reduce the Project’s significant
27 environmental impacts to the extent feasible.

1 7. The freight and logistics industry is one of the biggest polluters in Southern California.
2 The goods movement industry contributes a significant amount of emissions near portside communities,
3 Inland Empire residents, and individuals across the region. While the City and BNSF tout this Project as
4 a greenhouse gas-reducer because it will move goods by train rather than by truck, this oversimplifies and
5 masks the Project’s significant contributions to local and regional environmental pollution.

6 8. The City’s Environmental Impact Report (“EIR”) for the Project concludes that at the
7 height of operations, BIG will emit over 550 tons of health-harming nitrogen oxide (“NOx”) emissions
8 per year and burn approximately 18 million gallons of diesel per year. These figures are jarring, but they
9 severely underestimate the Project’s environmental impacts on Barstow and the surrounding Southern
10 California community. Instead of performing an honest assessment of the Project’s impacts, the EIR
11 relies on faulty assumptions and makes promises outside of BNSF’s control to claim BIG will reduce
12 tens of millions of gallons of diesel fuel consumption per year. The City’s EIR analysis lacks substantial
13 evidence and must be corrected.

14 9. To make matters worse, the Final EIR alters some of the Draft EIR’s most critical
15 conclusions without explanation, and without recirculating the document for full public review and
16 comment. For instance, whereas the Draft EIR concluded the Project will *decrease* fuel consumption by 5
17 million gallons of diesel per year compared to existing conditions, the Final EIR newly determined
18 without justification that the Project will *increase* diesel fuel usage by over 3 million gallons per year
19 compared to existing conditions. This 8-million-gallon difference in annual diesel fuel consumption
20 certainly amounts to significant new information that required EIR recirculation.

21 10. In addition to the region-wide and global harms posed by the Project’s air pollution
22 greenhouse gas (“GHG”) impacts, the construction and operation of these facilities will transform the
23 local landscape of Barstow and the Mojave Desert. The Project will destroy or degrade thousands of
24 acres of habitat relied upon by numerous special-status wildlife species and native plants, and will
25 imperil the adjacent Mojave River, a critical water source for both people and wildlife in the arid region.
26 The EIR fails to adequately address or reduce these harms. Further, beginning during construction and
27 continuing throughout operations, railyard and warehouse facilities will impose huge burdens on nearby
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1 communities due to constant light, noise, dust, and traffic; all of which are impacts that the City refused
2 to mitigate through feasible measures or alternative designs.

3 11. Yet, the Project is ideally suited to operate entirely—or at least partially—with non-
4 polluting equipment, including switcher locomotives, ‘captive fleet’ locomotives, railyard equipment,
5 and trucks. In fact, on June 5, 2026, the South Coast Air Quality Management District (“SCAQMD”)
6 awarded \$190 million for 31 battery-electric switcher locomotives and supporting charging
7 infrastructure, the largest award of its kind. Electric freight locomotives are also widely used around the
8 world, and there are more than 2,500 non-polluting heavy-duty trucks operating across the country today.

9 12. The BIG Project was proposed and paid for by BNSF, one of the largest Class I railroads
10 in the United States, which enjoyed net profits exceeding \$5.475 billion last year.

11 13. Despite repeated attempts for years by members of the public and Sierra Club, East Yard
12 Communities for Environmental Justice, Natural Resources Defense Council, and Center for Biological
13 Diversity (collectively, “Petitioners”) requesting the City address the deficiencies in its CEQA
14 environmental review for the Project, the City failed to, among other issues, adequately disclose, analyze,
15 and mitigate environmental impacts before approving the Project. The City’s Findings and Statement of
16 Overriding Considerations, adopted in connection with the Project are also invalid both because they
17 unlawfully purport to override impacts that can and should have been analyzed and mitigated more fully
18 and because they are not based on substantial evidence supporting either the purported benefits of the
19 Project or the environmental effects being outweighed, including, *inter alia*, the adverse economic
20 consequences of such effects.

21 14. For all these reasons, we ask this Court to issue a writ of mandate directing the City to
22 vacate and set aside its approval of the Project, certification of the EIR, adoption of related Findings,
23 Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

24 **PARTIES**

25 15. Petitioner SIERRA CLUB is a national nonprofit organization of approximately 597,000
26 members, of whom about 127,000 live in California and about 5,500 belong to the Sierra Club’s local
27 San Gorgonio Chapter. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of
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1 the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to
2 educating and enlisting humanity to protect and restore the quality of the natural and human environment;
3 and to using all lawful means to carry out these objectives. The Sierra Club and the San Gorgonio
4 Chapter have an interest in preserving the native, endangered, imperiled, and sensitive species and
5 wildlife habitats in the region; decreasing environmental degradation from air, water, noise, and other
6 pollution; and ensuring that good, livable, and healthy jobs are brought to the area. The members of the
7 San Gorgonio Chapter live, work, and recreate in and around the areas that will be directly and indirectly
8 affected by approval and implementation of the Project. Sierra Club submitted comments on the Draft
9 EIR and Final EIR for the Project.

10 16. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a nonprofit
11 conservation organization dedicated to the protection of native species and their habitats through science,
12 policy, and environmental law. The Center has approximately 101,000 members worldwide, including
13 members who reside within communities in the vicinity of the Project. The Center has worked for many
14 years to protect imperiled plants and wildlife, open space, air and water quality, and the overall quality of
15 life for people in San Bernardino County and the city of Barstow, where the Project will be located.
16 Members of the Center will be directly and adversely affected by the approval and implementation of the
17 Project. The Center submitted comments on the Draft EIR and the Final EIR for the Project.

18 17. Petitioner NATURAL RESOURCES DEFENSE COUNCIL, INC. (“NRDC”) is a
19 nonprofit organization with millions of members and online activists—including over 32,000 located in
20 California—and its mission is to safeguard the earth’s people, its plants and animals, and the natural
21 systems on which all life depends. Established in 1970, NRDC uses science, policy, law, and human
22 power to pursue its mission. NRDC or its affiliates have offices not only in San Francisco and Santa
23 Monica, California, but also New York City, Washington, D.C., Chicago, Beijing, and Delhi. NRDC
24 submitted comments on the Draft EIR and the Final EIR for the Project.

25 18. Petitioner EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE
26 (“EYCEJ”) is a member-based organization that was established in 2001. With membership bases in
27 Commerce, East Los Angeles, Carson, and Long Beach, EYCEJ’s mission is to achieve a safe and
28 healthy environment for communities that are disproportionately suffering from the negative effects of

1 industrial and transportation pollution. Today, EYCEJ has a database of over 350 community residents,
2 many of whom are active and participate regularly in community outreach, education and civic
3 engagement efforts. EYCEJ members reside near and around the Ports and the Alameda Corridor rail
4 tracks and will be directly and indirectly adversely affected by the Project’s approval and
5 implementation. EYCEJ submitted comments on the Draft EIR and the Final EIR for the Project.

6 19. Petitioners are collectively referred to herein as “Petitioners.”

7 20. Respondent CITY OF BARSTOW (the “City”) is a political subdivision of the State of
8 California and is responsible for regulating and controlling land use in the city of Barstow, including, but
9 not limited to, implementing and complying with the provisions of CEQA and the CEQA Guidelines.
10 The City is the “lead agency” for purposes of Public Resources Code section 21067, with principal
11 responsibility for conducting environmental review and approving the Project. The City’s June 3, 2026
12 Notice of Determination for the General Plan lists “City of Barstow” as the “Project Applicant.”

13 21. As referred to herein, “the City” refers to all of Barstow’s boards, departments, and
14 commissions, including the City Council and Planning Commission.

15 22. Petitioners do not know the true names and capacities, whether individual, corporate,
16 associate, or otherwise, of Respondents DOE 1 through DOE 20, inclusive, and therefore sue said
17 Respondents under fictitious names. Petitioners will amend this Petition to show their true names and
18 capacities when they are known.

19 23. Petitioners are further informed and, on that basis, believe that BURLINGTON
20 NORTHERN SANTA FE RAILWAY COMPANY, LLC (“BNSF”), a subsidiary of Berkshire
21 Hathaway, Inc., a limited liability company, is a Real Party in Interest insofar as BNSF is described as
22 the Project proponent subject to the City’s actions pursuant to its Project approvals and Project-related
23 actions. The City’s June 17, 2026 Notice of Determination for BIG lists “BNSF Railway Company” as
24 the “Project Applicant.”

25 24. Petitioners do not know the true names and capacities, whether individual, corporate,
26 associate or otherwise, of Real Parties in Interest DOE 21 through DOE 40, inclusive, and therefore sue
27 said Real Parties under fictitious names. Petitioners will amend this Petition to show their true names and
28 capacities when they are known.

1 **JURISDICTION AND VENUE**

2 25. The Court has jurisdiction over this action pursuant to Article 6, Section 10 of the
3 California Constitution, Public Resources Code section 21168 (or in the alternative, pursuant to Public
4 Resources Code section 21168.5), and Code of Civil Procedure sections 1085 and 1094.5.

5 26. Venue is proper in the Superior Court of California, County of San Bernardino under
6 Code of Civil Procedure section 395 because the City and the Project are currently located, or will be
7 located, in San Bernardino County.

8 27. Venue is also proper in this Court pursuant to Code of Civil Procedure section 394
9 because this is an action or proceeding against a city.

10 28. This action is filed in the Civil Division of the Rancho Cucamonga District located in the
11 Rancho Cucamonga Courthouse, 8303 Haven Avenue, Rancho Cucamonga, CA 91730 in accordance
12 with the Superior Court of California County of San Bernardino webpage,
13 <https://sanbernardino.courts.ca.gov/general-information/where-can-i-file>, which lists this court as the
14 venue to file CEQA cases for the Desert region of the County of San Bernardino, which encompasses
15 Barstow.

16 29. In accordance with Public Resources Code section 21167, subdivision (c), this Petition has
17 been filed within 30 days of the City’s Notice of Determination approving the General Plan and
18 certifying the Final EIR, which was approved on June 2, 2026 and posted by the City of Barstow’s Clerk
19 on June 3, 2026. This Petition has also been filed within 30 days of the City’s Notice of Determination
20 approving the BIG Project and certifying the Final EIR, which was approved on June 16, 2026 and
21 posted by the City of Barstow’s Clerk on June 17, 2026.

22 30. Petitioners have complied with Public Resources Code section 21167.5 by prior service of
23 a letter upon the City indicating their intent to file this Petition. (Exhibit “A” hereto.)

24 31. Petitioners will promptly send a copy of the Petition to the California Attorney General
25 within three court days of filing this Petition, thereby complying with the requirements of Public
26 Resources Code section 21167.7, Code of Civil Procedure section 388, and California Rule of Court
27 3.2222, subdivisions (d).

1 Furthermore, Barstow is a major hub for the multiple rail lines that traverse the high desert, with BNSF
2 already operating a 600-acre railyard in the city. The BIG Project will represent a significant increase in
3 rail operations; at 4,300 acres, the BIG Project will be at least 7 times larger than the existing facility.

4 39. As of the 2020 Decennial Census, the United States Census Bureau estimates
5 approximately 25,415 people reside in Barstow, including over 40 percent Hispanic or Latino residents
6 and over 19 percent Black or African American residents.¹ Only 13.2 percent of Barstow residents hold a
7 bachelor’s degree or higher coupled with a median household income of \$53,380 compared to the
8 \$100,149 median household income in California.² An estimated 23.1 percent of the population earn
9 income below the federal poverty level.³

10 40. CalEnviroScreen, the California Environmental Protection Agency’s health screening tool,
11 identifies census tracts in Barstow as having an overall pollution burden as high as in the 86th percentile,
12 meaning these census tracts experience more pollution than 86 percent of all census tracts in the state.⁴
13 The area also has census tracts that are in the 99.9th percentile for asthma and cardiovascular disease.⁵
14 Residents in and near the Project area are exposed to more diesel particulate matter (“DPM”) than 97.8
15 percent of census tracts, more ozone than 87.8 percent of census tracts, and more traffic impacts than
16 73.5 percent of census tracts.⁶

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20 ¹ United States Census Bureau, *Hispanic or Latino, and Not Hispanic or Latino by Race: Decennial Census, DEC*
Demographic and Housing Characteristics, Table P9,
21 <https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#populations-and-people> [as of July 1,
2026]; United States Census Bureau, *Race: Decennial Census, DEC Redistricting Data (PL 94-171), Table P1*,
22 <<https://data.census.gov/table/DECENNIALPL2020.P1?g=160XX00US0604030>> [as of July 1, 2026].

23 ² United States Census Bureau, *Educational Attainment: 2024 American Community Survey 5-Year Estimates, Table S1501*,
<https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#education> [as of July 1, 2026]; United
24 States Census Bureau, *Income and Poverty: Income and Earnings: 2024 American Community Survey 5-Year Estimates,*
Table S1901, < https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#income-and-poverty> [as of
July 1, 2026].

25 ³ *Ibid.*

26 ⁴ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tract 6071012002*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A6292> [as of June 30,
2026].

27 ⁵ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tracts 6071009400 & 6071011801*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A6179>
[as of June 30, 2026].

28 ⁶ *Ibid.*

1 41. According to Barstow’s Environmental Justice Story Map, “the majority of Barstow
2 residents live in, or immediately adjacent to, census tracts that [currently] qualify as EJ communities and
3 experience roughly comparable levels of pollution and/or socioeconomic burden.”

4 42. Barstow is located within the jurisdiction of the Mojave Desert Air Quality Management
5 District (“MDAQMD”). MDAQMD is the regional air pollution control agency with authority to regulate
6 the “serious air pollution problems” throughout most of the Mojave Desert Air Basin (“Mojave Desert”),
7 which includes the high desert region of San Bernardino County and the Palo Verde Valley area in the far
8 eastern portion of Riverside County. (Health & Safety Code, § 41200, subd. (a).)

9 43. MDAQMD is specifically responsible for clean air planning in and throughout most of the
10 Mojave Desert, pursuant to the federal Clean Air Act. The air quality planning MDAQMD conducts is
11 critical to meeting national air pollution control standards set forth under the federal Clean Air Act,
12 including National Ambient Air Quality Standards aimed at reducing the presence of contaminants of
13 concern that severely impact public health and the environment, and which contribute to climate change.
14 These contaminants include but are not limited to NOx and particulate matter (“PM”), which produce
15 soot, ground-level ozone (or “smog”), and ozone precursors.

16 44. The Mojave Desert exceeds federal public health standards for ozone and PM. According
17 to the 2026 American Lung Association State of the Air Report, San Bernardino County and Riverside
18 County rank first and second for the most ozone polluted places to live in the United States, respectively,
19 and fifteenth and tenth for the most daily PM-polluted places to live in the United States, respectively. A
20 portion of the ozone pollution in the Mojave Desert is due to prevailing winds carrying ozone and ozone
21 precursors from the San Joaquin Valley Air Basin and the South Coast Air Basin (“South Coast”) into the
22 Mojave Desert.

23 45. Exposure to ozone can cause coughing and sore throat, inflammation of and damage to the
24 airways, lung infections, aggravation of respiratory diseases such as asthma and chronic bronchitis, and
25 elevated risk of cancer, among other serious health concerns. Exposure to PM, similarly, can cause and
26 worsen numerous respiratory diseases. Exposure to DPM and other air pollutants are associated with
27 numerous adverse health effects, including increased cancer risk.

1 46. The Project is also inextricably linked to the San Pedro Bay Port Complex, which consists
2 of the Port of Los Angeles and the Port of Long Beach. The Project will move cargo from the Ports
3 through Los Angeles to the High Desert and beyond, and vice versa. BNSF locomotives will travel along
4 rail tracks located within the Alameda Corridor and likely other rail tracks to move goods between the
5 Ports and Barstow.

6 47. The Ports are the two largest seaports in the United States and together handle
7 approximately 40 percent of the nation’s waterborne cargo. Cargo arriving at the Ports is transported
8 throughout the region by rail and truck through an interconnected goods movement network. Many low-
9 income communities are located near the Ports and along the rail and highway corridors that connect the
10 Ports to inland railyards and warehouses throughout Southern California.

11 48. The Ports, railyards, warehouses, and highways are pollution magnets that attract
12 significant levels of pollutants. Many low-income communities and communities of color throughout the
13 South Coast are located close to these pollution magnets and are exposed to elevated levels of NOx, PM,
14 volatile organic compounds, DPM, and other pollutants.

15 49. CalEnviroScreen identifies census tracts adjacent to the Ports as having an overall
16 pollution burden as high as in the 99.3rd percentile, meaning these census tracts experience more
17 pollution than 99.3 percent of all census tracts in the state.⁷ The area also has census tracts that are in the
18 78.5th percentile for asthma and 80.7th percentile for cardiovascular disease.⁸ Residents are exposed to
19 more DPM than 99.4 percent of census tracts and more PM2.5 than 87.3 percent of census tracts.⁹

20 50. The Ports and surrounding areas are located within the jurisdiction of the South Coast Air
21 Quality Management District (“SCAQMD”). SCAQMD is the regional air pollution control agency with
22 authority to regulate the “critical air pollution problems” throughout the South Coast, which includes all
23 of Orange County and the non-desert portions of San Bernardino, Los Angeles, and Riverside counties.
24 (Health & Safety Code, § 40402, subd. (b).)

26 ⁷ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tract 6037294120*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A2442> [as of June 30,
27 2026].

28 ⁸ *Ibid.*

⁹ *Ibid.*

1 51. The South Coast exceeds multiple federal public health air quality standards, including
2 ozone and PM, and is subject to state and federal plans requiring emissions reductions to attain the
3 National Ambient Air Quality Standards.

4 52. The South Coast has never attained a federal ozone standard.

5 53. The California Air Resources Board (“CARB”) is the state agency responsible for
6 monitoring the regulatory activity of California’s 35 local air districts, including MDAQMD and
7 SCAQMD. CARB has determined that diesel exhaust is responsible for over 70 percent of the total
8 known cancer risk associated with air toxics in the state. SCAQMD has determined that DPM accounts
9 for approximately 50 percent of the cancer risks associated with air toxics in the South Coast. CARB
10 estimates that the Project will increase indirect emissions in low-income communities of color living
11 alongside the Alameda Corridor.

12 54. Continued exposure to DPM is, therefore, a serious concern for South Coast and Mojave
13 Desert communities, particularly those residing near the Ports, heavy-duty truck thoroughfares, airports,
14 and railyards. Residents who live near these pollution hotspots experience some of the region’s most
15 concentrated diesel pollution and breathe some of its most polluted air. Most of these residents also lack
16 the financial means to address the health problems caused by these exposures. Children, who are among
17 the most vulnerable residents, are not only subject to these avoidable health impacts, but they also
18 experience some of the highest rates of school absences, which means lost workdays for parents and
19 caregivers, all of which only further impacts families and these communities.

20 55. In addition to the high DPM, ozone, and other PM emission concentrations, the South
21 Coast and the Mojave Desert, like the rest of the state, are experiencing increased impacts from climate
22 change, including decreasing water supply and rainfall as well as increasing temperatures. These climate
23 impacts often exacerbate air pollution concentrations.

24 56. Greenhouse gas emissions contribute to local, regional, and global climate change impacts
25 and, as such, have been the subject of increased statewide regulatory efforts. CARB, MDAQMD,
26 SCAQMD, and the Governor’s Office have all adopted rigorous goals and standards to decrease the
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1 state’s GHG emissions and impacts from climate change. Some of these targets have been codified into
2 state law, and others have been declared by executive order or agency action.¹⁰

3 57. The crux of many of the State’s recent efforts has been to actively limit GHG emissions as
4 government agencies have recognized that a pure “business as usual” approach will only exacerbate the
5 impacts of climate change rather than help to reduce and slow its negative consequences. In setting forth
6 its GHG reduction efforts, the State has emphasized the importance of local agency involvement and
7 local agency commitments in reducing GHG emissions through policy and planning processes.
8 Continued coordination between State, regional, and local entities is instrumental to ensuring the efficacy
9 of the State’s policies and to enabling the State to reach its reduction targets.

10 **II. The Project and Its Environmental Impacts**

11 58. BIG’s approximately 5,000-acre site will be the largest rail facility in the nation. The BIG
12 footprint will include 4,335 acres of rail and logistics facilities. These facilities include a 9-million-
13 square-foot transload warehousing complex, an intermodal facility, an ancillary rail storage area, and a
14 block swap yard. The Project will necessarily attract increased truck, train, and other vehicular traffic to
15 Barstow.

16 59. BIG will operate 24 hours a day, 365 days per year.

17 60. The BIG site sits at the western edge of Barstow and slopes down to the Mojave River,
18 which borders the site to the north and west. BIG will be located partly in incorporated Barstow and
19 partly in a previously unincorporated portion of San Bernardino County.

20 61. The Project includes annexing portions of San Bernardino County and rezoning large
21 swaths of the City to eliminate open space and residential space, including rezoning land that contained
22 108 homes.

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25 ¹⁰ See, e.g., The California Global Warming Solutions Act of 2006 Health & Safety Code, § 38500 et seq. (setting forth a
26 statewide requirement to reduce GHG emissions to 1990 levels by 2020—a reduction of approximately 15 percent below
27 emissions expected under a “business as usual” scenario—and requiring CARB to adopt regulations to achieve the maximum
28 technologically feasible and cost-effective GHG emission reductions; to mitigate risks associated with climate change;
improve energy efficiency; and expand the use of renewable energy resources, cleaner transportation, and waste reduction
practices); Governor’s Exec. Order No. N-19-19 (Sept. 20, 2019) (reiterating California’s goal of “reducing greenhouse gas
emissions 40 percent below 1990 levels by 2030”).

1 62. As part of these rezoning efforts, the Project eliminated nearly 3,000 acres of single-
2 family residential zoning and more than 1,300 acres of mixed-use zoning and replaced it with more than
3 4,000 acres rezoned as “BIG Specific Plan.” The Project also eliminated 1,500 acres of “Interim Open
4 Space.” Accordingly, the Project has or will eliminate 87 percent of the City’s zoned open space,
5 reducing open space from 1,349 acres to 175 acres.

6 63. The Project will transport containers arriving at the Ports to Barstow by diesel line-haul
7 locomotives on a 130-mile closed loop of rail tracks. At the Project site, diesel switcher locomotives will
8 sort, assemble, and disassemble trains throughout the railyard. Shipping containers will be unloaded,
9 sorted, repackaged, and loaded onto diesel line-haul locomotives destined for locations around the nation.
10 The Project will operate similarly in the Ports-bound direction. The Project also includes transporting
11 containers to and from BIG via heavy-duty truck. The Project will also operate diesel yard equipment,
12 including diesel rubber-tired gantry cranes and transport refrigeration units.

13 64. The BIG Project is located in close proximity to numerous residences, schools, parks, and
14 places of worship, including at least one elementary school, two churches, two public parks, and many
15 homes as close as 120 feet from BIG. Lenwood Elementary School is located 520 feet from BIG.

16 65. Rail lines associated with and connected to the Project traverse and/or will traverse
17 residential and commercial areas.

18 66. The BIG Project is or will be connected via rail line to the existing Barstow classification
19 and maintenance yard. BIG’s locomotives will receive service and maintenance at the existing Barstow
20 classification yard. The Project will generate at least 1,200 annual train trips between BIG and the
21 classification yard.

22 67. Regional vehicle access to the BIG Project will be provided by Main Street from the
23 south, I-15 from the southeast, and SR-58 from the east. Local access to the BIG Project will be provided
24 primarily by Lenwood Road and Hinkley Road from the east and west, respectively, in addition to
25 various unpaved roads along Main Street.

26 68. The Project will cause approximately one premature death every two years, according to
27 the EIR’s “Regional Air Quality Modeling & Health Impact Analysis.”

1 69. The Project and its construction will significantly impact air quality, energy, GHG
2 emissions, noise, vibration, water, biological resources, and cumulative impacts, among other
3 environmental impacts, at and near the Project, including along nearby roadways, highways, and
4 railways.

5 **III. The City’s Environmental Review Process and Project Approval**

6 **A. The Draft EIR**

7 70. On or about February 15, 2024, the City issued a Notice of Preparation of a draft
8 environmental impact report (“Draft EIR”) and Notice of Public Scoping Meeting for the Project.

9 71. On or about March 13, 2024, the City held a public scoping meeting for the Project.

10 72. On or about November 9, 2025, the City issued a Notice of Availability of the Draft EIR
11 for the Project.

12 73. On or about November 10, 2025, the City released the Draft EIR and circulated the
13 document for a 56-day public comment period.

14 74. On or about November 13, 2025, the City issued a Notice of Completion of the Draft EIR
15 for the Project.

16 75. On or about November 21, 2025, Petitioners submitted a written request that the City
17 extend the comment period by an additional 45 days to allow for adequate evaluation of the lengthy,
18 complex, and highly technical Draft EIR, particularly in light of the federal government shutdown,
19 attacks by the federal government on communities impacted by the Project, the lack of Spanish
20 translation of the Draft EIR, and the comment period falling largely over the holiday season.

21 76. On or about December 30, 2025, 6 days before the original deadline and 39 days after
22 Petitioners submitted their request for an extension, the City extended the public comment period for the
23 Draft EIR from January 5, 2026, to January 12, 2026.

24 77. Numerous organizations, individuals, and agencies, including CARB and SCAQMD,
25 submitted comments highlighting flaws in the Draft EIR.

26 78. Petitioners submitted multiple letters to the City regarding the Draft EIR dated January 12,
27 2026. Incorporated into one of Petitioners’ letters is an expert report from former Federal Railroad
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1 Administration Senior Advisor for Climate and Sustainability, Hal Connolly. The letters and report
2 explained that the Draft EIR failed to comply with CEQA in the following respects:

3 **1. Project Description**

4 79. The Draft EIR failed to properly define the Project or provide an accurate, stable, and
5 finite project description because, *inter alia*, it is internally inconsistent regarding the Project’s truck
6 trips, Truck Miles Traveled analysis (“Trucks Analysis”), train trips, and dedicated Tier 4 line-haul
7 locomotive fleet.

8 80. The Draft EIR is internally inconsistent regarding the Project’s truck trips. The Draft EIR
9 estimated BIG would process 108,405 trucks per year in 2028, 137,605 in 2033, and 169,725 in 2048, but
10 also stated the Project will move significantly higher numbers of containers by trucks—128,000 in 2028,
11 160,000 in 2033, and 200,000 in 2048. Reasonably assuming one container per truck, these figures
12 cannot be reconciled, and the Draft EIR offers no explanation for this disparity.

13 81. By presenting contradictory, unexplained, and misleading information regarding the
14 number of the Project’s train trips, the Draft EIR fails to provide an accurate, stable, and finite project
15 description. For example, the Draft EIR is internally inconsistent, without explanation, regarding the
16 number of trains that will pass through BIG over the course of the Project’s lifespan. At one point, the
17 Draft EIR anticipated 24 daily freight train pass-bys in 2028 and 35 in 2048. At another point, the Draft
18 EIR assumed 32 trains per day as a present-day baseline and anticipated 37 trains per day in 2028,
19 amounting to a 5-train per day increase. At yet another point, the Draft EIR assumed the existing trains
20 per day total 45.3, and that this will increase with BIG to 134.9 trains per day in 2048, amounting to
21 nearly 90 additional trains per day.

22 82. The Draft EIR’s project description for BIG is inaccurate and severely underestimates the
23 Project’s impacts by relying on faulty and inaccurate assumptions in the Trucks Analysis, which
24 underpins the Project’s entire environmental impact analysis. For example, the Trucks Analysis relied on
25 nationwide “reduced on-road truck trips” and “reduced diesel fuel usage” figures without adequate
26 justification, and this conceals the true, localized impacts on Barstow and the surrounding region. The
27 Trucks Analysis also rests on unenforceable assumptions that BNSF will not replace supposed truck trip
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1 reductions by increasing cargo volumes at BNSF railyards in the region, including BNSF Hobart,
2 Commerce, and San Bernardino.

3 83. Moreover, because the Trucks Analysis failed to disclose critical information, including
4 where the Project will generate additional truck trips, omitted sources, underlying data, and assumptions,
5 and presented an incoherent, scattered document that is not accessible to the public, the Draft EIR's
6 project description is inaccurate, inconsistent, and unstable.

7 84. The Draft EIR also repeatedly stated that BIG includes a "dedicated" Tier 4 line-haul
8 locomotive fleet to move cross-dock intermodal containers between the Ports and BIG, but the Draft EIR
9 contradicted this statement, stating these "dedicated" Tier 4 locomotives will refuel at locations beyond
10 the Ports to Barstow corridor.

11 **2. Alternatives**

12 85. The Draft EIR failed to adequately analyze a reasonable range of alternatives that would
13 substantially lessen the significant environmental effects of the Project.

14 86. The Draft EIR's list of project objectives for BIG was unduly narrow. Rather than
15 articulating broad policy goals, the project objectives for BIG detailed design criteria that mirror the
16 proposed BIG Project exactly. As a result, this list of project objectives foreclosed consideration of any
17 alternative that did not replicate BIG's exact footprint, location, and operational design.

18 87. The Draft EIR failed to adequately consider, or arbitrarily dismissed, a reasonable range of
19 alternatives, including a zero-emission project alternative and a partially zero-emission project
20 alternative, despite Petitioners submitting more than 90 pages of comments detailing the feasibility of
21 operating zero-emission locomotives, trucks, and railyard equipment at the BIG Project. The Draft EIR
22 provided no meaningful analysis of either the features or impacts of these alternatives, making it
23 impossible to compare the Project's impacts with the alternatives' impacts.

24 **3. Energy Impacts**

25 88. The Draft EIR neglected to adequately disclose, analyze, and/or mitigate the Project's
26 impacts to energy resources.

1 89. The Draft EIR's energy analysis failed to consider renewable energy options when
2 weighing its significance findings for operational and transportation energy impacts.

3 90. The Draft EIR's energy impact analysis is not based on an adequate discussion of whether
4 any renewable energy features could be incorporated into the Project for transportation energy.

5 91. The Draft EIR's energy analysis for the Project also lacks substantial evidence and relied
6 on the deeply flawed Trucks Analysis.

7 92. The Draft EIR's energy analysis failed to disclose or explain how diesel fuel usage from
8 locomotive operations was calculated and how increasing locomotive operations and on-road truck trips
9 will reduce diesel fuel usage.

10 93. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's energy
11 impacts because it failed to describe, analyze, and/or mitigate impacts directly or indirectly resulting from
12 BIG increasing the processing capacity of BNSF's San Bernardino, Hobart, and Commerce railyards, and
13 failed to describe or analyze impacts from heavy-duty truck traffic associated with new and/or changed
14 heavy-duty truck traffic across California.

15 94. The Draft EIR failed to adequately disclose and analyze the General Plan's impacts to
16 energy resources, including by failing to analyze transportation fuel consumption from rail operations.
17 The analysis was also unsupported by substantial evidence because, among other things, it failed to
18 explain how a more than 60 percent increase in diesel fuel use constitutes a less-than-significant impact.

19 95. The Draft EIR's measures for mitigating energy impacts are impermissibly vague,
20 ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate.

21 96. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
22 address energy impacts, including any or all of the following: zero-emission line-haul locomotives,
23 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.

24 **4. Air Quality Impacts**

25 97. The Draft EIR failed to adequately disclose, analyze and/or mitigate the Project's air
26 quality impacts.

1 98. The Draft EIR did not describe, analyze, and/or mitigate impacts from heavy-duty truck
2 traffic associated with the Project, did not describe, analyze, and/or mitigate impacts resulting directly or
3 indirectly from BIG increasing the processing capacity for BNSF’s San Bernardino, Hobart, and
4 Commerce railyards, and failed to describe, analyze, and/or mitigate impacts from heavy-duty truck
5 traffic associated with new and/or changed heavy-duty truck traffic across California.

6 99. The Draft EIR’s air quality analysis is flawed because it is premised on unexplained and
7 faulty assumptions, including assumptions embedded in the faulty Trucks Analysis and inconsistencies
8 regarding whether the Project will operate Tier 4 switcher locomotives and a Tier 4 “captive fleet” of
9 line-haul locomotives.

10 100. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate air quality
11 impacts from the General Plan by improperly segmenting and deferring analysis, including by claiming
12 without substantial evidence that it was not possible to analyze the General Plan and BIG Project’s air
13 quality impacts together.

14 101. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the air quality
15 impacts associated with the Project under a *Friant Ranch*-type analysis in that it did not study or disclose
16 the impact of the Project’s emissions on human health.

17 102. The Draft EIR’s measures for mitigating the Project’s air quality impacts are
18 impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
19 evidence, and/or otherwise inadequate. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517-
20 522 (hereafter *Friant Ranch*) [holding that an EIR must connect a project’s expected air pollutant
21 emissions to public health impacts].)

22 103. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
23 address air quality impacts, including any or all of the following: zero-emission line-haul locomotives,
24 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.

25 **5. Greenhouse Gas Emissions Impacts**

26 104. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s GHG
27 impacts.

1 105. The Draft EIR relied on the fundamentally flawed Trucks Analysis, and this error
2 permeated the entire GHG assessment for the Project, rendering the analysis legally inadequate under
3 CEQA.

4 106. The Draft EIR did not describe, analyze, and/or mitigate GHG impacts resulting directly
5 and/or indirectly from BIG increasing the processing capacity for BNSF’s San Bernardino, Hobart, and
6 Commerce railyards, and failed to describe, analyze, and/or mitigate GHG impacts from heavy-duty truck
7 traffic associated with new and changed heavy-duty truck traffic across California.

8 107. The Draft EIR’s analysis demonstrated that implementation of the General Plan will
9 increase GHG emissions by 134,471 MTCO₂e per year—a 41 percent increase over existing conditions,
10 and far in exceedance of MDAQMD’s 90,718 MTCO₂e per year (100,000 ton) significance threshold.
11 The City admitted these GHG emissions will be significant even after all proposed mitigation is adopted.

12 108. The Draft EIR’s sole GHG mitigation measure, MM GP GHG-1, is impermissibly vague,
13 ineffective, insufficient, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise
14 inadequate. MM GP GHG-1 does not identify any specific emission reductions, performance standards,
15 or enforceable commitments. The measure states that the City will prepare a Climate Action Plan
16 (“CAP”) “to align GHG emissions targets in the City with the GHG reduction targets of Assembly Bill
17 (AB) 1279,” but also concedes that “the City would not achieve the GHG reduction targets of AB 1279.”
18 MM GP GHG-1 also defers all substantive action to a future CAP that may not be completed for 36
19 months after EIR certification and may not be updated for another five years.

20 109. The Draft EIR’s measures for mitigating the Project’s GHG impacts are impermissibly
21 vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial evidence, and/or
22 otherwise inadequate.

23 110. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
24 address GHG impacts, including any or all of the following: zero-emission line-haul locomotives,
25 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.
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1 **6. Environmental Justice Impacts**

2 111. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the environmental
3 justice impacts from the Project.

4 112. The Draft EIR failed to meaningfully disclose, analyze, and/or mitigate the Project’s
5 environmental justice impacts because the Draft EIR omitted adequate analysis of communities of color
6 and low-income communities that are at clear risk of being significantly impacted by the Project.
7 Assembly Member Cristina Garcia authored Assembly Bill 617 (“AB 617”) to address air pollution
8 impacts in environmental justice communities. The AB 617 program requires local air districts and
9 CARB to reduce air pollution in these most impacted communities. San Bernardino/Muscoy has been
10 formally selected by CARB as an AB 617 community for air monitoring and implementation of
11 emissions reductions plans. Bloomington, Fontana, and Rialto have been repeatedly recommended by air
12 districts as communities in need of AB 617 resources and action. The Project will only intensify
13 emissions and congestion throughout these communities by expanding BNSF rail operations and
14 increasing heavy-duty truck traffic through AB 617 and adjacent communities.

15 113. The Draft EIR failed to sufficiently disclose, evaluate, analyze, and/or mitigate the
16 Project’s direct and/or indirect impacts on some or all designated AB 617 communities, even though the
17 Project will operate in San Bernardino County and Los Angeles County, which are some of the nation’s
18 most polluted regions.

19 114. The Draft EIR failed to disclose, evaluate, and/or mitigate the direct and indirect
20 significant effects of the Project on Barstow County and Los Angeles County residents already heavily
21 impacted by diesel emissions stemming from nearby freight operations.

22 115. The Draft EIR failed to meaningfully disclose, analyze, and/or mitigate Project impacts on
23 AB 617 communities by omitting them from the current baseline conditions. In doing so, the Draft EIR
24 misrepresented the existing environmental conditions in San Bernardino County and failed to disclose,
25 analyze and/or mitigate potentially significant impacts that may result from intensified cumulative
26 pollution burdens in San Bernardino and Los Angeles Counties.

1 116. The Draft EIR did not adequately disclose, analyze, and/or mitigate environmental
2 impacts the Project may have on sensitive receptors. For example, the Draft EIR did not meaningfully
3 disclose, analyze, and/or mitigate the air, vibration, noise, and traffic, and other environmental impacts
4 along Route 66 that the Project may have on numerous schools, parks, and homes as close as 120 feet
5 from the Project footprint.

6 117. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate the Project’s
7 employee, service, and construction access points and their effect on emergency access and accident risk,
8 impacts to residential property values, community character, and long-term neighborhood stability
9 resulting from Project development.

10 118. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate the Project’s
11 impacts to ground water, water supply, and water demand, including but not limited to impacts to
12 community and private wells, long-term water availability, and enforceable protections for existing
13 residents.

14 119. The Draft EIR failed to comply with, is inconsistent with, and/or undermines SB 1000’s
15 requirements to ensure that environmental justice is meaningfully integrated into local land-use planning.
16 According to SB 1000, when a jurisdiction adopts or updates two or more elements of its general plan
17 after January 1, 2018, it must identify “disadvantaged communities” within its planning area and adopt
18 enforceable environmental justice policies. (Gov. Code, § 65302, subd. (h)(1)-(2).) SB 1000 also requires
19 local governments to identify and address pollution burdens and other hazards that disproportionately
20 impact low-income communities and communities of color. The Draft EIR failed to identify all sensitive
21 receptors surrounding the Project, to disclose and/or analyze the pollution burdens these populations
22 already face, and to disclose and/or evaluate the pollution burdens they will likely experience with
23 Project approval.

24 120. The Draft EIR is also inconsistent with Government Code section 65302, subdivision (h),
25 *inter alia*, because it relied on stale data from 2021, failed to adequately integrate recent data and survey
26 responses gathered by communities in 2023, and failed to meaningfully address environmental justice in
27 its General Plan. Accordingly, the Draft EIR perpetuates a cycle of concentrating pollution in
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1 communities already disproportionately burdened by toxic freight pollution in Barstow, and across San
2 Bernardino, Kern, and Los Angeles Counties.

3 121. The Draft EIR’s measures for mitigating the Project’s environmental justice impacts are
4 impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
5 evidence, and/or otherwise inadequate.

6 122. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
7 the Project’s environmental justice impacts.

8 7. Noise and Vibration Impacts

9 123. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s noise
10 and vibration impacts.

11 124. The Draft EIR did not accurately disclose and analyze the Project’s impact on sensitive
12 receptors. The Project presents significant noise issues for neighboring and surrounding sensitive
13 receptors, including existing residences, yet undercounted the number of sensitive receptors impacted,
14 only analyzing impacts at a handful of sensitive receptors when maps indicate far more sensitive
15 receptors are located near the Project.

16 125. The Draft EIR did not describe, analyze, and/or mitigate noise and vibration impacts from
17 heavy-duty truck traffic associated with the Project, did not describe, analyze, and/or mitigate noise and
18 vibration impacts resulting directly or indirectly from BIG increasing the processing capacity for BNSF’s
19 San Bernardino, Hobart, and Commerce railyards, and failed to describe, analyze, and/or mitigate noise
20 and vibration impacts from heavy-duty truck traffic associated with new and/or changed heavy-duty truck
21 traffic across California.

22 126. The Draft EIR improperly underestimated the Project’s noise and vibration impacts,
23 including by, without substantial evidence, relying on an improperly determined projected future
24 conditions ‘without BIG’ baseline and omitting an existing conditions baseline.

25 127. The Draft EIR’s noise and vibration analysis was inadequate because it did not conduct a
26 *Friant Ranch*-type analysis that adequately discloses, analyzes, or connects the Project’s impacts to the
27 health consequences of significant noise and vibration exposure.

1 128. The Draft EIR’s measures for mitigating the Project’s noise and vibration impacts are
2 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
3 otherwise inadequate. For example, MM BIG NOI-1, the construction noise logistics plan, failed to
4 include any concrete requirements for the measure, rendering it unenforceable.

5 129. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
6 noise and vibration impacts.

7 **8. Water Impacts**

8 130. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s impacts
9 to surface and groundwater.

10 131. The Draft EIR failed to adequately analyze BIG’s potential impacts due to the discharge
11 of metal-contaminated runoff to the City’s wastewater treatment plant. The Project has the potential to
12 generate metal pollutants from railroad activities. The Draft EIR stated that railyard wastewater would be
13 collected and treated with oil water separators before being discharged to the wastewater system.
14 However, the Draft EIR lacked any analysis of whether the City’s wastewater treatment plant has the
15 ability to treat metal pollutants at the capacity required for the increased wastewater generation of the
16 Project.

17 132. The Draft EIR also failed to adequately analyze and/or mitigate potential impacts to
18 groundwater and surface water quality posed by the Project’s release of contaminants into the Mojave
19 River. The Draft EIR contemplated that the Project would result in the generation of pollutants on-site
20 including heavy metals, oxygen-demanding substances, organic compounds, oil, and other hydrocarbons.
21 Further, the Draft EIR acknowledged that the Project is located within the Mojave River floodplain, with
22 portions of the Project footprint having a 26-percent likelihood of experiencing flooding during a 30-year
23 period based on designations from state and federal authorities. Similarly, due to encroachment within
24 the Mojave River corridor, areas of the Project site would be inundated in the event of catastrophic
25 failures of the Mojave River Dam, Cedar Springs Dam, and New Lake Arrowhead Dam. According to
26 the Draft EIR, inundation of these portions of the Project site would cause the release of pollutants that
27 are unable to be captured or treated by the on-site runoff Best Management Practices (“BMP”) features.
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1 133. The Draft EIR’s analysis of this potential impact merely concluded that building design
2 and site grading would raise the final floor elevations of structures above floodplain and dam inundation
3 areas. As a result, the Draft EIR found that the risks of pollution due to site inundation were less than
4 significant. However, this discussion failed to adequately address the potential impact, because it failed to
5 introduce substantial evidence supporting the conclusion, and because it improperly relied on Project
6 design features to mitigate the foreseeable impacts of the Project itself. As a result of the inadequate
7 analysis and improper less-than-significant conclusion, the Draft EIR failed to consider the efficacy or
8 feasibility of other mitigation measures to reduce Project inundation pollution impacts.

9 134. The Draft EIR’s measures for mitigating the Project’s water impacts are impermissibly
10 vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise
11 inadequate.

12 135. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
13 water impacts.

14 **9. Biological Resources Impacts**

15 136. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s impacts
16 to biological resources.

17 137. The Draft EIR failed to fully describe the impacts of the Project on wildlife movement in
18 the Project area. Critical and specific details regarding wildlife movement in the Project area contained in
19 the Wildlife Movement Study were excluded from the main body of the Draft EIR. In lieu of these
20 details, the main discussion in the Draft EIR was based on a comparison of mapped wildlife connectivity
21 corridors and the BIG footprint. Also, rather than disclose and compare Project impacts to accurate
22 baseline conditions, the Draft EIR instead obscured the impacts of the Project by arguing that existing
23 degradation obviated the need to analyze additional impacts that the Project would result in due to
24 barriers to wildlife movement.

25 138. The Draft EIR also failed to adequately describe indirect impacts to wildlife movement
26 within the Mojave River. For example, although the Wildlife Movement Study documented an American
27 beaver moving upstream in the Mojave River in the Project vicinity, the Draft EIR stated that the
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1 ephemeral nature of the Mojave River made it unlikely to serve as habitat for the species. Yet the
2 American beaver observation evidenced the value of the Mojave River as at least a seasonal conduit
3 through the Project site for organisms, including but not limited to individuals of that species. The Draft
4 EIR thus failed to adequately analyze the consequences of Project-related impacts to this biological
5 resource.

6 139. As a result, the Draft EIR inaccurately minimized the Project area's importance to wildlife
7 connectivity and failed to adequately analyze the findings of its own Wildlife Movement Study in support
8 of the significance determinations for the Project's impacts.

9 140. Compounding this error, the Draft EIR supported its determination that the Project would
10 have a less than significant impact on wildlife movement by relying on vague or clearly inadequate
11 mitigation measures, including the replacement of several existing culverts and wildlife crossings with a
12 single culvert through MM BIG BIO-32, and the fencing of the Project site in MM BIG BIO-34, which
13 would itself likely result in habitat fragmentation and connectivity losses, rather than mitigating them.

14 141. In addition to the effects of the Project on wildlife movement along the Mojave River
15 channel itself, the Draft EIR also failed to adequately disclose, analyze, and/or mitigate Project impacts
16 on habitat areas within the Mojave River corridor. The Draft EIR contained contradictory statements
17 regarding the extent of the BIG footprint's overlap with the Mojave River. The Draft EIR also contained
18 vague and inconsistent references to an area along the northern boundary of the Project site, comprising a
19 500-foot buffer on either side of the Mojave River which would be placed under a conservation
20 easement. The Draft EIR's description of this buffer area also failed to provide key details, in particular
21 the total area proposed for conservation and the habitat areas it comprises. Further, the conservation
22 proposal in the Draft EIR lacked commitments to deed restriction, management of the area, or funding in
23 perpetuity. By merely invoking the phrase "conservation easement," absent critical details for the
24 proposal's implementation, the Draft EIR failed to clearly support the efficacy of this feature.

25 142. The Draft EIR's analysis of Project impacts on specific special status species was
26 similarly flawed. For example, the Mojave fringe-toed lizard occurs exclusively on active desert sand
27 dunes, over 1,000 acres of which will be directly impacted by the Project. However, the Draft EIR failed
28 to disclose essential information for establishing Project impacts on this species. Although the Draft EIR

1 stated that individuals were identified during surveys of the Project site, the Draft EIR did not state the
2 number of individuals, nor did it adequately analyze the impact of Project-related dust, noise, vibration,
3 fragmentation, edge effects, predator subsidy, and altered sand transport. The Draft EIR also improperly
4 relied on the vague and unenforceable conservation easement proposal to argue that impacts to fringe-
5 toed lizards would be less than significant.

6 143. The Draft EIR also failed to adequately analyze and mitigate Project impacts on the
7 Mojave desert tortoise. The discussion of Project impacts on this species is undermined by the Draft
8 EIR's reliance on an inadequate baseline, reflecting data piecemealed from surveys conducted over
9 several years and including surveys conducted outside of the appropriate seasonal period, as well as the
10 exclusion of juvenile tortoises from analysis. Further, the Draft EIR failed to analyze the effectiveness of
11 proposed mitigation measures to reduce or eliminate negative impacts from permanent habitat loss,
12 habitat fragmentation, translocation mortalities, increased traffic collision risks, and predator subsidies.

13 144. These inadequacies also apply to special status avian species that reside in and near the
14 Project site, including LeConte's and Bendire's Thrasher, southwestern willow flycatcher, western
15 yellow-billed cuckoo, and Swainson's Hawk. The Draft EIR failed to disclose the extent of impacts to
16 riparian and non-riparian bird species due to edge effects including operational noise and lighting
17 spillover, as well as disturbance distances, nitrogen deposition effects on habitat, and the extent of habitat
18 area affected. Further, the Draft EIR proposed mitigation lacking clear monitoring requirements for
19 riparian birds within the Mojave River corridor and desert birds within the surrounding dune and scrub
20 habitats. Also absent from the Draft EIR was any species-specific mitigation aside from general
21 construction and nesting bird requirements for LeConte's and Bendire's Thrasher, southwestern willow
22 flycatcher, western yellow-billed cuckoo, and Swainson's Hawk.

23 145. The Draft EIR's measures for mitigating the Project's impacts to biological resources are
24 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
25 otherwise inadequate.

26 146. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
27 address impacts to biological resources.

1 **10. Cumulative Impacts**

2 147. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s
3 cumulative impacts.

4 148. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the cumulative
5 impacts of the Project when viewed in connection with past, present, and reasonably foreseeable future
6 projects in and around the Project, including in Barstow, near the Ports and along the rail lines to and
7 from Barstow to the east, west, and in any other direction.

8 149. The Draft EIR further failed to disclose, analyze, and/or mitigate the cumulative impacts
9 of the Project when viewed in connection with reasonably foreseeable increases in container throughput
10 via the Ports or otherwise and reasonably foreseeable increases in rail, truck, and other modes of good
11 movement over the lifetime of the Project.

12 150. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the cumulative
13 impacts directly or indirectly resulting from BIG increasing the processing capacity of BNSF’s San
14 Bernardino, Hobart, and Commerce railyards.

15 151. The Draft EIR failed to adequately disclose, evaluate, and/or mitigate the cumulative
16 impacts associated with long-term diesel-fueled rail and trucking operations and related freight activity
17 over at least the lifetime of the Project.

18 152. The Draft EIR further failed to adequately disclose, analyze, and/or mitigate the
19 cumulative health impacts to communities near the Project, including but not limited to Barstow and
20 portside residents, from the Project and other past, present, and reasonably foreseeable future projects in
21 the region. The Draft EIR also failed to disclose the extent to which the Project would contribute to these
22 already significant burdens.

23 153. The Draft EIR’s measures for mitigating the Project’s cumulative impacts are
24 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
25 otherwise inadequate.

26 154. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
27 address cumulative impacts, including but not limited to mitigation measures to avoid concentrating the
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1 Project’s impacts in communities already disproportionately burdened with cumulative environmental
2 impacts.

3 **11. Growth-Inducing Impacts**

4 155. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s growth-
5 inducing impacts.

6 156. The Draft EIR fails to adequately disclose and analyze BIG’s growth-inducing impacts.
7 BIG was designed to remove obstacles to growth by expanding the Port’s cargo capacity. One of BIG’s
8 stated project objectives is to provide additional intermodal capacity to handle cargo volumes originating
9 from the Ports. The City has aggressively supported BIG to “increase cargo efficiency” as a means to
10 support the Ports’ efficiency. Despite the City and BNSF’s emphasis on growth, the Draft EIR lacked
11 sufficient analysis regarding whether the Project will induce more cargo through the Ports. Instead, the
12 Draft EIR summarily concluded without substantial evidence that BIG would not have any significant
13 secondary growth-inducing impacts, claiming that BIG is not expected to remove obstacles to other
14 future development or induce additional growth through infrastructure expansion.

15 157. The Draft EIR failed to analyze the Project’s foreseeable growth-inducing impacts in
16 nearby regions, including but not limited to Kern County. The Draft EIR inappropriately focused its
17 growth-inducing impacts analysis on economic development, public services, and local land use changes.
18 The Project is not akin to a housing or public service project where the impacts can be naturally confined
19 to one area; the Project here contemplates an expansion along a national freight rail line and is explicitly
20 intended to expand the ability of the goods movement industry to move more cargo to and from the Ports.
21 It is reasonably foreseeable that the Project will facilitate an inland port in Shafter, California, as BIG is
22 located between the Ports and Shafter along the BNSF rail line. Both Ports have signed memorandums of
23 understanding with the City of Shafter and the Wonderful Company to advance the BIG Project. The Port
24 of Long Beach has stated that the BIG Project would “serve as a hub for imports and exports to arrive
25 through or destined to” the Port. The Port’s draft agreement states that the parties agree to “[w]ork jointly
26 to collaborate with other supply chain stakeholders to advance the purpose of this MOU.” The Port of
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1 Los Angeles Memorandum of Agreement contains substantially similar language based on news
2 reporting.

3 158. The City of Barstow failed to properly disclose, analyze, and/or mitigate the ripple effect
4 this Project will have on freight cargo movement throughout the region beyond alleged job creation. For
5 the Draft EIR to adequately operate as an informational document, it should include a discussion of how
6 the Project may impact cargo volumes in Shafter and other AB 617 communities along BNSF's rail lines
7 or connected roadways.

8 159. The Draft EIR's measures for mitigating the Project's harmful growth-inducing impacts
9 are impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
10 evidence, and/or otherwise inadequate.

11 160. The Draft EIR failed to identify, consider, and/or adopt all feasible mitigation measures to
12 avoid harmful growth-inducing impacts and failed to explain why additional mitigation would be
13 infeasible, in violation of CEQA. The Draft EIR makes no attempt to limit or control the pace of growing
14 cargo volume entering Shafter and other AB 617 communities that are also along the Project's route.

15 **B. The Responses to Comments and Final EIR**

16 161. On or about May 8, 2026, the City issued a Final EIR responding to public comments on
17 the Draft EIR and including 14 new "technical reports and data," totaling nearly 1,000 pages, not
18 previously available to the public.

19 162. The Final EIR indicated that the City made only minimal changes to correct the Draft
20 EIR's deficiencies. The Final EIR did not address the flaws Petitioners identified in the Draft EIR's
21 analysis, including but not limited to the Project's project description; alternatives analysis; and the
22 disclosure, analysis, and mitigation of energy, air quality, GHG, environmental justice, noise and
23 vibration, water, biological resources, cumulative impacts, growth-inducing impacts, and other
24 environmental impact areas.

25 163. The Final EIR also included significant new information that was not included in the Draft
26 EIR. For example, the Final EIR contained new disclosures and analysis related to the project
27 description, analysis of environmental impacts, and mitigation. The Final EIR also included the release of
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1 14 new supporting technical documents totaling almost 1,000 pages. The newly released data, analysis,
2 and conclusions change the EIR substantially, depriving the public of the opportunity to review and
3 comment on basic aspects of the Project, as well as the significance and mitigation of a range of impact
4 areas. Further, many of these changes were not reflected throughout the full document, but were
5 restricted to an appendix, thus failing to remedy the informationally inadequate and conclusory nature of
6 the EIR itself.

7 164. On May 16, 2026, Petitioners submitted written comments to the Planning Commission,
8 incorporating by reference earlier comments, noting the Final EIR could not be certified because it
9 included significant new information and failed to remedy the vast majority of the deficiencies
10 Petitioners and the public identified in comments to the Draft EIR. The letter explained that the Final EIR
11 failed to comply with CEQA in the following respects:

12 **1. Significant New Information in the Final EIR**

13 **a. Project Description**

14 165. The Final EIR disclosed significant new information and substantially amended the
15 project description by deleting the BIG Project’s battery energy storage system (“BESS”) component. As
16 detailed in the Draft EIR, the BESS component was designed to store solar-generated power to support
17 battery-electric equipment. No explanation was provided in the Final EIR for why the BESS component
18 was removed. When Petitioners asked the City at the May 16, 2026 Planning Commission meeting why
19 the BESS component was removed in the Final EIR, the City stated that it was “a clerical error” that the
20 BESS component had been included in the Draft EIR. The removal of the BESS component in the Final
21 EIR directly undermines the description of the Project reviewed and commented upon by the public and
22 public agencies in the Draft EIR, and has broad implications for Project energy, fossil fuel use, grid
23 reliance, air quality, GHG, and other environmental impacts. By deleting the BESS from the Project in
24 the Final EIR, the public was deprived of a meaningful opportunity to comment on a feasible way to
25 avoid or minimize these environmental impacts.
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1 **d. Additional Technical Reports**

2 169. The Final EIR added 14 new technical reports, which supplied technical evidence to
3 support conclusions in the Responses to Comments and elsewhere in the Final EIR. These materials
4 introduced a substantial quantity of novel information, including data, calculations, analyses,
5 conclusions, and justifications. The reports do not merely clarify or expand on discussions included in the
6 Draft EIR but instead amount to “significant new information” themselves. For instance, the memo titled
7 “Regional Air Quality Modeling & Health Impact Analysis for the Barstow International Gateway
8 Specific Plan Project” includes newly produced mortality incidence data. Likewise, the memo titled
9 “Capacity at BNSF Los Angeles Hobart and San Bernardino Railyards,” which was prepared by a BNSF
10 employee, provides that BNSF anticipates doubling its capacity at BNSF Hobart, Commerce, and San
11 Bernardino railyards located between the Ports and Barstow over the next 20 years. By failing to
12 recirculate the Final EIR, the City deprived the public and public agencies the opportunity to review and
13 comment on the highly relevant information included in the 14 new reports.

14 170. On May 16, 2026, the Planning Commission held a hearing at which it recommended that
15 the City Council certify the EIR and approve the Project. Petitioners provided oral comments at the
16 hearing reiterating the concerns from their written comments on the Final EIR. Petitioners were joined by
17 many members of the public who similarly urged the City to address the deficiencies in its CEQA
18 analysis and reject the Project in its current form.

19 171. On or about May 26, 2026, the City issued a notice scheduling a public hearing before the
20 Barstow City Council for a final vote on adoption of the Project, related zonings and approvals, and
21 certification of the EIR.

22 172. On or about June 2, 2026, Petitioners submitted an additional written comment letter to
23 the City Council on the Final EIR. A supplemental expert report from Hal Connolly and a supplemental
24 letter from the Center for Biological Diversity were incorporated into the comment letter.

25 173. Sometime in June 2026, the City released an undated document titled “Final EIR
26 5.0_Updates to the Final EIR_June 2026” (“Late Errata Updates to the Final EIR”) that contained several
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1 more critical revisions to the Final EIR that constitute significant new information, including among
2 other things:

3 **2. Significant New Information in the Late Errata Updates to the Final EIR**

4 174. The Late Errata Updates to the Final EIR included various items, including but not limited
5 to amendments to numerous mitigation measures for biological resource impacts. Substantive changes
6 were introduced to measures including, but not limited to, MM BIG BIO-13, MM BIG BIO-16, MM BIG
7 BIO-17, MM BIG BIO-20, MM BIG BIO-21, MM BIG BIO-22, MM BIG BIO-24, MM BIG BIO-25,
8 MM BIG BIO-26, and MM BIG BIO-32. These changes call into question the analysis of the Draft EIR
9 regarding biological resources impacts and deprive the public of the opportunity to comment on the
10 adequacy of these measures or alternatives.

11 **C. The City's Approval of the Project**

12 175. On June 2, 2026, the Barstow City Council held a public hearing on the Final EIR for the
13 Project. Despite concerns expressed by Petitioners, residents, and other members of the public, the City
14 Council certified the EIR for the Project, adopted CEQA Findings, a Statement of Overriding
15 Considerations, and the Mitigation Monitoring and Reporting Programs.

16 176. On or about June 3, 2026, the City filed a Notice of Determination for the General Plan.

17 177. On June 16, 2026, the City held a public hearing on the Final EIR for the Project. Again,
18 despite concerns expressed by Petitioners, residents, and other members of the public, the City Council
19 adopted ordinances related to the Project, a new zoning map, amendments to Title 19 of the Barstow
20 Municipal Code, approval of the Development Agreement between the City and BNSF, and other
21 rezoning and related actions.

22 178. On or about June 17, 2026, the City filed a Notice of Determination for the BIG Project.

23 179. The City's approval of the Project will cause Petitioners irreparable injury for which
24 Petitioners have no adequate remedy at law. Petitioners and their members will be irreparably harmed by
25 the City's actions in approving the Project. Petitioners were harmed by, among other things, the failure of
26 the City in its certification of the EIR to adequately evaluate the Project's environmental impacts, and the
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1 City’s approval of the Project without providing adequate and effective mitigation measures, contrary to
2 the requirements of state law.

3 180. The maintenance of this action is for the purpose of enforcing important public policies of
4 the State of California with respect to the protection of the environment under CEQA and conformance
5 with state law and local law. The maintenance and prosecution of this action will confer a substantial
6 benefit upon the public by protecting the public from environmental and other harms alleged in this
7 Petition. Petitioners are acting as private attorneys general to enforce these public policies and prevent
8 such harm.

9 **D. CEQA Judicial Streamlining Under SB 149**

10 181. On February 24, 2026, BNSF submitted its application for certification of the BIG Project
11 as a transportation-related infrastructure project (“BNSF Application”) under Senate Bill (“SB”) 149 to
12 the Governor’s Office of Land Use and Climate Innovation (“Governor’s Office”). The BNSF
13 Application is available at [https://www.lci.ca.gov/wp-content/uploads/20260226-](https://www.lci.ca.gov/wp-content/uploads/20260226-BIG_SB_149_Final_Application_and_Attachments.pdf)
14 [BIG_SB_149_Final_Application_and_Attachments.pdf](https://www.lci.ca.gov/wp-content/uploads/20260226-BIG_SB_149_Final_Application_and_Attachments.pdf).

15 182. On March 9, 2026, Petitioners submitted a comment letter on behalf of environmental
16 justice, health, labor, and environmental organizations urging the Governor’s Office to decline to certify
17 BIG as a transportation-related infrastructure project under SB 149.

18 183. On April 30, 2026, Governor Newsom certified the BIG Project as an eligible
19 transportation-related infrastructure project under SB 149 for CEQA Judicial Streamlining. This
20 certification means that any “action or proceeding brought to attack, review, set aside, void, or annul the
21 certification of an environmental impact report for” the BIG Project, “including any potential appeals to
22 the court of appeal or the Supreme Court, shall be resolved, to the extent feasible, within 270 days of the
23 filing of the certified record of proceedings with the court.” (Pub. Resources Code, § 21189.85,
24 subd. (a).)

25 184. On May 28, 2026, the California Legislature’s Joint Legislative Budget Committee and
26 Legislative Analyst’s Office concluded that the Governor’s determination meets the SB 149 criteria set
27 forth in Public Resources Code section 21189.80 et seq. and concurred with the Certification.
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1 185. As listed in the certified Record of Proceedings for the Project and on the City of Barstow
2 project website located at [https://www.barstowca.org/departments/community-development-
4 department/planning/barstowgeneralplanupdate-com/documents-for-public-review-download-ver1](https://www.barstowca.org/departments/community-development-
3 department/planning/barstowgeneralplanupdate-com/documents-for-public-review-download-ver1),
BNSF has elected to proceed with certification of the Project for judicial streamlining.

5 186. For a project that proceeds with CEQA Judicial Streamlining, the Project Applicant, here
6 BNSF, must pay the costs of preparing the record, and these costs are not recoverable from the plaintiff
7 or petitioner before, during, or after litigation. (Pub. Resources Code, § 21189.86, subd. (k).) The lead
8 agency for the Project, here the City, shall prepare the record of proceedings concurrently with the
9 administrative process and certify the record within five days of its approval of the project. (*Id.*, §
10 21189.86, subds. (a), (h).)

11 187. To be eligible to proceed with certification, the Project Applicant, BNSF, must meet
12 certain requirements, including that it will comply with Public Resources Code section 21189.82,
13 subdivision (c), which requires that the Project Applicant:

14 “(1) Avoid or minimize significant environmental impacts in any disadvantaged community.

15 (2) If measures are required pursuant to this division to mitigate significant environmental
16 impacts in a disadvantaged community, mitigate those impacts consistent with this division,
17 including Section 21002. Mitigation measures required under this subdivision shall be undertaken in,
18 and directly benefit, the affected community.

19 (3) Enter into a binding and enforceable agreement to comply with this subdivision in its
20 application to the Governor and to the lead agency prior to the agency’s certification of the
21 environmental impact report for the project.”

22 (*Id.*, § 21189.82, subd. (c).)

23 188. Per Public Resources Code section 21189.82, subdivision (c), BNSF must mitigate
24 significant environmental impacts consistent with Public Resources Code section 21002, which provides
25 “that public agencies should not approve projects as proposed if there are feasible alternatives or feasible
26 mitigation measures available which would substantially lessen the significant environmental effects of
27 such projects.”

1 189. In addition, BNSF made the following commitment, among others, in its BNSF
2 Application for CEQA Judicial Streamlining:

3 “BNSF agrees that it will enter into a binding and enforceable agreement with the City, prior to
4 the City’s certification of the Final EIR, that, if BIG is approved and BNSF decides to implement BIG,
5 BNSF will comply with Public Resources Code Section 21189.82(c) by (a) avoiding or minimizing
6 significant environmental impacts in disadvantaged communities; (b) if measures are required under
7 CEQA to mitigate significant environmental impacts in a disadvantaged community, mitigating those
8 impacts in compliance with CEQA; and (c) undertaking such measures in, and directly benefiting, the
9 affected community. BNSF will comply with Code Section 21189.82(c) by agreeing to the BNSF
10 Commitments listed in Attachment 3 (BIG’s Public Benefits and BNSF Commitments to Mitigating
11 Environmental Impacts and to Disadvantaged Communities), and the Mitigation Measures shown in the
12 table in Attachment 3, to the SB 149 Application. Such BNSF Commitments and Mitigation Measures
13 will be conditions of approval of the Project, and those conditions will be fully enforceable by the City,
14 or other agency designated by the City, for the life of the obligation.”

15 190. The BNSF Application also provides that:

16 “As part of the CEQA process for BIG, the City is required to adopt feasible mitigation measures
17 needed to reduce or avoid significant environmental impacts, including impacts to disadvantaged
18 communities. Pursuant to Public Resources Code section 21189.82(c)(3), BNSF and the City have
19 committed to entering into a binding and enforceable agreement to avoid or minimize significant
20 environmental impacts in any disadvantaged community, and to implement and comply with all feasible
21 measures imposed by the City to mitigate significant environmental impacts in a disadvantaged
22 community and that all relevant, feasible mitigation measures required will be undertaken in, and directly
23 benefit, the affected community. In the event that the City certifies the Environmental Impact Report
24 (EIR) and approves BIG, BNSF is committed to implementing the environmental commitments and
25 mitigation measures in the Final EIR and would be committed to do so since the Mitigation Monitoring
26 and Reporting Program is an integral part of the Final EIR.”

1 **FIRST CAUSE OF ACTION**

2 **(Violations of CEQA: Inadequate EIR, Findings of Fact, and Statement of Overriding**
3 **Considerations.)**

4 191. Petitioners hereby reallege and incorporate herein by reference the allegations contained in
5 the foregoing paragraphs.

6 **I. Applicable CEQA Requirements**

7 192. CEQA, Public Resources Code sections 21000-21177, is a comprehensive statute
8 designed “to prevent[] environmental damage, while providing a decent home and satisfying living
9 environment for every Californian.” (Pub. Resources Code, § 21000, subd. (g).) Given its broad goals,
10 the California Supreme Court has held that CEQA must be interpreted “to afford the fullest possible
11 protection to the environment within the reasonable scope of the statutory language.” (*Friends of*
12 *Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.)

13 193. CEQA is designed to ensure that the environmental consequences of proposed projects are
14 disclosed, considered, and feasibly avoided at the earliest opportunity. CEQA requires the lead agency
15 for a project with the potential to cause significant environmental impacts to prepare an EIR that
16 complies with the requirements of the statute, including, but not limited to, the requirement to analyze the
17 project’s potentially significant environmental impacts. (Pub. Resources Code, §§ 21002.1, subd. (a),
18 21080, subd. (d).) The EIR must provide sufficient environmental analysis to ensure that the decision-
19 makers and the public can intelligently consider environmental consequences of the proposed project.
20 (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.)

21 194. An EIR must “provide the public with an accurate, stable and finite description of the
22 project.” (*Washoe Meadows Cmty. v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277, 285.) “[A]
23 project description that gives conflicting signals to decision makers and the public about the nature and
24 scope of the project is fundamentally inadequate and misleading.” (*Id.* at p. 287.)

25 195. Under CEQA, a “project” is defined as the whole of an action that has the potential to
26 cause direct or indirect physical changes to the environment. (Cal. Code Regs., tit. 14, § 15378, subd. (a)
27 (hereafter “CEQA Guidelines”); *Habitat Watershed Caretakers v. City of Santa Cruz* (2013) 213
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1 Cal.App.4th 1277, 1297.) A project description that omits integral components of the full project may
2 result in an EIR that fails to disclose all the impacts of the project. (*Santiago Cnty. Water Dist. v. Cnty. of*
3 *Orange* (1981) 118 Cal.App.3d 818, 829.)

4 196. Under CEQA, a proper analysis of alternatives is essential to comply with the Act's
5 mandate that significant environmental impacts be avoided or substantially lessened where feasible. An
6 EIR must assess a reasonable range of alternatives; any finding that an alternative is infeasible must be
7 supported by substantial evidence in the record. (CEQA Guidelines, § 15126.6, subd. (a), (c); Pub.
8 Resources Code, §§ 21081.5, 21081, subd. (a)(3).) The EIR must "include sufficient information about
9 each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."
10 (CEQA Guidelines, § 15126.6, subd. (d); see *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of*
11 *Stanislaus* (1994) 27 Cal.App.4th 713, 738-39; *Kings Cnty. Farm Bur. v. City of Hanford* (1990) 221
12 Cal.App.3d 692, 733.)

13 197. CEQA prohibits approval of a project where "feasible alternatives exist that would
14 substantially lessen its significant environmental effects." (*Save Panoche Valley v. San Benito Cnty.*
15 (2013) 217 Cal.App.4th 503, 520, citations omitted.) A feasible alternative is one "capable of being
16 accomplished in a successful manner within a reasonable period of time," considering economic,
17 environmental, social, and technological factors. (Pub. Resources Code, § 21061.1.) While an alternative
18 must be capable of achieving most project objectives, it need not achieve all of them. (*Mira Mar Mobile*
19 *Cnty. v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489.)

20 198. An EIR "must delineate environmental conditions prevailing absent the project, defining a
21 'baseline' against which predicted effects can be described and quantified." (*Neighbors for Smart Rail v.*
22 *Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447 [quoting *Cmtys. For a Better*
23 *Env't v. S. Coast Air Quality Mgmt Dist.* (2010) 48 Cal.4th 310, 315].) An EIR generally must measure
24 impacts against an existing conditions baseline. To depart from this norm and employ a future conditions
25 baseline, an EIR must show that unusual aspects of the project or the surrounding conditions justify the
26 departure. (*Id.* at p. 451 [discussing CEQA Guidelines, § 15125, subd. (a)].) An EIR's description of this
27 environmental setting should be sufficiently comprehensive to allow the project's significant impacts "to
28 be considered in the full environmental context." (CEQA Guidelines, § 15125, subd. (c).)

1 199. An EIR must disclose and analyze the direct and the reasonably foreseeable indirect
2 environmental impacts of a proposed project if they are significant. (CEQA Guidelines, §§ 15126.2,
3 15064, subd. (d)(3).) “[A] sufficient discussion of significant impacts requires not merely a determination
4 of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”
5 (*Friant Ranch, supra*, 6 Cal.5th at p. 519.)

6 200. An EIR must discuss a cumulative impact if a project’s incremental effect combined with
7 the effects of other projects is “cumulatively considerable.” (CEQA Guidelines, § 15130, subd. (a).) The
8 discussion of cumulative impacts must be more than “a conclusion utterly devoid of any reasoned
9 analysis.” (*Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411.)

10 201. CEQA also mandates that the lead agency identify feasible mitigation measures that will
11 reduce or avoid a project’s significant environmental impacts. (Pub. Resources Code, §§ 21002, 21002.1,
12 subd. (b).) Even where a public agency cannot completely eliminate a project’s significant impacts,
13 CEQA requires that it nonetheless reduce those impacts to the extent feasible. (*Friant Ranch, supra*, 6
14 Cal.5th at pp. 524-25.)

15 202. An EIR must respond to comments making specific suggestions for mitigating a
16 significant impact unless the suggested mitigation is “facially infeasible.” (*Los Angeles Unified School*
17 *Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.) If an agency rejects a suggested measure
18 as infeasible, the rejection must be supported by substantial evidence and free of legal error. (Pub.
19 Resources Code, § 21168.5.)

20 203. CEQA instructs that “[a] public agency shall provide that measures to mitigate or avoid
21 significant effects on the environment are fully enforceable through permit conditions, agreements, or
22 other measures.” (Pub. Resources Code, § 21081.6, subd. (b).) The agency must assure that its mitigation
23 is “effective” and will “present a viable solution” to mitigating the adverse effect. (*Gray v. Cnty. of*
24 *Madera* (2008) 167 Cal.App.4th 1099, 1116.) The EIR must include facts and analysis to support its
25 conclusions regarding the effect of its mitigation measures. (*Friant Ranch, supra*, 6 Cal.5th at p. 522
26 [“The EIR must accurately reflect the net health effect of proposed air quality mitigation measures”]
27 [citing *Cleveland Nat. Forest Found. v. San Diego Assn. of Gov’ts* (2017) 3 Cal.5th 497, 514].)

1 204. Requiring a project to implement or fund its fair share of a measure designed to mitigate a
2 cumulative impact is a legally acceptable mechanism for addressing the project’s contribution to the
3 impact. (CEQA Guidelines, § 15130, subd. (a)(3).) Fair-share contributions to a mitigation fund may be
4 adequate mitigation if they are “part of a reasonable, enforceable plan or program that is sufficiently tied
5 to the actual mitigation of the...impacts at issue.” (*Anderson First Coal. v. City of Anderson* (2005) 130
6 Cal.App.4th 1173, 1189.)

7 205. CEQA requires a lead agency to address new information before certifying an EIR when
8 “[s]ubstantial changes occur with respect to the circumstances under which the project is being
9 undertaken which will require major revisions in the environmental impact report” or “[n]ew information,
10 which was not known and could not have been known at the time the environmental impact report was
11 certified as complete, becomes available.” (Pub. Resources Code, § 21166, subds. (b), (c).) This includes
12 significant effects not discussed in the previous EIR and impacts that are “substantially more severe” than
13 what the previous EIR disclosed. (CEQA Guidelines, § 15162, subd. (a)(3)(A), (B).)

14 206. CEQA requires an amended EIR to be recirculated for public review and comment when
15 significant new information is added to the EIR following the circulation of the draft EIR, or where the
16 EIR is informationally inadequate and conclusory in nature. (CEQA Guidelines, § 15088.5 subd. (a).)
17 Significant new information includes, but is not limited to, changes in the environmental setting, impact
18 significance, feasible mitigation, or inclusion of additional data changing the EIR in such a way that
19 deprives the public of a meaningful opportunity to comment upon the adverse effects of the project, or
20 feasible mitigation thereof. (*Ibid.*) A lead agency is required to recirculate all portions of the EIR that
21 have been modified by the addition of significant new information. (*Id.*, § 15088.5, subd. (c).)

22 207. CEQA prohibits a lead agency from approving a project with significant environmental
23 effects unless it has made written findings for each of those effects, accompanied by an explanation of the
24 rationale for each finding. (Pub. Resources Code, § 21081, subd. (a).) These findings must support the
25 ultimate decision, be based on substantial evidence in the record, and trace the analytical route between
26 the evidence in the record and the agency’s conclusions.

27 208. CEQA provides that where a project’s significant environmental effects cannot feasibly be
28 mitigated, the lead agency may still approve the project if it finds that “specific overriding economic,

1 legal, social, technological or other benefits of the project outweigh the significant effects on the
2 environment.” (Pub. Resources Code, § 21081, subd. (b).) However, an agency’s Statement of
3 Overriding Considerations constitutes an abuse of discretion where it is not supported by substantial
4 evidence. (*Id.* § 21168.5; CEQA Guidelines, § 15093, subd. (b).) The statement’s core “purposes are
5 undermined if its conclusions are based on misrepresentations of the contents of the EIR or it misleads
6 the reader about the relative magnitude of the impacts and benefits the agency has considered.”
7 (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 718.)

8 209. An agency’s Statement of Overriding Considerations provides “a proper basis for
9 approving a project despite the existence of unmitigated environmental effects, only when the measures
10 necessary to mitigate or avoid those effects have properly been found to be infeasible.” (*City of Marina v.*
11 *Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal.4th 341, 368.) Where an agency improperly determines
12 that significant impacts cannot feasibly be mitigated, it “necessarily follows” that the statement of
13 overriding consideration is invalid. (*Ibid.*)

14 **II. Violations of CEQA**

15 210. Petitioners hereby reallege and incorporate by reference each and every allegation set forth
16 above.

17 211. Respondents violated CEQA by certifying an inadequate EIR for the Project that fails to
18 comply with the requirements of CEQA and the CEQA Guidelines.

19 212. Respondents’ EIR lacks an accurate, stable, and finite project description, and engages in
20 impermissible piecemealing.

21 213. Respondents failed to provide an adequate set of project objectives.

22 214. Respondents failed to adequately analyze a reasonable range of alternatives that would
23 substantially lessen the significant environmental effects of the Project. Respondents also failed to adopt
24 feasible project alternatives and make adequate findings supported by substantial evidence that Project
25 alternatives are infeasible within the meaning of CEQA.

1 of the Final EIR, and adoption of Findings of Fact and a Statement of Overriding Considerations in
2 connection with their approval of the Project;

3 223. For alternative and peremptory writs of mandate directing Respondents to vacate and set
4 aside all permits, approvals, or otherwise reliant on the Final EIR for CEQA compliance;

5 224. For alternative and peremptory writs of mandate directing Respondents to comply with
6 CEQA and the CEQA Guidelines, and to take any other action as required by Public Resources Code
7 section 21168.9 or otherwise required by law;

8 225. For a temporary stay, temporary restraining order, and preliminary and permanent
9 injunctions restraining Respondents and Real Parties in Interest and their agents, servants, and
10 employees, and all others acting in concert with them or on their behalf, from taking any action (a) to
11 approve any permits, entitlements, licenses, or authorizations pursuant to the Project, or (b) to implement
12 any portion or aspect of the Project, pending Respondents' full compliance with the requirements of
13 CEQA and the CEQA Guidelines;

14 226. For costs of the suit;

15 227. For Petitioners' attorneys' fees as authorized by Code of Civil Procedure section 1021.5
16 and/or other provisions of law; and

17 228. For such other and further relief as the Court deems just and proper.

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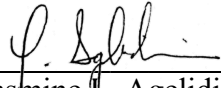
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1 Dated: July 1, 2026

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25 *Environmental Justice and Natural Resources Defense*
26 *Council*

27
28 (Additional Counsel on Next Page)

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Peter J. Broderick (State Bar No. 293060)
Seth P. Alston (State Bar No. 357285)
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Tel: (510) 844-7100
Fax: (510) 844-7150

Attorneys for Petitioner Center for Biological Diversity

1 **VERIFICATION**

2 I, Mary Ann Ruiz, hereby declare:

3 I am the Conservation Chair, San Gorgonio Chapter, at Sierra Club. Sierra Club is one of the
4 Petitioners in this action, and I am authorized to execute this verification on Petitioners' behalf. The facts
5 alleged in the above Petition and Complaint are true to my personal knowledge and belief.

6 I declare under penalty of perjury under the laws of the State of California that the above is true
7 and correct and that this verification is executed on this 1st day of July 2026 in Los Angeles, California.

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10 _____
11 Mary Ann Ruiz
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EXHIBIT A

*Notice to Respondent of Intent to File CEQA
Action and Proof of Service*



June 30, 2026

Via U.S. First-Class Mail and Electronic Mail

Andrea Flores
City Clerk
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
aflores@barstowca.gov

Mayor Timothy R. Silva
City Council
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
tsilva@barstowca.org

Suzie Nelson, Assistant to City Manager
Maribel Hernandez, City Clerk Services
Manager
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
snelson@barstowca.gov
mhernandez@barstowca.gov
generalplan@barstowca.org

**Re: California Public Resources Code Section 21167.5 Notice of Intent to File CEQA
Petition Challenging the Certification of the Environmental Impact Report for the
BNSF Barstow International Gateway (“BIG”) Project and City of Barstow General
Plan Update (State Clearinghouse No. 2024020501)**

Dear City Clerk Flores:

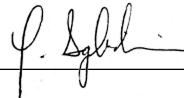
Please be advised that as required under California Public Resources Code section 21167.5, Sierra Club, East Yard Communities for Environmental Justice, Natural Resources Defense Council, and the Center for Biological Diversity (collectively, “Petitioners”) through this correspondence hereby provide notice of their intent to file a petition under the California Environmental Quality Act (“CEQA”) against the City of Barstow (“Respondent”), and Burlington Northern Santa Fe Railway Company, LLC (“BNSF”) (“Real Party in Interest”). (*See* Pub. Resources Code, § 21000, *et seq.*)

Petitioners seek to challenge the Environmental Impact Report (“EIR”) for the City of Barstow General Plan Update and BNSF Barstow International Gateway project (State Clearinghouse No. 2024020501). Petitioners will file this CEQA challenge based on the EIR’s failure to comply with CEQA requirements, including but not limited to the failure to properly define the project description; failure to adequately disclose, analyze, and mitigate environmental impacts; failure to consider or analyze a reasonable range of alternatives; and failure to adequately consider cumulatively considerable impacts. For these and other reasons, the certified EIR is procedurally and substantively defective.

Among other relief, Petitioners will request that the Court issue a writ of mandate to vacate the EIR certification and to compel the recirculation and preparation of an EIR that conforms to CEQA requirements. Additionally, Petitioners will seek costs and attorney's fees. (Code Civ. Proc., § 1021.5.)

Based on the reasons outlined above, Respondent should immediately vacate the certification of the EIR and engage in an appropriate CEQA review process that results in an adequate EIR.

Most respectfully,



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Communities for Environmental Justice, and
Natural Resources Defense Council*



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*Attorneys for Petitioner Center for Biological
Diversity*

cc: Matthew T. Summers, City Attorney
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Pasadena, CA 91101-2109
msummers@chwlaw.us

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the City and County of Los Angeles; I am over the age of 18 years and not a party to the within entitled action; my business address is 707 Wilshire Blvd., Suite 4300, Los Angeles, California 90017.

I hereby certify that on June 30, 2026, I served by U.S. first-class mail and by electronic mail one true copy of the following document

California Public Resources Code Section 21167.5 Notice of Intent to File CEQA Petition Challenging the Certification of the Environmental Impact Report for the BNSF Barstow International Gateway (“BIG”) Project and City of Barstow General Plan Update (State Clearinghouse No. 2024020501)

on the parties listed below:

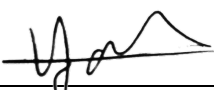
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Matthew T. Summers, City Attorney
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
msummers@chwlaw.us

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30, 2026, in Los Angeles, California.



Yessenia Moreno